

Are Unions Criminal Gangs?

Dr. Walter Block, Ph.D.
Harold E. Wirth Eminent Scholar Endowed Chair and Professor of
Economics
Loyola University

Abstract

The present paper subjects unions to a libertarian analysis and finds this organizational structure highly problematic from the perspective of the criminal law. Libertarianism is defined as that philosophy which opposes the initiation, or the threat thereof, of violence against non-aggressing people. Unions are characterized as groups which although need not in principle act contrary to this stricture, as a matter of fact always and ever do so. Hence, organized labor, as presently constituted, cannot be reconciled with libertarian principles of non-aggression. They are thus, in effect, criminal gangs and should be seen and treated as such.

Introduction

This paper is an attempt to analyze unionism from a libertarian point of view. In section II this perspective is defined, and applied to organized labor, to the detriment of the latter. Section III addresses the special problems created by public sector unions and section IV asks if it can ever be legitimate for a libertarian to join this form of organized labor. Section V is devoted to possible criticisms of the thesis adumbrated herein.

Libertarianism and unionism

Libertarianism is the political economic philosophy that has at its core the “non aggression axiom”: that it shall be illicit and impermissible for anyone to initiate either the threat of, or actual violence against, a person who is not himself an aggressor (Nozick, 1974; Rothbard, 1998; Hoppe, 2001). At this level of non-specificity, there is scarcely a non-comatose

commentator who will disagree. Who, after all, favors invasions? Even invaders invariably invoke self-defense, or retaliation for previous wrongs. The difference between supporters of this view, and the median political philosophy, then, is not in its basic premise; it is found, rather, in the degree to which libertarians are willing to carry this perspective.

The notion that unions are illegitimate organizations is a position that will strike the average theorist as rather idiosyncratic,¹ at best. Nevertheless, for the libertarian, the notion must be resisted that we have a "right to unionize" or that unionization is akin, or, worse, an implication of, the right to freely associate. Yes, theoretically, labor organizations *could* limit themselves to organizing mass quits unless they got what they wanted, and hence would be acting licitly. That would indeed be an implication of the law of free association.

But every union reserves the right to employ violence (that is, to initiate violence) against competing workers, e.g., scabs,² whether in a "blue collar way" by utilizing physical aggression, e.g., beating them up, or in a "white collar way" by getting laws passed compelling employers to deal with themselves,³ and not with potential employees competing against them, that is, scabs.⁴

But what of the fact that there are many counter examples: unions that have not actually engaged in the initiation of violence? Moreover, there are even people associated for many years with organized labor who have never witnessed the outbreak of actual violence.

Let me clarify my position. My opposition is not merely to violence, but, rather, to "violence, *or* the threat of violence." My position is that, often, no actual violence is needed, if the threat is serious enough, which, I contend it is under unionism, at least as practiced in the U.S., Canada and other such western countries.

Probably, the Internal Revenue Service never once engaged in the actual use of physical violence in its entire history.⁵ This is because it relies on the courts-police of the U.S. government that have overwhelming power. But it would be superficial to contend that the IRS does not engage in "violence, or the threat of violence."⁶ This holds true also for the state trooper who stops you and gives you a ticket. They are, and are trained to be,

exceedingly polite. Yet, "violence, or the threat of violence" permeates their entire relationship with you.⁷

It cannot be denied, moreover, that sometimes, management also engages in "violence, or the threat of violence." My only contention is that it is possible to point to numerous cases where they do *not*, while the same is impossible to be said about organized labor, at least in the countries under discussion.

The threat emanating from unions is objective, not subjective. In the old blue collar days it was the threat that any competing worker, a "scab,"⁸ would be beaten-up if he tried to cross a picket line, and, in the modern white collar days, any employer who fires a striking union employee and substitutes a replacement worker as a permanent hire, will be found in violation of various labor laws.⁹

Suppose a small scrawny man confronts a big burly football player type and demands his money, threatening that if the big guy does not give it up, the little one will kick his butt. This is an objective threat, and it does not matter at all if the victim laughs himself silly in reaction. A second scenario similar to the first, the little guy whips out a pistol and threatens to shoot the big guy unless he hands over his money.

Now, there are two kinds of big guys. One will feel threatened, and hand over his money. The second will attack the little guy.¹⁰ Perhaps he is feeling omnipotent. Perhaps he is wearing a bullet-proof vest. It does not matter. The threat is a threat is a threat, regardless of the reaction of the big guy, regardless of his inner psychological response.

Now let us return to labor management relations. The union objectively threatens scabs, and employers who hire them. This, nowadays, is purely a matter of law, not psychological feelings on anyone's part. In contrast, while it cannot be denied that sometimes employers initiate violence against workers, they need not *necessarily* do it, qua employer. (Often, however, such violence is in self-defense.)

This is similar to the point I made about the pimp in Block (1976): For this purpose, I don't care if each and every pimp has in fact initiated violence. Nor does it matter if they do it every hour on the hour. This is not

a *necessary* characteristic of being a pimp. Even if there are no non-violent pimps in existence, we can still imagine one. Even if all employers always initiated violence against employees, still, we can *imagine* employers who do not. In very sharp contrast indeed, because of labor legislation they all support, we cannot even imagine unionized labor that does not threaten the initiation of violence.

Murray N. Rothbard, the father of modern libertarianism, was bitterly opposed to unions. This emanated from two sources. First, as a libertarian theoretician, because organized labor necessarily threatens violence (Rothbard, 1962, 620-632) and second, based on personal harm suffered at their hands by his family (Raimondo, 2000, 59-61).

Public sector unions

In my view, public sector unions present theoretical libertarianism with a very complex challenge (albeit in a slightly different manner than do private sector unions: in this case, they are not necessarily incompatible with the free society, but, as it happens, there are no actual cases in existence of such employee organizations that *are* consistent with economic freedom.)

The complexity presented by public sector unions is that, on the one hand, from a libertarian perspective they can be seen as a counterweight to illegitimate governments, while on the other hand they constitute an attack on innocent citizens. Each of these different roles calls for a somewhat different libertarian response.

Let us take the first case first. For the limited government libertarian, or minarchist, the state is illegitimate if, and to the extent it exceeds its proper bounds. Proper bounds typically include armies (for *defense* against foreign powers, not *offense* against them), police to keep local criminals in check (that is, rapists and murderers, etc., not victimless “criminals” such as drug dealers, prostitutes, etc.), and courts to determine guilt or innocence. Some more moderate advocates of *laissez faire* add to roads, communicable disease inoculations, fire protection and mosquito control to the list. For the anarcho-libertarian, of course, there is no such thing as a licit government.

What, then, are libertarians to say about a public sector teachers' union, on strike against a state school? (A similar analysis holds for public sector unions in garbage collection, post office, buses, or in any other industry where government involvement is improper in the first place). It is my contention that the correct analysis of this situation is, "A plague on both your houses." For not one, but *both* of these organizations is illegitimate. There is no libertarian who can favor government schools, whether anarchist or minarchist (Milton Friedman, who champions public schools, as long as they operate under a voucher system, thus falls outside the realm of libertarianism on this question). So, on one side of this dispute, there is illegitimacy. But the same applies to the other, the union side, as demonstrated above. Thus, there are here two contending forces, both of them in the wrong. From a *strategic* point of view, we may well even support the union vis-à-vis the government, since they are the weaker of the two opponents. But from a principled perspective, my main interest here, we must look upon the two of them as if men of good will were witnessing a battle between the Blood and the Crips, or between Nazi Germany and Communist U.S.S.R. - we would root for both of them!

Now, let us consider the second case. Here, we note that the public sector union does much more than attack illegitimate government. It also vastly inconveniences practically the entire populace. When schools are closed, garbage is not collected, the buses do not run -- because public sector unions utilize violence and the threat thereof to these ends -- then the libertarian response is clear: opposition, root and branch.

Let us take one last crack at public sector unions, which brings about a further complication. Consider the ABC 20/20 news story on how public employee unions are fighting against people who volunteer in a way that supplants them.¹¹

The general issue is that citizens have been volunteering to do things like help collect trash in parks, plant flowers in public parks, help stack books in public libraries, etc., and the unions have reacted viciously, as is their wont.

Before we can shed libertarian light on this contentious issue, let us first ask: What is the libertarian analysis of ordinary people volunteering to help

the government do jobs it should not be doing in the first place? To put it in this way is almost to answer the question.

There is no difference in principle between volunteering to help the state perform illegitimate acts (of course, these are not illicit, per se, as are concentration camps; rather, it is improper, in libertarian theory, for *governments* to take on such responsibilities) such as regarding libraries, schools, parks, etc., and sending them monetary donations for such purposes. In either case, one is aiding and abetting evil, and risking being found guilty of crimes against humanity by a future libertarian Nuremberg trial court.

Repeat after me: free enterprise, good, (excessive) government, bad. Once again from the top: *free enterprise, good, (excessive) government, bad!* The appellation, “libertarian,” is an honorific. It is too precious to be bestowed on all those who claim it. It is my contention that people who support (excessive) government are simply not entitled to its use (at least in the specific context in which they violate the non aggression axiom. John Stossel is indeed a libertarian on many other issues, but certainly not on this one).

Here is a lesson for libertarians. If you want to be worthy of this designation, and desire to contribute money to a good cause, do not give to a government that goes beyond its legitimate authority. There are many worthy causes that *oppose* statist depredations, not *support* them. If you want to be worthy of this honorific, and wish to donate time to a good cause, e.g., by collecting garbage, planting flowers, or filing books, etc., then do so for the relevant *private* groups, whether charitable or profit seeking, it matters not one whit.

May a libertarian join a union?

Is it proper, if it is even logically possible, for a libertarian join a coercive union? Much as I hate to be controversial (ok, ok, I don't mind it a bit) my answer is: Yes. There are many issues upon which I disagree with William F. Buckley, but his decision to join ACTRA is not one of them. (This was the requirement imposed upon him for being allowed to air his television show, Firing Line.)

Why would I take such a seemingly perverted stance? Let me answer by indirection. Given that it is illegitimate for the government to run schools and universities, is it illegitimate for a libertarian to join them whether as a student or a professor? Given that it is illegitimate for the government to organize a post office, is it illegitimate for a libertarian to mail a letter? Given that it is illegitimate for the government to build and manage roads, streets and sidewalks, is it illegitimate for a libertarian to utilize these amenities?

True confession time, I have been a student a public schools; grade school, high school and college. I have even been a professor at several public colleges and universities. I regularly purchase stamps from the evil government post office, and mail letters. I walk on public sidewalks, and avail myself of streets and highways. Mea culpa? Not a bit of it.

If Ayn Rand's heroic character Ragnar Danneskjold has taught us anything, it is that the government is not the legitimate owner of what it claims. Why, then, should we respect its "private property rights" when there is no practical reason to do so? If this means that libertarians can partake of services for which they favor privatization, then so be it.

Similarly, with coercive unions, if a man demands your money at the point of a gun, giving it up is *not* incompatible with libertarianism, even though it amounts to acquiescing to theft. If organized labor threatens you with bodily harm unless you join it and pay dues to it, I cannot think that agreeing to do so per se removes the victim from the ranks of libertarianism. Buckley, to give him credit, never ceased inveighing against the injustice done to him in this way. If he had reversed field, and starting *defending* unions, then what little claim he has to be a libertarian would have vanished. In this regard, there is a world of difference between a Marxist professor at a public university who promotes interventionism, and a libertarian who opposes it.

But suppose that there were two libertarians, pure as the driven snow, who wanted to start a worker's organization, or, a "legitimate" union.¹² Would it even be logically possible for them to do so, given what we have said about functioning in a milieu where government laws giving them unfair advantages are omnipresent?¹³

At first glance, it would appear not to be possible. For, given this threat, the boss might be inclined to grant them terms he otherwise would not have agreed to. Complying with the requirements to become a union is almost equivalent to “firing a shot across the firm’s bows,” to borrow an expression from naval warfare. Nor would it be legal for such a labor organization to foreswear the advantages accorded to it by union legislation. They could foreswear all they wanted to, but woes betide the employer who took advantage of any such declarations. He would be subject to the full penalty of the law; and if not, would always be open to later blackmail on the part of the “legitimate union.”

The analogy of a libertarian occupying a rent-controlled apartment¹⁴ is a strong one. Here, too, there is an overarching law, rent control legislation, which violates landlord rights. So, could a libertarian lease such a dwelling? At the outset, again, the answer would appear to be in the negative. He would be taking advantage of the landlord, paying him less than the market value he could otherwise have obtained for the unit. Never in a million years would a building owner approach his tenants, to see which of them might be susceptible to a request for a higher, illegal rent. But suppose such a tenant were to approach the landlord, mention he was a libertarian and therefore opposed to such legislation, and would pay him full value henceforth. If the owner of the building agreed, he could still be imprisoned for making such a contractual agreement. At the very least, if he gave a receipt for the full amount, he would open himself up for later blackmail on the part of the tenant. Other risks include anyone seeing the tenant paying more than the controlled rent. An even greater problem would be met were the libertarian philosophy to require a tenant to make such a declaration, moving to the side for the moment that it could not in the nature of things be efficacious. For this would imply placing a positive obligation¹⁵ on the libertarian.

On the other hand, as far as the landlord is concerned, he does not at all mind having an advocate of this philosophy occupying his apartment. True, he cannot receive a market rent from him, but, then, he could not do so with anyone else either. In a sense, the libertarian tenant is not stealing money from him, at least no more than any other occupant. Were the libertarian to cut off his nose to spite his face and renounce the residential bargain¹⁶ he is being offered, the landlord would be no better off.

My claim is that he would be as justified in keeping this apartment as he is in walking or driving on the public street, mailing a letter in the socialist post office, or – joining a union. The only problem he will face is justifying this choice when and if there comes to be created a libertarian Nuremberg Court. How could a tenant do this? By starting, or joining, a group called Tenants Against Rent Control.¹⁷ Such exotic activity is not required; any ordinary garden variety libertarian activity will qualify as a defense against acting the part of a quasi thief: contributing money to the freedom cause, working for the Libertarian Party, writing and speaking in promotion of these ideas, etc.

It is similar with unions. It matters not one whit whether a worker organization is composed entirely of purist libertarians. With the union status, certain realities kick into gear. These redound to the benefit¹⁸ of the employees, and to the detriment of employers and competing scabs. This will occur regardless of the intentions of these libertarian unionists, in creating a group that would otherwise be entirely licit. Should they be forced to give up their rights to organize, just because of unjust laws? Not at all. It is my contention that just as libertarians may properly occupy rent controlled apartments, so may they create workers' associations. The problem, as before, is to distinguish oneself from all other union members (tenants), and this can be done as outlined before: by speaking out, contributing money to groups that fight for liberty, etc.

Let us now consider some possible criticisms of the thesis put forth above.

Unionism is legitimate.

Many readers of this article would insist that theoretically, unions are compatible with the free society. I agree. Nothing said above should be taken to be inconsistent with this view. All such a union would have to do is to eschew both white and blue-collar crime. I only argue that it has never happened in fact,¹⁹ not that it would be impossible for it to occur.

However, I am something of a stickler about language.²⁰ Surely, a worker's association that totally eschews the initiation of violence, or even the threat thereof, deserves different nomenclature from the organizations it

only superficially resembles; e.g., unions. My suggestion is that we not characterize as a union any labor organization that strictly limits itself to the threat of quitting en masse.

What, then, should we call a group of workers who eschew both beating up “scabs” and laws compelling employers to bargain with them? Here are some possibilities: workers’ associations, employees’ groups, organizations of staff members, etc.

Thus, are workers’ associations as defined above compatible with free enterprise? You bet your boots they are. Do unions, or organized labor qualify in this regard? No, a thousand times no.

Not aware of violence

Let us now consider the objection that numerous members of the rank and file are not aware of any violence in their own unions. But, many employees of the IRS are probably not aware that what they are doing amounts to the threat of the initiation of violence. I don't see why all union members should necessarily be aware of this for my thesis (this is hardly original with me) to be correct. My understanding is that after the British left India, the government of the latter began polling people in far removed rural villages as to their thoughts on this matter; they had to stop when they learned that they were not aware that the British had even arrived there in the first place. There are probably some people who still think the earth is flat, or that socialism is an ethical and efficacious system! That does not make it so.

Self defense

Union violence does indeed exist, but is justified on the ground that this is only in self-defense, against employers, scabs, or foreigners. Let us consider each of these in turn.

Yes, employers are violent too. The Pinkertons spring immediately to mind in this regard. Some of these cases were justified in self-defense, against prior union aggression, some were not. In the former case, there is certainly no warrant for invasive behavior on the part of organized labor. But even the latter cases cannot serve as justification for pervasive union

aggression, even against non-invading employers.²¹ At best; this can validate self-defense on the part of the rank and file in those cases of employer aggression only.

And what of "scabs?" The claim, here, is that "scabs" are stealing, or, better yet, attempting to steal, union jobs. But the scab can only "steal" a job if it is *owned*, like a coat, or a car. However, a job is very different. It is *not* something anyone can own. Rather, a job is an *agreement* between two parties, employer and employee. But when an employer is trying to hire a scab and fire the unionist, this shows he no longer *agrees*. Do not be fooled by the expression "my job." It does not denote ownership, any more than "my wife," "my husband," "my friend," "my customer," "my tailor" indicates possession in any of those contexts. Rather, all of these phrases are indicative of voluntary interaction, and end (apart from marriage laws which may prohibit this) when the agreement ceases.

Then, there is the supposed "threat" imposed Mexican workers (or Indian or Japanese workers, who ever is the economic Hitler of the day). Remember that "giant sucking sound?" The best remedy for this bit of economic illiteracy is to read up on free trade. Henry Hazlitt's book, *Economics in One Lesson*, would be a great place to start.

But they signed a contract

What of the argument that since the employer signed a labor contract, he should be forced to abide by its provisions? My response is that the employer should not have to honor a contract that was only signed under duress. Suppose I held a gun on you, threatened to shoot you unless you signed a "contract" with me, promising to give me \$100 per week. Later on, when you were safe, you reneged on this "contract." Certainly, you'd be within your rights.

Maximize income

Let us consider the following question: "How else is a man who sells the only product most of us have, labor and time, going to maximize the return of his investment, other than by joining a union?"

First of all, even if this were true, any criminal could say no less. A thief also wants to "maximize the return of his investment" and does so by committing aggression against non-aggressors. How is the unionist any different than the thief in this regard?

Secondly, it is by no means clear that organized labor is the last best chance for economic well being on the part of the workingman. Anyone ever hear of the rust belt? Unions from Illinois to Massachusetts demanded wages and fringe benefits in excess of productivity levels, and employers were powerless to resist. The result was "runaway shops." Either they ran into bankruptcy, or they located to places like Alabama, Mississippi and Louisiana, where unionism was seen more for the economic and moral scourge that it is, than in Massachusetts. If organizing workers into unions is the be-all and end-all of prosperity, how is it that wages and working conditions are very good in computers, insurance, banking, and a plethora of other non unionized industries?

Hierarchy is the real problem.

"Hierarchy is the real problem. Why pick on unions, which are only one hierarchical structure among many. Surely, firms are even more hierarchical than is organized labor." Conceded in this objection is the premise that unions are illegitimate; I certainly agree with this, but not for the reason given. Their real problem is not that they are hierarchical. There is no reason whatsoever to oppose *all* hierarchical organizations, which would certainly include employers.

Libertarians oppose the initiation of coercion or the threat thereof, not hierarchy. Yes, all groups that violate the non-aggression axiom of libertarians are hierarchical. Governments, gangs, rapists, impose their will, by force, on their victims. They give orders. And yes, in all hierarchies, people at the top of the food chain give orders to those below them. But the difference, and this is crucial, is that the recipients of orders in the latter case have *agreed* to accept them, but this does not at all apply in the former case.

When the rapist orders the victim to carry out his commands, this is *illegitimate* hierarchy. When the conductor orders the cellist to do so, this is an aspect of *legitimate* hierarchy. I oppose unions not because they are

hierarchical, but because the scabs have never agreed to carry out their orders.²²

Management bullies

Unions protect their members from bullies in management. Thus, if unions are an evil, they are a necessary one.

I would not wish to deny that it is often the case that organized labor acts as a counterweight to tyrannical managers. However, there are other better and more moral remedies; unionism is neither “necessary” nor ethical as a response to these bads.

It is not morally defensible since unions act not so much directly against firms, but indirectly, by attacking scabs who are innocent of any wrong doing in this context. It is one thing to hit back at your attacker. It is quite another to lash out at a guiltless passer- by.

Nor are these groups necessary. When managers exceed their proper role, they lose profits for their firms. The owners, then, have a financial incentive to root out managers who hurt a company by engendering a higher than optimal quit rate.

Doctors and lawyers are worse

Compared to doctors and lawyers associations, unions are pikers. It is *explicitly* illegal, not merely implicitly so through labor legislation, to compete with a member of either profession for a person who is not licensed by them to do so. That is, practicing medicine without a license is a criminal offense, and a non-lawyer who attempted to defend a client would be thrown summarily out of court. Powers of this sort are simply unavailable to union organizations. Why criticize the latter, then, and not the former?

The defense against this criticism is straightforward. Attorneys and physicians associations are but examples of *unions*; ²³ this, in criticizing the latter we are also doing so for the former. Remember, we are defining unions as organizations that use coercive force, whether of the blue or white-collar variety it matters not, to mulct higher than market wages²⁴ out

of long suffering employers, and, indirectly, consumers. If this does not aptly describe these two professions, then nothing does.

A miscellany of questions

Is there any libertarian distinction worth making between now illegal "closed shops" (in which membership can be compelled) and "agency shops" (in which workers cannot be compelled to join the union)?

The key point for the libertarian is: Does an institution necessarily initiate violence against innocent non aggressors? If so, it is illicit; if not, then licit. There is nothing in principle improper about a closed shop union that does not rely on labor legislation nor beat up scabs, provided that the employer wishes to hire people only on the precondition that they join. Similarly, on these assumptions, an agency shop is incompatible with libertarianism, if the owner wants to hire only union members.²⁵ The word "compelled" in the above statement is problematic. Am I "compelled" to pay for the candy bar I have just taken? Well, yes, the sense that if I do not I am a thief. But, no, in that this purchase of mine is strictly a voluntary one.

Should unions be illegal even if, they do not benefit from labor legislation of the Wagner Act variety and any use of violence is forbidden and the law is enforced? Yes. But then I would characterize such organizations not as "unions" but as workers associations, or some such other title, to make the distinction between these theoretical entities (which do embody rights of free association) and actual labor organizations.

Do unions violate rights even if all members support the union? Yes, they do violate the rights of scabs.

Can unions enhance rights when they exist inside a political system that is illegitimate (e.g., one with a powerful state). After all, they check state power. My answer (Block, 2005b) to this is a qualified "Yes." It then becomes a strategic or prudential matter, not one of principle: the libertarian would support whichever is the weaker party. As that is usually the union, not the government, this would be a case for support of even coercive labor unions.

Potential

Every group, and, indeed, every individual, has the *potential* to commit violence. Why pick on unions alone?

It is because *only* unions, and *no* other groups apart from government itself, have the *legal right* to initiate violence. Yes, *every* person or group of persons can potentially commit violence. But only unions have been granted by government permission to share in its rights of force majeure.²⁶

Let me end with a joke, a very pertinent one. A husband and wife are out on a rowboat, fishing, or at least the husband is. The wife abhors fishing, and is reading a book, merely keeping him company in the boat. He jumps in the water and swims away, leaving his fishing rods in the boat. The boat drifts to a part of the lake where fishing is illegal. A sheriff then comes upon the wife blissfully reading her book, and announces he is going to arrest her for fishing in restricted waters. She objects that she was only reading, not fishing. The officer of the law replies, “But you have all the equipment necessary to fish.” The wife replies, “If you arrest me for fishing when I was only reading a book, I shall accuse you of rape.” “Rape?” replies the sheriff. “Why, I made no threats, and took no action that could be construed in any such manner.” Her retort: “But you have all the necessary equipment.”

We *all* have the “equipment” with which to initiate violence. But only unions, apart from government, have the legal *right* to do so. This right is demonstrated on the blue collar front by the purposeful failure of the police to stop strike violence of the type that, had it occurred in any other context²⁷ would have called for swift and immediate police counter action. It occurs in the white collar context on the basis of laws such as the Wagner Act.

Notes

1. Why, then, should it even be of interest to the typical non-libertarian? Because he has “liberty envy.” He is loath to admit that his own viewpoint can be inconsistent with this basic premise of libertarianism.

43

2. In Hayek's (1959, 47) view, Unions, "are the one institution where government has signally failed in its first task, that of preventing coercion

of men by other men and by coercion I do not mean primarily the coercion of employers but the coercion of workers by their fellow workers."

3. Or, taking advantage of them when they are passed with the instigation of others.

4. I know of no counter example to this claim. I would be happy to be shown one such. I once thought I had found a candidate: The Christian Labor Association of Canada. But based on a telephone interview with them I can say that while they do indeed eschew "blue collar" aggression, they unfortunately support the "white collar" version.

5. It is mostly composed of nerds, not physically aggressive people.

6. For the argument that "taxes are theft," see Sabrin (1995), Gordon (1994), Sechrest (1999).

7. But could it be counter argued that these police are only defending the private property rights of their employers? That the motorist who enters into their "turf" is morally obligated to follow the rules of the road? For the denial of these arguments, see Block (1996).

8. Why is it not "discriminatory," and "hateful," to describe workers willing to take less pay, and to compete with unionized labor, as "scabs?" Should not this be considered on a par with using the "N" word for blacks, or the "K" word for Jews?

9. For example, the Wagner Act. See on this:
<http://concise.britannica.com/ebc/article?eu=407516>; also
<http://www.mackinac.org/article.asp?ID=4020>

10 in self defense, of course

11. See the "Give Me a Break" segment hosted by John Stossel: No Good Deed Goes Unpunished: Are Volunteers Taking Workers' Jobs? ABCNEWS.com;

http://abcnews.go.com/sections/2020/GiveMeABreak/GMAB_Volunteers_031226-1.html.

12. I am greatly indebted to my friend Michael Edelstein for raising this issue with me, and then discussing it with me in depth.

13. That is, suppose that CLAC took a different position than the one I attribute to them. They forswear all unfair and improper advantages afforded them by labor legislation.

14. “Anarchy” (1986) tells of libertarian Robert Nozick’s attempt to utilize the rent control law against his landlord, non-libertarian author of “Love Story” and fellow Harvard Professor. In my view, the former will have difficulty reconciling his philosophical position with his actions as a tenant. The only justification for such behavior, in my view, is if Nozick were to have had some legitimate other grievance against Segal that could only be assuaged by use of this type of government coercion. There is no evidence that this was in fact the case.

15. I have argued elsewhere (Block, 2004; Block and Whitehead, 2005) that libertarian strictures against pre-empting constitute an exception to the general rule that the imposition of (seemingly) positive obligations and libertarianism are incompatible.

16. For arguments that in the long run rent control does not so much reduce rents as decrease the quality of apartments, see (Baird, 1980; Block, 2002; Grampp, 1950; Hayek, 1981; Johnson, 1982; Salins, 1980; Tucker, 1990). We are now abstracting from this issue.

17. Tenants against rent control; <http://www.wclf.org/articles/2.2.1.html>

18. Well, the short run benefit, in any case.

19. See on this, Hutt, 1973, 1989; Petro, 1957

20. Block, 2000a, 2000b, 2000c.

45

21. It is only a Marxist who would claim that employers are necessarily offensive; for an exposure of this fallacy, see Bohm-Bawerk, Eugen. 1959 [1884]; see particularly Part I, Chapter XII, "Exploitation Theory of Socialism-Communism."

22. But are corporations gangs? No. when they engage in uninvited border crossings, they necessarily go to jail if caught. Not so for unions, the only institution in the country that can legally use force, apart from government itself. Let us put this more moderately; yes, sometimes corporations can indeed be composed of gangsters, and thus may properly be indicted in the same manner in which we have dealt with organized labor. For example, claims in this regard would include illicit use of the Pinkertons, and, more recently, several of the scandals for which executives were imprisoned. The difference, however, is that unions are *necessarily* criminal organizations, while this does not at all apply to corporations. Only *some* of them can properly be considered gangsters. For a defense of the corporation, see Hessen, 1979, Novak, 1981.

23. Friedman (1962, chapter 9) goes so far as to characterize the American Medical Association as the nation's most powerful union. No truer words have ever been printed.

24. For the case of doctors, see Hamowy (1984).

25. It is all a matter of contract. For a defense of the "yellow dog" contract, see Block, 2005a.

26. http://en.wikipedia.org/wiki/Force_majeure

27. Sometimes the police refuse to intervene when minority group members are creating mayhem, out of fear that the violence will only escalate if they do
(<http://www.google.com/search?hl=en&q=police+refuse+to+intervene+in+Central+Park+violence%2C+Puerto+Rico+parade&btnG=Google+Search>). To the extent this is true, we have to modify our claim that only unions have a legal right to initiate violence against non aggressors.

References

“Anarchy, State and Rent Control.” *The New Republic* Dec. 22 1986 pp. 20-21. <http://www.daft.com/~rab/liberty/Miscellaneous/Nozick-article>

Baird, Charles. (1980). *Rent Control: The Perennial Folly*, Washington D.C.: The Cato Institute.

Block, Walter. (1991) [1976]. *Defending the Undefendable*, New York: Fox and Wilkes.

Block, Walter. (1996). “Road Socialism,” *International Journal of Value-Based Management*, Vol. 9, pp. 195-207

Block, Walter. (2000a). “Watch Your Language,” February 21; <http://www.mises.org/fullarticle.asp?control=385&month=17&title=Watch+Your+Language&id=19>.

Block, Walter. (2000b). “Taking back the language,” April 1; <http://www.mises.org/fullarticle.asp?control=406&month=19&title=Taking+Back+the+Language&id=19>.

Block, Walter. (2000c). “Word Watch,” April 20; <http://www.mises.org/fullstory.asp?control=414&FS=Word+Watch>.

Block, Walter. (2002). “A critique of the legal and philosophical case for rent control,” *Journal of Business Ethics*, Vol. 40, pp. 75-90; <http://www.mises.org/etexts/rentcontrol.pdf>.

Block, Walter. (2004). “Libertarianism, Positive Obligations and Property Abandonment: Children’s Rights,” *International Journal of Social Economics*, Vol. 31, No. 3, pp. 275-286

Block, Walter. (2005a). “The Yellow Dog Contract: Bring It Back!” September 5; <http://www.lewrockwell.com/block/block52.html>
<http://www.liberalismo.org/articulo/334/>
<http://www.liberalismo.org/autor/block/>

Block, Walter. (2005b). “The Evil of Unions: In the public as well as the private sector.” September 14;

Block, Walter and Roy Whitehead. (2005). "Compromising the Uncompromisable: A Private Property Rights Approach to Resolving the Abortion Controversy," *Appalachian Law Review*, Vol. 4, No. 2, pp. 1-45

Bohm-Bawerk, Eugen. (1959) [1884]. *Capital and Interest*, South Holland, IL: Libertarian Press, George D. Hunke and Hans F. Sennholz, trans.

Friedman, Milton.(1962). *Capitalism and Freedom*, Chicago: University of Chicago Press.

Gordon, David. (1994). "Justice and Redistributive Taxation: James Buchanan vs. Ludwig von Mises" *The Review of Austrian Economics*, Vol. 8, No. 1, pp. 117-131

Grampp, W.S. (1950). "Some Effects of Rent Control" *Southern Economic Journal*, April, pp. 425-426

Hamowy, Ronald. (1984). *Canadian Medicine: A Study in Restricted Entry*, Vancouver: The Fraser Institute.

Hayek, F.A. (1959). "Unions, Inflation, and Profits," in Philip D. Bradley, ed., *The Public Stake in Union Power*. Charlottesville: University of Virginia Press.

Hayek, Friedrich A. (1981). "The Repercussions of Rent Restrictions," *Rent Control: Myths and Realities*, Walter Block, ed., Vancouver: The Fraser Institute.

Hessen, Robert. (1979). *In Defense of the Corporation*. Stanford, CA: Hoover Institution Press.

Hoppe, Hans-Hermann. (2001). *Democracy - The God That Failed: The Economics and Politics of Monarchy, Democracy, and Natural Order*, Rutgers University, N.J.: Transaction Publishers.

Hutt, W. H. (1973). *The Strike Threat System: The Economic Consequences of Collective Bargaining*, New Rochelle, N.Y.: Arlington House

Hutt, W. H. (1989). "Trade Unions: The Private Use of Coercive Power," *The Review of Austrian Economics*, Vol. 3, pp. 109-120, http://www.mises.org/journals/rae/pdf/rae3_1_7.pdf.

Johnson, M. Bruce, ed. (1982). *Resolving the Housing Crisis: Government Policy, Decontrol, and the Public Interest*, San Francisco: The Pacific Institute.

Novak, Michael, ed. (1981). *The Corporation: A Theological Inquiry*, American Enterprise Institute for Public Policy Research, Washington D.C.

Nozick, Robert. (1974). *Anarchy, State and Utopia*, New York: Basic Books.

Petro, Sylvester. (1957). *The Labor Policy of the Free Society*, New York: Ronald Press.

Raimondo, Justin. (2000). *An Enemy of the State: The Life of Murray N. Rothbard*. Amherst N.Y.: Prometheus Books

Rothbard, Murray N. (1998) [1982]. *The Ethics of Liberty*, Humanities Press, Atlantic Highlands, N.J.

Sabrin, Murray. (1995). *Tax Free 2000: The Rebirth of American Liberty*, Lafayette, LA: Prescott Press

Salins, Peter D. (1980). *The Ecology of Housing Destruction: Economic Effects of Public Intervention in the Housing Market*, New York: New York University Press.

Sechrest, Larry J. (1999). "Rand, Anarchy, and Taxes" *The Journal of Ayn Rand Studies*, Vol. 1, No. 1, pp. 87–105.

Tucker, William. (1990). *The Excluded Americans: Homelessness and Housing Policies*, Washington D.C.: Regnery Gateway

Biographical Sketch

Walter E. Block, Ph.D. (Columbia University, 1972) has been Harold E. Wirth Endowed Chair and Prof. of Economics at the College of Business, Loyola University New Orleans since 2001. He may be reached at this street address: 6363 St. Charles Ave., Box 15, New Orleans, LA 70118, or at wblock@loyno.edu. His professional interests include Austrian economics and libertarian theory.