THE DEVIL HAS NO LEASH – A REPLY TO AXEL KAISER

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Axel Kaiser (2023) in his contribution titled "The Devil by the Horns" to the Festschrift *The Emergence of a Tradition: Essays in Honor of Jesús Huerta de Soto*, Vol. II, argues in favor of limitating the state instead of abolishing it altogether. He favors the minimal state over anarchocapitalism. In his contribution the classical liberal Kaiser offers arguments against the anarcho-capitalist position of Jesús Huerta de Soto (2009; 2025). Kaiser´s article is friendly in tone and comes from a classical liberal who has earned great merits in the struggle for the ideas of liberty. It is pertinent to revisit Kaiser´s arguments carefully, to examine its merits in order to get closer to the truth and respond to them strengthening the case of anarcho-capitalism. This article addresses the main concerns Kaiser has with anarcho-capitalism.

Human nature

The first argument that Kaiser brings forward refers to the allegedly different views on human nature by classical liberals and anarchocapitalists[1]. Kaiser (2023, p. 168) writes:

> "To my mind, the main difference between anarchocapitalists and classical liberals is one of attitude. Classical liberals are pessimists while anarchocapitalists are optimists. Unlike anarchocapitalists

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[1] For an overview of the different groups that defend liberty, i.e. classical liberals, neoliberals, libertarians, minimal statists and anarchocapitalists see Bagus (2025, ch. 5).

> like Huerta de Soto, classical liberals believe that the devil cannot be destroyed. All we can do is to learn how to live with it. For classical liberals it is human nature itself what carries the seeds of its own destruction and the best we can do is to tame it."

To my mind, Kaiser wants to say here several things. He argues that anarchocapitalists are optimists concerning the possibility of eliminating the state and classical liberals are pessimists in this regard. Yet, he also seems to make the claim that anarchocapitalists and classical liberals differ fundamentally on their view on human nature. Kaiser argues that anarchocapitalists believe that evil (devil) can be eliminated, while classical liberals do believe that evil can only be tamed. In this vein, we find also Kaiser´s (2023, p. 168) reference to James Madison`s famous dictum: "If men were angel, no government would be necessary." In other words, if the anarchocapitalists optimist view on human nature would be true and evil could be eliminated, then anarchocapitalism would be possible. But as men are not angel and evil cannot be eliminated but only tamed, we should go for the minimal state recommended by classical liberals such as Kaiser.

In my view Kaiser´s argument is based on a misunderstanding. The position attributed to anarchocapitalists concerning human nature is not one they actually hold. Anarchocapitalists in general and Huerta de Soto in particular are realists concerning human nature. They do not claim that evil (or the devil, which lurs human beings into committing evil) could be eliminated. Nor do anarchocapitalists need such a claim for their argument in favor of anarcho-capitalism. There will always be evil in the human world.

There will always be criminals. Men are not angels. Indeed, one could respond to James Madison and turn his argument around by saying: "If men were angels, government would be no problem." If the members of government were angels, they would not tax and regulate their fellow citizens. They would leave the payment of "taxes" to the voluntary choice of citizens. Governments would not exploit the monopoly of coercion. They would not violate private property even though they legally could do so. The problem is precisely that men are not angels. For this reason, states must be eliminated.

From the anarchocapitalist perspective it is the classical liberals that appear to be optimists, when they believe that the state's power can be limited. Anarchocapitalists hold a realistic perspective on human nature. They maintain that the nature of men does not change when they enter government. Men do not start to behave suddenly like angels once they enter government office. Quite the contrary, the temptation to use legal coercion to obtain one´s personal ends, brings out the darkest side of human nature and attracts the characters most susceptible to it.

Both classical liberals and anarchocapitalists recognize that there is a dark side of human nature. The question is how to restrict evil most effectively. The answer to this question is not conditioned or determined by psychological attitudes but provided by theoretical analysis.

The state by its very nature is based on coercion and the violation of private property. It is based on evil. Even Kaiser (2023, p. 168) admits that "the state has often become the most destructive and criminal organization of all." Instead of limiting itself, the state will systematize and expand evil tending to continuously grow. It is utopic to believe that the territorial monopolist of coercion, i.e. the state, will limit itself and reduce evil, precisely due to human nature (Huerta de Soto 2009)[2].

There is neither ethical nor economic justification for a monopolist of coercion. There is no good or service that cannot be offered in a dynamically efficient manner in the market process by entrepreneurs that compete in satisfying the needs of their fellow men with better products at lower prices. All goods and services can be offered in the market process. Cheaper, better, and more just than by the state.

The state does not have the instruments or knowledge to improve the results of the market process. The state is faced with

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[2] As Huerta de Soto (2009, p. 162) states: "economic science has shown: (a) that the state is unnecessary; (b) that statism (even if minimal) is theoretically impossible; and (c) that, given human nature, once the state exists it is impossible to limit its power." On the classical liberals he points out: "It is absolutely necessary to overcome the utopian liberalism of our predecessor, the classical liberals, who were both naïve in thinking the state could be limited, and incoherent in failing to carry their ideas to their logical conclusion and accept the implications." See also Huerta de Soto (2025).

the problem of economic calculation. State planners cannot know what are the most urgent needs of market participants and how to satisfy them dynamically efficiently (Huerta de Soto 2010; Mises 1981). The problem of economic calculation also applies to the production of security (Hoppe [2003]; Huerta de Soto 2009). The state does not know what type and quantity of security should be produced and in which manner. On the contrary, private security providers in a competitive process strive to minimize the violation of property rights, thereby reducing evil in society. Through private agencies the prevention, repression, and punishment of crime at a private level would not only be feasible, but also much more efficient, cost-effective, and just.

Even more importantly, in anarchocapitalism institutions can thrive that limit evil by encouraging and promoting moral behavior. Among these institutions stand out the traditional family as a unit of compassion and transmission of values, such as love of justice, truth, hard word, friendship, honesty, love, discipline, effort, responsibility, low time preference, among others. Another important institution is Christianity which teaches to love your neighbor and to follow the 10 commandments which imply the sanctity of private property rights (Hoppe 2020). Christianity is not only aligned with anarchocapitalism but also promotes its stability.

In an anarchocapitalist society the family and Christianity may thrive and, thereby, in a positive feedback loop lower time preference and increase societal bonds and stability. The state, on the contrary, tries to maximize its power. Civil institutions restrict state´s power. Thus, the state is a natural enemy of both the family and Christianity. The state tends to destroy these institutions, giving rise to moral relativism, higher time preference and weakening societal bonds.

Has violence been reduced thanks to the State?

Kaiser (2023) makes the case that the formation of states reduced the violence that existed in pre-state societies. In his historical narrative he recurs to Franz Oppenheimer (1990) who defined political means as violent means to achieve wealth in contrast to

economic means that are voluntary and market based. Political means have been employed by pirates, bandits and criminal gangs. Kaiser considers the level of violence in human history to be very high before and during state formation, but "[o]nce the state has been formed […] violence is reduced and the space for a civilized life becomes possible." (p. 169)

For his argument Kaiser relies on the work of Steven Pinker (2012). Pinker maintains that the average percentage of population being killed was 15% in prehistoric societies. In hunter-horticulturalist and other tribal societies it was 14%, and in hunter-gatherer societies 24,5%. The killing rate fell dramatically under the auspices of the modern state with spikes of 2% in the seventeenth century and 3% in the first half of the 20th century (cited in Kaiser, 2023, pp. 169-170).

There are several problems with Kaiser´s argument based on Pinker.

First, Oppenheimer (1990) made it clear that the first states were constituted by stationary bandits. These bandits realized they would be better off not to raid and kill but subdue their victims systematizing the coercion. Instead of looting, burning and killing the producers, these bandits settled next to producers to enslave them and expropriate their production. It was not angels but criminals that formed the first states. The intention of state formation was not to reduce violations of private property rights but to make these violations more profitable for the exploiters.

Second, the historical evidence is disputed and more complex. The data of mortality rates from prehistoric societies are not more than informed guesses. Moreover, Pinker´s and Kaiser's narrative does not hold. The mortality rate of wars between modern states is much higher than it was in the mercenary wars of the Middle Ages[3]. The Middle Ages, in this sense, were less violent.

In fact, the Middle Ages can be seen as a stateless period (Bassani and Lottieri 2003; Hoppe 2020)[4]. As Hoppe (2020, p. 167) points

[3] Civillo and Taleb (2017) dispute that from 1500 onward there was a fall in war violence. Rather, the death of non-combatants in wars increased.

[4] For the case of Medieval Iceland as an example of a stateless society see Friedman (2014).

out: "The study of the Middle Ages and Latin Christendom shows that… for a lengthy historical period, peace was successfully maintained without a state and thus without open renunciation of libertarian and biblical precepts."

In the Middle Ages there was no absolute or monopolistic authority but rather a "great multitude of competing, cooperating, overlapping and hierarchically ordered ranks of social authority." (Hoppe, 2020, p. 168).

Moreover, the historical evidence provided by Pinker to bolster his argument relies on comparing killing rates of different regions. It is a comparison of apples and oranges. Especially comparing killing rates within tribal societies outside of Europe with the rates within modern European states does not make much sense. The culture in European states, in contrast to tribal societies, is shaped by the values of Christianity and the morals, traditions and necessities of market economies. Furthermore, these comparisons do not consider the differences in physical and mental endowments of the people living in the regions compared (Hoppe 2020, p. 181). Indeed, when focusing only on Europe Pinker´s data shows another picture. Pinker´s data suggests that the time from 1400-1600 enjoyed the lowest level of violence (Hoppe, 2020, p. 182), i.e. before the rise of the modern state.

Third, genocides and the murder of people by its own state reached enormous proportions in the 20th century. As Rummel (2002) in his work *Death by Government* shows, more than 170 million non-combatants were killed by governments in the 20th century, with the USSR leading before Mao´s China and national socialist Germany. The greatest danger for life, liberty and property in the 20th century has been the state. The human tragedies that occur when the classical liberal attempts to limit the state fail are horrendous. The danger of having such an institution as the state whose power is impossible to limit cannot be justified. 170 million deaths speak of it. The state represents too great a risk to be worth the gamble.

In contrast to Pinker's claim, which Kaiser builds his case upon, the proportion of the world population killed in conflicts reached an high in the 20th century according to data from the United Nations

cited in Ammous (2022, p. 203)[5]. In the 16th century 0.32 percent of the world's population was killed in conflicts. This number rose to 1.05 percent in the 17th century, falling slightly to 0.92 percent in the 18th century, rising to 1.65 percent in the 19th century, and rising to 4.35 in the 20th century. According to these numbers the proportion of people killed in conflicts rose with the rise and growth of the state. They seem to contradict Kaiser's thesis that the state reduces violence.

Fourth, assuming that the killing rate has fallen it may be not due to the state but in spite of the state. There is no doubt that the world has become more civilized as was already pointed out in Norbert Elias´ [1939]1994) famous work *The Civilizing Process*. During the civilizing process self-control over emotions such as aggression, sexuality and bodily function increased.

However, as Hoppe (2000, p. 176) argues this refined behavior is not the result of the state. Rather, it is the result of institutions that formed at the margin of the state such the market economy and Christianity. These institutions promote and foster a more civilized, respectful, harmonious and peaceful cooperation and were fundamental to bring down killing rates and violence in general. Especially, the division of labor (and knowledge) in the market economy with the mutual dependence of its participants made sheer power less important for survival than friendly and mutually beneficial market cooperation. Contributing to this evolution was a general fall in time preference beyond the background of Christian values. In short, the civilizing process occurred despite the growth of the modern state.

Fifth, while killing rates may have fallen, it may be that other forms of violence have increased. Victims may just have given up to resist the attacks of the criminal gangs that became rulers. La Boétie (2012) explained the reasons for this voluntary servitude. Humans begin to accept their chains as they become accustomed to them. They are made dependent on the state. They internalize obedience due to indoctrination and fear and lose their moral courage.

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[5] In order to grow the state manipulates money. Wars have been more in number, become longer and more violent due to the abolishment of the gold standard and the introduction of fiat money on part of the states (Ammous 2022). Financing wars with money printing allowed the state to hide the costs from the population leading to longer and total wars.

Exploitation becomes more efficient, orderly and less openly violent as people succumb to voluntary servitude. Exploiters and exploited enter a stable and superficially peaceful master-slave relationship. While open violence is reduced, there is still the threat of violence in the case of resistance. It is just a different, more refined form of violence. The threats of violence maybe have increased and become more systemic as victims gave up resisting. To declare a reduction in open violence as a sign of civilization without looking at the systemic threats of violence is bizarre. When resistance against violence stops, superficially society becomes more peaceful. But the systemic violence may continue and even rise. From Pinker´s perspective any violence occurring in a tax revolt or the uprising in the Warsaw Ghetto must be considered a sign of decivilization. And as Hoppe (2020, 179) points out, an efficiently run forced labor camp with no open violence would be a very civilized place in Pinker´s eyes.

Tying into Pinker´s line of reasoning is Kaiser's defense of the classical liberal definition of "liberty as the absence of arbitrary coercion" (Kaiser, 2023, p. 170). In this view, coercion is not a problem if it is foreseeable, systematic and known in advance, but only if it is random, arbitrary, and chaotic. Using such a definition an attack of bandits on a village would be a violation of liberty, while a democratically imposed, systematic and foreseeable sales tax would not infringe on liberty. Yet, both are just different forms of private property violations.

Following his definition of liberty, Kaiser (2023, p. 171) maintains that "government is the response to tribal violence and classical liberalism is the response to unchecked state violence". Yet, as we have seen, government is the successful attempt of the exploiters in tribal societies to increase their extraction from the exploited, while classical liberalism is the unsuccessful and utopian attempt to limit the power of the state.

Can anarchocapitalism be stable?

Kaiser (2023) brings forward the common argument that an anarchocapitalist society would not be able to survive in a world with

states. And states exist all over the world. The non-existence of anarchocapitalist societies is evidence to Kaiser, that anarchocapitalist societies are not sustainable over time. He also argues that a territory would need a standing army to defend itself successfully, something he thinks to be impossible without taxation. Furthermore, according to Kaiser small states are not conquered by bigger states because they form alliances with other big states that protect them. In other words, not even small states would be able to survive on their own.

Several points must be replied.

First, while states do exist all over the world they did not do so all the time as numerous examples illustrate, among them the case of the Christian Middle Ages, Iceland, Zomia (Scott 2009), or Bronze Age India (Thompson 2005), a case mention by Kaiser himself. There is no historical necessity that the age of the state is eternal.

Second, the battle to eliminate the state and keep it eliminated is a cultural one. Kaiser (2023, p. 172) admits this when he states that "freedom depends ultimately on ideas, values and traditions that prevail in a society."

Adequate ideas, values and traditions can make an anarchocapitalist society stable. The cultural war is a battle about the ideas and values that people hold (Kaiser 2014; Laje 2022). It is the battle of the ideas of liberty against the ideas of statism. The state will only disappear if the battle is decisively won and the culture of liberty prevails.

Therefore, citizens of stateless societies, at least, in its beginning will hold fundamentally different ideas and values than people hold today. They will love and defend life, liberty and property. They did it successfully against the domestic state leading to its disappearance and will do the same against foreign governments[6]. They will be convinced of the supremacy of the ideas and values of liberty. They will respect private property,

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[6] As Hummel (2003, p. 293) puts it:

> "The same social consensus, the same institutions, and the same ideological imperatives that had gained them liberation from their own State would be automatically in place to defend against any other States that tried to fill the vacuum."

hold a low time preference, belief in voluntary cooperation, social bonds, friendship, and justice. They will abhor statism and be highly motivated to fight it. Only such a culture can overcome a state culture in the first place[7].

In such a culture crime rates will be small in comparison to today. To the extent that neighboring states are influenced by this culture and the anarchocapitalist society is seen as a role model, being freer, wealthier and technologically more advanced, the ideas of liberty will also find followers in the neighboring states that will tend to shrink and behave more peacefully.

At the end the stability of a stateless society is a moral problem, or more generally, a cultural problem. In fact, still today, in some villages it is not necessary to lock one's door, because no one would steal even though they could get away with it without anyone knowing who the perpetrator was. In such communities mutual support is very strong. Such support would be needed to defend a stateless society. At the end, for the stability of stateless societies the following question is key: To what extent do people in this society and in potentially aggressive states respect private property? It is the ideology, morale and motivation to defend the free territory against statist attacks that will, in the long run, determine the prospects of remaining free.

As Hummel (2003, p. 290) puts it:

> "Ideology therefore becomes the wild card that accounts for public-spirited mass movements overcoming the free-rider problem […]. For ideology can motivate people to do more for social change than the material reward to each individual would justify."[8]

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[7] On the problem of state culture see Bagus (2024).

[8] One way to overcome the free-rider problem in defense is a common ideology or faith. Hummel (1990) points out that all ethical behavior is faced with a free-rider problem. The criminal free rides on the ethical behavior of the rest. Hummel also names the National Rifle Association and the American Civil Liberties Union as organizations that defend the private property of all US citizens against a state, in this case the domestic government. These examples show that the free-rider problem of defending against a state can be overcome, since all citizens are defended by these organizations be they contributing members or not.

How to reduce the probability of a state attack on a free society?

There are several ways to reduce the probability of an attack by a state on a stateless society.

First, private security agencies could maintain standing armies. Yet, you do not necessarily need them. Rather you need citizens that are willing to defend their property. When there is a skilled gun owner in every house, an invasion becomes more costly. Mercenaries, militias, and guerrillas strengthened by a common faith or ideology may be especially successful in deterring and fighting back an attack by a state (Stromberg 2003). Guerilla war far increases the costs of invaders (Hülsmann 2003). Associations, educational organizations, and foundations could encourage and help funding private militias preparing for guerilla warfare.

Second, Kaiser mentions the possibility that small states ally with big states. Also, anarchocapitalist societies may form alliances with states. Security agencies may pay a state for help against an attack by another state.

Third, an invading state has severe problems when it comes to conquering an anarchocapitalist society. Where to go? There is no central government. There is neither a central target, no government headquarters, no centralized army, no command structure, no state bureaucracy that could be decapitated[9]. The invader could not just take over the structure of an already existing state but would have to build up a taxing system from scratch.

Fourth, defense in free societies would be highly efficient. Free societies tend to be richer and technologically more advanced, especially in the fields where competition is severely restricted in statist societies. Monopolies lead to higher costs and lower quality. Competition in defense and security provision would ensure efficient defense. Private security agencies would peacefully compete,

[9] Napoleon faced a similar problem when he entered abandoned Moscow in 1812. He did not know what to do. No state representative came to surrender. Tsar Alexander I simply left.

driving down costs and increasing quality[10]. Peaceful cooperation is ensured because the violent way to solve conflicts is highly costly leading to a loss of clients.

Insurance agencies and defense associations would pool risks and coordinate mutual defense. Defense agencies could pinpoint the heads of states that attack and kill them (Hoppe 2003)[11]. Defense agencies would compete and invent new technologies for that purpose. Military research would not go into weapons of mass destruction as it is today but into the needs for defense of free societies. In this context, the case of "privateering" may be enlightening. Privateering was a very effective way of private naval warfare from the twelfth to the nineteenth centuries. In this practice, citizens of one nation that had suffered violations of their property by citizens of another nation got a permit from their state to arm ships to attack the merchant ships of the perpetrator´s nation in search for restitution. Later privateering became a means of war to supplement the public naval warfare (Sechrest 2003). Similarly, when a foreign state would attack a stateless society, insurance companies and other specialized security agencies could get the possibility to look for restitution for any damage done to the property of the citizens of the stateless society. These "privateers" could seize the private property of the politicians, senior bureaucrats and military officers of the attacking state. For instance, they could steal the cars of politicians, break into their houses, or kidnap family members in search of restitution and share the profit with the victims.

Moreover, the attacking state faces another problem. It must earn, at least, the passive support of its population for the ongoing and costly war effort. More precisely, the attacking state needs some sort of justification for aggression. This endeavor is not easy

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[10] For studies who examine how justice and security would be provided without the state see among other Hoppe (2003), Friedman (2014), Tannehill and Tannehill (1984) or Murphy (2010).

[11] In this way they could also establish deterrents that would solve a problem that David Friedman raised. Friedman (2014, p. 133-34) argues that an aggressive state could threaten to bomb a city to the ground, if no tribute is paid. Beside that such a threat is hard to justify before its own population, a free society could make it clear that it would kill all politicians and bureaucrats involved in such a threat.

when the stateless society is inhabited by peaceful citizens, and there is no government to blame.

Sixth, and most importantly, in a free society there are strong incentives to overcome via technological and legal innovations problems of coordination in private defense. We cannot know, *a priori*, in detail, how the private production of defense would work. Such a defense is the result of a market process of discovery that yet has to unfold itself. But we know that the creative nature of entrepreneurship will tend to solve the problem (Huerta de Soto 2009, pp. 165-166).

Some states are more evil than others and the problem of custodians

Kaiser (2023, p. 171) argues that some states are more evil than others and therefore, it would be too simplistic to say that the efforts to limit the state power have failed. However, that some states are more evil than others, in no way proves that a limitation of the state is possible. It only indicates that states grow at different rates. And that the state has grown is the irrefutable result of the historical analysis.

Adding another point, Kaiser argues that, when a state grows, this would not be an illustration of the failure of classical liberalism as a theory but of the concrete custodians of liberty in practice. Yet, the impossibility of state limitations is not a practical question but a theoretical argument. There is no way to control the custodians.

A constitution is basically a contract with oneself and therefore not enforceable. As Antony de Jasay has pointed out a constitution is akin to a chastity belt to which the lady has the key (De Jasay 2014, p. 205). The rules that constrain politics are not something above politics. The rules are influenced by public opinion. When public opinion changes, then also the constitution and its interpretation will change (Radnitzky 2003, p. 154)[12].

[12] Hoppe (2002, p. 267) shows how the constitution of the United States failed to limit the state.

A recent example that illustrates that constitutions do not protect basic liberties has been the Covid-19 crisis. Systematically government have violated rights that were

As Huerta de Soto (2009, p. 162) points out:

> "The fatal error of classical liberals lies in their failure to realize that their ideal is theoretically impossible, as it contains the seed of its own destruction, precisely to the extent that it includes the necessary existence of a state (even a minimal one), understood as the sole agent of institutional coercion."

Similarly, Hoppe (2002, p. 229) states:

> "Contrary to the original liberal intent of safeguarding liberty and property, every minimal government has the inherent tendency to become a maximal government."

Crucially, the state attracts those people, that have the least respect for private property, that enjoy to rule others, and that like to live parasitically on the production of others. In short, the people that enter the state apparatus are ruthless, power-hungry and motivated by personal gain. Once a state exists, the temptation to use the state for one´s own advantage is too much to handle for most people. As they try to take advantage of one another using the coercive powers of the state, there is a tendency for the state to grow. As Huerta de Soto (2009, p. 169) states, "the mixture of human nature and the state, as an institution with a monopoly of violence, is 'explosive'. "

Conclusion

Classical liberals and anarchocapitalists are fellow travelers on an oddysey pushing back the state. We are allies on the way. But the truth and the ideal must be defended at any moment. The state is a criminal organization that tends to grow and impoverishes people. It must be destroyed.

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guaranteed by their respective constitutions. Courts did not check this behavior. For the roll of mass hysteria in reducing liberties during the Covid crisis see Bagus, Peña-Ramos, and Sánchez-Bayón (2021).

The message of anarchocapitalists is more attractive and coherent than the one of classical liberals who failed both in following their reasoning to its logical conclusions and to provide effective limits of the state. Limiting the state is theoretically impossible. Anarchocapitalists follow the theory of libertarianism to its logical conclusions. They offer a coherent and theoretical sound ideal, while classical liberals strive for an unrealizable utopia.

The establishment of an anarchocapitalist society is much more difficult to reverse than a minimal state. With a minimal state the monopolist has already a foot in the door and by its very nature it will start to grow. Once the state´s existence is accepted, limiting its expansion becomes impossible. On the contrary, the reintroduction of a state into an anarchocapitalistic society is enormously more complicated.

One can only hope that classical liberals give up their utopia and join the ranks of anarchocapitalists who defend the theoretical ideal of a free society and work together in practice on the long road to reduce the state to zero. In the cultural war the help of classical liberals is utterly needed and highly welcome.

Conflict of interest

The author declares that he has no conflict of interest.

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