

The Violence And Justice Monopoly

Written by Roman Skaskiw.

Almost all of us hold two beliefs which contradict a third near-universal belief. The first is that a state, however else defined, is a geographic monopoly of security and justice. One cannot appeal a ruling beyond the state, and whatever private providers of security and justice may exist, they do so in pronounced subservience to and supervision by the state.

The second is that monopolies invariably cause high prices and low quality. Is it so absurd to unite these two self-evident ideas and suggest that states are poor providers of security and justice?

This, of course, rattles to its very foundation a belief most people consider unassailable: that states must invariably provide us, the gray, primitive, violent, purposeless masses, with security and justice — or else civilization itself would plunge into darkness and despair.

Understandably, we fear crime and invaders. If you could list the names of all the people killed in crimes or by foreign invaders (state-sponsored crimes) in the previous century, I imagine it would fill volumes. It would be a disturbingly long list.

However, if you listed the names of everyone killed by their own governments, even limiting yourself to peacetime and thereby excluding soldiers, it would fill a library. The figure surpasses a hundred million. According to political-science professor R.J. Rummel it reaches 170 million. Is this the price we must pay for civilization? Or are we asking a far greater devil to protect us from a lesser one?

A state is actually much worse than a simple monopoly. It doesn't merely use violence to eliminate competition and then rely on voluntary patronage as another monopoly might. It also unilaterally decides the nature and cost of its "services," then forces its subjects to pay.

In the past, the United States government has decided that invading Iraq, infecting unsuspecting Guatemalans with syphilis, arming Mexican drug gangs, assassinating even American citizens deemed dangerous, fondling travelers at airports, and supporting some of the most vicious and murderous tyrants in history constituted security. Furthermore, they unilaterally decided the price of these "services" and threatened to kidnap anyone who refused to pay, labeling them "tax evaders."

The case of high cost and low quality in monopolistic government security is easily illustrated. For example, if one includes the United States' nuclear-weapons programs

(Department of Energy), foreign military aid (Department of State), and long-term care for agents of government security (Department of Veterans' Affairs), not to mention Homeland Security and our numerous spy agencies, the U.S. spends more wealth on security than the rest of the world combined.

Over 130 of the world's 190 countries have a U.S. military presence. Several wars are underway. Somehow, however, it is never enough. The military always needs more technology, more support, more funding, more reverence, more benefits. None of it makes us safer. We still need to be encouraged at airports to patriotically snitch on our neighbors for the absurdly vague crime of acting suspicious.

Government-provided security is so pathetic that private-security guards in the United States outnumber public ones. One never hears about mall cops Taser-ing anyone to death, because they are too busy making money in exchange for providing a valuable service. Unlike public police, private guards are subject to market forces and would be fired for doing any one of the many things we've learned not only to tolerate, but to expect from public police, TSA security agents, and other government goons. Where do the crimes happen most often? On private property, like shopping malls, protected by private security guards, or on public streets protected by public security?

The justice system is so pathetic that people do not fear a negative verdict as much as they fear participation in the state's "justice" monopoly. The threat goes "I'm going to sue you," not "you're going to be found guilty" — and understandably so, as participation alone is enough to break a human being, regardless of guilt.

In the rare instances where a correct verdict of damages in a civil case is handed down, the judge then heroically provides the victim with a piece of paper, and the victim must then figure out how to collect restitution. Private collection agencies attempt to bridge the gap, but take between 30 percent and 50 percent of a judgment and will refuse a job altogether when it's deemed too difficult.

Contrast this with fledgling private-justice systems like Amazon.com's conflict-resolution process. When a merchant is found to be at fault, their account is debited and the victim receives restitution without ever leaving his home, navigating complex procedures or hiring justice-system experts for \$100 per hour.

Private justice systems, like Amazon.com's, tend to favor restitution and excommunication over punishment. In our monopolistic, state justice system, insult is added to injury for victims when, after a criminal is found guilty, the victim must pay taxes for the criminal's food, lodging, and entertainment. The United States' incarceration rate is approaching one percent of the population — by far the highest in the world — and yet we are not safer.

One common objection to the idea of private security is the fear that private firms would

take over and then use their mastery of violence to extort their customers as well as the clients of weaker firms.

First of all, this perfectly describes the current system. Do you conduct commerce? Better figure out how to give our “security company” a cut of the profit. Earn a paycheck? About a third of it goes to our security company. Want to buy a high-flow toilet for your home? Better not let the security company find out; they don’t allow it. Want to sell raw milk? The security company won’t allow that either. Are you Iraqi, Afghan, Egyptian? Our security company is going to walk all over you.

Secondly, private security companies certainly have the numbers and training to turn into a mafia, but that doesn’t seem to happen. They are sensitive to market pressures and would lose customers if they acted abusively. On the other hand, the corrupt cop is so common, he’s almost an archetype in film and literature.

As discussed extensively by philosopher Hans Hermann Hoppe, insurance companies are the natural agencies for providing security services, together with indemnification for lapses in security. This would put them under financial pressure to keep people as genuinely safe as possible.

Furthermore, just as life insurance doesn’t cover suicide, and fire insurance doesn’t cover arson of your own property, security insurance would not cover instances of violence precipitated by a client. Market pressure would thus have an effect on consumers of security as well. It would become expensive to live as a violent, criminal person. Such people would find themselves increasingly marginalized. They would find themselves at risk of becoming “outlaws” in the original definition of the term: not convicts, but people declared outside the protection of the security system.

Open war between security firms is unlikely for the simple reason that war, without a population of slaves from whom you can endlessly steal, is very expensive. Economic pressure would encourage peaceful resolution.

Competition between security firms would increase quality of service and decrease cost. Competition for services between consumers would encourage a peaceful, harmonious society.

This is indeed a radical idea. The few crude, imperfect approximations of a free market for security and justice include Medieval Iceland and the “Not-So-Wild” West, which, if you exclude the government-led Indian Wars, had a lower murder rate than most modern U.S. cities.

The missing innovation preventing a more secure, just society is not any type of weapon or instrument of mass surveillance (as often depicted in movies). The missing innovation is

capitalism and the free markets which go with it.

Don't look for it to happen in the United States. Over 300 million people competing for control of the brute force of law to tell one another how to live is a recipe for disaster. As Benjamin Franklin is rumored to have said, "Democracy is two wolves and a sheep voting on what to eat for dinner."

Look instead to small countries. Look to the Monacos, Singapores, Liechtensteins, and Luxembourgs of the world. It will happen not for benevolent impulses, but for selfish ones. It will happen when enough people realize how much richer and safer they can be, and recognize the tremendous capacity of free people to solve problems by cooperating.

To paraphrase 19th-century French philosopher Frederic Bastiat: Just as we don't need a witch doctor's hooks and blades to aid our physiology, we do not need a government's bullets and bayonets, Tasers and prisons to aid our social being. We come into this world whole, fully able to grow into its challenges if only we are free to do so. Faith in liberty is an act of faith in the creator, whether nature or nature's God.

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