

# Can a society do without a state?

*A research on the necessity of the state, following Michael Huemer's conclusion that a stateless society would function more efficiently.*

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# 1. Introduction

The necessity and functioning of the state, and citizens' obligations towards the state are examples of discussion themes between anarchists and other philosophers about the modern state.<sup>1</sup> The modern state has a few characteristics. First, the modern state possesses an administrative and legal order subject to change by legislation. Second, this system of order claims binding authority over all action taking place in the area of its jurisdiction. Finally, the use of violence is regarded as legitimate only so far as it is either permitted by the state or prescribed by it. It is a compulsory association with a territorial basis.<sup>2</sup>

Anarchists have two claims in common. The first claim denies humans having obligations to obey the state. John Simmons, for example, argues that citizens generally do not have political obligations, but that there are citizens who have strong reasons for supporting certain types of governments, policies and laws.<sup>3</sup> The second claim is that the state is unnecessary. Michael Huemer, for example, argues against the modern state. He is convinced that societies would be more just if there was no authority in the form of the state.

In this thesis, I will focus on the anarchists' second claim on necessity of the state. This thesis will explore whether the state is necessary. Often, it is assumed that the state is needed to fulfill certain tasks. Examples of these presumed tasks are protection of its citizens and creation of a welfare state. In order to do so, the state needs permission to use power.

From the seventeenth century, states began to display features of the modern state. Before that time, there was not a single sovereign source on the use of violence. However, the modern state has become the dominant one. It seems to have won. Modern states appear around the world and they are successful. Even in places where there is no state yet, societies are building state-like institutions in an attempt to become a state. This suggests that either there is something about modern states that make them efficient, or that it is difficult for societies to abandon the modern state. From now on, when I talk about the state, I mean the notion of a modern state.

The focus of the thesis will be whether the state is necessary. However, this question is very broad. Necessary for what? What do I mean by necessary? Are there other ways to arrange society? I am aware that there are countless debates. Michael Huemer recently wrote a

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<sup>1</sup> Michael Huemer, *The Problem of Political Authority. An Examination of the Right to Coerce and the Duty to Obey* (Basingstoke: Palgrave Macmillan, 2013); John. A. Simmons, *Moral Principles and Political Obligation* (Princeton: Princeton University Press, 1979).

<sup>2</sup> Max Weber, *The Theory of Social and Economic Organization*, ed. A.M. Henderson and Talcott Parsons (New York: The Free Press, 1964), 156.

<sup>3</sup> Simmons, *Moral Principles and Political Obligation*, 193.

provocative objection on the necessity of the state. The aim of the thesis is to find out whether Michael Huemer's argument is valid and will lead to the conclusion that the state is unnecessary. The research question explored in this thesis is: *Is Huemer's conclusion correct that the state is not necessary?*

I want to shed light on the debate. I want to address the elements that are problematic for anarchists, such as the monopoly on violence and the judicial power. It is not that I think I will have a final answer, but I believe that it will bring me a little further.

In order to answer the research question, I will first discuss one classical defender of the modern state: Thomas Hobbes. He stands in the tradition of the social contract theory. According to Hobbes, the state is necessary. He holds the view that the only way we can live in peace is if we subject ourselves to an absolute sovereign power.<sup>4</sup> Humans create mutual treaties, because it is reasonable to do. Once humans are part to the treaty, they decide to leave mutual violence behind them. They authorize someone to ensure that there will no longer be such violence, which is the modern state. The state is conceived as central body with the highest authority and the monopoly on violence.

After Hobbes, I will discuss Michael Huemer. He argues that societies are better off without a state. Huemer rejects the idea that the state has authority. He presents an alternative of what a society would look like without the presence of a state. Huemer addresses the practical consequences of abandoning political authority. He argues that it would be better to establish a stateless society, because nobody's rights would be violated. Huemer is convinced that a society would be more just if it relied on private protection agencies and arbitration firms.

Finally, I will see whether Huemer's arguments are valid. I will use Robert Nozick to test Huemer's argument.<sup>5</sup> Nozick and Huemer share many assumptions. However, Nozick argues that even if you start from anarchistic assumptions, the state seems inevitable. According to Nozick, protection agencies and arbitrations firms, as described by Huemer, resemble elements of a state. Nozick concludes that a minimal state is required for the use of violence and judicial power. This thesis concludes that Huemer is not correct and that even by accepting his optimistic assumptions, the state, be it a minimal one, remains inevitable.

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<sup>4</sup> Jean Hampton, *Hobbes and the Social Contract Tradition* (New York: Cambridge University Press, 1986), 5.

<sup>5</sup> Robert Nozick, *Anarchy, State, and Utopia* (Malden: Blackwell Publishing, 1974).

## 2. The absolute state

In this chapter, I will first explain the general argument of social contract theory. Huemer particularly has objections to the social contract theory.<sup>6</sup> Before discussing Huemer's objections, I will evaluate the reasons that have been offered in social contract tradition for the necessity of the state. I take Thomas Hobbes as a defender of social contract theory. He explains why the state is necessary given human nature. Human nature is at the starting point of his philosophy, as he focused on human inclinations. He claimed to explain what humans are inherently like. I will discuss the following elements of Hobbes' theory: his conception of human nature, and his reasoning for why the need for an absolute state logically follows from these conceptions and assumptions. After the idea of the social contract and Hobbes' unavoidable conclusion to the state is made clear, we can turn to Huemer and understand why he rejects the state.

### 2.1 Social contract theory

All social contract theorists have in common that the establishment of a state is the only solution to a prepolitical state of nature in which human beings are presented as naturally (and inevitably) conflict-prone.<sup>7</sup> Social contract theory justifies the existence of the state.<sup>8</sup> The theory holds that there is a contractual relationship either between the state and its citizens or between citizens. The contract requires some sort of exchange. The state provides certain services for its citizens, as protection or provision of basic needs, while the citizens obey the laws and pay their taxes.<sup>9</sup> The idea is that both the state and the citizens have rights and duties, and that both state and citizens have the obligation to uphold their rights and to conform to their duties in their actions.<sup>10</sup>

Entering a social contract seems a rational act to do. Humans in a way delegate their power to the state, by giving up their individual right on the use of violence, while the state will ensure the protection of their property and it will protect them against violence. The ideas of social contract theory are basically like principal-agent theory. The relationship between the principal and the agent is like an agreement between two parties, the people and the ruler. "The people 'hire' the ruler (by obeying him and thereby empowering him) for as long as he uses his

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<sup>6</sup> Huemer, *The Problem of Political Authority*, 35.

<sup>7</sup> Hampton, *Hobbes and the Social Contract Tradition*, 272.

<sup>8</sup> *Ibid*, 256.

<sup>9</sup> Huemer, *The Problem of Political Authority*, 20.

<sup>10</sup> David. P. Gauthier, *The Logic of the Leviathan. The Moral and Political Theory of Thomas Hobbes* (London : Oxford University Press, 1969), 171.

power to further (better than any feasible alternative) their aims in accepting subjugation.”<sup>11</sup> There is no literal contract in social contract theory, but it shows why human beings are justified in creating and maintaining the state.<sup>12</sup>

## 2.2 Thomas Hobbes

Thomas Hobbes (1588-1679) was one of the most radical modern political philosophers. His theory was influenced mainly by a new scientific approach to understand reality. Hobbes turned to science as a guide for constructing a theory of our moral and political life.<sup>13</sup> Hobbes developed a full-scale defense of social contract theory of the state. He was obsessed with the evils of the English civil wars and the anarchy that accompanied them. According to Hobbes, the only way humans can live in peace is by subjecting themselves to an absolute sovereign power.<sup>14</sup> In the absence of a state, human nature will inevitably bring us into severe conflict. For Hobbes, nothing could be worse than living a life without any protection of the state.<sup>15</sup>

## 2.3 State of nature

In order to better understand Hobbes’ argument for the state, it is vital to ignore the state and base our assumptions on human nature as a given. In this hypothetical situation, the state of nature, humans would be without a state.

For Hobbes, humans in the state of nature are all roughly similar in terms of strength and mental ability. The situation might occur that someone is stronger in body or of quicker mind, but this difference is not significant. Therefore, nobody can claim any privilege on that basis.<sup>16</sup> Hobbes emphasizes that the weakest is still strong enough to kill the strongest.<sup>17</sup> Through experiences with conflicts, the weakest human being can become as prudent as the strongest. Differences in strength or abilities do not have any political significance for Hobbes. The only thing these differences tell us is that they are not large enough to naturally enslave some, while empowering others in the state of nature.<sup>18</sup>

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<sup>11</sup> Hampton, *Hobbes and the Social Contract Tradition*, 270.

<sup>12</sup> *Ibid.*, 4, 272.

<sup>13</sup> Jean Hampton in *Political Philosophy. The Essential Texts*, ed. Steven M. Cahn (New York: Oxford University Press, 2011), 283.

<sup>14</sup> Hampton, *Hobbes and the Social Contract tradition*, 5.

<sup>15</sup> *Ibid.*

<sup>16</sup> Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1996), 86-87.

<sup>17</sup> *Ibid.*, 87.

<sup>18</sup> Hampton, *Hobbes and the Social Contract tradition*, 25.

For Hobbes, the differences in strength are not limited to what he defines as natural power (mental and physical abilities). The differences in strength could also be instrumental. Instrumental power consists of the resources a human has at a given moment and this power could be used to acquire even more power.<sup>19</sup> The conception of power is important for Hobbes. To Hobbes, power is all the resources needed for survival. He believes that the more strengths, capabilities, resources or psychical abilities someone has, the more powerful he will be. In Hobbes' theory, power is a positional good. This means that one's level of power depends on how much others have and vice versa. For example, if within the state of nature A has a knife to protect himself, B only needs a similar instrument to have roughly the same power. However, if A is surrounded by a whole bunch of humans who are there to support and protect him, B has to acquire a different level of power.

In addition to Hobbes' assumption of human equality, he has assumptions on human desires. For Hobbes, the search for pleasure and the avoidance of pain are the foundation of all desires.<sup>20</sup> He accounts for the great variety of desires among human beings.<sup>21</sup> The human bodies and their environment are in continual mutation. The desire for food is an example of a desire that is given by human nature. We know what that desire is like. We do not know what desires not given by human nature are like. We can only desire this type of desires if we tasted it or tried it.<sup>22</sup> The fulfillment of the desires is a continuous process of acquiring more desires or objects. Acquiring one object is always only a means to get another object. In other words, all humans desire more resources and more power.

Hobbes argues that generally, all mankind has the following inclination "a perpetual and restless desire of power after power, that ceases only in death."<sup>23</sup> But why power? Why not a desire for chocolate or bananas? The reason for the restless desire of power is because power is a necessary need for survival. Power is a means to live well.<sup>24</sup> One can never have enough power. It is like the positional good described before. For example, A always wants more power because he never knows how much power B has. The desires are never ending. Humans are like self-maintaining mechanisms. The engines of these mechanisms enable them to continue to move as long as continued motion is possible.<sup>25</sup> The more power or resources one has, the better chance he has on surviving.

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<sup>19</sup> Hobbes, *Leviathan*, 62.

<sup>20</sup> Hampton, *Hobbes and the Social Contract tradition*, 18.

<sup>21</sup> *Ibid*, 14.

<sup>22</sup> Hobbes, *Leviathan*, 39.

<sup>23</sup> *Ibid*, 70.

<sup>24</sup> *Ibid*.

<sup>25</sup> Gauthier, *Logic of the Leviathan*, 7.

The need for self-preservation and the fact that humans are of equal strength will lead to competition between humans and this competition will bring them into conflict. In the next section, I will explain how competition and conflict will lead to a state of war and why establishing an absolute state appears to be the only way out of the state of war according to Hobbes.

## 2.4 State of war

In the state of nature, there are three principal causes of quarrel. First, competition for gain; second, diffidence; and third, glory.<sup>26</sup> Competition arises when two humans desire the same thing, which they both cannot enjoy at the same time. They become enemies. In this situation, the power of one human opposes the power of another. The fact that one human wants to gain power, may hinder the other in also gaining more power. The race for gaining more power becomes competitive. Power is a positional good, which means that if A increases his power, B also has to increase his power in relation to A's power in order to secure himself.<sup>27</sup> We have seen that, for Hobbes, the weakest human is strong enough to kill the strongest human. In order to achieve their goal, they try to destroy or subjugate each other.<sup>28</sup> The humans in the state of nature are stuck in a vicious circle: the threat does not end if A killed or subjugated B. When B is killed, A is still facing a threat from C. Even if A has the power to also kill C, this situation continues to happen. A will keep facing threats from other humans.

Out of competition arises diffidence. The result of competition and mutual distrust is that there is no more reasonable way in which one can secure safety than by a preemptive strike.<sup>29</sup> For example, in the state of nature two humans are competing over bananas. Both A and B need the bananas to preserve themselves. A and B have solved their conflict with violence. A lost and B won. One might assume that A has learned his lesson. But what happens tomorrow? What if B, the winner, is facing C who also wants bananas? C is a potential competitor. Therefore, it would be in the interest of B to hinder C from the outset.<sup>30</sup> B will perform a preemptive strike to preclude C from getting any bananas. The threat does not need to exist in order for the preemptive strike to be made. As long as the idea of competition exists in the human's mind it is a feasible possibility. Only the idea that C might want to have the same bananas as B is enough reason for B to eliminate or kill C.

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<sup>26</sup> Hobbes, *Leviathan*, 88.

<sup>27</sup> Gauthier, *Logic of the Leviathan*, 14.

<sup>28</sup> Hobbes, *Leviathan*, 87.

<sup>29</sup> *Ibid*, 88.

<sup>30</sup> Gauthier, *Logic of the Leviathan*, 15.

The third cause of quarrel is glory, a desire for appreciation. According to Hobbes, humans striving for glory want to be valued by their environment at the same rate with which they value themselves.<sup>31</sup> The desire for glory, however, has less to do with the desire for self-preservation as competition and diffidence do. Glory is concerned with respect. Some humans have the desire to prove that they are wiser or more talented than the rest and will therefore compete to prove their worth.<sup>32</sup>

These three causes of quarrel prove to Hobbes that as long as all humans are equal and as long as they live without a common power that commands awe, the humans live in a condition of a war of all against all causing a constant fear and threat of death.<sup>33</sup> “The life of man would be solitary, poor, nasty, brutish and short”.<sup>34</sup>

#### 2.4.1 The right of nature

As we have seen, in the state of nature each human has the liberty to use his power to preserve himself. One is allowed to do anything and to use everything, that will be, according to one’s own judgment and reason, the most appropriate means for preservation.<sup>35</sup> Hobbes calls this the right of nature. “What is in accord with the right of nature is what one may do, what is *all right* for one to do. It is not, however, what one has *a right to*, a claim which must, or ought to, be recognized by others. The right of nature entails no correlative duties.”<sup>36</sup> For example, when A sees money lying on the street and B sees it too, they both may pick it up and none of them has a duty. They cannot claim that the money belongs to either one of them. Both are allowed to pick it up. Even if A ends up picking up the money, he has no duty to share the money with B.

In the state of nature, there is no higher authority to whom one can turn for claiming a right to a certain resource or power. There is no authority settling disputes causing conflicts to escalate. The right of nature means if I believe that in order for myself to survive I need to take away someone else’s life, it is all right for me to do so.

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<sup>31</sup> Hobbes, *Leviathan*, 88.

<sup>32</sup> Hampton, *Hobbes and the Social Contract tradition*, 66.

<sup>33</sup> Hobbes, *Leviathan*, 88.

<sup>34</sup> *Ibid*, 88-89.

<sup>35</sup> *Ibid*, 91.

<sup>36</sup> Gauthier, *Logic of the Leviathan*, 30.

### 2.4.2 The laws of nature

The different sources of conflict, and the right of nature, turn the state of nature into an uncontrolled chaos. As long as there is no central state, humans will try to take as much as they want and need. The state of nature will continue to push man into conflict. In the condition of a war of all against all, every human is governed by his own reasons. In this condition, everyone has a right to everything.

Since humans have a natural inclination to preserve themselves, they need to get out of the state of nature. Humans can escape the state of nature by following the laws of nature. For Hobbes, these laws are rational prescriptions on the steps to leave the state of nature. “A law of nature is a prescription or general rule, found out by reason, on the basis of which a man is forbidden to do what is destructive of his life or deprive him the means to preserve it, and to leave behind that which, in his opinion, best preserves it”.<sup>37</sup> They are a form of instrumental rationality and they describe what humans need to if they want to survive. Given that survival is human’s main driver, we are to do as is prescribed by the law of nature.

The first three laws of nature describe how humans can escape the state of war. The first law of nature: “*That every man ought to endeavor Peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre*”.<sup>38</sup> The second law of nature: “*That a man be willing, when others are so too, as farre-forth, as for Peace, and defense of himself he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himselfe*”.<sup>39</sup> The third law of nature: “*That men perform their Covenants made.*”<sup>40</sup>

If we take into account these three laws, a few things follow. If man cannot find or strive for peace, then man may defend himself with all the means at his disposal. If we want to escape the war of all against all, we must all lay down the right to self-defense and thereby renounce this freedom we used to have. If I give up my right to defend myself, I want others to do the same. Otherwise, I would keep living in a condition of permanent fear, since the humans around me are more powerful and are a threat to my survival.

The laws of nature are rational precepts. The laws advise us in what seems to be the most reasonable thing to do in order to survive.<sup>41</sup> According to Hobbes, following the rational precepts will give each human the best chance of preserving his own life. The reason for and

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<sup>37</sup> Hobbes, *Leviathan*, 91.

<sup>38</sup> *Ibid*, 92.

<sup>39</sup> *Ibid*.

<sup>40</sup> *Ibid*, 100.

<sup>41</sup> Gauthier, *Logic of the Leviathan*, 39.

the purpose of giving up or transferring a right is nothing but the preservation of oneself, both of one's life and of the means necessary to ensure that it does not become unbearable.<sup>42</sup> If humans put these precepts side by side, they come together and they agree to give up their individual right on the use of violence. Society must establish a state power that is strong enough to force humans to comply, and move away from the state of nature. By laying down this right on violence, each party agrees not to oppose the exercise of some right by the other.<sup>43</sup> A transition takes place from the use of violence by all to a monopoly of violence that will be placed with the state.<sup>44</sup> The state is granted absolute power and it determines what humans may or may not do, in the confidence that the state will protect them from a war of all against all. In the next section, I will discuss what it means to grant the state absolute power.

## 2.5 Absolute state

For Hobbes, the state creates the conditions under which humans can secure their own lives and acquire a more satisfying existence. They escape the war of all against all.<sup>45</sup> The state ensures that the ones who disobey the laws are punished. But why is it vital for the state to have absolute power? For Hobbes, only a ruler with absolute power can end the violence in the state of nature. If the ruler would not have absolute power, there would still be humans who refuse to give up their individual right on violence. As a result, they remain a threat to other humans. Therefore, the state having absolute power is a necessary condition in order to ensure peace.<sup>46</sup>

For Hobbes, the only power is absolute power. Absolute power is necessary to resolve disputes that would otherwise turn into conflicts. These conflicts can put society back into the state of war.<sup>47</sup> For resolving conflicts, Hobbes formulated a law of nature: "that they are at controversy, submit their right to the judgement of arbitrator."<sup>48</sup> Hobbes emphasizes that every man is presumed to do everything to his own benefit. Therefore, no one seems to be suitable to act as an arbitrator.<sup>49</sup> Self-interested humans cannot solve conflicts. For Hobbes, it means that nothing other than the state can resolve conflicts. If a judge or an arbitrator were tasked with solving the conflict, they would take into account their own interest and the outcomes they

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<sup>42</sup> Hobbes, *Leviathan*, 93.

<sup>43</sup> Gauthier, *Logic of the Leviathan*, 42.

<sup>44</sup> Hobbes, *Leviathan*, 120-121.

<sup>45</sup> *Ibid.*, 117.

<sup>46</sup> Hampton, *Hobbes and the Social Contract tradition*, 97.

<sup>47</sup> Hampton, *The Essential Texts*, 283.

<sup>48</sup> Hobbes, *Leviathan*, 109.

<sup>49</sup> *Ibid.*

would prefer. The judge is simply unable to decide impartially, because as a human, he is self-interested.<sup>50</sup>

When considering the state, one could argue that the state is self-interested as well, and it is therefore unable to resolve any conflicts as well. However, unlike for private individuals, the self-interest of the state serves a greater purpose. The state benefits from the support of citizens, as its power will decrease otherwise. Because of this dependence on citizens' support, the state is the only actor who can serve as an arbitrator.

All things considered, Hobbes is convinced that the state is inevitable and necessary. Not only is the state the best solution, according to Hobbes, it is the only solution. Given human nature, and given what is reasonable and rational, the state must be there.

## **2.6 Conclusion**

In this chapter, I discussed one of the major social contract theorists, Thomas Hobbes. Resulting from the analysis in this chapter, I can conclude the following: given their nature, humans have a natural inclination to preserve themselves. They live in a state of nature, which is a war of all against all without the presence of a state. Humans are in an enduring competition with each other, resulting in a permanent fear of death. It is rational to escape this condition because of the urge of survival.

Because of humanity's urge to survive, the laws of nature are important. The laws prescribe what one has to do to escape the state of war. Following these laws, humans will conclude that they need to create a state and this needs to be an absolute state. The absolute state is the social product of an agreement. This agreement is an agreement between citizens to accept the authority of a sovereign power with the monopoly on violence. The aim of the agreement is to solve the permanent problem of the threat of violence, and death humans face without the presence of the state. This explains both why the state is legitimate as why it is necessary. It is the only way in which the war of all against all can be ended and peace can be established.

The discussion of these elements of Hobbes' theory is critical for answering this thesis' research question. As will become clear in the next chapter, these elements are the ones that are problematic according to Huemer.

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<sup>50</sup> Ibid.

### **3. The stateless society**

In this chapter, I will discuss the elements of the state that are problematic according to Michael Huemer. His theory focuses on the problem of political obligation. It consists of two parts. The first part explores the moral illusion of authority. Here, Huemer discusses the philosophical theories of the basis of state authority; our attitudes to authority (based on psychological and historical evidence); and how humans ought to behave without authority. In the second part, Huemer proposes an alternative social structure that is not based on authority.

The focus of this chapter is on the second part of Huemer's theory. In the previous chapter, Hobbes' argument for the state's legitimacy was discussed. Huemer pays a lot of attention on rejecting the elements that are related to the state, such as authority, coercion and obligations. For the purpose of this thesis, I will not explore these elements in detail.

Instead, the focus of this chapter will be the following: first, Huemer's problem with political authority. I will continue with explaining why the state has no legitimacy based on the social contract. Second, I will discuss why Huemer argues that the social contract is not the only way to solve the problem of the state of nature. In this part, I will also take into account Huemer's assumptions about human nature, individual security and dispute settlement.

#### **3.1 Problems with political authority**

Huemer starts his theory by describing an example of a village with a crime problem. In short, the story comes down to this: vandals are threatening the village and no one seems to be doing anything about it. As a consequence, A takes matters into his own hands. He catches a few vandals and he locks them up in his basement. He also provides them with food, because he does not want them to starve. A just want the vandals to learn a lesson.<sup>51</sup> However, this anticrime program of A costs money. He decides that he is going to ask whether his neighbors have noticed any differences. If they have noticed any difference, A will presents them the bill because they have A to thank for the experienced change. If the neighbor does not want to pay A, A has to label him a criminal as well and he will also end up in A's basement.

According to Huemer, two things would probably happen in this situation. First, almost none would agree that they owe A anything, and second, most would consider A's actions outrageous.<sup>52</sup> For Huemer, the criminal justice and the tax system of the government are very problematic and the example above shows exactly what the government does. "The government

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<sup>51</sup> Huemer, *The Problem of Political Authority*, 3.

<sup>52</sup> *Ibid*, 3-4.

punishes people who violated other rights or disobeyed their commands, and they collect non-voluntary contributions to finance their activities.”<sup>53</sup> In his theory, Huemer keeps referring to the criminal justice and the tax system and how these two elements exemplify his problem with the state. It seems odd that Huemer only discusses these two elements, because the state has many more functions. For example, the state protects citizens and ensures that citizens can live a healthy, prosperous life by creating a welfare state. Huemer, however, does not bring up these other elements in his theory.

Let us take into consideration the example about the village with the crime problem mentioned earlier. Huemer argues that the neighbors would experience the collection of money as legitimate if it was the government collecting the contribution. Although A has done the exact same things, his neighbors would probably experience A collecting money as illegitimate. According to Huemer “this illustrates a general feature of our attitudes toward government. Governments are considered ethically permitted to do things that no nongovernmental person or organization may do. At the same time, individuals are thought to have obligations to their governments that they would not owe toward any nongovernmental person or organization, even if nongovernmental agents behaved similarly to a government.”<sup>54</sup> In other words, in our ethical judgement we seem to make a distinction between governmental and nongovernmental agents.

Huemer leaves it open to interpretation whether the government is good or bad. The questions he asks instead are whether the government has certain rights individuals do not have, and whether we have certain special duties to the government that we do not have towards anyone else.<sup>55</sup> For Huemer, the social contract shows exactly why we do not have any special duties towards the government. He is convinced that the social contract is not legitimate. In the next section, I will discuss Huemer’s criticisms of social contract theory.

### **3.2 Criticisms of social contract theory**

As seen, the basic idea of the social contract is a contractual relationship between the government and its citizens or between citizens only. Huemer has a number of objections that all come down to the fact that social contract theory cannot justify state authority. He immediately rejects Hobbes’ idea of a social contract between citizens only.<sup>56</sup> Huemer’s

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<sup>53</sup> Huemer, *The Problem of Political Authority*, 4.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid, 18.

<sup>56</sup> Ibid, 20.

objections are the result of the social contract not having any equal mutual obligations. Moreover, he does not consider it a good explanation of why we have a state.<sup>57</sup> He objects by showing why the state we live in is not a social contract. If humans would actually agree with the social contract, this would make it legitimate and then Huemer would not have any objections. That is why we must explain what counts as consent. Huemer uses the term ‘agreement’ to refer to the social contract, and I will do the same in this section. According to Huemer, an agreement is legitimate if it permits any action to which one consented or to create an obligation to act in a manner that has been agreed on. He gives four conditions which make an agreement legitimate.

First, an agreement is legitimate if there is a reasonable way to withdraw from the agreement. For each agreement, all parties must have the option to reject the agreement without sacrificing anything to which they have a right.<sup>58</sup> Regarding the social contract, humans never had the option to either consent to or reject it. Huemer argues that, right now, the only possibility humans have to withdraw from the social contract is if they would leave the territory controlled by state borders.<sup>59</sup> However, the state could only coerce one to leave if the state would own every square centimeter of the territory. Since the state does not own the entire territory, Huemer concludes the first condition on legitimate agreements is violated by the social contract.<sup>60</sup>

Second, an agreement is not legitimate if one explicitly states that one does not agree.<sup>61</sup> Huemer gives the example of political anarchists in a society having explicitly indicated their disagreement since they are convinced that there should be no government. They were not given the option to turn down the social contract.<sup>62</sup> However, they are expected, or forced, to obey the laws.

Third, an action can only be considered an agreement if assumed that if someone did not take that action, the regulation would not be imposed.<sup>63</sup> The state does not take into account whether one objects or accepts the government, or whether one participates in the political process. It does not matter which of these actions someone does, the state keeps imposing laws and taxes.<sup>64</sup> For Huemer, the failure to express objections cannot be taken to indicate

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<sup>57</sup> Huemer, *The Problem of Political Authority*, 21-24.

<sup>58</sup> *Ibid*, 25.

<sup>59</sup> *Ibid*, 27.

<sup>60</sup> *Ibid*, 30.

<sup>61</sup> *Ibid*, 26.

<sup>62</sup> *Ibid*, 30.

<sup>63</sup> *Ibid*, 26.

<sup>64</sup> *Ibid*, 31.

agreement.<sup>65</sup> The assumption that someone might consent by not doing or saying something is not a legitimate agreement.

Fourth, contractual obligation is mutual and conditional. A contract places both parties under an obligation to each other. If one party violates his contractual obligation, the other party will be released from his obligation.<sup>66</sup> An employment contract indicates the mutual obligation between employee and employer. An employer has to pay the employee a monthly salary. If he does not, he cannot force the employee to work.

In the state, this mutual obligation consists of citizens obeying the law while the state secures their safety. Huemer observes that the state is not able to protect each and every individual citizen or to prevent all crimes. The state regularly fails to do so.<sup>67</sup> It is unjust that the individual has duties and obligations towards the state, while the state owes or does nothing for that individual.<sup>68</sup> Besides, if the individual has not agreed with the social contract, he is actually not a party to the contract and has therefore no duties.

Huemer has a problem with the need for the state established through the social contract. The social contract is not legitimate. All conditions are constantly being violated. Furthermore, the relationship between the individual and the state is non-voluntary and not mutual and no one can withdraw from the contract. According to Huemer, coercing humans to obey the laws can never be legitimate and it is also not necessary. In the next section, I will discuss Huemer's claim that the state is not the only possible answer to the state of nature and that a contract is not necessary.

### **3.3 Huemer's conception of human nature**

As we have seen, Hobbes' view of human nature is pessimistic. Humans have a natural inclination to preserve themselves and their desires are never ending. They will do whatever it takes to preserve themselves, even if this means that they would have to kill each other.<sup>69</sup> Huemer has a different conception of human nature. He formulated a few general assumptions about human nature which I will discuss in this part.

To begin with, Huemer believes that humans are approximately rational.<sup>70</sup> Humans usually choose their actions based on their beliefs and their goals. Huemer argues that a human

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<sup>65</sup> Huemer, *The Problem of Political Authority*, 27.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid, 31.

<sup>68</sup> Ibid, 34.

<sup>69</sup> Hobbes, *Leviathan*, 70, 87.

<sup>70</sup> Huemer, *The Problem of Political Authority*, 187.

is instrumentally rational when the action he chooses to do is based on his beliefs and that would logically be the best way to realize his goals.<sup>71</sup> Huemer takes for granted that in our ordinary life we are not perfectly rational, so he talks about approximated rationality. He also argues that this assumption applies most likely for simple, familiar situations in which humans are aware of the best and most easy option to work out. Because humans are not perfectly rational, failures regarding rational decision will be made in unfamiliar, complex or unimportant situations.<sup>72</sup> Along with rationality, Huemer argues that humans are aware of their environment. They possess information about their environment and they are aware of the possible consequences their actions might have on the environment. Humans do not ignore information, but they take it into account when adopting or adapting beliefs.<sup>73</sup> This does not differ that much from Hobbes. In Hobbes' state of nature, humans also make rational decisions. The fact that they agree to give up their rights and grant the state absolute power is a rational decision. This decision enables them to live in peace.

Furthermore, Huemer does not deny that humans are self-interested and that they want what is best for themselves. But, in contrast to Hobbes, Huemer emphasizes that human are no sociopaths.<sup>74</sup> It is not like they go out every night to kill humans who are crossing their path, just because they might be a threat in their near future. Huemer acknowledges that humans might value their own welfare more than the value of strangers elsewhere, but this does not indicate an abnormal level of selfishness.<sup>75</sup> Whether Hobbes really believes whether humans are sociopaths remains unclear. We know that Hobbes is convinced that humans are predominantly egoistic, but this assumption does not automatically lead to the conclusion that humans are only egoistic and on the hunt. Huemer makes it seem as if Hobbes only talks about humans in the era of hunters and gatherers.

Finally, Huemer argues that humans are willing to make great sacrifices for the humans to whom they are close. They actually care about each other and they have moral objections to and negative feelings about, for example, violence and theft.<sup>76</sup> Huemer is aware his conception of human nature is rather simplistic, but he relies on commonsense observations. If we observe how humans interact with each other, we will conclude that we are not only motivated by self-interest and out in the world to perverse ourselves.

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<sup>71</sup> Huemer, *The Problem of Political Authority*.

<sup>72</sup> Ibid, 188.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid, 189.

<sup>75</sup> Ibid, 190.

<sup>76</sup> Ibid, 191.

The question is to what extent Huemer and Hobbes essentially differ from each other. Hobbes would argue that having moral objections and feelings of guilt are the result of living in a state. Humans will feel this type of way because they are part of the state. They become peaceful. Huemer argues instead that Hobbes' conception of human nature is a product of the state. Human nature still contains a thin layer of varnish. Why else do we tell girls that they should not go out alone at night or why do we still lock our bike.

Let us assume for the argument that Hobbes and Huemer do not differ that much when they talk about human nature. Does then still follow the conclusion that is a state is not necessary? In the follow part, I will discuss why Huemer is objecting to the Hobbesian argument for the state.

### **3.4 Against the state**

Huemer differs, as expected, very much from Hobbes when it comes to the question whether society needs a state. Huemer is convinced, that when we follow Hobbes's argument, we will conclude that we do not need a state.<sup>77</sup> Huemer presents two principles, which he uses to reject Hobbes' argument for the state. These two principles explain why the state of nature is not so horrible, because then there will be no need for a state.

The first principle is that equality of power breeds respect.<sup>78</sup> No rational human would enter a conflict with other humans who are of equal strength. You would probably end up worse off than before the conflict. The chances of losing are too great. Here we are talking about the preemptive strike. The only thing a rational human would do is to fight a defensive battle when you actually have something to lose.<sup>79</sup> Huemer acknowledges that within a primitive society the Hobbesian argument might make sense. In order for a society to evolve into a prosperous society, the establishment of a government is necessary. However, Huemer does not see why, when the society has become prosperous and liberal, there would still be a continuing need for government.<sup>80</sup> Interpersonal violence was much more common in earlier centuries than it is today, and so there is less need to have a state.

The decline in violence has to do with three social factors. (1) Social values. Members of modern societies hold more liberal beliefs and attitudes, especially concerning the use of violence. Physical violence and its victories are no longer seen as honorable, but rather as

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<sup>77</sup> Huemer, *The Problem of Political Authority*, 201.

<sup>78</sup> Ibid, 202.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid, 204.

horrible.<sup>81</sup> (2) Economics. Conditions of life-threatening scarcity are less common and the basic goods that are needed to survive are available through peaceful means. Because humans have evolved over time and because we are living in prosperity it seems very irrational to fight over resources.<sup>82</sup> (3) Weapons technology. Today's weapon technology made effective self-defense requiring minimal strength and skills available through modern firearms.<sup>83</sup>

The second principle is that the concentration of power causes predatory behavior. When one group is more powerful than another group, the strong group will use their power to abuse or exploit the weaker group for their own advantages. Huemer believes that the state is a bigger threat than individuals are to each other. As history has shown, governments have killed many of their citizens. They were killed because they belonged to the wrong groups, for example religion, race or ideology. For Huemer it is enough to question whether a strong government should be regarded as a source of security or a source of danger.<sup>84</sup>

Huemer objects strongly to Hobbes when he talks about the first principle. According to Huemer, the equality of power ensures respect and peaceful cooperation, while for Hobbes this can only be guaranteed if the state has absolute power.<sup>85</sup> With these principles, Huemer turns Hobbes upside down. Huemer shows why he disagrees with Hobbes. The state of nature is quite peaceful, while the state is horrible. Does this mean we can really do without a state? According to Huemer the answer is yes. The two principles ensure that we are afraid of each other and respect each other. Equality of power breeds respect. If we respect each other, we will treat each other as equals. However, Huemer is aware that this is not enough. Problems remain and there will be humans who do not live up to the principles.

### **3.5 The alternative**

Should we accept Huemer's claim? In order to strengthen his claim, Huemer offers an alternative, a stateless society. The alternative begins with an extreme decentralization of coercive power. Within society, protection agencies and arbitration firms need to ensure individual security.

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<sup>81</sup> Huemer, *The Problem of Political Authority*, 203.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid, 207.

<sup>85</sup> Hobbes, *Leviathan*, 120.

### 3.5.1 Individual security in a stateless society

Huemer is convinced that his stateless society would be better than Hobbes' state. Huemer mentions two crucial reasons why his system would be better than all presently existing governmental systems. The first reason refers to the difference between voluntariness and coerciveness. In a state, on the one hand, everyone is forced to accept the service of the government. Citizens cannot choose whether they want to pay for protection from the police. In a stateless society, on the other hand, citizens are like customers, they can choose to buy protection, and they make literal contracts with the protection agency.<sup>86</sup> The second reason refers to the difference between competition and monopoly. Governments are like monopolies. They feel little competitive pressure to change their policies because it is difficult and costly. Protection agencies face a lot of competition. They need to be able to change their services quickly and at a low price to prevent the customer from switching to another agency.”<sup>87</sup> These two reasons make that Huemer believes that his stateless society is less abusive than the state. He is also convinced that his society is far better and flexible in responding to the needs of the individuals living in that society.

Huemer acknowledges that in his stateless society, there will also be individuals who are aggressive against others. Although we would live in a society where there is no state to protect us, this does not mean that we do not want something or somebody to protect us from aggression and to protect our property. Therefore, Huemer introduces protection agencies. These agencies replace the police. The agencies will serve the same function as the police does within a state.<sup>88</sup> These functions include ensuring safety, preventing and combating crime and monitoring public order. In the stateless society, the functions that are commonly ascribed to the police are not eliminated, but they are privatized.<sup>89</sup> The protection agencies will function the same as the police.

The protection agency will basically arise in the same way as a private security company does in a free market.<sup>90</sup> Humans want to be protected. Having protection is their need, and they are willing to pay for it. However, since the functioning of Huemer's nonstate system is determined by the choices individuals make, their demands and the market forces within the system, Huemer cannot stipulate the details of how the system would look like and work. He can only make some speculative predictions.

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<sup>86</sup> Huemer, *The Problem of Political Authority*, 232

<sup>87</sup> *Ibid*, 232-233.

<sup>88</sup> *Ibid*, 230.

<sup>89</sup> *Ibid*, 232.

<sup>90</sup> *Ibid*, 231.

### **3.5.2 Dispute settlement**

In his stateless society, Huemer also takes into account humans having disputes or conflicts that need to be settled. In the absence of a state, the need to settle disputes would be supplied by private arbitration firms. According to Huemer, “arbitration by a neutral third party is the best way to resolve most disputes, since it generally provides a good chance of delivering a reasonably fair resolution, and the costs of achieving this resolution are almost always far less for both parties than the costs of attempting a resolution through violence.”<sup>91</sup> Either the two parties or the protection agencies can agree upon the arbitrator. Since the protection agencies represent their parties, they could come together to select an arbitrator of whom they feel that he will be impartial.

As we have seen, Huemer is convinced that private arbitration firms are a solution to the problem of dispute settlement. The reason for this is that he believes that although two parties may not be able to resolve their disputes by a direct discussion, they will probably both agree upon a general procedure to resolve their problem.<sup>92</sup> The reason why an impartial judge is necessary is that each party would otherwise rely on a judge who is biased in their favor. In this situation, the other party would never agree with a possible resolution because that party would have the feeling that he is always at a disadvantage. Even if one party still regards the decision as unfair, there are third party observers who can evaluate whether the arbitrator’s decision was fair.<sup>93</sup>

### **3.6 Conclusion**

This chapter discussed and explained Huemer’s claim against the state. The social contract as we know it can never be legitimate. The necessity of the state cannot rely on a social contract. Looking at the elements of both the theory of Hobbes and Huemer, I can argue that they hold roughly equal conceptions when it comes to human nature. Huemer argues that his conception is far less pessimistic and that humans evolve over time. It shows what happens if humans live together peacefully. On the other hand, this relates to Hobbes’ argument in favor of the state. If humans are brought together in a state, their human nature will be oppressed.

The arguments for the need of state differ much between Hobbes and Huemer. As seen, Hobbes believes that the state is necessary. It is the only way to ensure that humans could live in peace. Huemer, by contrast, believes in a stateless society. In a state humans are coerced to

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<sup>91</sup> Ibid.

<sup>92</sup> Ibid, 265.

<sup>93</sup> Ibid, 266.

obey laws and take actions they might not want to do. In his alternative society, humans choose voluntarily what rules they want to live up to. Huemer is aware of the fact that humans may still end up in conflicts or may act aggressive towards each other. However, he is convinced that protection agencies and arbitration firms could regulate solving the conflicts and protecting the humans against aggressive behavior much more efficiently. In Huemer's stateless society, these firms now execute the functions of the state.

Let us take Huemer's conclusion as given. Is his argument valid? It still raises some questions. What happens if one protection agency or arbitration firm is much more powerful than any other? Does it then have a monopoly on a certain part of the street or region? What happens if one household decides not to buy any form of protection? Does this might lead to conflicts about the costs of protection? In order to answer these questions, I will bring in Robert Nozick in the next chapter. Nozick basically has the same assumptions as Huemer. However, Nozick argues that even if you follow these assumptions, the state is inevitable.

## 4. The minimal state

Let us take for granted that Huemer's conclusion about the state not being legitimate is correct. A classical author, Robert Nozick,<sup>94</sup> starts his theory with the same assumptions as Huemer. However, Nozick argues that a state is inevitable. In this chapter, I will present Nozick's argument. The aim is to find out if Huemer's argument is valid. I will start with explaining Nozick's general view on the state. Nozick presents an argument to illustrate how the minimal state arises naturally from anarchy and how any expansion of state power past this minimal threshold is unjustified. I will continue with presenting the assumptions they have in common.

### 4.1 Nozick's theory

#### 4.1.1 Side constraints

Nozick starts off with arguing that "individuals have rights, and there are things no person or group may do to them (without violating their rights)."<sup>95</sup> Considering these individual rights raises the question what the state may do. How much room is left for the state? Is the state allowed to violate individual rights for the benefit of a larger group of individuals? Nozick argues that the violation of rights cannot take place on grounds of utilitarianism. Nozick warns for what he calls utilitarianism of rights: "violations of rights (to be *minimized*) merely would replace the total happiness as the relevant end state in the utilitarian structure."<sup>96</sup> This situation would still allow us to violate someone's rights, while there is no direct reason for the violation. The only reason would be to minimize the total amount of violated rights.<sup>97</sup> I will give an example to illustrate this utilitarian idea. In a neighborhood, someone has been beaten up. The entire neighborhood believes that my neighbor has done it, except me. If I would follow the utilitarian idea, I would punish my neighbor, while I believe he is innocent. The reason I would do this is to calm down the other humans in the neighborhood, who would otherwise violate more rights.

Nozick does not accept utilitarianism of rights. He argues that instead of incorporating rights into the end state to be achieved, side constraints might be placed upon the actions to be done. Side constraints express the inviolability of other persons. "The rights of others determine the constraints upon your actions."<sup>98</sup> The idea of side constraints is that individuals, or a group,

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<sup>94</sup> Nozick, *Anarchy, State, and Utopia*.

<sup>95</sup> Ibid, p. ix.

<sup>96</sup> Ibid, 28.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid, 29.

are forbidden to violate the rights of someone else in the pursuit of their goal. This idea reflects the underlying Kantian principle that individuals are ends in themselves and not merely means. The rights of one individual cannot be violated to avoid violations of the rights of other humans.<sup>99</sup>

Nozick continues and he makes the distinction between the individual case and the social case. An individual may choose himself to undergo some pain to avoid suffering later. In contrast, a group or social entity is not allowed sacrificing the interest of one individual for the greater social good.<sup>100</sup> To use a person this way, shows that the group does not respect his rights. The nonaggression principle follows logically from the idea of side constraints. The side constraint determines the constraint upon one's actions and the nonaggression principle prohibits aggression against others.<sup>101</sup>

#### **4.1.2 Invisible-hand explanation**

In the previous chapters, we have talked about the social contract. While Hobbes is a classical defender of social contract theory as it legitimizes the authority of the state, Huemer does not only have a problem with the need for a state, but he also has a problem with the use of the social contract as an explanation of the state. This raises the question what Nozick has to say about the social contract.

Nozick argues that a social contract is not necessary to establish a civil society. He prefers invisible-hand explanations.<sup>102</sup> These explanations “show how some overall pattern or design, which one would have thought had to be produced by an individual's or group's successful attempt to realize the pattern, instead was produced and maintained by a process that in no way had the overall pattern or design in mind.”<sup>103</sup> In other words, invisible-hand explanations take the form of voluntary agreements between individuals, which create far-reaching patterns that look like they were designed intentionally when in fact nobody did.

Invisible-hand explanations “minimize the use of constituting the phenomena to be explained.”<sup>104</sup> The social contract and invisible-hand explanation differ on an important aspect. The social contract assumes that humans have a certain common goal in mind. Their interactions focus on reaching the goal. However, Nozick shows that there is no need to assume

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<sup>99</sup> Nozick, *Anarchy, State, and Utopia*, 30-31.

<sup>100</sup> Ibid, 32-33.

<sup>101</sup> Ibid, 33.

<sup>102</sup> Ibid, 18.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid, 19.

that there must be a common goal. Invisible-hand explanations explain actions that look to be the result of someone's intentional act, while it is not actually brought about by one's intentions.<sup>105</sup> These interactions are more spontaneous. The state can also be the result of a non-targeted agreement. The state arises kind of naturally as the result of interactions. It might look like there is a social contract, while in fact there is not one.

Side constraints and invisible-hand explanations are the building blocks of Nozick's explanation of how interactions between humans lead to the establishment of a minimal state. Before Nozick starts presenting his argument in favor of the minimal state, he uses a state of nature theory to understand whether there should be a state in the first place. In the next section, I will discuss Nozick's state of nature theory.

#### 4.1.3 State of nature

Just like Huemer, Nozick also starts his theory with a characterization of the state of nature. Both Huemer and Nozick have a relatively positive view of the state of nature in comparison to Hobbes. For Nozick, a state of nature theory is useful because it teaches us much by seeing how a state could have arisen, even if it did not arise that way. He compares an anarchistic society with a state, because that comparison enables us to see which of the two the best alternative is.<sup>106</sup> In order to compare, we have to focus on a nonstate situation in which we should assume that humans generally satisfy moral constraints and act as they ought to. Nozick acknowledges that these two assumptions are perhaps a little optimistic, because humans do not act exactly as they should. However, Nozick regards this state of nature situation as the best possible anarchistic situation, which enables him to compare its nature and defects in order to decide whether there should be a state rather than anarchy.<sup>107</sup>

Nozick follows a Lockean state of nature explanation. He summarizes some features of Locke's theory. A few examples are that all men are in a state of perfect freedom to order their actions and dispose of their possessions and person.<sup>108</sup> Furthermore, no one ought to harm another in his life, health, liberty, or possessions.<sup>109</sup> In addition, every individual has the right to punish those who are invading the rights of the individual to an extent that may hinder its violation.<sup>110</sup> The punishment is acceptable in as much as the offender will be prevented from

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<sup>105</sup> Nozick, *Anarchy, State, and Utopia*.

<sup>106</sup> *Ibid*, 4.

<sup>107</sup> *Ibid*, 5.

<sup>108</sup> John Locke, *Locke Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 269.

<sup>109</sup> *Ibid*, 271.

<sup>110</sup> *Ibid*, 271-272.

doing it again. Finally, every individual also has a right to exact compensation when someone else violates his individual rights.<sup>111</sup> Locke argues that the state of nature also has inconveniences, such as partiality in judging one's own cases, and passions and revenge that will carry individuals too far in punishing others. Locke grants civil government to be the proper remedy for the inconveniences.<sup>112</sup> Nozick's aim is to see whether these inconveniences can be solved by voluntary arrangements.

Nozick's conception of side constraints also applies to his state of nature theory. Individuals have rights and these rights determine the constraints upon one's actions. Within the Lockean state of nature explanation humans more or less respect those side constraints. No one ought to harm another in life, liberty or possessions. If A harms B, then B has the right to punish A or to ask compensation.

However, even if humans respect the constraints, problems still arise. Humans might violate the rights of others and conflicts arise. As we have seen, one of the problems is that when it comes to conflicts, individuals who judge their own case will be biased. They assume that they are in the right. Individuals will develop feelings of being mutually wronged.<sup>113</sup> Another problem is that an individual may lack the power to enforce his rights or to exact compensation.<sup>114</sup> A rational response to these inconveniences would be the formation of mutual-protection associations. The association consists of a group of individuals who will all respond to the call of a member when the member's rights are being violated.<sup>115</sup>

In turn, mutual-protection associations also have to deal with problems. First, everyone is always on call to serve a protection function. In this situation, the question will arise who will answer the call?<sup>116</sup> Who should answer the call? This problem could be taken care of through the division of labor or exchange. Some humans will be hired to perform protection functions and they will start selling protection services.<sup>117</sup> In this way, humans do not have to take into consideration, while planning their daily activities, that there might a chance that they will be called to serve a protective function.

Second, any member may rely on the members of the association by saying that his rights are being violated.<sup>118</sup> It is easy to rely on them if one is having a conflict with someone

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<sup>111</sup> Ibid, 273.

<sup>112</sup> Ibid, 275-276.

<sup>113</sup> Nozick, *Anarchy, State, and Utopia*, 11-12.

<sup>114</sup> Ibid, 12.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid, 13.

<sup>118</sup> Ibid, 12.

from another protection association. However, what happens if two members of the same association are in dispute? The association could deal with the internal conflict by a policy of nonintervention. The protection association then chooses to not become involved in the affairs of the others in dispute. However, by following this policy, the association takes the risk of creating discord, which may lead to the breakup of the association. Therefore, the protection association will use procedures to decide whose claims are correct.<sup>119</sup> Ideally, individuals will turn to a neutral or less involved party to see whether they have been wronged.

#### **4.1.4 Protection agency the same as a state?**

Now that we know how a protection association arises, we have to discuss what happens if one protection association becomes the dominant one. We can assume that eventually different protection associations will offer their services in the same geographical area.<sup>120</sup> This area can either be a street, neighborhood, town or a city. Up to now, we have talked about protection associations. However, a competing protection association is not yet a state. Before that can happen, a competing protective association needs to become the dominant protection agency. I will explain this process in this section. Because the association will become efficient and take on the traits of business, I will from now on talk about agencies.

A specific geographical area is not yet monopolized by one single agency. What happens if two clients of different agencies have a conflict with each other? Since both agencies represent the interest of their client, they have a different interpretation of who is right. Under the circumstances, the agencies can do a few things. If the agencies cannot figure out who is right, the only thing they can do is fight each other. Two things might happen. Either one of the agencies has home advantage. It would be better to admit that right away. Or, in situations where there is no home advantage, it is unclear who will win. Both agencies have a fifty percent chance to win the conflict.<sup>121</sup> However, in the absence of preventive measures, these situations of different interpretations of who is right will continue to happen. This situation is very costly and it is a waste of time. It would be more convenient to turn to an experienced entrepreneur who can function as a third party and who will give the agencies the confidence that the reached decision is fair.<sup>122</sup>

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<sup>119</sup> Nozick, *Anarchy, State, and Utopia*, 13.

<sup>120</sup> Ibid, 15.

<sup>121</sup> Ibid, 16.

<sup>122</sup> Ibid.

Although the agencies still operate differently from each other, a unified judicial system will develop that accommodates the agencies. The agencies can turn to this common system that judges between their competing claims and enforces their rights.<sup>123</sup> There is a separation of the executive power and the judicial power. The overlap of agencies is likely to become a local monopoly. Each area will have a dominant protection agency.<sup>124</sup> However, this dominant protection agency is not yet a state.

The reason for the dominant protection agency not being a state yet, has to do with the independents. The independents refer to “a group of persons living within a system of private protective agencies who refuse to join any protection society; who insist on judging for themselves whether their rights have been violated, and (if they judge so) on personally enforcing their rights by punishing and/or exacting compensation from those who infringed them.”<sup>125</sup> The dominant protection agency is not allowed to do anything with the independents, because the independents are not clients. Due to the independents, Nozick argues that the agency fails to satisfy a minimal conception of a state because it allows some to enforce their own rights and it does not protect all individuals within its domain.<sup>126</sup> In other words, since the independents do not join the protection agency they are not protected, while a state protects all residents.

Nozick formulates two additional conditions for the existence of the state which the protection agency does not meet. Besides having a monopoly on the use of violence in a certain territory, the state announces that it will punish every resident who has used force without the expressed permission of the state.<sup>127</sup> A protection agency does not make such an announcement. Besides, the punishment and the monopoly on the use of violence seem incompatible with the private enforcement of rights, which humans are allowed to do within a protection agency.<sup>128</sup>

The second condition relates to the fact that each person living within the boundaries of a state gets protection.<sup>129</sup> Even tourists or immigrants receive protection from the state. A protection agency only offers protection to the ones paying for it. Since the protection agency takes the form of a business, different degrees of protection may be purchased and it cannot charge its clients to provide its product to the nonpayers.<sup>130</sup> There might be humans who will

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<sup>123</sup> Nozick, *Anarchy, State, and Utopia*, 16.

<sup>124</sup> Ibid, 17.

<sup>125</sup> Ibid, 24.

<sup>126</sup> Ibid, 22-23.

<sup>127</sup> Ibid, 24.

<sup>128</sup> Ibid, p. 23.

<sup>129</sup> Ibid, 25.

<sup>130</sup> Ibid, 24-25.

not have enough money to buy protection and, therefore, will not get any protection. Or, like the independents, there might be humans who do not want to buy protection.

Following this section, I conclude that the dominant protection agency falls short of being a state. It lacks the monopoly on the use of violence, and it fails to provide protection for all individuals inside the domain. This conclusion, however, does not mean that Nozick is satisfied. Although he agrees that the protection agency, as presented above, is not a state, he has reasons to believe that a dominant protection agency will become a minimal state in the end.

#### **4.1.5 The minimal state**

As we have seen in the previous section, the problem why the dominant protection agency is not yet a state has to do with the independents. Although the independents are a problem, they eventually play a part in the procedure leading to a minimal state. But, first I will explain the distinction Nozick makes between the minimal state and the ultraminimal state.

The main difference between the two forms is related to the independents. The minimal state is the night-watchman state of classical liberal theory. The function of the night-watchman state is limited to the functions of protecting all residents against violence by others and protecting their property. These functions are financed from tax revenues.<sup>131</sup> In contrast, an ultraminimal state “maintains a monopoly over all use of force except that necessary in immediate self-defense, and so excludes private (or agency) retaliations for wrong and exaction of compensation; but it provides protection and enforcement services only to those who purchase its protection and enforcement policies.”<sup>132</sup> In other words, Nozick’s notion of the dominant protection agency comes closest to the idea of the ultraminimal state.

If we follow the idea of the ultraminimal state, it would mean that the independents are not protected by the agency. However, Nozick has reason to believe that the independents are also protected. For example, what happens if a neighborhood is dominated by one single protection agency, except for two households? The two households are the independents in this situation. The independents are not paying for any services, but they are protected indirectly. The entire neighborhood is protected. As a result, there is no sign of any violent behavior, while at the same time the two independents are benefitting from the fact that others are paying for protection. If we take this example into consideration, it seems like the ultraminimal state also protects humans who are not paying for the protection services. How does this work?

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<sup>131</sup> Nozick, *Anarchy, State, and Utopia*, 26-27.

<sup>132</sup> *Ibid*, 26.

The independents have chosen to not become a member of the club. They are free to enforce their own rights against all, including the clients of the agency.<sup>133</sup> They are allowed to do activities or to create dangerous situations without needing consent of a third party as a state or a protection agency. If only one independent acts risky, the stakes are not that high. However, if all independents start acting risky because they believe they are the only ones acting risky, this could create a dangerous situation for not only the independents, but also for the clients of the protection agency.<sup>134</sup> How do the protection agencies deal with this situation? What if an independent repeatedly crosses the boundary of a client?

For Nozick, A crossing B's boundary is not a problem if this is done with the consent of B. If A crosses the boundary of B without consent, B should be compensated.<sup>135</sup> For Nozick, compensation is anything that makes B indifferent, which means that B must be just as well off in his own judgement before the boundary was crossed and after the compensation.<sup>136</sup> With the independents, compensation works differently. Nozick argues that basically an independent is allowed to enforce his rights as he sees it at that moment in time. The protection agency can only check afterwards whether a boundary has been crossed in order to punish or exact compensation from the independent.<sup>137</sup> However, if the client ends up dead due to the actions of the independent, there is not much left to check or to compensate. But, the agency is also not allowed to intervene in advance. The independent would say that it is his right to defend himself or to punish anyone who is crossing his boundary.<sup>138</sup> However, for Nozick this does not mean that we allow anyone to do anything as long as he provides full compensation afterwards.

The idea of fear is important in this case. If we would allow anything as long as compensation is paid, this will make all humans fearful. For example, A wants to break B's leg and A will compensate B. Other humans might fear the same thing happening to them. As a result, all humans should be compensated for the fear that their leg might be broken, even if their legs will never be broken. Since this is an irrational response to the situation, some actions that could be compensated for may be prohibited.<sup>139</sup> A cannot punch B in his face, as long as A gives B money. Nozick concludes that "the argument from general fear justifies prohibiting those boundary-crossing acts that produce fear even when it is known that they will be

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<sup>133</sup> Nozick, *Anarchy, State, and Utopia*, 54.

<sup>134</sup> *Ibid.*, 89.

<sup>135</sup> *Ibid.*, 58.

<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*, 55.

<sup>138</sup> *Ibid.*, 56.

<sup>139</sup> *Ibid.*, 66.

compensated for.”<sup>140</sup> However, prohibiting all boundary-crossing actions is too restrictive for Nozick. Certain actions might also happen by accident or these actions did not have the intention to cause any fear.<sup>141</sup> But, both the clients and the protection agency fear the independents, so the danger of the independents must be removed in some way by the agency.

Basically, prohibiting boundary-crossing actions limits the independents’ individual freedom. But, as we have seen, the independents could be dangerous as he might impose risks on others in pursuing their ends.<sup>142</sup> To prevent the independent from imposing risks on others, the protection agency wants to take away his means of self-defense. However, by doing that the agency violates the right of the independent. Where rights are violated, they must be compensated. This is Nozick’s principle of compensation: “those who are *disadvantaged* by being forbidden to do actions that only *might* harm others must be compensated for these disadvantaged foisted upon them in order to provide security for the others.”<sup>143</sup> If the independents’ means of self-defense have been taken away, the clients of the dominant agency do no longer have to fear each other. But, the independents’ rights are violated, so the protection agency needs to compensate them. The agency can compensate the independents by protecting them as well. The free protection services function as compensation for violating their rights.<sup>144</sup>

The protection agency is morally required to compensate the independents for the disadvantages. This requirement explains how a dominant protection agency transforms into a minimal state.<sup>145</sup> A minimal state protects all residents against violence by others and the state protects their property. The protection is financed from tax revenues, or in this case, the money that the clients pay for protection services. Nozick’s notion of the state does not fit the traditional definition of the state. It is not “the sole authorizer of violence”, since the independents are still independent and may still cross boundaries. But, it is “the sole effective judge over the permissibility of violence.” Thus, the dominant protection agency becomes “a statelike entity.”<sup>146</sup> Even without an explicit social contract, the state is an inevitable result to overcome the problems of society. A minimal state arises once the protection agency decides to give protection to all.<sup>147</sup>

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<sup>140</sup> Nozick, *Anarchy, State, and Utopia*, 71.

<sup>141</sup> *Ibid*, 71-72.

<sup>142</sup> *Ibid*, 76.

<sup>143</sup> *Ibid*, 81-82.

<sup>144</sup> *Ibid*, 112-113.

<sup>145</sup> *Ibid*, 119.

<sup>146</sup> *Ibid*, 117-118.

<sup>147</sup> *Ibid*, 119.

## 4.2 Nozick versus Huemer

In the previous part, I have explained Nozick's argument. We have seen that someone with the same assumptions as Huemer argues that the minimal state is inevitable. In this part, I will compare Nozick and Huemer. I will take into account four assumptions. They have systematically similar assumptions, such as the state of nature as methodology and the nonaggression principle, but they reach different conclusions. In the next chapter, I will discuss what this means for this thesis' research question.

### 4.2.1 Nonaggression principle

Both Nozick and Huemer agree on the nonaggression principle. Nozick starts off with the side constraints. Side constraints express the inviolability of other persons. The rights of others determine the boundaries one is not allowed to cross.<sup>148</sup> The nonaggression principle follows from the side constraints. This principle prohibits aggression against others. The only exception Nozick makes regarding this principle is self-defense.<sup>149</sup> For Nozick, the side constraints and the nonaggression principle are a way to think about rights. The rights indicate what we can do to each other and therefore what humans can do to you. They are free from coercion and they can never be outweighed by any social consequences or for the common good. Side constraints are not exchangeable. If property is protected by individual rights, this means that theft is never allowed. No exceptions are made.

Huemer might be more forgiving. He has reasons to assume that the boundaries of the rights are not as specific as is the case with the side constraints. Huemer argues that individuals have substantial obligations to take into account the interest of others. He also believes that an individual's rights may be overridden by sufficiently important needs of others.<sup>150</sup> Furthermore, Huemer discusses the nonaggression principle, which "is simply the collection of prohibitions on mistreating others that are accepted in common sense morality."<sup>151</sup> He does not argue that forms of aggression, such as attacking or coercing, are never permissible. He assumes that aggression is not permissible under normal circumstances, but there might be special circumstances in which theft, for example, is permissible.<sup>152</sup>

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<sup>148</sup> Nozick, *Anarchy, State, and Utopia*, 29.

<sup>149</sup> *Ibid.*, 34.

<sup>150</sup> Huemer, *Problem of Political Authority*, 176-177.

<sup>151</sup> *Ibid.*, 177.

<sup>152</sup> *Ibid.*

#### 4.2.2. Type of explanation

Both Nozick and Huemer reject the social contract as an explanation for the need of a state. Nozick and Huemer argue that either the minimal state or the competing protection agencies are the result of the nonaggression principle and voluntary interactions. Nozick follows the invisible-hand explanation to explain how a state emerges. The invisible-hand explanation takes the form of voluntary agreements between individuals, which creates far-reaching patterns that look like they were designed intentionally when in fact nobody did. Invisible-hand explanation make us believe that certain actions are the result of someone's intentional act, while it is actually not brought about that way.<sup>153</sup> For Nozick, it means that if humans take into account each other's rights and if they operate on the basis of voluntary interactions, a minimal state is the result.

The foundation of Huemer's theory of a stateless society is based on common sense morality. He claims that political views emerge out of common sense moral views.<sup>154</sup> Particular kinds of actions must be judged using our ethical intuitions.<sup>155</sup> For Huemer this means that if we follow common sense morality and we use our common sense to judge situations, we will come to the conclusion that the state is not the right way to organize society. A society would be more efficient if the protection of citizens would be taken care of by competing protection agencies.

#### 4.2.3. State of nature

Both Nozick and Huemer use the theory of the state of nature to explain why a state would be necessary or not. Both authors have a relatively rosy picture of the state of nature. However, the reason why they use this image differs. Besides, each of them discusses the state of nature theory of a different classical philosopher.

Nozick uses the Lockean state of nature to understand whether there should be a state in the first place. He wants to give the anarchists the best case possible in order to find out whether the anarchist society is a better one than the state. At the beginning, Nozick focuses on a nonstate situation.<sup>156</sup> In the state of nature there are individual rights, also known as side constraints, but there is not a state to enforce them. By describing the morally permissible and

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<sup>153</sup> Nozick, *Anarchy, State, and Utopia*, 19.

<sup>154</sup> Huemer, *Problem of Political Authority*, 177.

<sup>155</sup> *Ibid*, 144.

<sup>156</sup> Nozick, *Anarchy, State, and Utopia*, 5.

impermissible actions in the nonstate situation, Nozick can see how the violations of those constraints would eventually lead to the emergence of a state.<sup>157</sup>

Huemer discusses Hobbes' state of nature. He uses Hobbes' state of nature to show what is, according to him, problematic about Hobbes' theory.<sup>158</sup> Huemer turns Hobbes' theory around to show that the state of nature is not as horrible as claimed by Hobbes. Huemer is convinced that the state is what we need to fear the most. He argues against Hobbes' contention that it is prudent to cooperate peacefully when power is distributed extremely unequal. Huemer appeals to human nature and argues "when both prudence and morality point in the same direction, almost everyone will choose that course."<sup>159</sup> No rational person will ever enter a violent conflict, knowing that the chance of losing is too great since the others are of equal strength. He formulates the principle that equality of power breeds respect.<sup>160</sup> Huemer uses this principle to show why a state is not necessary. Having a state leads to the unequal distribution of power and humans will disrespect each other. In addition, Huemer argues that one should not assume that analyses of cooperation made about the state of nature on the individual-level can automatically be transferred to the level of government.<sup>161</sup>

#### **4.2.4. Monopolization of the protection agency**

With regard to the protection agency, Huemer and Nozick have a different idea of monopolization. Although both agree that the protection agencies take care of protecting the residents against violence and protecting their property, they differ in how far reaching the influence of the agency is.

Huemer argues that most monopolies are created by government intervention.<sup>162</sup> Since his society is without a government, he does not argue in favor of monopolies. Huemer stops at the point where different protection agencies are competing for clients. This competition makes it relatively easy for an individual to switch to another agency if he is not satisfied with the services of the former agency.<sup>163</sup> Huemer does not believe that different agencies might monopolize certain geographical areas. He argues that the fixed costs for a protection agency are minimal, which creates a climate in which many small-sized firms can find their place. Because of the low fixed costs, no expensive factory or large land area is needed to provide

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<sup>157</sup> Ibid, 7.

<sup>158</sup> Huemer, *Problem of Political Authority*, 199.

<sup>159</sup> Ibid, 202.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid, 205.

<sup>162</sup> Ibid, 253.

<sup>163</sup> Ibid, 233.

protection and there is no pressure to form large firms. Furthermore, Huemer is convinced that small firms are much more efficient than large firms.<sup>164</sup> In addition, he argues that monopolies maximize their own profits, while minimizing their efforts in providing good products or services.<sup>165</sup> The competitive pressure will prevent the society from less efficient protection agencies.

Where Huemer stops, Nozick continues. Nozick argues that it is likely that an agency operating in a geographical area will become the dominant agency in that area. He is convinced that maximal competing protection services cannot coexist. The agencies will not only be in competition for clients, but they will also be in conflict with each other.<sup>166</sup> Furthermore, Nozick argues that the value of the protection services is relative. It depends upon how many other agencies offer the same services.<sup>167</sup> The more services are offered, the more the value will decrease. With a product as offering protection, clients will not settle for the lesser product.<sup>168</sup> As a result, the more power an agency has, the stronger its position in the market and the more clients it will attract.

According to Nozick, if there is not a dominant protection agency yet, the cluster of agencies will have a natural tendency to merge because of economies of scale.<sup>169</sup> For example, if an agency needs three security guards to protect one house, the same security guards could also protect more houses in the street. Protecting more houses in the same street is more efficient for the agency. The agency has fixed costs for protecting a single house, but the costs for protecting four more houses are lower since the security guards are already hired. This is the idea of economies of scale, the average costs of protection decrease per house with an increasing scale because fixed costs are spread over more houses. The economies of scale lead to geographical monopolies.

The specific assumption on which Huemer and Nozick differ is fixed costs and the possible creation of a monopoly. Huemer argues that the fixed costs are minimal in a competing market, allowing protection to be offered at a low price by different agencies. Nozick, on the other hand, uses the fixed costs to explain how a dominant protection agency is the monopolist in a specific area.

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<sup>164</sup> Ibid, 255.

<sup>165</sup> Ibid, 256.

<sup>166</sup> Nozick, *Anarchy, State, and Utopia*, 17.

<sup>167</sup> Ibid, 17.

<sup>168</sup> Ibid, 17.

<sup>169</sup> Ibid, 18-22.

### 4.3 Conclusion

In this chapter, I have presented Nozick's alternative view on the necessity of the state. He argues that a minimal state is inevitable. In Nozick's minimal state, most of the humans pay for the protection services. The humans paying are the clients of a protection agency. However, there is also another group, the independents, who are not paying for the services. The fact that they are not paying functions as compensation for the protection agency violating their rights. The agency took away their right on the use of violence in order to protect the clients. This disadvantage is forced upon them and therefore they need to be compensated.<sup>170</sup> Either no one has to pay and one cannot have a minimal state, or one allows that a part of the residents does not pay and that others have to bear the costs. Nozick follows the last option.

Furthermore, I have compared four assumptions Nozick and Huemer have in common. They agree on all assumptions, except for one specific. They reach a different conclusion on the assumption of fixed costs and the possible monopolization of a protection agency. Nozick argues that a dominant protection agency eventually will end up in either a monopoly or different agencies are brought together under one monopolized system. The monopoly arises because of economies of scale. The more houses one agency protects, the larger the scale and the lower the fixed costs. Huemer, in contrast, is convinced that small agencies are more efficient, because they are in constant competition. This enables the agency to offer their services at a low price and it prevents monopolies from forming.

The aim of the thesis is not to find out what disadvantages of the state are. I want to know whether Huemer's conclusion is correct that the state is not needed. In the next chapter, I will wrap up what I have been doing during this thesis. I will discuss whether Huemer is correct or why Nozick's argument might be more convincing.

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<sup>170</sup> Ibid, 112-113.

## 5. Is Huemer correct?

The aim of the thesis is to answer the question whether the state is necessary. In the previous chapter, I have compared Huemer and Nozick. The reason I brought up Nozick was because both Huemer and Nozick have similar assumptions. The comparison enabled me to see if Huemer's conclusion is shared. Chapter four made clear that although Huemer and Nozick share the same assumptions, they reach different conclusions. In this chapter I will provide an answer to the question. Is Huemer correct or is a minimal state inevitable?

In order to answer the research question, I have to look at the assumption on which they disagree: fixed costs. The fixed costs have nothing to do with the clients paying for protection services. A fixed cost is the cost that must be borne in order to provide protection services.<sup>171</sup> Huemer is convinced that the fixed costs for a protection agency are minimal. The owner of the agency has to hire employees and he has to buy the necessary tools for the protection services, but he does not have to have an expensive factory or own a large area of land.<sup>172</sup>

According to Huemer, the fixed costs for a protection agency are minimal. Small protection agencies will have equal opportunities to offer their services. To Huemer, this is a good development. The larger the competition, the more efficient the agencies will operate which benefits the clients. They have the opportunity to switch relatively easy to another agency if they are not satisfied with the services or the price of the other agency. According to Huemer, this also explains why monopolization by a dominant protection agency of a cluster of agencies will not happen.

Although Huemer's argument about the fixed costs is valid, we have to wonder what this specific argument does for the protection industry. Is it desirable to have a product as protection services subject to market forces? Does more choice make it better? We are talking here about crucial services for everyone and everything. Protection is essential for a state or society to function well. Clients will want to have the best protection services possible.

According to Nozick, competing protection agencies cannot coexist. The more services are offered, the less clear it will be what the best services are. The quality of the services will decline. Furthermore, the agencies will not only be in competition for clients, but they will also be in conflict with each other. The strongest protection agency will always attract the most clients. As a result, new protection agencies will be priced out of the market by either the dominant protection agency or a cluster of agencies.

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<sup>171</sup> Huemer, *The Problem of Political Authority*, 255.

<sup>172</sup> Ibid.

Following Nozick, the reason monopolies arise is because of economies of scale. The different agencies will have a natural tendency to merge.<sup>173</sup> For Huemer efficiency means more choice and lower prices. Nozick, on the other hand, is convinced that protecting multiple houses in the same street by a single protection agency would be more efficient. When three different agencies are protecting three houses in one street, this could also be done by one agency. The security guards of one agency are able to protect the three houses. The agency has fixed costs for protecting a single house, but the costs for protecting the other houses are the same since the security guards are already hired. The economies of scale lead to geographical monopolies.

The result of geographical monopolies is that households not paying for protection services benefit from the paying household. When a street consists of fifteen households and ten of them are paying for protection services, the other five will also be protected indirectly. The security guards are present in the street, which makes it less attractive for vandals to commit crimes in that specific area. The monopolies resemble Nozick's conception of a minimal state. The minimal state protects all residents against violence by others and the minimal state protects their property. The dominant protection agency does the same. In addition, when taking into account Huemer's notion of protection agencies, the above situation seems inevitable. Also in Huemer's case there will be households benefitting from the protection purchased by others. Huemer cannot prevent this situation from happening and it is very similar to Nozick's notion of a minimal state.

Following this chapter, I can conclude that Huemer's argument that the state is not necessary is not correct. A minimal state is inevitable. Even if we only take into consideration Nozick's notion of the minimal state, it is still more than Huemer's patchwork of protection agencies.

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<sup>173</sup> Nozick, *Anarchy, State, and Utopia*, 18-22.

## 6. Conclusion

This thesis focused on the anarchists' claim that the state is not necessary. The aim of the thesis was to explore whether the conclusion given by Michael Huemer was correct. Huemer recently wrote a provocative answer against the state. Huemer argues that modern states lack political legitimacy and that citizens cannot be forced to oblige the state's laws. He is convinced that societies would be better if they are stateless. However, modern states became the dominant form and they appear around the world. The research question in this thesis is: *Is Huemer correct in his conclusion that the state is not necessary?* I explored the research question in three steps.

First, I explained Hobbes' social contract theory. Hobbes is a classical defender of the state. Before I turned to Huemer, I wanted to talk about the elements of Hobbes' theory which are problematic for Huemer and about the reasons that have been offered in favor of the state. Hobbes' created a hypothetical stateless situation in which humans are living in a state of nature which is war of all against all. Humans are in enduring competition resulting in a situation of permanent fear. For Hobbes, creating an absolute state is the only way to end the violence to escape the state of nature. Only a sovereign with absolute power can end the war of all against all. The absolute state is created by agreement. The agreement is an agreement between citizens to accept the authority of a sovereign power with monopoly on violence. For Hobbes, the state having absolute power is a necessary condition. It is the only way to ensure peace.

Huemer argues against the state. I discussed the elements of the state which are problematic according to Huemer. He has a problem with the need for the state established through the social contract. According to Huemer, social contract theory cannot justify state authority. Furthermore, Huemer's conception of human nature is less pessimistic. He believes that humans evolve over time and this also shows why a state is no longer necessary once a society is established. As a result, Huemer is convinced that humans would be better off in a stateless society. He is aware that there will be humans who might still end up in conflicts or who act aggressive towards each other. The functions of protecting citizens which the state would normally execute, would be taken care of by protection agencies and arbitration firms. Arranging the society in this way would be more efficient. Instead of being forced to pay for government services one does not want to use, humans can decide for themselves whether to buy protection or not.

For this thesis, I assumed that Huemer is correct. However, I wanted to know if Huemer would still be correct if I brought in Nozick, who basically has the same assumptions as Huemer.

Nozick presents an alternative view on the necessity of the state. He argues that a minimal state is inevitable. The reason for this are the independents. The dominant protection agency ends up providing protection to the independents, while they not pay for the protection services. This is the result of the protection agency violating their rights in order to protect the clients of the agency. The independents need to be compensated and the agency does this by giving them free protection.

Although Nozick and Huemer have some assumptions in common, they reach a different conclusion on the fixed costs. Huemer argues that the fixed costs are minimal in a competing market, allowing protection to be offered at a low price by different agencies. The low price enables clients to get the best protection for the lowest price. Nozick, on the other hand, uses the fixed costs to explain how protection agencies will have a natural tendency to merge because of economies of scale. The fixed costs for a protection agency will be lower if the agency has a geographical monopoly. Security guards could protect more houses in the same street, while the costs are approximately the same for protecting a single house.

In the final chapter, I have explained why, even though Huemer has valid arguments, Nozick is more convincing. In an industry as providing protection services, it is not desirable to have a product as protection services being subject to market forces. Protection is a crucial service for a state or society to function well. Because clients want to have the best protection, the strongest agencies will attract the most clients. As a result, new agencies will be priced out of the market and monopolies will arise naturally.

The reason why Huemer is not correct has to do with Nozick's notion of a minimal state. The minimal state arises out of the monopoly of the protection agency. The agency protects both the clients and the independents against violence by others and it protects their property. The minimal state does the same with its residents. In Huemer's stateless society, there will also be household benefitting from the protection purchased by others. Huemer cannot prevent this situation from happening and it is very similar to Nozick's notion of a minimal state. A minimal state is inevitable.

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