

# Government vs. the State



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*“One Voluntarist’s Perspective” is an original column appearing most Mondays at Everything-Voluntary.com, by the founder and editor Skyler J. Collins. Archived columns can be found [here](#). OVP-only RSS feed available [here](#).*

Many have tried to explain the difference between “government” and “the state.” They have been more or less clear, but none have managed to do it better than libertarian philosopher and lawyer Stephan Kinsella. Here’s my long paraphrasing of his explanation.

## Government Services

“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.

## 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.

## The State

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.”

## **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 voluntaryist, 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.

UPDATE: I have revisited this topic in “Government vs. the State, Redux”.