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Transforming Toward Hoppean Security Production

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**Introduction**

Every libertarian has a unique path of gradually releasing statist mental conditioning and ultimately accepting the implications of a property centric legal order. Once awakened, one’s worldview changes so drastically that scarcely any aspect of the former self remains unaffected by the freedom philosophy. While Professor Hans-Hermann Hoppe’s academic contributions span across economics, sociology, ethics, scientific method, and history, his work in the political-economy of security production was the most impactful upon my journey of transformation.

As a career military reservist and law enforcement officer serving variously at the city, country, federal, and international levels, I witnessed firsthand the dysfunction and ineptitude of government agencies personating security and justice services, yet for decades lacked the framework for diagnosing the cause. For a long time, I blamed having the “wrong” people occupying supervisory offices that clashed with my, albeit misguided, mission-focused orientation. I railed in anger against self-interested careerists who appeared to be just collecting a paycheck while avoiding the action, or at least the enforcement activities I felt at the time were in the public interest.

You see, I was raised on a steady diet of propaganda and entered my military and law enforcement careers as a believer in the War on Drugs and had thoroughly bought into the sensationalized nexus of illicit trade and violent crime that led to a belief that “national defense” was threatened by a hybrid menace known as narco-terrorism. The feverish desire to “do something” about the alleged problem generated a thirty-year odyssey of comical yet tragic misadventures that are better shared in more confidential settings over a glass of wine or single malt whisky (two convivial beverages Professor Hoppe also enjoys).

After struggling in service to the orchestrators of “absurdistan” for so long, the gradual process of awakening was aided primarily by two great works in the Austrian tradition.[[1]](#footnote-1) From Ludwig von Mises’s 1944 *Bureaucracy* I learned that even in so-called free societies, with relatively liberal economies, government agencies 1) are bastions of socialism, 2) absent the market incentives of profit and loss, bureaucrats lack the capacity for rational economic calculation, 3) it is impossible to be   
a professional inside of a bureaucracy, no matter one’s training or dedication to service everyone is, first and foremost, a bureaucrat, 4) even in the nearly impossible case that everyone was a selfless public servant, the very fact of political manipulation and bureaucratic management ensures the organization will ultimately fail at its ostensible purpose.[[2]](#footnote-2) The socialist production of security does not work because it cannot work and no amount of reform can overcome the structural arrangements that ensure its dysfunction. This allowed me to abandon all hope of success or satisfaction at serving society in state-based justice and security institutions.

Then, from Hoppe’s 1998 *The Private Production of Defense*, I learned that a market based alternative was available and, not only is it superior to the incoherence I was accustomed to, the framework has an ethical grounding that transcends the juridical, social, economic, cultural, and transnational domains.[[3]](#footnote-3) Building upon the work of Gustave De Molinari,[[4]](#footnote-4) Linda and Morris Tannehill,[[5]](#footnote-5) Murray Rothbard,[[6]](#footnote-6) Bruce Benson,[[7]](#footnote-7) and other contributors to the field of libertarian law and security, Hoppe fleshed out the functioning of a purely private property-centric legal order along with details of how market actors would operate in such an environment.

Further, and despite the invective of his various misguided detractors, Hoppe continually emphasizes a prime directive toward conflict free social interactions and property exchanges, leading to human flourishing, in all his work. Establishing realistic social norms to facilitate harmonious sociability is a recurring theme, particularly in recent years amid increased societal and global tensions. For instance, his 2023 speech to the Property and Freedom Society recounted how his mentor Murray Rothbard considered, among the myriad issues subject to libertarian analysis, matters of peace and war are of the utmost important because life and death are held in the balance. Echoing the Chinese military strategist Sun Tzu, Hoppe recognizes that war is the ground of survival or extinction and, therefore, one must consider it.[[8]](#footnote-8)

**War, Peace, and Property**

Hoppe’s use of a property standard to identify the line that divides war and peace succeeds the work of Lysander Spooner, who wrote in his 1882 *Natural Law, or The Science of Justice*, that abstaining from violating the person or property of another, and making reparations for any debts, injuries, violations, or takings, form the lawful conditions of peaceable human coexistence. It follows, then, that breaching the property boundaries of another, which includes the terms of any contracts to exchange property, initiates conditions of war and only restitution can restore the relationship to peace.

The property standard offers clearly identifiable boundaries from which to build a universally applicable legal order. For this reason, Ludwig von Mises considered property the foundation of the entire liberal, as in libertarian, program that coincided with both freedom and peace.[[9]](#footnote-9) The clear standards of legally acceptable human behavior provided by intersubjectively ascertainable property boundaries offers a social order in which disputes are readily adjudicated once the property owner and alleged violator are identified.

Establishing these material facts will always require investigative skill and specialization, such as crime scene processing, forensics, and interviewing techniques. However, there is no need, and therefore no legitimate space, for politically fabricated law. Violations of property, such as battery, robbery, murder, rape, burglary, arson, or theft are squarely criminal in nature while breaches of contracts are also, properly understood, a form of theft. Failing to perform an exchange as agreed, whether explicitly, as with a signed contract, or implied, like when ordering at a restaurant, deprives a genuine owner the value of the property that rightly belongs to them. Again, the need for jurists and courts that specialize in the various domains of dispute resolution will remain under a property-centric legal environment but the task is one of establishing facts rather than interpreting legislative decrees.

Restitution to make the injured party whole is the method for reconciliation for both violative instances because the property standard applies to both domains in a way that is far superior to the current politically manufactured divide between civil and criminal law. Erosion of the sanctity of property rights in public consciousness and political discourse not only allows for further governmental abuse but also leads to civil strife, antagonism, and paranoia.

As a criminal investigator with a small-town law enforcement agency in middle America, I witnessed firsthand the backstabbing, snitching, and gossiping all levels of the social strata would engage in in order to leverage the police power against their rivals. Taking out an opponent could be simply a matter of making an anonymous tip about what someone was holding in their pockets. The second order effect of this was a community filled with paranoia and resentment as well as wasted “justice system” resources.

This sad state of affairs stems from public toleration for a political caste that can dictate who gets to own what. Prohibiting possession of certain classes of property, such as arms, drugs, untaxed or loose cigarettes, as well as “unlicensed” services, imparts a wave of conflict through society that totally contradicts the “domestic tranquility” governments are supposedly constituted to provide.

As Hoppe points out, the problem is inherent to a political monopoly because those in the privileged position have an incentive to instigate conflict just to generate solutions that settle matters toward their own advantage.[[10]](#footnote-10) With this understanding, it becomes easy to comprehend why he would deem a compulsory monopoly justice and security provider, what is commonly accepted as modern state, the root of all evil.[[11]](#footnote-11) The entity created to safeguard private property becomes the very obstacle to the fulfillment of its own raison d’être. The monopoly state is the vehicle through which, to echo Bastiat,[[12]](#footnote-12) law gets perverted from a protector into an instrument of parasitism and plunder.

**Hoppean Insights**

The chief vector for undermining the property integrity principle exists in the cognitive space. Recognizing the role of intellectuals in shaping public perceptions about the alleged need for a monopoly state, Hoppe discounts the likelihood of countering prevailing narratives via conventional modes of influence, such as academia, mainstream media, or   
officially sanctioned think tanks. Instead, Hoppe proposes a “bottom up” strategy, akin to an open source intellectual insurgency targeting dispersed institutions, centers, and local action networks rallying around an ideological core.

That core, of course, is the private property legal order. Yet, Hoppe does not rely on moral intuition or religious appeals to build his case for a private law society. Instead, he builds upon the sure foundation of the action axiom,[[13]](#footnote-13) the key insight of praxeology that forms the basis of causal-realist political-economy.[[14]](#footnote-14)

First, human beings act. More specifically, humans act purposively, using means to satisfy ends in the physical realm of time, space, and form. Second, engaging in argumentation is an action intent upon making a truth claim that facilitates human understanding. Further, the act of argumentation is an acknowledgement that truth cannot be denied without presupposing its validity (for even disproving a claim distinguishes the existence of truth through its negation). Third, argumentation is cognitive activity aimed at establishing objective truth.[[15]](#footnote-15) The ethics of argumentation align with the Kantian Categorical   
Imperative, that is, to be justifiable, norms must be formulated so as to apply universally.[[16]](#footnote-16) In other words, one should act as though one’s own behavior were the accepted practice for everyone.

Combining the action axiom with the ethics of argumentation leads to a recognition of property rights that begins with self-ownership or, stated differently, that one owns their physical body and all the justly acquired material properties that have supported that individual’s life up to the moment of argumentative engagement. I am very thankful for a personal conversation with Professor Hoppe, as well as the additional commentary he gave in his 2016 speech to the Property and Freedom Society, in which he clarified this point.[[17]](#footnote-17) The very act of trying to influence someone on a particular topic, through dialogue rather than force, is to acknowledge their autonomous human agency.

Arguing against an individual’s self-ownership or prior possessions, using one’s own physical body and all that enabled that existence, is a performative contradiction that invokes the common and international law principle of estoppel, as Stephan Kinsella has effectively demonstrated.[[18]](#footnote-18) This understanding, that to argue inherently acknowledges an individual’s autonomous human agency, also dispenses with the criticisms of an a priori argumentation ethics—leaving the property integrity principle standing on solid, if not unassailable, ground.

The challenge, as is usually the case once establishing what is “right” (correct, valid, and salutary), is in the implementation. Libertarians are often criticized for holding utopian ideals and engaging in too much theoretical navel gazing while Leviathan’s noose tightens around their necks. Indeed, Professor Hoppe has at times stated that there is little to be done but to enjoy the implications of praxeological insights or, at other times, weep over the sorry state of world affairs.[[19]](#footnote-19)

Yet his work has also contributed to practical conceptions of what security and justice provision would look like in a property-centric legal order. Having established the “what” of legitimate legal theory, he also explores the “how” of defense production. The greatest challenge in this endeavor is overcoming the statist conditioning that limits the perception possibility frontier. In other words, security and justice institution building for a libertarian society begins with demolishing established orthodoxies in the cognitive domain.

**An Insurance Vignette**

Hoppe expands upon the idea of insurance companies as the likely primary provider of security and justice services in a society free from coercive monopoly governments. Effective protection is an insurer’s own financial interest due to the lower likelihood of damage claims and the corresponding operating cost reductions. Further, insurance companies already interface through transnational networks of arbitration, reinsurance, and settlement contracts.[[20]](#footnote-20)

The unhampered competitive insurance market would render an interesting dynamic to the legal field. On one hand, a baseline legal code would develop to suit the widest cross section of social groups through consensus, a common law that most any morally reflective people can agree too. I prefer and advocate for Richard Maybury’s simple formulation: Do all you have agreed to do (contract law) and do not encroach on others or their property (tort or criminal law).[[21]](#footnote-21) On the other hand, market competition will drive insurance providers to differentiate and specialize their product offerings, catering to diverse clientele, particularly for intra-group dispute resolution. Mosaic, maritime, merchant, ecclesiastical, and shariah law are just a few examples of legal code specialties various groups may subscribe to, and to which providers may tailor they offerings.

Yet, amid the variety of intra-group legal specialties and the unified inter-group common law code, the practical details of who and how security will be provisioned remains a conceptual challenge for many first exposed to the ideas of a private law society. The way insurance companies operate under the conditions of contemporary political entrapment tends to invoke either visions of a corporate-fascist dystopia or, at least, highly unfriendly customer experiences. The details on conflicting or overlapping coverage areas, whether security services will be vertically integrated with the insurance provider or subcontracted separately, and how premiums might be bundled with other services appear unfathomable.

One way of illustrating how the security and justice insurance industry could function came to me after arguing with a former law enforcement colleague over the merits of a libertarian legal order. We were both in agreement as to the general dysfunction and ineptitude in the politically captured and bureaucratically managed agencies with which we had experience, yet he could not encompass how the insurance model would work pragmatically. Later, it occurred to me that many of the issues he was trying to “figure out” were not all that consequential and, in fact, had largely been resolved in an existing market.

Since we were in South Florida and he would be driving home later that evening on the mostly long, flat, and straight country roads in the middle of the state, I posed the question of who he would call if he ran into a ditch and needed a tow truck. For the sake of simplicity, this scenario was a single vehicle accident without property damage and an otherwise fully functional car that simply needed to be pulled out of   
a rut yet, due to the desolation in a sparsely populated area, no neighbors or passersby were available to help.

If my former colleague had roadside assistance coverage from a provider like AAA (the American Automobile Association) and he was able to place a call to them on his cell phone, would it matter which wrecker service dispatched the tow truck? If the service arrived promptly and performed as required, would the name of the tow truck company or location of the corporate headquarters matter? The answer is, of course not.

What matters is that a client’s coverage and premium payments include roadside assistance. From there, one phone call to the insurance carrier activates the propriety network of service providers, whether they be a corporate subsidiary, in-network, or fully outsourced. The optimal arrangement will be conditioned by the market discovery process.

Those concerned with the possibility of such a free market system breaking down, allowing for failure, or letting some unfortunate individuals “slipping through the cracks” are either blind, willfully ignorant, or insufficiently experienced with the pitiful “coverage” and service provision under statist control. The existence of alternative providers, both in roadside assistance coverage and tow truck wrecker services, subject to profit or loss, makes customer satisfaction the essential point of focus. Therefore, the incentive structure dictates that market disciplined coverage will always outperform politico-bureaucratic provision in terms of quality and reliability.

With this illustration in mind, one can dismiss the bulk of concerns about “where” security and justice services will come from under the insurance-based model described by market advocates. Still, questions of territorial jurisdiction cannot be altogether disregarded. After all, most people currently live in areas governed by overlapping political entities claiming control of geographic space. This leaves three problems to solve: First, what actions will facilitate the transition away from the current coercive occupation arrangement? Second, how can people in a free society secure a territory from external aggressors while administering justice internally? Third, what will stop a monopoly state from forming in the liberated domain?

**Group Selection, Decentralization, and Secession**

Disentangling illegitimate political bonds is always a delicate matter with the potential for severe destructive consequences if executed unskillfully. When Mises described in his 1927 book *Liberalism* that whenever a group of people express a desire for political self-determination “their wishes are to be respected and complied with”, the implication is an expectation of compliance with the libertarian norm by other, likely non-libertarian, political actors.[[22]](#footnote-22) However, resistance to letting go of control over the resources in a seceding territory by the decremented regime often leads to hostilities. Most heads of state will ignore Mises’ “should” if they are not adequately deterred.

Sometimes a relatively amicable separation, such as when the Czech Republic and Slovakia reformed out of Czechoslovakia, is possible. However, secessionist movements must be prepared for the likelihood of obstruction, suppression, and retaliation by a former hegemon, regardless of how well structured the reasoned petition for peace is presented. The logical justification and procedures for the colonies to secede from Great Britain in 1776 did not prevent a brutal eight-year war with an uncertain outcome for most of its duration.

Within the American Declaration of Independence, however, was an appeal not only to the parent political organization but to rest of the world.[[23]](#footnote-23) Holding favor with the “opinions of mankind” was a crucial element to show that secession was an action in pursuit of justice, in alignment with legal principles, and within the rights of people seeking control of their own political destiny. It is comparatively easier for a government to manufacture a justification for suppressing fringe groups or dissidents of ill-repute. Therefore, maintaining legitimacy in the quest for self-determination weighs heavily in Hoppe’s treatment of the subject.

The strategic lines of effort for political decentralization begin with a policy of non-provocation, both toward fellow inhabitants of a liberated territory as well as that of the former regime. This is, in essence, a practical application of the axiomatically derived legal principle of non-encroachment upon person or property for which a private law society is striving toward. The right to be left alone and to leave others alone, up to and including ostracism, is a powerful weapon in the arsenal of liberty.[[24]](#footnote-24) Non-compliance with officers of an illegitimate government was the strategy posited in *The Federalist Papers* to protect the equities of member states in a compound republic.[[25]](#footnote-25)

That this tactic, along with reliance on a member-state distributed militia system for executing the laws, repelling invasions, and suppressing insurrections to prevent centralization of power in the general government, has failed is more a function of ideological and cultural degradation, an unwillingness to follow through, rather than a fault in the principles themselves. The importance of a widespread will to be free, to recognize what actions or abstentions are necessary to achieve freedom, and adhering to those principles over time amid countless human interactions is a crucial aspect of libertarian strategy.[[26]](#footnote-26) Additionally, maintaining the forbearance to not provoke agents of the prior government and not indulge in property violations, such as taxation, commandeering, or other expropriations, upon the liberated territory’s inhabitants, is indispensable to a free society’s legitimacy and survival.

These cultural attributes require a certain discipline that further rely upon group selection, leadership, and tutelage. Malefactors, provocateurs, and those prone to erratic behavior must be weeded out from   
a free society so as to avoid provoking a retaliatory strike or justification for invasion from hostile neighbors. Enforcement of expected social norms inculcate the non-aggressive, civilized conduct expected with an indemnified insurance protection arrangement.[[27]](#footnote-27)

These qualities are readily cultivated through militia training, the key identifying feature of a free society. If the assertion that “political power grows from the barrel of a gun” holds any validity, it necessarily  
follows that an armed population is indispensable to political self-  
determination. Avoiding the centralization of political power requires an armed equilibrium that prevents concentration, particularly by those holding public office.

Limiting the group and territorial size of the liberty movement has strategic advantages. The modern goal of having a myriad competing polities, like Liechtenstein, Monaco, Hong Kong, Singapore, or the Swiss cantons, follows the historical example of Medieval Europe where political leaders, in contrast to a “divine right” of kings, were in actuality simply the “first among equals” and subject to the same standards of a, universally applicable, natural law.[[28]](#footnote-28) Small political communities are, of necessity, humble and frugal. They must treat their members well or face desertion. They are also inclined to pursue free trade policies and cordial relations with neighboring territories.

Hoppe is not completely averse to government per se and, in appreciation for the “ultra-reactionary” Karl Ludwig von Haller’s *Restoration of Political Science*, even acknowledges a place for “natural states”, both of the monarchical and republican varieties, where the right to defend person and property “in accordance with the principles of natural law” is not a characteristic exclusive to states, but is retained by everyone equally.[[29]](#footnote-29) Hoppe also notes Haller’s preference for small principalities and republics that are independent, quasi-corporate entities whose exercise of rights remain categorically the same as any other citizen but differ by degree. The essential element is that individuals retain the option to sever or alter the bonds of service or dependency according to the conditions of one’s agreements and relationships.

While any early secession attempt is vulnerable to suppression, the chances of success are enhanced by a distributed organizational structure with no pivotal leader, node, or center of gravity to capture.   
A monopoly state will have a much harder time holding on to breakaway or non-compliant communities if multiple areas assert their independence simultaneously. Accordingly, a greater variety of affinity groups going their own way, so long as they abide by the legal core of property integrity and non-aggression, the better and more resilient the chances of success become. This holds equally true whether the movement be toward complete independence or a “soft secession” characterized by nullification and insistence on local autonomy within an existing political framework.[[30]](#footnote-30)

**The Rough Combination**

Hoppe’s treatment of security and justice production in a private law society focuses largely on anticipating how the insurance model would function under stateless conditions. Included in that analysis is mention of self-defense, professional defense services, and mutual security associations, yet also a characterization of the American militia institutions as atavistic and impractical for addressing contemporary issues.[[31]](#footnote-31) This, of course, aligns with his exposition on the errors of classical liberalism that allowed for a supposedly limited government that enjoys a territorial monopoly of jurisdictional authority coupled with the power to tax. The U.S. Constitution failed to secure the blessings of liberty due to some structural errors, yet mostly from an unwillingness of the member polities to countermand the inclination toward centralization, despite their structural power to do so.

This returns us to the cognitive domain. For the marginalization of the militia system and the imposition of unbridled taxation and other property violations stems from the erroneous belief in “the government” or “the state” as an exogenous actor, separate from the people holding office and alienated from the citizenry. Undoubtedly, Rothbard’s *Anatomy of the State* lays bare the divide between those wielding monopoly state power those that are victims it.[[32]](#footnote-32) However, as Hasnas rightly points out, there is no such thing as the administration of law without individuals, replete with personalities, desires, and biases, and believing in disembodied rule enforcement is fallacious.[[33]](#footnote-33) Accordingly, the same problems have the potential for arising amid the ambitions of aspiring tyrants who gain power and influence in either a minimal state or at the helm of   
a powerful insurance company.

It is the myth of the rule of law that first must be dispelled before real reconstruction toward a property-centered legal order can commence. Security and justice cannot be completely outsourced. Libertarian societies must have a mechanism for arresting any incitement toward monopoly state formation. It is in this spirit that Stromberg estimated free societies would require a “rough combination” of insurance companies and organic militia.[[34]](#footnote-34) It is this somewhat neglected field that warrants further exploration to compliment Hoppe’s work on the subject.

Recall the key characteristics of militia, as adopted into the United States Constitution (Article 1, Section 8, Clause 16) is that they are organized, armed, and disciplined. Having weapons is insufficient without the requisite training and institutional frameworks to skillfully employ martial capacity toward lawful purposes. Further, an organized force will overwhelm isolated individuals or groups that lack communications and support networks. More importantly, the militia must be considered legitimate by the community at large.

To these ends, the militia as an institution of self-government is an indispensable vehicle for both social transformation and practical implementation. Even if the plan is to employ decentralized guerrilla tactics or partisan warfare in the event of foreign invasion, training and preparations for that type of contingency can, and should, begin well in advance of the incident along the lines of the Total Resistance that Major Hans Von Dach advocated for from Switzerland in the face of a Soviet threat.[[35]](#footnote-35) Developing linkages, affinity groups, and defense networks provides an avenue to build resilient communities, involving much more than just actual combatants, that may even provide adequate deterrence to invasion.

While one of the maxims of war is to always prepare for the worst-case scenario, another is to avoid destructive conflict whenever possible. Order maintenance through law enforcement is also a function assigned to the militia. Article 1, Section 8, Clause 15 of the U.S. Constitution tasks the militia with executing the laws, repelling invasions, and suppressing insurrections. This mission set distinguishes the militia from the military. Further, Article 2, Section 2 lists the “militia of the several states”, and only the portion of those member state institutions that are temporarily “called forth” into service to the federation, as categorically distinct from the Army and Navy. Keep that in mind. The militia, by charter, are decentralized law enforcement.

Subject to statist indoctrination, socialist conditioning, and general political apathy, the American people have forgotten that the “free and independent” States that signed the Declaration of Independence, in effect, contracted the general government into existence and still retain the preponderance of the authorities within the federation. Moreover, the key source of ultimate political power, that which grows from the barrel of a gun, remains vested, in a distributed fashion through the member States, in the hands of each and every able-bodied citizen. The States maintain control of appointing officers and training militia, and, through this authority, could also choose largely how the “laws of the union” will be implemented at the local level. In this way, insisting that the local militia, composed of the citizenry themselves, execute the laws provides a significant check valve on what legislation gets carried into effect as well as the manner in which it is carried out.

This offers tremendous potential for halting centralizing impulses, as well as unlawful legislation and regulations, within a federation that is supposed to guarantee to “every state” in the union its own republican form of government.[[36]](#footnote-36) I am very appreciative of Dr. Edwin Vieira’s historical and legal perspectives on how the “militia of the several states” could be revitalized toward solving present-day political dilemmas.[[37]](#footnote-37) Recognizing that all police, sheriffs, special agents, or other tax-funded  
enforcement officers must be, since these terms do not exist in the contractual operating charter, legally subordinate to the only constitutional institutions designated to “execute the laws” breaks the monopoly on the use of force (Hoppe’s root of all evil) and restores popular sovereignty.[[38]](#footnote-38) Moreover, the main task of the militia is not war fighting but law enforcement and, when done with due process through citizen-based grand jury indictments, consists mainly in arresting rogue officials that violate the limited terms of delegated authority.[[39]](#footnote-39)

The “rough combination” of contracted services and partisan self-defense organizations deserves further research to explore the details of operational practice. I maintain that any population in a free society must be “organized, armed, and disciplined” in order to prevent any entity, whether it be a minimal government, insurance firm, or other contracted security provider, from engaging in monopoly state making. In the field of security and justice, history shows that hired help often try to alter the arrangement and subjugate the populations they were hired to protect. While the phenomenon can be found in myriad globe-spanning case studies, Jason Morgan terms this the Pinkerton-samurai rule.[[40]](#footnote-40)

Therefore, a private law society must do more than just “do not provoke” and “be armed” as described in Hoppe’s 2023 speech to the Property and Freedom Society.[[41]](#footnote-41) Fortunately, inculcating the organized, armed, and disciplined culture “necessary to the security of a free state”, as opposed to a monopoly state, also supports many other aspects of   
a Hoppean social order.

**Thin Law, Thick Culture**

Despite naive calls for a “live and let live” libertarianism, Hoppe has pointed out that establishing, maintaining, and defending a private law society requires much more than adhering to a principle of non-aggression.[[42]](#footnote-42) The cultural attributes of a society capable of upholding a private property legal order will be, of necessity, conservative.

To illustrate, my time in law enforcement and experience with responding to numerous noise complaints and neighbor disputes, and issuing infraction tickets to “boom car” nuisances led me to tell lots of people that they have the right to listen to their music as loud as they want but cannot force anyone else to hear it. Statutory law allowed for issuing a fine to any vehicle whose sound emanated beyond twenty-  
five feet, or less if in the vicinity of schools, churches, hospitals, or residences. Strict liability against all forms of property invasions, to include every conceivable form of pollution, would lead to social expectations for people to not make their negligence anyone else’s burden.[[43]](#footnote-43) Still, a conservative legal standard is not self-executing.

Ultimately, no amount of law enforcement can compensate for an uncivil society. Shared values and behavioral norms are the most important line of defense in pedestrian life as well as crises. In short,   
organic community is the key to a successful, defined as relatively peaceful, harmonious, and prosperous, legal and social order. Having the “whole people except the few public officials” organized, armed, and disciplined in order to execute the law, repel invasions, and suppress insurrections sets the foundation for building robust and resilient self-governing communities.[[44]](#footnote-44) In this, bringing people together for purposes of training and preparing to meet these civil imperatives offers the greatest potential for social transformation.

Not everyone needs to become a weapons expert or devote their lives to perfecting close quarters battle to field a revitalized militia capable of deterring political usurpations, abuses, or tyrannical designs. Since the only valid law worthy of enforcement involves protecting people and property, and upholding agreements for the exchange of property, the socially enervating effects of politically perverted law enforcement activities (e.g. the war on drugs) would disappear. Instead, local communities could better direct their time, attention, and resources toward addressing heterogenous security concerns germane to their particular circumstances.

Moreover, while I personally might have a preference for near universal participation, there is no need to mandate anyone into performing this civic duty. The shift from compulsory militia service to partially privatized and largely voluntary units following the War of 1812 saw increased popular involvement and campaign performance leading up to the, so-called, 1861–1865 Civil War.[[45]](#footnote-45) Modern efforts in a private law society, where there would be no tax-funded state subsidies for ball-chasing sports, could encourage participation through corporate sponsorships and various competitions, a “militia Olympics” to expand on the idea presented by Mary Ruwart, fashioned after the present-day SWAT roundups involving individual skills, team problem solving, and leadership reaction challenges.[[46]](#footnote-46) Building training institutions along these lines would provide a rallying point for community pride, an incubator of civic duty, and a proving ground for the “natural elites” that feature prominently in Hoppe’s framework.

**Conclusion**

Professor Hoppe’s elucidation of legal principles provides clear guidance on how security and justice production should be organized while also building market-based solutions to the problem of conflict over scarce resources. He admits to a, very reasonable, bias for peace, social harmony, and human flourishing while sharply diagnosing the institutional causes of decivilization, perpetual crime, and societal strife. His insights can be life changing for those willing to follow the train of logic. I know they were for me. My view of military and law enforcement activities under political control and bureaucratic management irrevocably transformed. The task now is to follow through on Hoppe’s advice: Withdraw consent from the monopoly state, promote its delegitimization, assert the right to self-defense, and turn to that rough combination of militia and market-based providers for all matters of protection and conflict resolution.[[47]](#footnote-47)

1. Absurdistan is a term describing the insane asylum known as democracy run by megalomaniacs on display in contemporary culture and politics. It was used in his 2015 speech to the Property and Freedom Society in Bodrum, Turkey and capture in his 2018 book, *Getting Libertarianism Right*. https://mises.org/library/getting-libertarianism-right [↑](#footnote-ref-1)
2. Mises, L. V. (1944). *Bureaucracy*. Mises Institute. http://mises.org/document/875/Bureaucracy [↑](#footnote-ref-2)
3. Hoppe, H.-H. (2003). *The Myth of National Defense: Essays on the Theory and History of Security Production*. (ePub ed.). Mises Institute. http://mises.org/library/myth-national-  
   defense-essays-theory-and-history-security-production [↑](#footnote-ref-3)
4. Molinari, G. D. (1849). *The Production of Security* (ePub (2011) ed. Vol. 2). Center For Libertarian Studies. https://mises.org/library/book/production-security [↑](#footnote-ref-4)
5. Tannehill, M., & Tannehill, L. (1970). *The Market for Liberty* (ePub, 2007 ed.). Mises Institute. http://mises.org/document/6058/The-Market-for-Liberty [↑](#footnote-ref-5)
6. Rothbard, M. N. (1970). *Man, Economy, and State: A Treatise on Economic Principles with Power and Market: Government and the Economy, Scholar’s Edition* (ePub, 2nd Scholar’s ed.). Mises.org. https://mises.org/rothbard/mes.asp, especially Ch.1 of Power and Market. [↑](#footnote-ref-6)
7. Benson, B. (2011). *The Enterprise of Law: Justice Without The State*. Independent Institute. [↑](#footnote-ref-7)
8. Hans-Hermann Hoppe, “PFP254 | Hans-Hermann Hoppe, “The War in the Ukraine in Libertarian Perspective” (PFS 2023),” Property and Freedom Podcast (Oct. 13, 2023); Tzu, S. (2009). *The Art of War: Translation, Essays, and Commentary by the Denma Translation Group* (ePub ed.). Shambhala. [↑](#footnote-ref-8)
9. Mises, L. V. (1927). *Liberalism: In the classical tradition*. http://mises.org/document/  
   1086/Liberalism-In-the-Classical-Tradition; see also idem, Liberty and Property (Auburn, Ala.: Mises Institute, 2009; https://mises.org/library/book/liberty-and-property). [↑](#footnote-ref-9)
10. Hoppe, H.-H. (2012). *The Great Fiction: Property, Economy, Society and the Politics of Decline* (ePub ed.). Laissez Faire Books. Ch.11. [↑](#footnote-ref-10)
11. Hoppe, H.-H. (1997). *What Must Be Done* (ePub ed.). Mises Institute. https://mises.org/document/4365/What-Must-Be-Done [↑](#footnote-ref-11)
12. Bastiat, F. (1850). *The Law* (ePub ed.). Mises Institute. http://www.mises.org/  
    document/2731/The-Law [↑](#footnote-ref-12)
13. Hoppe, H.-H. (2007). *Economic Science and the Austrian Method* (ePub, 2nd ed.). Mises Institute. http://mises.org/document/94/Economic-Science-and-the-Austrian-Method [↑](#footnote-ref-13)
14. Salerno, J. T. (2010). Menger’s causal-realist analysis in modern economics. *The Review of Austrian Economics*, 23(1), 1-16. https://doi.org/10.1007/s11138-009-0096-2 [↑](#footnote-ref-14)
15. Hoppe, H. H. (2010). *A Theory of Socialism and Capitalism* (ePub ed.). Mises Institute. http://mises.org/document/431/Theory-of-Socialism-and-Capitalism-A [↑](#footnote-ref-15)
16. Kant, I. (1804). *Fundamental Principles of the Metaphysics of Morals*. Public Domain. https://books.apple.com/us/book/fundamental-principles-of-the-metaphysic-of-morals/id501616036 [↑](#footnote-ref-16)
17. Hoppe, H.-H. (2016). *On The Ethics of Argumentation*. 2016 Meeting of the Property and Freedom Society. https://www.lewrockwell.com/2016/10/hans-hermann-hoppe/ethics-argumentation/ [↑](#footnote-ref-17)
18. Kinsella, S. (2023). “A Libertarian Theory of Punishment and Rights” and Dialogical Arguments for Libertarian Rights,” in *Legal Foundations of a Free Societ*y (Houston, Texas: Papinian Press, 2023). [↑](#footnote-ref-18)
19. Hoppe, H.-H. (2022). Growing to Understand Contemporary Germany and Weep — Part II. https://www.lewrockwell.com/2022/10/hans-hermann-hoppe/growing-to-understand-contemporary-germany-and-weep-part-ii/ [↑](#footnote-ref-19)
20. Hoppe, H.-H. (2003). Government and the private production of defense. In *The Myth of National Defense: Essays on the Theory and History of Security Production* (ePub ed.). Mises Institute. http://mises.org/library/myth-national-defense-essays-theory-and-history-security-production [↑](#footnote-ref-20)
21. Maybury, R. (2004). *Whatever Happened to Justice?* Bluestocking Press. [↑](#footnote-ref-21)
22. Mises, L. V. (1927). *Liberalism: In the classical tradition* (ePub ed.). Mises Institute. http://mises.org/document/1086/Liberalism-In-the-Classical-Tradition [↑](#footnote-ref-22)
23. Jefferson, T. (1820). *The United States Declaration of Independence* (ePub ed.). Public Domain. [↑](#footnote-ref-23)
24. Benson, B. (2011). *The Enterprise of Law: Justice Without The State* (ePub ed.). Independent Institute, particularly chapter 14. [↑](#footnote-ref-24)
25. Hamilton, A., Madison, J., & Jay, J. (1788). *The Federalist Papers* (ePub ed.). Public Domain. [↑](#footnote-ref-25)
26. Hummel, J. R. (2003). The will to be free: The role of ideology in national defense. In H.-H. Hoppe (Ed.), *The Myth of National Defense: Essays on the Theory and History of Security Production* (pp. 347–374). http://mises.org/document/1092/Myth-of-National-  
    Defense-The-Essays-on-the-Theory-and-History-of-Security-Production [↑](#footnote-ref-26)
27. Hoppe, H.-H. (2001). *Democracy: The God That Failed: The Economics And Politics Of Monarchy, Democracy, And Natural Order* (ePub ed.). Transaction Publishers. Chapter 13. [↑](#footnote-ref-27)
28. Hoppe, H.-H. (2001). *Democracy: The god that failed: The economics and politics of monarchy, democracy, and natural order* (ePub ed.). Transaction Publishers. Chapter 11. [↑](#footnote-ref-28)
29. Hoppe, H.-H. (2023). The Ultra-Reactionary as a Radical Libertarian: Carl Ludwig von Haller (1768–1854) on the Private Law Society. In D. Howden & P. Bagus (Eds.), *The Emergence of a Tradition: Essays in Honor of Jesús Huerta de Soto, Volume II* (pp. 111–130). Springer International Publishing. https://doi.org/10.1007/978-3-031-17418-6. Pg. 124. [↑](#footnote-ref-29)
30. Deist, J. (2023). *A Strange Liberty: Politics Drops Its Pretenses* (ePub ed.). Mises Institute. Chapter 29. [↑](#footnote-ref-30)
31. Hoppe, H.-H. (2001). *Democracy: The God That Failed: The Economics And Politics Of Monarchy, Democracy, And Natural Order* (ePub ed.). Transaction Publishers. Chapter 13, Section IV. [↑](#footnote-ref-31)
32. Rothbard, M. N. (1974). *Anatomy of the State* (ePub ed.). Mises Institute. http://mises.org/library/anatomy-state [↑](#footnote-ref-32)
33. Hasnas, J. (2007). The myth of the rule of law. In E. Stringham (Ed.), *Anarchy And The Law: The Political Economy Of Choice* (4th Paperback ed., pp. 163–192). Independent Institute. [↑](#footnote-ref-33)
34. Stromberg, J. R. (2003). Mercenaries, guerrillas, militias, and the defense of minimal states and free societies. In H.-H. Hoppe (Ed.), *The Myth of National Defense: Essays on the Theory and History of Security Production* (ePub ed., pp. 215-238). Mises Institute. [↑](#footnote-ref-34)
35. Dach, H. V. (1965). *Total Resistance: The Swiss Army Guide to Guerilla Warfare and Underground Operations* (ePub ed.). [↑](#footnote-ref-35)
36. Article 4, Section 4, United States Constitution: [↑](#footnote-ref-36)
37. Vieira, E. (2012). *The Sword and Sovereignty: Constitutional “Homeland Security”, Volume Two* (PDF ed.). [↑](#footnote-ref-37)
38. Kramer, L. D. (2004). *The People Themselves: Popular Constitutionalism and Judicial Review*. Oxford University Press. [↑](#footnote-ref-38)
39. Younger, R. D. (1963). *The People’s Panel: The Grand Jury in the United States, 1634–1941*. Brown Publishing Company. [↑](#footnote-ref-39)
40. Morgan, J. (2021). *Private Security Isn’t Enough: Why America Needs Militias*. https://mises.org/mises-wire/private-security-isnt-enough-why-america-needs-militias [↑](#footnote-ref-40)
41. Hoppe, H.-H. (2023). *On Centralization, Decentralization, and Self-Defense*. https://www.lewrockwell.com/2023/10/hans-hermann-hoppe/on-centralization-decentralization-and-self-defense [↑](#footnote-ref-41)
42. Hoppe, H.-H. (2018). *Getting Libertarianism Right* (ePub ed.). Mises Institute, chapters 3 and 4. [↑](#footnote-ref-42)
43. Rothbard, M. N. (1973). *For A New Liberty: The Libertarian Manifesto* (ePub ed.). Mises Institute, chapter 13. [↑](#footnote-ref-43)
44. George Mason’s definition of the militia. Mason, G. (1788). *Debate in Virginia   
    ratifying convention, 14 june 1788*. https://press-pubs.uchicago.edu/founders/documents/a4\_4s9.html [↑](#footnote-ref-44)
45. Hummel, J. R. (2001). The American militia and the origin of conscription:   
    a reassessment. *Journal of Libertarian Studies*, 15(4), 29–77. [↑](#footnote-ref-45)
46. Ruwart, M. J. (2015). *Healing Our World: The Compassion of Libertarianism* (ePub ed.), chapter 20. [↑](#footnote-ref-46)
47. Hoppe, H.-H. (2001). *Democracy: The God That Failed: The Economics and Politics of Monarchy, Democracy, and Natural Order* (ePub ed.). Transaction Publishers, chapter 12. [↑](#footnote-ref-47)