

Government vs. the State, Redux



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I wrote “Government vs. the State” a year ago, and since then have used it many times in conversation to explain my views. Though it’s been helpful, I’ve realized it’s missing some important clarifications and elaborations. I’m here to rectify that. I’ll first quote myself, and then make my amendments.

Government vs. Governance

*“Government” is usually employed as shorthand for the individual or group of individuals that provide governmental services in a given society. What qualifies as a governmental service? Most view the following as governmental services: dispute adjudication and societal rule creation, or **law**; security and collective defense, or **order**. Government, then, is the collection of services providing “law and order” within a given society.*

I’m less of the opinion that “government” is a better word to use here than “governance” than I was at the time. Well aware of the alternatives when I wrote this, I think I went with “government” to make it more appealing. I’d like to correct that.

Since everyone alive is living under a state, or in a “statist context”, government is interpreted by everyone to mean “the state” as defined below. Which makes sense considering what “government” means both colloquially and etymologically. Govern comes from the Latin *gubernare*, which means “to direct, rule, guide, steer”. Each of these equates to the initiate of aggression if uninvited – “to rule” implies an imposition – in which case, to be governed is not at all compatible with either the voluntary principle or the libertarian principles of non-aggression or zero-aggression. Government, then, is perfectly

synonymous with the state.

So what should we call “the collection of services providing ‘*law and order*’ within a given society”? “Governance” has been submitted by various libertarian philosophers, but it still contains that offensive root word (govern). Maybe that’s okay. The colloquial meaning of the word, as written by Mark Bevir, is “all processes of governing, whether undertaken by a government [the state], market or network, whether over a family, tribe, formal or informal organization or territory and whether through laws, norms, power or language.” That seems perfectly suitable for our purposes to me. Government, you’re out. Governance, you’re in!

Monopoly vs. Contractual Monopoly

When one individual or group of individuals (a firm) is the sole provider of a given good or service, it is said that they have a “monopoly.” This is only half-true. Monopoly is from the Latin monopolium which means “right of exclusive sell.” To have a monopoly, then, is to be the only firm legally allowed to provide a given good or service. To be the sole provider of a given good or service because nobody else has or can stay in business competing against you is not to have a monopoly. Only when “the law” says that only Such’n’Such may provide a given good or service, thereby making competition illegal, does a monopoly exist.

Why should monopoly be defined as I’ve defined it here? Because it doesn’t have much use in economic analysis otherwise, other than causing confusion. But I did ignore the possibility of monopoly as a result of explicit contract. Contracts gives positive rights to each party. One such positive right may be the “right of exclusive sell” as when two parties contract for one to be the sole provider of a good or service to the other. (Actually both are sole providers, one the good or service, the other the compensation.) Take my marriage. Both my wife and I have a monopoly on the various services provided within our marriage. Other marriages may differ. Or, when my company contracts to purchase all of it’s office supplies from a single distributor. That, too, is a monopoly, albeit a contractual monopoly, and perfectly legitimate.

The State in History and Philosophy

Government is the provision of law and order, as explained above.

*The “state” is the firm (or institution) that claims a monopoly on the provision of law and order within a certain territory. In the absence of a state, government is provided by competing firms. More likely, the various governmental services are each provided by competing firms, which may or may not compete in the other governmental services industries. In a stateless society, there would be no dispute adjudicator “of last resort,” and all disputes may be adjudicated by a truly impartial third-party. Contrast this with the state, where the state’s monopoly on dispute adjudication means that not only is the state the adjudicator of last resort, but it is also the adjudicator of disputes involving itself. A clear violation of a basic principle of jurisprudence, *nemo iudex in sua causa*, or “no one should be a judge in their own cause.”*

We’ve already covered “government” and decided it’s synonymous with “the state”, opting instead to use “governance” for the above distinction. However, there are still some additional clarifications to make. I’ve heard it said that “the state” is the entirety of the area within it’s boundary, and that states *have* governments. I think this line of thought has merit, unless you’re an agorist. Agorists argue that “the state” or “government” is just a group of individuals claiming governing authority that they don’t actually have (it’s mythical, in other words). In which case, states don’t really exist. Their borders are imaginary. I’m quite sympathetic with this view. If the governing authority the state exercises is illegitimate, then they are nothing more than a fancy, high-tech mafia or street gang. Indeed, I believe this to be the case with every state existing today, because no state exercises authority pursuant to explicit contract with it’s citizens. Nor has any state historically done so.

Nor do philosophers, both libertarian and not, say they do. Instead, non-libertarian philosophers have – *ex post facto* – conjured up “social contract” theories, the purpose of which is to legitimize the authority the state exercises absent explicit contract. The problem is, all of those theories fail to legitimize the state’s authority, its non-contractual monopoly, on the provision of law and order; on the legal use of force; on decision-making of last resort.

As previously discussed, contract is one way to create a monopoly on the provision of a good or service. But how far can contracts go? Can they be permanent? If two parties contract for the provision of law and order with a clause that says that this contract lasts

forever, how valid is that? This amounts to a “slave contract”, the validity of which is still debated among libertarians. But who would ever sign a slave contract? I can imagine someone here and there, but enough to build a large polity? I have my doubts that explicit, permanent contract could ever amount to the creation of a large monopoly-governed area. But since it’s possible in theory, assuming slave contracts are valid (and I have my doubts), I must admit to the possibility of a legitimate, contractual, perpetual, state. But then again, that’s oxymoronic if our definition of a state makes explicit it’s exercise of *illegitimate* authority, as most if not all libertarian philosophers seem to do. And further, if it’s legitimate, then its anarchistic because of the absence of a ruler.

Final Thoughts

Monopolies are always an illegitimate arrangement of authority in society because nobody has the right to prevent others from providing any good or service of their choosing. This includes governmental services. The state therefore always exercises illegitimate authority. In the context of a statist society, using the term “government” to mean the state is quite acceptable, but clarification comes in handy when helping others understand what all the fuss is about. To be a consistent libertarian, a voluntarist, or an anarchist is to oppose the monopoly of governmental services, ie. the state, and to instead favor competing providers of law and order. It really is that simple.

Oh but if it were! Alright, I think I’ve made all the corrections that I wanted to make (for now?). Forcefully preventing others from providing any good or service outside the terms of explicit contract is an initiation of aggression, which makes it an illegitimate arrangement of authority in society. And if it’s within the terms of explicit contract, force is likely unnecessary, unless we’re talking slave contracts and a recalcitrant party. All states and governments exercise illegitimate authority today. Not only do they consider their monopoly legitimate without explicit contract (an absurdity), but they also claim perpetuity. Both make for a poor foundation of moral, just, wise, and effective governance. So down with government and statism! (Indeed.)

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