

## Index

- Aboud v. Detroit Board of Ed.*, 230, 231, 257
- actual consent  
   in general, 96, 150, 235  
   moral force of, 96
- adaptive preferences and measurement of  
   liberty, 92, 119
- adding up problem, 75
- adjudicative services, defined, 21
- affirmative action, 151
- Affordable Care Act, 236
- agency fees, 15, 16, 24, 171, 230, 231, 232, 233, 234, 236, 237, 257
- Alternative for Germany party (AfD), 145
- American dream, 113
- anarchism  
   and libertarianism distinguished, 54  
   and small government argument, 195
- anarchists, 55, 110, 196, 235
- anarcho-capitalism, 258
- Anarchy, State, and Utopia*, 21
- Anderson, Elizabeth, 122
- anticompetitive behavior  
   in general, 36, 37, 38, 39, 41, 101, 186, 235  
   in minimal state, 21, 28, 35, 36, 40, 41, 186  
   monopolization, 36, 37, 132  
   price-fixing, 36  
   secondary boycotts, 41  
   unionization as, 35, 36, 37, 39, 40, 41, 42, 118, 153, 254
- anti-liberalism, 270
- anti-Semitism, 143
- antisocial behavior  
   by management, 142, 143
- and unionization, 67, 101, 102, 140, 143, 157  
   by unions, 143
- antitrust laws, 36, 41, 125, 151, 162, 172, 235
- anti-union legislation, 5, 170, 230
- arbitrariness  
   defined, 89, 266  
   and failure to take interests or opinions into account, 91  
   in general, 14, 57, 58, 64, 78, 86, 88, 89, 90, 91, 92, 93, 95, 101, 106, 118, 120, 121, 122, 126, 146, 148, 149, 153, 158, 174, 176, 205, 207, 235, 236, 237  
   and intent, 91  
   and republican liberty, 88, 89, 90, 91, 92, 93, 183
- arbitration, 112, 113
- austerity, 172, 178, 197, 205
- automation. *See* technological innovation
- background justice, 11, 64, 75, 78, 82, 84, 111, 119, 153, 156
- bankruptcy, 3, 13, 171, 207, 224, 226, 229, 231  
   as allegedly caused by excessive salaries and pensions, 222  
   of Detroit, 196  
   of public entities, 225, 321  
   individuals who pay even after discharge, 337
- basic institutions  
   and basic structure, 67, 68, 72, 83  
   central banks as, 165

- basic institutions (*cont.*)  
 definition of, 13, 63, 64, 65, 66, 68, 78, 79,  
 80, 82, 90, 152, 164  
 firms as, 143  
 free press as, 165  
 moral evaluation of, 67, 68, 71, 73, 76, 78,  
 79, 80, 83, 85, 90, 95, 102, 104, 151,  
 205, 237  
 and post-institutional rights, 103  
 Rawls on, 67, 72, 74, 76, 84  
 religious institutions as, 166  
 slavery as, 80  
 unions as, 11, 12, 13, 63, 64, 66, 67, 82,  
 83, 84, 86, 87, 102, 103, 104, 109, 110,  
 120, 124, 127, 128, 131, 139, 144, 149,  
 150, 152, 153, 154, 155, 156, 161, 163,  
 164, 237, 238
- basic structure, 63, 66, 67, 69, 72, 73, 74, 76,  
 79, 80, 83, 105, 106, 124, 143, 146  
 and basic institutions compared, 72, 73  
 functionality of, 73  
 moral evaluation of, 69, 70, 71  
 Rawls on, 63, 67, 68, 71, 74, 75, 76, 84,  
 97, 261  
 and well-ordered society, 71
- Bentham, Jeremy, 84  
 Berlin, Isaiah, 14, 55  
 Bevin, Matt, 202  
 Black, Marina, 228  
 Black Lives Matter, 151  
 boards of directors and supervision of  
 management, 137, 138  
 Bonar, James, 135  
*Brave New World*, 70  
 Brexit, 172, 195, 214, 262, 269  
 Brownback, Sam, 197  
 Buchanan, James, 23  
 burden of the risk of error, 109, 149  
 burdens of judgment, 90, 108
- capitalism  
 in general, 70, 71, 72, 79, 81, 82, 83, 95,  
 102, 193, 209  
*laissez faire*, 71, 187  
 welfare state, 71, 72  
 Carter, Jimmy, 219  
 categorical imperative, 81  
 Catholic Church on economic freedom, 99  
 Cato Institute, 182  
 causation, 2, 8, 51, 85, 103, 118, 136, 145, 177,  
 179, 180, 181, 184, 196, 202, 203, 222  
 central banks as basic institutions, 165, 166
- charter schools, 215  
*Citizens United*, 213  
 Clark, John Bates, 75  
 Clark, John M., 72  
 Clinton, Hillary, 212  
 closed shop agreements, 15, 16, 153  
 Coase, Ronald, 27, 28  
 codetermination, 123  
 Cohen, G. A., 24  
 collective action problems, 21  
 collective bargaining  
 arguments against, 13, 22, 41, 203, 204,  
 205, 208, 211, 219  
 as core function of unions, 13, 66, 158,  
 203, 205  
 cost of, 15, 24, 57, 171, 232, 236, 237  
 and free association, 205  
 and free speech, 233  
 in general, 7, 12, 34, 40, 46, 66, 133, 140,  
 154, 163, 207, 208, 210  
 Nixon on, 11  
 by public employees, 204, 207, 209, 210,  
 218, 230, 325, 326  
 right to, 3, 4, 11, 144, 170, 175, 204, 205,  
 207, 208, 220, 222, 227  
 and strikes, 204  
 as undemocratic, 205, 219, 220  
 collective responsibility, 236  
 common good, 2, 3, 4, 6, 7, 9, 11, 42, 64,  
 65, 97, 171, 191, 206, 207, 212  
 Commons, John R., 72  
 communism, 86, 100, 166  
 commutative justice, 5, 6  
 compelled speech, 16, 171, 230, 231,  
 234, 235  
 compulsory unionization. *See* universal  
 unionization  
 conceptions of the good, 30, 43, 58,  
 105, 208  
 concepts and conceptions, distinction  
 between, 14  
 consequentialist arguments, 4, 8  
 and arguments from right distinguished,  
 8, 9, 65  
 and unionization, 3, 6, 8, 30, 42, 43, 127  
 corporate governance as check on  
 management incompetence, 137, 138  
 corporatism, 72  
 corral the beast, 4  
 corruption, 64, 66, 101, 102, 128, 139, 144,  
 148, 149, 191, 196, 215, 218, 227  
 within unions, 128

## Index

409

- cost-benefit analysis, difficulty of, 194, 195  
counterfactual comparisons, nature of, 103
- deep state, 221  
demagogues, 146  
democracy, 17, 59, 70, 71, 72, 122, 123, 165,  
198, 210, 213, 214, 216, 219, 222, 237  
direct, 215  
representative, 215  
Democratic Party and unionization, 170,  
175, 208, 209, 217  
democratic socialism, as distinguished from  
capitalism, 71  
desert as theory of justice, 265  
Detroit, 197, 230  
bankruptcy, 196  
de-unionization, effects of, 155  
difference principle, 4, 24, 64, 68, 85, 152  
dissatisfaction effect, 119  
distinctness of persons, 81  
distributive justice, 3, 5, 56, 74, 152  
division of labor, 26, 41, 48  
dominant protective association, 21, 26,  
29, 30, 31, 33, 34, 35, 36, 41, 42, 43,  
44, 45, 46, 48, 49, 50, 51, 52, 54, 58,  
107, 126, 205  
membership in, 47  
unionization of, 45  
domination  
and negative liberty, 106  
and republican liberty, 14, 57, 58, 86, 95,  
96, 99, 106, 118, 120, 125, 148, 149,  
154, 183, 187  
Douglas, Paul, 121  
due process, 92  
substantive *versus* procedural, 92  
Durkheim, Emile, 17, 145  
and distinction between mechanical  
solidarity and organic solidarity, 145  
on unions as source of organic  
solidarity, 146
- Economic Freedom Index (EFI), 182, 184  
economic growth and unionization, 94, 115,  
116, 127, 136, 197  
economic inequality  
and exploitation, 6, 187  
in general, 2, 4, 5, 6, 85, 115, 116, 119,  
135, 183  
and unionization, 1–2, 4, 5, 67, 85, 115,  
116, 120  
as violation of right, 5
- economic liberty, 24, 66, 94, 100, 101, 104,  
139, 148, 181, 185, 188, 211  
connection with political liberty, 94,  
109–10, 181, 184, 189, 190  
connection with positive liberty, 181  
not a right, 94  
efficiency. *See also* Kaldor-Hicks efficiency;  
Pareto efficiency  
and anticompetitive behavior, 101  
and externalities, 128  
and firm, 29, 97, 98, 137, 138  
Kaldor Hicks *versus* Pareto, 104  
and liberty, 94, 98  
macroeconomic, 137  
microeconomic, 120  
and morality, 30, 75, 76, 98, 109, 119, 190  
and privatization, 191  
and proper size of government, 192, 193, 194  
and social costs, 270  
and unions, 102, 109, 118–19, 120, 126,  
131, 134, 139, 140, 148  
employee tenure, 118  
Enlightenment, 7, 13  
Equal Rights Amendment, 151  
equality  
argument from, 4, 5, 6, 7, 17, 18, 86, 87,  
104, 119, 120, 151, 177  
and exploitation, 173  
in general, 3, 5, 6, 7, 34, 56, 64, 66, 83,  
84–85, 86, 87, 103, 104, 119, 121, 124,  
151, 152, 176, 184, 192, 208, 212, 237  
meaning of, 152  
right to, 4, 7  
essential services, 13, 171, 196, 200, 201,  
203, 323  
*Exit, Voice, and Loyalty: Responses to  
Declines in Firms*, 117  
exploitation, 6, 64, 85, 101, 113, 127, 128,  
133, 163, 173, 183, 186, 187, 197–98,  
206, 208, 285  
and economic inequality, 187  
of foreign workers, 139  
of independent contractors, 160  
and monopsony, 39  
by non-unionized firms, 1, 49  
and profitability, 127  
and unionization, 122, 127, 238  
and voluntariness, 78  
*Exploitation and Economic Justice in the  
Liberal Capitalist State*, 75, 77  
external preferences, 64, 260  
externalities, 102, 128, 140, 183, 187, 198

Cambridge University Press  
978-1-108-81859-9 — In the Name of Liberty

Mark R. Reiff

Index

[More Information](#)

410

*Index*

- fair share fees. *See* agency fees
- farm workers, 309
- fascism, 99, 182, 211, 215
- fast-food workers, 40, 112, 162
- feasibility constraint, 10, 25, 29, 75, 80, 82, 98, 102, 103–4, 120, 144, 155, 156, 159, 213
- Feinberg, Joel, 51
- financial crisis of 2008, 101. *See also* Great Recession
- firm size, 27, 28, 98
  - and economies of scale, 28
  - limits on, 29
- firms
  - anticompetitive behavior of, 36
  - and appropriation of surplus value, 32
  - as basic form of business organization, 12–13
  - bargaining power of, 29
  - Coase on, 268
  - and division of labor, 26
  - external checks on behavior of, 101
  - hierarchical structure of, 96, 97, 122
  - justification for, 27, 96, 97, 102, 126, 139
  - in libertarian utopia, 23
  - regulation of, 22
  - relationship with independent contractors, 50, 57
  - remedies against, 58
  - and suppression of price mechanism, 27, 95
  - as threat to liberty, 66, 97, 98, 99, 101, 102, 110, 120, 123, 141
  - unionization of, 22, 54, 137, 138, 149, 150, 163
- First Amendment, 16, 171, 172, 230, 231, 232, 233, 234, 238. *See also* free speech
  - weaponizing of, 237
- foreign workers, 125, 139
- France, 83, 145, 172
- franchise agreements, no poaching clauses, 162
- Fraser Institute, 182
- fraud, 21, 36, 55, 101, 128, 142, 143, 183, 186, 224, 225, 227
  - uncovering of, 142
- free market, 12, 22, 36, 37, 38, 79, 82, 94, 95, 97, 102, 121, 137, 180, 181–82, 187, 189, 190, 235, 268
- free press as basic institution, 164–65
- free riding, 16, 45, 284
- free speech, 3, 13, 64, 234
  - as based on equality, 265
  - and communicative significance, 232
  - money as form of, 231–32
- freedom. *See* liberty
- freedom of association, 3, 4, 6, 26, 31, 33, 34, 35, 43, 46, 52–53, 54, 64, 83, 84, 204, 205
  - as based on equality, 265
  - does not include right to not associate, 53
- freedom of contract, 26, 31, 35, 64, 94, 223, 230
- freedom of religion, 53
- Freeman, Richard B., 111, 112, 115, 116, 117, 118, 119, 124, 128
- Freeman, Samuel, 67
- friction, defined, 28
- Friedman, Milton, 136, 290
- Fuller, Lon
  - on basic institutions, 264
- fundamental moral presuppositions, 9, 38, 211
- Galbraith, John Kenneth, 121
  - and concept of countervailing power, 121
- game theory, 8, 125, 263
- gay marriage, 234
- Germany, 72, 83, 99, 123, 145, 148, 149, 163, 298
  - and use of works councils, 149
- gerrymandering, 213
- gig economy, 160, 162
- Gilded Age, 199
- globalization and unionization, 125
- government shutdown of February 2019, 178, 201
- Great Depression, 85
- Great Recession, 115–16, 165, 169, 178–79, 205, 207, 229. *See also* financial crisis of 2008
- Hamilton, Walter, 72
- Hart, H. L. A., 69, 78
- Hayek, Friedrich, 23, 100, 129, 131, 136, 140, 181, 188
  - fear of socialism, 256
  - on public education, 188
  - on unemployment, 188
- health care, 113, 175
- health insurance and unionization, 17, 113, 114, 236
- heavy manufacturing, shift of jobs overseas, 1
- Hill, Joe, 81
- Hitchman Coal & Coke Company v. Mitchell*, 31
- Hitler, Adolph, 99, 148, 198

## Index

411

- Hobbes, Thomas, 69  
 Hobbs Act, 129, 286  
 home-care workers, 309  
 human capital, 95  
 Human Freedom Index (HFI), 182, 183, 184  
 human nature, 8, 10, 25, 69, 84  
 human rights, 84  
 Hutt, William H., 100, 295  
 Huxley, Aldous, 70, 119  
 hypocrisy, 223, 331  
 hypothetical consent, 150, 151  
   moral force of, 97, 235
- ideal theory, 10, 25  
   and non-ideal theory contrasted, 10  
 immigration policy, 324–25  
 incompetence of management, 64, 66, 67,  
   101, 102, 137, 138, 139–40, 144, 193  
 independent contractors  
   as employees, 25, 160, 161, 162  
   and employees compared, 57  
 independents  
   as free riders, 45, 46, 284  
   in minimal state, 21, 46–47, 48–49, 50, 52,  
     54, 107, 126  
   within firm, 51  
   within union, 45, 46, 49, 50, 52, 54, 126  
 individual right, 5, 9, 54, 64, 83, 84, 85  
   argument from, 5  
 industrial relations, 7, 65  
 inflation  
   Friedman on, 136, 290  
   and unionization, 67, 115, 133, 134, 135,  
     136, 137  
   and wages fund theory, 134–35  
 inherently governmental functions, 192, 320  
 institutionalism, 72, 187, 262  
 Internal Revenue Service (IRS), 191–92, 193  
 invisible hand, 268
- James, LeBron, 96  
*Janus v. AFSCME*, 65, 144, 170, 231, 232,  
   233, 234, 236–37  
 job security, 2, 138, 142  
 joint employees, classification as, 162  
 just price, doctrine of, 207, 285  
 justice as fairness, principles of, 24, 63, 64,  
   76, 85, 263
- Kaldor-Hicks efficiency, 104, 105, 106, 107, 109  
   and measuring improvements in risk  
   environment, 107, 108, 109
- Kalecki, Michal, 132  
 Kansas, 197  
   supply-side tax experiment, 197  
 Keynes, John Maynard, 131, 132, 207  
 King, Martin Luther Jr.  
   on sanitation workers strike, 173  
   on unions, 114  
 kleptocrats, 99  
 knowledge problem, 249  
 Koch, Charles, 23, 182  
 Koch, David, 23, 182  
 Koch Brothers, 199
- la secte*, 221  
 labor economics, 7, 65  
 labor market  
   defined, 37, 38, 39, 40, 121, 132,  
     133, 160  
   and perfect competition, 37  
*laissez faire*, 71, 187  
 law of conservation of liberty, 104, 105, 259  
 Le Pen, Marine, 145  
 left-libertarianism. *See under* libertarianism  
 leveling down, 206  
 LGBT people, 17, 141  
 liberal capitalist democracy, 11, 12, 16, 59,  
   100, 110–11, 171, 238  
 liberal egalitarianism, 3, 4, 13, 64, 82  
 liberal political theory and neglect of  
   unionization, 8  
 libertarian utopia  
   arguments available in, 30–31, 51–52, 208  
   firm size in, 28  
   free-riding in, 47  
   government regulation in, 182, 186, 195  
   membership in dominant protective  
     association, 47, 107, 126  
   and negative liberty, 57  
   and republican liberty, 58  
   rise of firms in, 29  
   role of dominant protective association in,  
     21, 26  
   union shop agreements in, 51, 238  
   unionization in, 32, 35, 42, 45, 46, 48, 54,  
     57, 58, 59, 238  
   unionization of dominant protective  
     association in, 42, 43, 44, 45  
   yellow dog contracts in, 31, 32, 33, 34, 54  
 libertarianism  
   among general public, 23, 55  
   and anarchism distinguished, 54, 235  
   and arguments for common good, 42

libertarianism (*cont.*)

- attitude toward anticompetitive behavior, 28, 35, 36, 40, 41
- and Charles and David Koch, 23
- faux*, 23
- and free association, 34, 52, 54
- hybird, consequentilaist, and deontological
  - libertarianism compared, 36
- and James Buchanan, 23
- left, 13, 22, 246, 247
- in libertarian utopia, 21, 22, 23, 24, 25, 26, 27, 28, 29
- and market regulation, 22
- and minimal state, 42
- and negative liberty, 55, 56
- and neoliberalism distinguished, 24
- and noncompete agreements, 40
- not plea for return to agrarian form of life, 25–26
- Nozick on, 21
- and Rand Paul, 23
- and redistribution of wealth, 22
- and republican liberty, 57, 58
- right, 13, 22, 23, 126, 129, 182
- and right to equal treatment, 33
- and rights as side-constraints, 3
- and slavery, 32
- and union shop agreements, 54, 57, 58
- and unionization, 12, 22, 23, 34, 42, 59, 82, 238
- liberty. *See also* economic liberty; negative liberty; political liberty; positive liberty
  - anti-union argument from, 2, 3, 6, 13, 23, 24, 25, 86, 100, 125, 141, 151, 178
  - and argument against slavery, 119
  - as argument from right, 5, 6
  - and collective responsibility, 236
  - conflict with equality, 6, 153
  - and democracy, 215, 216, 237
  - Durkheim on, 17
  - and efficiency, 190
  - and exploitation, 173
  - and firm, 96
  - forms of, 109
  - and free speech, 230, 231, 236
  - and freedom of association, 53
  - in general, 2, 7, 9, 13, 14, 38, 66, 83, 84, 85, 87, 88, 89, 90, 92, 94, 95, 104, 105, 119, 147, 212
  - general right to, 2, 8, 10, 56
  - Hohfeld on, 53
  - and LGBT rights, 234

- in libertarian utopia, 12, 31, 36, 55, 56, 57, 58, 59
- pre-institutional concept of, 64, 103
- pro-union argument from, 7, 17, 95, 98, 99, 100, 101, 102, 124, 133, 148, 154, 158, 159
- and small government argument, 171, 172, 173, 177, 180, 182, 184, 185, 192, 196, 198, 199, 210, 222, 223
- strikes to essential services as threat to, 200
- threats by private parties to, 199, 236
- and union shop agreements, 57
- and voice, 120
- Liberty League, 85
- Lipset, Seymour Martin, 147
- living wage, 112, 113, 157, 195
- long-term agreements and inter-administration bindingness, 220
- Los Angeles School Board, 215
- luck egalitarianism, 4, 5, 64, 85

## Machlup, Fritz, 100

- macroeconomic effects of unionization, 115, 120, 131, 134, 135, 136, 137
- Madison Teachers, Inc. v. Walker*, 204
- Maistre, Joseph de, 221
- marginal net productivity of labor, 75
- market failures, 186, 187
- market socialism. *See* democratic socialism as distinguished from capitalism
- Marshall, Alfred, 27, 75
- Medoff, James, 111, 112, 115, 116, 117, 118, 119, 124, 128
- Memphis, 173, 174
- Mercer, Rebecca, 199
- Mercer, Robert, 199
- microeconomic economic effects of unionization, 120
- middle class, 112, 115, 146, 206, 216
- Mill, J. S., 134, 135
- minimal state, 21, 35, 36, 43, 47, 54, 186, 190, 222
  - and modern capitalist state compared, 22
- minimum wage, 112, 113, 133, 136, 140, 160, 161, 204
- minorities and women, and unionization, 176
- Mises, Ludwig von, 37, 100, 129
- Mitchell, Wesley, 72
- monopoly profits and wages, 28, 117, 124
- monopsony, 38, 39, 40, 148
- mountain cabin hypothetical, 51
- multiplier effect, 207

*Index*

413

- Murray, Charles, 333  
Mussolini, Benito, 99
- National Labor Relations Board, 161  
Nazis, 99  
negative liberty  
    Berlin on, 14, 55  
    definition of, 55, 86  
    and economic liberty, 94, 104  
    and efficiency, 97, 98  
    equality of, 56, 87  
    and firm, 98, 99, 102  
    justification for interference with, 88, 105, 109, 134, 237  
    measurement of, 104, 105, 183  
    minimum required, 56, 57  
    as moral notion, 86, 98  
    no general right to, 56, 126, 140  
    and other forms of liberty, 66, 87  
    Petro on, 211  
    and republican liberty, 94, 95, 97, 106, 107  
    and unionization, 125, 126, 139, 148, 237  
    and voluntariness, 95  
neoliberalism, 12, 22, 24, 94, 99, 100, 129, 181, 188, 190, 195, 197, 198  
neutrality, 66, 89, 104, 123, 185, 208, 209, 210  
Nietzsche, Friedrich, 211  
Nixon, Richard, 11, 209  
no friend, 136  
noncompete agreements, 39, 40  
non-disparagement agreements, 141  
non-ideal theory and ideal theory  
    contrasted, 10  
Norris–LaGuardia Act, 31  
Nozick, Robert, 3, 21, 33, 35, 46, 47, 48, 49, 52, 54, 56, 76, 126, 190
- Obama, Barack, 113, 161, 162, 219, 231  
oligopoly, 38, 39  
oligopsony, 39, 148  
ordoliberalism, 99, 100, 198  
original position, 97, 269  
overlapping consensus, 214
- Pareto efficiency, 104, 105, 106, 107  
    and measuring improvements in risk  
    environment, 107, 109  
Paul, Rand, 23  
pensions, 206, 222, 223, 225, 226, 227, 228, 229, 230  
    as allegedly excessive, 223, 228, 229  
    average for public employees, 226, 227  
    constitutional protection of, 225, 229  
    for Los Angeles city employees, 228  
    public and private compared, 228  
    for public school teachers, 229  
    when irresponsibly managed, 225  
perfect competition, defined, 37  
perfectionism, 82, 296  
Petro, Sylvester, 100, 129, 210, 211, 212, 218  
Pettit, Philip, 88, 89, 96  
Pigou, A. C., 75  
plutocrats, 99  
police unions, behavior of, 157  
political liberalism, 72, 82, 101, 210, 236  
political liberty, 24, 94, 100, 101, 110, 178, 180, 181, 184, 185, 189, 190  
Ponzi scheme and pension funds, 225  
Porter hypothesis, 267  
positive liberty, 14, 66, 86, 87, 88, 89, 93, 104, 126, 127, 183  
    and fascism, 211  
post-institutional regulation, 11, 13, 63, 66, 85, 98, 103, 109, 139, 144, 149, 152, 153, 163, 192, 200  
poverty line, 113  
Powell Memo, 11, 245  
pre-institutional rights, 83, 84, 104, 265  
price mechanism, 27, 41, 82, 95  
prioritarianism, 13  
prisons, understaffing and brutality  
    of, 179, 191  
private sector unionization  
    and antisocial behavior by unions, 143  
    and background justice, 12  
    and back-to-work orders, 200  
    as basic institution, 12, 13, 65, 238  
    and distribution of surplus value, 173  
    effect of globalization and automation, 212  
    effect of strikes, 202  
    effect on wages, 112, 114  
    and employee-owned firms, 217  
    and expenditure on research and development, 281  
    and exploitation, 173, 206  
    and hierarchical structure of firm, 157  
    history of, 169  
    in libertarian utopia, 42, 43, 44, 58  
    and minorities and women, 176  
    outside of US, 172  
    and political influence, 176  
    rates of, 133, 169, 170, 211  
    and retirement benefits, 223, 227  
    and right to bargain collectively, 208

- private sector unionization (*cont.*)
  - and right-to-work laws, 170
  - and taxpayers, 208
  - and yellow dog contracts, 31, 43, 44
- privately held corporations and supervision
  - of management, 138
- privatization, 172, 190, 191, 192, 193
- procedural justice, 73, 75, 76, 78
  - imperfect, 76
  - perfect, 73, 74, 76, 77
  - pure, 74, 75, 76, 77, 263
  - and substantive justice distinguished, 73, 79
- product market, defined, 37, 38, 39, 132, 136
- product prices, stickiness of, 132, 288
- productivity and unionization, 26, 67, 75,
  - 112, 115, 116, 117, 118, 119, 120, 132, 133, 134, 137, 148, 174, 189
- Professional Air Traffic Controllers
  - Organization (PATCO) 1981 strike, 201
- profitability and unionization, 67, 117, 118,
  - 124, 127, 128, 142, 191
- property-owning democracy, defined, 71
- protective services, provision of, 21, 46,
  - 47, 48, 49
- public agencies, hierarchical structure of, 174
- public education, 183, 187, 197, 202, 226
- public employment, rate of growth, 178, 180
- public sector unionization
  - and allegedly excessive public salaries and benefits, 44, 114, 158, 171, 196, 206, 207, 228, 229
  - as allegedly undemocratic, 13, 145, 158, 170, 171, 176, 181, 208, 209, 211, 212, 215, 217, 218, 221, 226
  - and antisocial behavior by
    - management, 143
  - and antisocial behavior by unions, 143, 157
  - and argument from equality, 177
  - and argument from liberty, 3, 7, 13, 59, 171, 231, 237, 238
  - as check on management behavior, 175
  - and consequentialist arguments, 4, 42
  - and corruption, 218, 227
  - differences with private sector, 13, 65, 157, 158, 169, 171, 173, 174, 176, 177, 190, 212, 228, 238
  - effect of *Janus* decision on, 170, 231, 236
  - and essential services, 200
  - and exploitation, 173, 206
  - and free speech, 3, 16, 230, 231, 233
  - history of, 169
  - increased importance of, 170
  - in libertarian utopia, 12, 42, 44, 45, 58, 238
  - and minorities and women, 176, 177, 211
  - outside of US, 172
  - Petro on, 210
  - and public debt, 172, 196, 197, 222
  - public employees like shareholders, 175
  - rates of, 4, 169, 170, 211, 212, 228
  - and right to bargain collectively, 3, 204, 205, 208, 222, 227
  - and right to strike, 200, 201, 202, 203
  - and right to work, 16, 65, 230
  - and size of public workforce, 169, 177, 178, 180
  - and small government argument, 3, 171, 177, 179, 180, 182, 190, 194, 199
  - special arguments against, 65, 169, 170, 171, 173
  - and teacher strikes, 202
  - and yellow dog contracts, 31, 43
- Putin, Vladimir, 99
- quit rates, 118, 119
- Rawls, John, 3, 4, 6, 7, 8, 24, 63, 67, 68, 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 84, 85, 89, 90, 96, 97, 102, 108, 109, 153, 208, 214
  - on unions, 63, 244
- Reagan, Ronald, 185, 201
- reciprocity as moral doctrine, 77
- religious institutions as basic institutions, 166
- religious liberty, 234
- rent-control, 209
- replacement workers, use of, 131, 163, 201
- republican liberty. *See also* arbitrariness; domination
  - and agency fees, 236, 237
  - and arbitrariness, 58, 88, 91, 120
  - and collective bargaining in public sector, 205
  - and concentrations of economic power, 99
  - as countervailing power, 121
  - definition of, 14, 57, 86, 92
  - and discrimination, 176, 177, 237, 238
  - and domination, 57
  - and efficiency, 97, 98
  - and exploitation, 208
  - and firm, 96, 97, 98, 110, 141
  - and free speech, 234, 235
  - and happiness, 119
  - and libertarianism, 58
  - measurement of, 106



## Index

415

- and negative liberty, 88, 96
- no dependence requirement, 93
- no intent requirement, 90
- no participation requirement, 93, 123
- and other forms of liberty, 66
- Petro on, 211
- and public agencies, 174
- and religious institutions, 166
- as right, 58, 126, 140, 205
- Senator Paul Douglass on, 121
- and taxpayers, 205, 206, 207
- thin conception of, 14, 89, 93, 259
- and unionization, 59, 94, 102, 104, 106, 109, 110, 122, 126, 128, 134, 146, 148, 153, 154, 238
- US Supreme Court on, 120, 121
- and voice, 118
- and workplace democracy, 122, 123
- Republican party, 14, 23, 87, 88, 100, 170, 172, 175, 202, 208, 209, 212, 213
- restaurant workers, special rules for, 163
- right libertarianism. *See under* libertarianism
- right-to-work, 12, 15, 16, 23, 24, 46, 54, 65, 103, 112, 127, 154, 170, 171, 197, 230, 232, 236, 237
- rights
  - as distinguished from liberties, 53
  - infringing *versus* violating, 51
  - pre-institutional *versus* post-institutional, 83
  - as side-constraints, 52
- risk
  - and burden of risk of error, 109
  - measuring improvements in risk environment, 107, 108, 109
  - and morality, 107
  - treatment of implausible risk, 108
  - trivial risks to be disregarded, 108
- risk aversion and firm size, 29
- risky behavior as rights violation, 46, 47, 48, 49, 50, 107, 126
- Rizzo, Robert, 227
- Robinson, Joan, 75
- Rothbard, Murray, 37, 258
- sanitation workers, 173
- Saudi Arabia, 91
- Seattle study on effect of raising minimum wage, 133
- Securities Exchange Commission (SEC), 142
- self-ownership, 56, 57, 58, 86, 110, 120, 134
  - and ownership of one's labor, 38
- sexual harassment, 285
- shareholders
  - and supervision of directors, 137
  - and supervision of management, 137, 138
- Skinner, Quentin, 88, 89
- slavery, 14, 31, 32, 80, 81, 96, 119, 127, 198
  - and argument from liberty, 119
- slaves, 81, 198, 211
- slippery slope arguments, 94, 110, 181, 189, 190
- small government argument, 3, 13, 171, 172, 177, 179, 180, 181, 182, 183, 184, 185, 186, 188, 189, 190, 193, 194, 195, 196, 197, 198, 199, 210, 222, 315
- Smith, Adam, 96, 180, 181, 185
- social cooperation, 63, 67, 69, 81, 84, 98
- social solidarity
  - effect of oxytocin on, 147
  - unions as source of, 145, 146, 296
- socialism, 27, 70, 71, 79, 95, 100, 170, 189, 193
- socialist society, heirarchical structure of, 137
- Spengler, Oswald, 211
- starve the beast, 4, 222
- State Policy Network (SPN), 202
- Steiner, Hillel, 104, 258
- Stewart, Walter, 72
- strains of commitment, 214
- strict egalitarianism, 4
- strict liability for violations of republican liberty, 90
- strike, right to, 4, 44, 49, 125, 130, 162, 170, 171, 173, 200, 201, 202, 203, 204, 209
- substantive justice, 73, 76, 93
- sufficientarianism, 13
- supply-side economics, 197
- Supreme Court, United States, 11, 16, 31, 65, 112, 120, 129, 170, 197, 204, 213, 229, 231, 232
- surplus value, 29, 32, 173, 249
- Taylor, Charles, 86, 183
- teacher unions, 157, 229
- technological innovation, 1, 41, 94, 139
- theft, 21, 36, 55, 101, 186
- A Theory of Justice*, 71
- thin theory of the good, concept of, 30, 44, 58, 89, 93, 127
- thin *versus* thick conceptions, 15

- Thomson, Judith, 51  
     on difference between violating and  
     infringing a right, 51  
 traditional conservatism, 13  
 Trans Pacific Partnership (TPP), 125  
 transaction costs, 27, 37, 39, 118, 137, 191  
 Trump, Donald, 1, 100, 113, 117, 125,  
     140, 145, 146, 161, 162, 165, 170,  
     178, 187, 209, 212, 219, 221, 231,  
     324, 328  
 Uber, 160, 161  
 underemployment, 50, 101  
 unemployment, 2, 132, 160, 174, 187  
     and deficiencies in aggregate demand, 132  
     Hayek on, 188  
     and minimum wage, 133  
     neoclassical view, 132  
     and real wages, 131, 132  
     since Great Recession, 2, 100, 116  
     and unionization, 1, 2, 67, 114, 131, 132,  
     133, 135, 152, 157  
     and wages fund theory, 134  
 union certification as political campaign,  
     150, 151  
 union dues, 3, 4, 6, 11, 12, 15, 22, 44, 45,  
     46, 47, 48, 49, 50, 52, 57, 63, 103, 144,  
     164, 232. *See also* agency fees  
 union shop, 11, 12, 13, 15, 16, 24, 34, 46, 50,  
     54, 55, 57, 58, 112, 154, 238  
 union shop agreements, 24, 49, 50, 51,  
     54, 153  
 unionization rates  
     in Denmark, 150  
     in Finland, 150  
     in general, 1, 146, 159, 180  
     in Germany, 149  
     and inequality, 116  
     and non-union wages, 112  
     in Norway, 150  
     in private sector, 133, 169, 170, 211, 228  
     and productivity, 150  
     in public sector, 169, 170, 211, 222  
     in Sweden, 150  
     in United Kingdom, 1  
     in US, 1, 4, 111, 170, 211  
 unions. *See also* private sector unionization;  
     public sector unionization; union dues;  
     universal unionization  
     and alleged special privileges, 151, 152, 301  
     as check on antisocial inclinations of  
     boards and management, 142  
     as check on authoritarian inclinations of  
     working class, 145  
     as check on management incompetence,  
     138  
     core functions of, 11, 66, 143, 144, 154,  
     158, 203, 205  
     and democracy, 3, 12, 148, 171, 176, 205,  
     209, 212, 213, 217, 218, 237  
     and economic efficiency, 139  
     and enforcement of labor  
     regulations, 140, 141  
     Friedman on, 290  
     and movement of jobs overseas, 1, 139  
     support for Trump, 328  
     tendency to be protectionist, 139  
     use of rhetoric by and against, 15  
     and white-collar workers, 158, 159  
 unitary executive, 323  
 United Kingdom, 1, 17, 83, 114, 143, 157,  
     172, 184, 191, 195, 209  
*United States v. Emmons*, 129  
 universal basic income, 156  
 universal unionization, 3, 11, 12, 13, 15, 16,  
     18, 103, 125, 142, 152, 153  
     and antisocial behavior by unions, 143  
     and argument from equality, 104  
     and argument from liberty, 2, 3, 8, 22, 23,  
     58, 59, 110, 125, 126, 148  
     and background justice, 11, 64  
     as basic institution, 103  
     as building sense of community, 126  
     and difference principle, 152  
     effect on productivity, 148  
     effect on violence, 131  
     and elimination of competitive advantage  
     for non-union firms, 125, 155  
     exception for firms with less than 50  
     employees, 160  
     feasibility constraints on, 10, 154, 155, 158,  
     159, 163  
     and globalization, 125  
     and independent contractors, 161  
     in libertarian utopia, 102  
     in other liberal capitalist democracies, 13  
     in private sector, 65  
     and replacement workers, 163  
     right to, 7, 13  
     and right to bargain collectively, 205  
     and UBI, 156  
     and workplace democracy, 122  
 unreasonable restraints on trade, 41  
 utilitarianism, 3, 77

## Index

417

- Veblen, Thorstein, 72  
 veil of ignorance, 97, 148, 235  
 violence  
   and economic coercion distinguished, 35  
   and factory closures, 131  
   and Hobbs Act, 129  
   by management, 130  
   and minimal state, 186  
   protection of free market from, 36  
   by unions, 129, 130, 151, 287  
   and universal unionization, 131  
 voice and unionization, 66, 67, 93, 116, 117, 118, 119, 120, 122, 138, 143, 144, 159, 165, 196, 212, 213, 215, 217, 233, 237  
 voluntariness, 66, 77, 78, 95  
 Voting Rights Act, 151  
  
 wage inequality in general, 114, 116  
 wage theft, 112, 113  
 wages  
   effect of noncompete agreements on, 40  
   effect of right-to-work laws on, 57  
   effect of unionization on, 2, 30, 37, 40, 67, 112, 113, 116, 118, 124, 127, 133, 158, 175, 196  
   and externalities, 142  
   as marginal net product of labor, 75  
   for minorities and women, 176  
   money, 131, 134  
   and monopoly profits, 124  
   poverty level, 114  
   and profitability, 138  
   public and private compared, 44  
   real, 1, 115, 132, 134, 135, 136  
   set in product market, 132  
   stagnancy of, 159  
   stickiness of, 131, 132, 134, 220, 334  
   for teachers, 202  
   and UBI, 156  
   union and non-union compared, 112, 155, 206, 228  
 wages fund theory, 134, 135, 136  
   Mill on, 135  
   revival of, 136  
 Walker, Scott, 170  
 well-ordered society, 71, 261  
 West Virginia teachers strike, 45, 201, 203, 204  
   and similar strikes in other states, 325–26  
*What Do Unions Do?*, 111  
 whistle blowers, 142, 143  
   retaliation against, 142  
 Wilt Chamberlain example, 76  
 Wisconsin ban on collective bargaining by public employees, 170, 175, 204, 205  
 working conditions, 2, 30, 33, 39, 42, 57, 66, 101, 142, 144, 156, 158, 159, 204  
 work-life balance, 113  
 workplace democracy, 122, 123, 155, 282  
  
 yellow dog contracts, 24, 31, 32, 33, 34, 35, 43, 44, 54, 256  
   confidentiality agreements, 33