

A CRITICAL ANALYSIS OF STRUCTURAL CONVERGENCES BETWEEN THE STATE AND ORGANISED CRIME

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1. Introduction

The distinction between the state and organised crime has traditionally been presented as clear-cut: the former embodies order, justice and the collective good; the latter represents illegality, violence and social disorder. However, this distinction becomes blurred when one compares not the stated aims of each entity, but the means they employ to consolidate their power. This article sets out precisely such a comparison, focusing on three key dimensions: the use of force, the monopoly on essential services, and mechanisms of coercive financing.

It is impossible to ignore that the debate regarding the nature, legitimacy and justification of the State has historically been informed by the contributions of classical authors such as Nozick, Buchanan and Hayek, whose theories have shaped much of the contemporary analytical framework. However, this paper deliberately adopts an anarcho-capitalist perspective, on the grounds that it is precisely from this approach—which radically questions political authority and the moral legitimacy of state power—that a more incisive comparative analysis between the state and criminal organisations can be undertaken. This

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theoretical delimitation does not imply a disregard for the richness or relevance of other schools of thought, but rather responds to a methodological choice aimed at delving deeper into the functional and narrative convergences underlying both power structures.

The starting point is a deliberately ambiguous description: an institution that exercises total control over a territory, monopolises legal jurisdiction, subordinates social activities to its authorisation, and conditions the lives of millions under threat of punishment. With this description, are we referring to the state or to a criminal organisation?

As Bastos (2020, p. 3) points out, “what we call the state are nothing more than organised groups of people who obtain income and status at the expense of extracting them from the rest of society”. This assertion poses a critical challenge: why do we accept as legitimate, when carried out by the State, actions that we would deem immoral if they came from private actors?

Libertarian criticism has taken this line of questioning to its logical conclusion. For authors such as Rothbard, Huerta de Soto, Hoppe and Huemer, the State enjoys no special moral legitimacy simply because it operates within a legal framework. Huemer (2019) has termed this phenomenon the “problem of political authority”, arguing that many state practices would be unacceptable if carried out by individuals or non-state groups. This asymmetry reveals an ideological construct, rather than a consistent moral principle.

This article aims to explore the functional similarities between the state and organised crime. Firstly, it examines the use of force as a structural mechanism of social control. Secondly, it analyses the monopoly on essential services such as security and justice, and its implications for freedom and efficiency. Finally, it studies the mechanisms of resource collection, comparing state taxation with extortionate practices.

Far from equating the two entities morally, this approach casts doubt on the notion that state legitimacy stems from substantial ethical superiority. Rather, it reveals that such legitimacy is founded on a narrative constructed through law, education and cultural hegemony.

2. The power to impose: Force, coercion and social control in the state and organised crime

Before analysing their application, it is worth distinguishing between force and coercion. 'Force' refers to the direct use of physical energy to impose one's will upon others, in an immediate and visible manner (Dahl, 1957). In contrast, 'coercion' involves indirect pressure—through threats, manipulation or intimidation—to compel a specific behaviour, and may be subtle and prolonged over time (Lukes, 2007).

Both mechanisms, though different in form, pursue the same objective: to restrict individual freedom in order to ensure obedience. This shared functionality explains why both organised crime and the state strategically resort to force and coercion as means of control and the preservation of power.

In the case of criminal organisations, violence is justified as a means of survival in competitive and hostile environments. As Gambetta (1996) notes, these structures operate without legal basis or social consent, using violence to protect their territory, punish internal dissent and deter external threats. Force is not an end in itself, but an effective instrument of domination.

For its part, the state claims the monopoly on violence as an exclusive prerogative to maintain order and enforce the law. It exercises this through police forces, courts and prisons, and legitimises it within the framework of positive law (Weber, 1964). However, legality does not necessarily equate to legitimacy. As Legaz (1958) warned, confusing legality with legitimacy is a way of depoliticising power.

From Hobbes (2012) to Locke (1997), the contractualist tradition has sought to justify this monopoly through the voluntary surrender of liberty in exchange for security. Nevertheless, this narrative has served to cloak in moral justification practices which, outside the state apparatus, would be unacceptable.

The fundamental difference between the state and organised crime does not, therefore, lie in the means employed, but in the legitimising narrative that surrounds them. As Rothbard (2009) points out, any use of force not aimed at self-defence, even when protected by law, is ethically illegitimate. Thus, the state's use of

threats to collect taxes or enforce rules is, in essence, no different from the extortionate mechanisms employed by criminal organisations.

2.2. Means of coercion employed by organised crime

Criminal organisations systematically resort to a wide range of coercive practices to impose their authority, protect their illicit activities and control the territories where they operate. These means are aimed not only at obtaining material benefits, but also at consolidating a power structure parallel to the state, underpinned by fear, violence and submission.

Firstly, the use of direct physical coercion stands out, through practices such as kidnapping, torture or murder, actions aimed at deterring any form of resistance and ensuring obedience within the organisation and in the surrounding social environment. These actions not only have immediate practical effects but also serve a symbolic function: instilling terror as a form of social control. Organised crime does not shy away from brutality to ensure its hegemony, as it needs to instil fear not only in its enemies but also within its own hierarchical structure.

Likewise, territorial control becomes a tool of strategic coercion. Through the presence of armed patrols, checkpoints and the imposition of their own rules, criminal gangs exercise constant surveillance over the population, establishing a *de facto* regime that prevails even over state authorities in contexts of institutional weakness. This capacity for control allows them to shape citizens' behaviour, create dependency and establish mandatory codes of conduct.

Another common tactic is interference in electoral processes and public administration, a practice that reveals organised crime's intention to integrate into—or at least influence—formal institutions. According to Acemoglu et al. (2020) and Hernández (2010), these organisations have resorted to intimidating voters, funding political campaigns or falsifying electoral rolls, thereby seeking to secure allies in power and guarantee the continuity of their illicit interests.

Coercion is also evident in the economic sphere. Through the systematic extortion of shopkeepers, businesspeople and residents, mafias obtain resources and, at the same time, establish their symbolic power as agents of order and 'protection', replacing—and often displacing—the role of the state. As Gambetta (1996) has pointed out, these organisations present themselves as providers of security against external threats, when in reality such threats are often generated by the organisations themselves to justify their dominance.

The use of violence as a punitive measure is also part of the coercive repertoire. Gang warfare over territorial control not only leads to armed clashes, but also to the forced displacement of civilians, social fragmentation and a widespread increase in the perception of insecurity.

In such contexts, citizens may end up accepting the criminal group's authority as a form of 'stability' in the face of chaos. This is not merely the imposition of an illegal regime, but a form of parallel sovereignty that replicates the structures of political power, without any form of democratic legitimacy.

2.3. *Means of coercion employed by the State*

In contrast to the explicitly violent methods of organised crime, the state deploys a form of institutionalised coercion cloaked in legality. However, its aim remains the control of the population and the consolidation of its power over the territory and its inhabitants. This coercion is exercised through regulatory, ideological, educational and economic instruments that shape social perceptions and discipline collective behaviour.

One of the main mechanisms is state propaganda and ideological hegemony, which allow the State to shape the way in which citizens understand power, authority and obedience. At this point, it is worth recalling the figure of Antonio Gramsci, who developed the concept of *cultural hegemony* as a form of domination not based exclusively on physical coercion, but on the voluntary acceptance of the imposed order (Gramsci, 1984). According to Benegas (2012), for Gramsci the key to social control lies in the state's ability to

appropriate culture and education, so that citizens internalise as their own the values that underpin their subjugation.

Intellectuals play an essential role in this process. As Hayek (2016) points out, it is they—and not the working classes—who have promoted socialist projects, persuading the population to accept as natural ideas that, in reality, have been carefully instilled from above. This symbiotic collaboration between the state apparatus and the producers of ideology serves as a barrier against criticism and as a reinforcement of state legitimacy.

Furthermore, the state uses the media as tools of ideological coercion, particularly those that call themselves ‘public’ but in reality operate as state media. These can become in e instruments of government propaganda, marginalising critical voices and uncritically reproducing the official discourse.

Another fundamental means of coercion is the education system. From an early age, citizens are educated within a state-controlled curriculum, regardless of whether they attend public or private institutions. As Boétie (2022) warned, the state educates individuals not as critical citizens, but as useful servants. Hoppe (2011) points out that the pedagogical egalitarianism promoted by the state is fallacious, as it conceals the true function of the education system: to homogenise thought and ensure the docility of the population.

Regulatory coercion constitutes another form of control exercised by the state. The extensive use of regulations, licences, restrictions and economic sanctions allows for the establishment of barriers to entry, the favouring of like-minded groups and the penalisation of dissent. This excessive bureaucratisation distorts the market, inhibits innovation and undermines individual freedom. In many cases, as the libertarian tradition points out, regulation becomes a tool for perpetuating the hold on power of political elites, rather than a mechanism for protecting citizens.

In short, although the state does not resort—at least not systematically—to the overt violence employed by criminal gangs, its means of coercion are no less effective or worrying. It is a more subtle form of domination, legitimised by positive law and sustained by an ideological structure that neutralises critical resistance.

3. **Functional monopoly: exclusive provision of essential services by the state and organised crime**

Both the state and organised crime tend to exercise exclusive control over certain essential services, particularly in contexts where the former proves ineffective or absent. Far from acting as mere antagonists, both structures function as monopolistic providers of basic functions such as security, justice or conflict mediation. This operational overlap reveals a worrying convergence between two entities which, according to the official narrative, are usually presented as radically opposed.

In the case of organised crime, the strategy of domination begins with territorial control, which is essential for imposing its authority. This presence is institutionalised through the provision of services that would normally fall to the state. The most visible of these is protection and security, particularly in those places where the population distrusts state forces or where these simply do not operate. Sociological literature has documented the emergence of protection ‘brotherhoods’—local groups that evolve into criminal structures—whose power is consolidated through coercion, clientelism and intimidation (Gambetta, 1996; Varese, 2018).

These organisations, like the state, have a hierarchical and federative structure, with distinct internal functions, codes of conduct and disciplinary mechanisms. This was acknowledged by the turncoat boss Tommaso Buscetta when he described the Cosa Nostra as a rationally structured organisation, with three well-defined levels: the territorial level of the families, the intermediate coordination level, and the leadership or “commission” (Marino, 2002). This institutionalisation allows mafias to project an image of order, justice and authority, even generating emotional ties with the local population.

Added to this organisational dimension is the ability of criminal groups to simulate the functions of a parallel government. Their legitimacy does not stem from the law, but from meeting minimum expectations regarding security and conflict resolution. As Queralt (2005) points out, when a society accepts criminal practices as elements of its own culture, the distinction between legality and legitimacy becomes blurred.

That said, the state is not immune to similar criticism. From a libertarian perspective, the state's provision of services such as security, justice or the issuance of currency does not constitute a guarantee of equity, but rather a mechanism to eliminate competition and consolidate a power structure that operates without incentives for efficiency. As early as the 19th century, Gustave de Molinari denounced the paradox that the most important service—the protection of life and property—was reserved for a state monopoly, rather than being opened up to market competition (Molinari, 2021). According to him, “the consumer is not free to acquire protection according to his needs, which leads to mismanagement, arbitrariness and exorbitant prices”.

This argument was taken up by Rothbard (2012), who maintained that “defence should be provided by actors who obtain their income voluntarily, not through tax coercion”. Hence, the state monopoly on security is not only inefficient but also immoral, insofar as it imposes its service by force and obstructs legitimate alternatives. Hoppe (2019) adds that the concentration of coercive power in the hands of the state leads to a dangerous accumulation of authority without effective control by the citizenry.

Despite the official narrative that presents the state as the guarantor of the common good, empirical evidence shows that its monopoly over certain services has, on many occasions, served to justify abusive practices. An example of this is the use of fear as a tool to legitimise new restrictive policies, which, under the promise of security, end up increasing surveillance, control and the curtailment of civil liberties (De la Corte and Giménez-Salinas, 2010).

The structural overlap between the state and organised crime should not be interpreted as a moral equivalence, but rather as a critical indictment of the negative effects generated by the concentration of power. In both cases, the monopoly over essential functions creates scope for arbitrariness, fosters corruption and blocks the development of alternative solutions based on voluntary cooperation and open competition.

As Huerta de Soto (2007, pp. 18–19) concludes, ‘difficulties and conflicts arise precisely where the spontaneous order of the market is not allowed to develop freely’. The problem is not the need

for services such as justice or security, but the compulsory and exclusionary nature of their provision by the state.

3.1. *Monopolised security: between state power and organised crime control*

The provision of security services constitutes one of the fundamental pillars upon which both the state and organised crime assert their authority. In both cases, this service is not offered in an environment of open competition, but under a regime of forced monopoly: the state imposes it as an exclusive function of public power, whilst criminal organisations exercise it through territorial control and the threat of violence, excluding the possibility of legitimate competition.

From the state's perspective, the monopoly on force is justified in terms of public order, citizen protection and social cohesion. This view dates back to Weber's conception of the state as the institution possessing the legitimate monopoly on the use of violence within a given territory (Weber, 1964). However, as Gómez (2021) emphasises, this concentration of coercive power entails a serious risk: "only the holder of supreme power is free; in a society with dispersed power, a pyramid of freedoms is constructed".

In response to this narrative, authors such as Gustave de Molinari proposed, as early as the 19th century, a disruptive alternative: the private and competitive provision of security services. In his work *On the Production of Security* (1849), Molinari questioned why this service should be excluded from the market, when in other sectors competition led to lower prices, greater efficiency and better outcomes. For him, "the absence of competition in security opens the door to arbitrariness, waste and mismanagement" (Molinari, 2021, p. 54).

The reaction of his contemporaries, including among classical liberals, was one of profound rejection. Charles Coquelin and Frédéric Bastiat argued that only a 'supreme power' could guarantee justice and security, and that competition in this sphere was unworkable. However, Molinari — and later Rothbard — insisted that the consumer should be free to choose the type and level of

protection they wish to acquire, as is the case with any other good or service. For Rothbard (2015), in a free society, defence must be provided by entities that are financed voluntarily and not imposed through fiscal coercion.

The state, however, has established an institutional network—police, army, courts—that admits of no competition. The imposition of this monopoly not only prevents the emergence of other providers, but also arbitrarily defines the quantity, quality and form of security offered, disconnecting itself from individual preferences. As Hernández (2019) points out, security is a subjective good: what one citizen considers sufficient may be inadequate for another, and even for the same person at different times in their life.

For its part, organised crime offers security as a private good, albeit under conditions of exclusion and threat. The protection provided by mafias or cartels is neither voluntary nor open to the market, but rather an imposition disguised as a service. In contexts where the state has failed or withdrawn, these organisations fill the institutional vacuum, presenting themselves as providers of informal justice and order. The price of this ‘protection’, however, is non-negotiable: failure to pay may result in violent reprisals.

This system bears a striking resemblance to a coercive tax regime. Mafias collect “contributions” through extortion, promising to safeguard traders against threats that they themselves control. As Vito Cascio Ferro explained: “Offer people your protection, help them make their businesses profitable, and not only will they be happy to pay, but they will kiss your hand in gratitude” (quoted in Dash, 2010, p. 221).

Both the state and organised crime legitimise their monopoly on security by excluding competitors. The difference lies in the rhetoric: the state appeals to positive law and the democratic will to justify its power, whilst mafias do so through intimidation and co-optation. Nevertheless, both restrict citizens’ choices, impose non-negotiable prices and offer a service that admits of no real alternatives.

The problem is not the need for security, but the way in which it is provided. As long as it continues to be provided in a monopolistic manner, whether by a formal entity or a criminal organisation,

abuses, inefficiency and a lack of freedom will persist. The solution, as Rothbard (2015) points out, lies in allowing the market—through voluntary agreements and open competition—to take charge of providing defence services just like any other good.

3.2. *Justice as an instrument of monopoly: between state impartiality and criminal arbitration*

The administration of justice constitutes another of the functions traditionally monopolised by the state. Its exclusive provision has been defended as a guarantee of impartiality, universality and the uniform application of the law. However, from a critical perspective, this monopoly has not only proved to be inefficient, but also susceptible to corruption, political manipulation and abuse of power. At the same time, criminal organisations in the territories they control have established their own codes of conduct and exercised informal arbitral functions, albeit backed by coercion.

Historically, justice was not always a state monopoly. Before the centralisation of power in the hands of the modern state, justice systems were frequently decentralised, customary and managed by community institutions. A prime example of this was the pre-common law Irish legal system, known as the *Brehon Laws*. In force between the 7th and 17th centuries, this system was based on oral tradition, the voluntary acceptance of community norms, and the actions of private judges—the Brehons—whose authority was grounded in prestige, not coercive power (Sol, 2022).

Similarly, the *lex mercatoria* that emerged in the Middle Ages constituted an eminently private and functional legal system, administered by non-state courts and based on the reputation of merchants. This spontaneous legal order emerged to meet the needs of trade across political borders, without the intervention of any sovereign (Benson, 2019). This type of private justice, as it was based on agreement between parties and competition among suppliers, was characterised by its efficiency, adaptability and responsiveness.

However, the modern state has progressively displaced these forms of spontaneous justice, imposing a uniform legal system.

This process has led to a standardisation of the law that ignores cultural, social and territorial diversity, and has brought with it significant problems: from the politicisation of the judiciary to the slowness, bureaucratisation and high cost of legal proceedings. As Hayek (2015) points out, the abandonment of evolutionary law in favour of planned law inevitably leads to consequences not foreseen by the legislator.

Furthermore, the State's exclusive control over the justice system has created perverse incentives. The discretion of public officials, often shielded by institutional opacity, has fostered corrupt practices. The lack of internal oversight and corporate self-defence among legal practitioners exacerbate this problem. Benson (2019) argues that, when justice is monopolised and lacks competition, its quality declines and its protective function is perverted, becoming a tool of power rather than an instrument for conflict resolution.

In response to this state model, organised crime has developed alternative systems of justice administration in the territories it controls. Although these systems lack formal legal legitimacy, in practice they fulfil arbitral and disciplinary functions: they resolve disputes, punish deviant behaviour and enforce internal rules. These mechanisms, based on coercion and fear, constitute a form of 'parallel justice', often more expeditious than the state's, albeit at a very high cost in terms of individual rights.

This phenomenon is not new: from Sicilian mafia clans to Latin American cartels, the internal structure of these organisations replicates judicial frameworks. According to Varese (2018), respect for internal rules and the resolution of internal disputes are indispensable for ensuring organisational cohesion. However, this criminal "justice" is far from being neutral or impartial; it responds to the logic of power, not to the principle of justice.

From a libertarian perspective, the alternative should be neither criminal justice nor a state monopoly, but rather the opening up of judicial services to competition and decentralisation. Rothbard (2015) argues that justice should be provided by private entities operating in a competitive environment, where judges—like any service provider—are accountable to their clients and subject to reputation and efficiency.

3.3. *Monetary monopoly: state issuance of money and inflationary consequences*

The issuance of currency constitutes one of the most far-reaching and least questioned monopolies held by the modern state. Under the pretext of ensuring economic stability, preventing counterfeiting and controlling inflation, governments have consolidated almost absolute power over the production of money. However, this power has historically been a source of abuse, directly and negatively affecting citizens' purchasing power and the economy's incentive structure.

From a critical perspective, particularly within the field of Austrian economics and libertarian thought, the state monopoly on money issuance is not a guarantee of stability, but a mechanism for systematic plunder. As Garrison (1992) warns, "any monetary institution designed and implemented by a central authority is subject to abuse by that very authority" (p. 63). This risk has materialised repeatedly throughout history, from the devaluation of metal currencies in ancient civilisations to the uncontrolled issuance of paper money in modern regimes.

One of the central tenets of this critique is that money was not created by the state, but emerged spontaneously from the market process as a generally accepted medium of exchange (Huerta de Soto, 2014). Thomas Aquinas already noted that money arose "from the need to exchange one thing for another, because it makes all trade easier" (1265, p. 41). However, by seizing exclusive control over currency, the state disrupted this natural development, introducing incentives to manipulate its value according to its political interests.

The main instrument of this abuse is monetary inflation, understood as the artificial increase in the money supply beyond what would have occurred in a free-market environment. Hülsmann (2021) defines inflation as "the expansion of the nominal quantity of any medium of exchange beyond the quantity that would have been produced in the free market" (p. 90). This inflation does not generate real wealth, but rather causes an unfair redistribution of income and a general impoverishment of the population.

One of the most damaging mechanisms of this redistribution is the so-called Cantillon effect, first described by the Irish economist Richard Cantillon in the 18. According to this effect, those who receive the newly issued money first — generally banks, government contractors or civil servants — benefit from greater purchasing power, whilst those who receive it last, when prices have already risen, suffer a loss of real value (Cantillon, 1730; Hülsmann, 2021). Inflation, in this sense, acts as a hidden tax that allows the state to appropriate resources without formally resorting to taxation.

The transition from the gold standard to fiat money has exacerbated these problems. By removing the physical constraints on money issuance, states have acquired the ability to expand the monetary base indefinitely. Rothbard (2013b) does not hesitate to describe this practice as “a crude forgery”, whose sole purpose is to facilitate the financing of chronic public deficits, military conflicts or clientelist projects without the genuine consent of citizens.

In this context, inflation is not merely an economic phenomenon, but also a moral and political problem. Röpke (1996) frames it as a form of social decay, as it distorts the price structure and discourages saving and productive effort. Hoppe (2019) warns that systematic inflation weakens the foundations of voluntary cooperation and erodes trust in institutions. It is therefore no coincidence that figures such as Javier Milei have recently proposed classifying inflation as a non-prescriptible offence, given its gravity and the damage it causes to the social fabric (Huerta de Soto, 2024).

The alternative to this system involves eliminating the state monopoly on currency and allowing free competition between different forms of money. This is the thesis defended by Hayek in *The Denationalisation of Money* (1978), where he argues that “money should be treated as a commodity and offered by private entities in a free market” (Hayek, 1996, p. 11). Such a system would promote monetary discipline, allow for innovation and return control over purchasing power to citizens.

In practice, new technologies have paved the way for this transition. Decentralised digital currencies, such as Bitcoin, represent a direct challenge to the state monopoly by enabling transactions between individuals without the mediation of central banks or

governments. As these currencies are not subject to political inflation, they offer an alternative store of value and a means of regaining individual sovereignty in monetary matters.

4. Resource collection: state taxation and criminal extortion as mechanisms of coercive financing

Both the state and organised crime require resources to sustain their structures, exercise control and maintain their patronage networks. However, what is most significant is not so much the fact that both entities raise funds, but the method by which they do so. In both cases, the essential mechanism is coercion: the state through taxes backed by the threat of legal sanctions; organised crime, through extortion, blackmail and illicit activities.

In the case of organised crime, the acquisition of resources relies on the exploitation of economic sectors that are prohibited or heavily regulated by the state, such as gambling, prostitution, drug trafficking or usury (McCarthy, 2011). These activities generate extraordinary profits due to the combination of high risks and limited competition. Added to this is the direct extortion of traders and residents in the territories under their control, who must pay 'protection money' in exchange for avoiding reprisals. As Brennan (2020) explains, the mafia presents this extortion as a form of retributive justice that redistributes part of its income among widows, relatives of deceased members or poor sections of the community.

This practice has evolved into a parallel tax system, with regular payments, internal hierarchies responsible for collection, and severe penalties for defaulters. The statement by the mob boss Vito Cascio Ferro is revealing: "Offer people your protection, help them make their businesses profitable, and not only will they be happy to pay, but they will kiss your hand in gratitude" (quoted in Dash, 2010, p. 221). Territorial domination and the ability to impose de facto taxes confer a quasi-sovereign status on criminal organisations.

For its part, the state imposes its tax collection system under the principle of legality, but the coercive element is equally evident. Taxes are not the result of voluntary agreements between the

parties, but of an imposition backed by legal threats. Rothbard (2019) summarises it thus: “the State obtains its revenue through the use of coercion, using or threatening to use prison and the bayonet” (p. 113). This idea is reiterated in **Power and Market**, where the author denounces state taxation as constituting “a vast system of robbery and oppression” (Rothbard, 2016, p. 153).

Even classical theorists have questioned the fairness of the tax system. John C. Calhoun, in his *Disquisition on Government* (1851), anticipated that every society is divided into two opposing classes: net taxpayers and net beneficiaries of taxation. The former pay more than they receive; the latter—, civil servants, politicians, and those receiving subsidies—obtain income without having generated it, disguising this privilege behind the accounting fiction that “everyone pays”.

In practice, the tax system is usually designed to progressively increase the tax burden. Albert J. Nock warned as early as 1935 that the modern state tends to absorb an increasing proportion of national income, whilst faith in spontaneous social cooperation declines (Nock, 2015, pp. 80–81).

Furthermore, the progressive nature of taxes—often justified as a mechanism for redistribution—can be interpreted as a punishment for economic efficiency. Rothbard (2015) defines it as “a fine on service to the consumer, on merit in the market” (p. 144). In his view, progressive taxes discourage innovation, reduce savings and penalise success. Hoppe (2013) puts it bluntly: “man has not prospered because of taxes, but in spite of them” (p. 38).

The analogy between organised crime and state taxation reaches its peak when one observes that both structures extract income without consent, through threats (violence or legal sanctions) and for more or less arbitrary distributive purposes. In one case, we speak of extortion; in the other, of tax justice. But as Bastos (2020) pointed out, “the state is nothing more than an organised group of people who obtain income and status at the expense of extracting them from the rest of society” (p. 3).

Thus, libertarian criticism does not deny the need to fund certain services, but rather the lack of voluntariness in the contribution. In a free-market environment, citizens choose whom to pay and which services to contract; under a compulsory tax regime,

they are forced to hand over a substantial portion of their income to an institution which, moreover, holds the power to penalise them if they fail to do so.

5. Conclusions

The comparative analysis between the state and organised crime, focusing on three key dimensions—use of force, monopolisation of services and funding mechanisms—reveals a series of operational parallels that challenge traditional narratives of political legitimacy. Far from being antagonistic entities, both institutions share functional practices that enable them to maintain their power and expand their control over society.

Firstly, it has been shown that both the state and criminal organisations make systematic use of force and coercion to ensure obedience. Whilst the state relies on a legal framework that grants it presumed legitimacy, the ultimate foundation of its authority remains the use or threat of violence. As Rothbard (2009) warned, any imposition not derived from self-defence is morally illegitimate, however much normative support it may have. In this sense, the difference between the two entities is more formal than substantial.

Secondly, the monopolistic provision of essential services such as security, justice or the issuance of currency has been analysed. In all cases, both the State and organised crime impose their authority over specific territories, excluding competition and utilising hierarchical structures of domination. The result, in both cases, is a loss of efficiency, the weakening of individual freedom and the creation of patronage networks that reinforce their hold on power.

Thirdly, the financing of both entities through coercive mechanisms has been examined. Whilst the state resorts to taxation under threat of legal sanction, organised crime does so through direct extortion. Although the state's narrative is grounded in principles such as the common good or distributive justice, coercion remains the central operational element. As Bastos (2020) pointed out, the state is, ultimately, an organised group that obtains revenue by extracting it from other members of society.

In short, this article argues that the fundamental difference between the state and organised crime does not lie in the methods they employ—which are remarkably similar—but in the legitimising narrative that the state has managed to construct through law, education and cultural hegemony. This conclusion does not seek to trivialise the role of the state or to equate it morally with criminal organisations, but rather to critically question the ethical and operational foundations of its power, in the light of a political philosophy that prioritises freedom, voluntarism and respect for private property.

Conflict of interest

The author declares that he has no conflict of interest.

Bibliographical references

- Acemoglu, D., Feo, G. de y Luca, G. D. de (2020). “Weak States: Causes and Consequences of the Sicilian Mafia”. *Review of Economic Studies* n.º 87, pp. 537-581. Disponible en: <https://economics.mit.edu/sites/default/files/publications/Weak%20States%20Causes%20and%20Consequences%20of%20the%20Sicilia.pdf> (consultado el 29 de marzo de 2024)
- Aquino, T. (1265). *Del gobierno de los príncipes*. Disponible en: http://www.traditio-op.org/biblioteca/Aquino/Tratado_del_gobierno_de_los_pr%C3%ADncipes,_Santo_Tomas_de_Aquino.pdf (consultado el 10 de noviembre de 2024).
- Bastos, M.A. (2020). *Sobre el anarcocapitalismo*. Londres: Editorial Innisfree Ltd.
- Benegas, A. (2012). (2012). “La influencia de Antonio Gramsci: Trampas del igualitarismo” *El Cato*. Disponible en: <https://www.elcato.org/la-influencia-de-antonio-gramsci-trampas-del-igualitarismo> (consultado el 7 de agosto de 2024).
- Benson, B. (2019). *Justicia sin Estado*. Madrid: Unión Editorial.
- Boétie, É. de la (2022 [1577]). *Discurso de la servidumbre voluntaria*. Madrid: Unión Editorial.

- Brennan, J. (2020). *When All Else Fails*. United Kingdom: Princeton University Press.
- Calhoun, J. (2007 [1851]). *Disquisition on Government*. Chicago: St. Augustines Press.
- Cantillon, R. (2021 [1730]). *Ensayo sobre la naturaleza del comercio en general*. Madrid: Unión Editorial.
- Dahl, R. (1957). "The Concept of Power". *Behavioral Science*, 2:3, pp. 201-215.
- Dash, M. (2010). *La primera familia*. Barcelona: Random House Mondadori.
- Dickie, J. (2015). *Historia de la mafia*. Barcelona: Random House Mondadori.
- Falcone, G. y Padovani, M. (1992). *Mafia*. Barcelona: Ediciones B, S.A.
- Ferlito, C. (2023). "Mafia as a Spontaneous Order". En *Cosmos + Taxis*, volumen 11, Issue 7 + 8, pp. 58-67. Disponible en: https://www.academia.edu/104031552/Mafia_as_a_Spontaneous_Order (consultado el 28 de marzo de 2024).
- Gambetta, D. (1996). *The Sicilian Mafia. The Business of Private Protection*. Cambridge, Massachusetts: Harvard University Press.
- Garrison, R. (1992). "The Cost of a Gold Standard". En *The Gold Standard: Perspectives in the Austrian School*. pp. 61-79. Alabama: Mises Institute.
- Gramsci, A. (1984). *Cuadernos de la cárcel*. México: Ediciones Era.
- Hayek, F.A. (1996 [1978]). *La desnacionalización del dinero*. Barcelona: Ediciones Folio.
- (2015). *La fatal arrogancia*. Madrid: Unión Editorial.
- (2016 [1949]). "Los intelectuales y el socialismo" en *Procesos de Mercado: Revista Europea de Economía Política*, vol. XIII, nº 2, otoño 2016, pp. 515-536. Madrid: Unión Editorial.
- Hernández, J. (2019). *Defensa y seguridad*. Madrid: Unión Editorial.
- Hoppe, H-H. (2011). "Reflexiones sobre el origen y la estabilidad del Estado". Disponible en: mises.org/es/2011/11/reflexiones-sobre-el-origen-y-la-estabilidad-del-estado/ (consultado el 27 de octubre de 2024).
- (2013). "Aspectos económicos y sociológicos de los impuestos". En *Economía y ética de la propiedad privada*. pp. 33-74. Londres: Editorial Innisfree Ltd.

- (2019). *Monarquía, democracia y orden natural*. Madrid: Unión Editorial.
- Huemer, M. (2019). *El problema de la autoridad política*. Barcelona: Editorial Planeta.
- Huerta de Soto, J. (2007). “Liberalismo versus anarcocapitalismo” en *Procesos de Mercado: Revista Europea de Economía Política*, vol. IV, nº 2, otoño 2007, pp. 13-32. Madrid, Unión Editorial.
- (2014). “Algunas reflexiones complementarias sobre la crisis económica y la teoría del ciclo” en *Ensayos de economía política*, pp. 143-151. Madrid, Unión Editorial.
- (2024). “Breve nota sobre una propuesta histórica del presidente de Argentina Javier Milei” en *Procesos de Mercado: Revista Europea de Economía Política*, vol. XXI, nº 2, invierno 2024, pp. 387-392. Madrid, Unión Editorial.
- Hülsmann, J.G. (2021 [2008]). *La ética de la producción del dinero*. Madrid: Unión Editorial
- Kinsella, S. (2015). *Against intellectual property*. Alabama: Mises Institute.
- Legaz, L. (1958). “Legalidad y Legitimidad”. *Revista de Estudios Políticos*, nº 101, pp. 5-23. Disponible en: <https://www.cepc.gob.es/sites/default/files/2021-12/8127rep101007.pdf> (consultado el 3 de agosto de 2023).
- Locke, J. (1997 [1689]). *Dos ensayos sobre el gobierno civil*. Madrid: Espasa Calpe.
- Lukes, S. (2007). *El Poder. Un enfoque radical*. Madrid: Siglo XXI de España Editores.
- Marino, G.C. (2002). *Historia de la mafia. Un poder en las sombras*. Barcelona: Ediciones B, S.A.
- Martínez, C. (2015). *La teoría evolutiva de las instituciones. La perspectiva austriaca*. Madrid: Unión Editorial.
- McCarthy, D. (2011). *An Economic History of Organized Crime*. London: Routledge.
- Mises, L. von. (2011 [1949]). *La acción humana. Tratado de Economía*. Madrid: Unión Editorial.
- (2013). *The Theory of Money and Credit*. Auburn, Alabama: Mises Institute.
- Molinari, G. de. (2021 [1849]). *Sobre la producción de seguridad*. Madrid: Unión Editorial.

- Nock, A.J. (2015 [1935]). *Nuestro enemigo el Estado*. Londres: Editorial Innisfree Ltd.
- Paoli, L y Fijnaut, C. (2006). "Organised crime and its control policies". En *European Journal of Crime, Criminal Law and Criminal Justice*, nº 14(3), pp. 307-327. Disponible en: <https://research.tilburguniversity.edu/en/publications/organised-crime-and-its-control-policies> (consultado el 24 de noviembre de 2024).
- Rallo, J.R. (2014). *Una revolución liberal para España*. Barcelona: Ediciones Deusto.
- Rockwell, L. (1992). "Introduction". En *The Gold Standard: Perspectives in the Austrian School*. pp. vii-xvi. Alabama: Mises Institute.
- Röpke, W. (1996). *Más allá de la oferta y la demanda*. Madrid: Unión Editorial.
- Rothbard, M.N. (1956). "Toward a Reconstruction of Utility and Welfare Economics" en *On Freedom and Free Enterprise: The Economics of Free Enterprise*. Princeton, N.J: D. Van Nostrand. Disponible en: https://cdn.mises.org/Toward%20a%20Reconstruction%20of%20Utility%20and%20Welfare%20Economics_3.pdf (consultado el 11 de agosto de 2024).
- (1985 [1973]). *Lo esencial de Ludwig von Mises*. Madrid: Unión Editorial.
- (2009). *La ética de la libertad*. Madrid: Unión Editorial.
- (2012 [1973]). *Hacia una nueva libertad. El manifiesto libertario*. Madrid: Unión Editorial.
- (2013 [1962]). *El hombre, la economía y el Estado* (Volumen II). Madrid: Unión Editorial.
- (2015). *Poder y Mercado*. Madrid: Unión Editorial.
- (2016). "The Myth of Tax Reform" en *Rothbard Reader*. pp. 144-154. Auburn, Alabama: Mises Institute.
- Ruiz-Jarabo, I. (2023). *Eutanasia fiscal*. Madrid: Fundación Civismo MMXXIII. Disponible en: <https://civismo.org/economia/fiscalidad/informe-eutanasia-fiscal/> (consultado el 9 de noviembre de 2024).
- Salin, P. (2008). *Liberalismo*. Madrid: Unión Editorial.
- Sol, M. (2022). "Las Leyes Brehon: recorrido por la sabiduría legal de los celtas" en *SUPLEMENTO Ideas*, III, 12. pp. 1-9. Disponible en: <https://p3.usal.edu.ar/index.php/ideassup/article/download/6921/9323/26116> (consultado el 17 de febrero de 2025).

- Spooner, L. (1971). "Natural Law" en *The Collected Works of Lysander Spooner*. Massachusetts: M. and S. Press.
- Sterling, C. (1994). *Thieves' World: The Threat of the New Global Network of Organized Crime*. New York: Simon & Schuster.
- Varese, F. (2018). *Mafia Life*. Barcelona: Malpaso Ediciones.
- Weber, M. (1964). *Economía y sociedad*. México: Fondo de Cultura Económica.