Journal of
Economic and Social Thought
www.kspjournals.org
Volume2 September 2015 Issue 3

On slavery and libertarianism

By Walter BLOCK †

Abstract. There is all the world of difference between voluntary and coercive slavery. The physical invasions might be identical in the two cases, but the ethical analysis of each is diametrically the opposite. The only problem with real world slavery was that it was compulsory; the slave did not agree to take on this role. Otherwise, slavery was not only "not so bad" it was a positive good, for both the slave and the slave-master, at least in the ex-ante sense, as is the case with all economic behavior.
Keywords. Slavery, Compulsion, Libertarianism.
JEL.K29.

1. Introduction

In ordinary times, no decent person should ever have to assert he bitterly opposes slavery, or thinks its actual operation was anything other than an abomination. This should be understood without question. But these are not ordinary times. Recently, there have been three publications to the contrary, asserting that Walter Block maintains that slavery was not "so bad" (Tanenhaus & Rutenberg, 2014; Wildes, 2014; Murphy, et al, 2014). It should go without saying that these are false accusations for just about any civilized person. But when a libertarian is the target of such a monstrous charge, something is more than ordinarily rotten in Denmark.

How to rebut these preposterous allegations, these vile accusations? One way to do so is to look at the record. This will indicate that no libertarian could actually tolerate such a despicable institution.

Block (2013a) stated: "Free association is a very important aspect of liberty. It is crucial. Indeed, its lack was the major problem with slavery. The slaves could not quit. They were forced to "associate" with their masters when they would have vastly preferred not to do so. Otherwise, slavery wasn't so bad. You could pick cotton, sing songs, be fed nice gruel, etc. The only real problem was that this relationship was compulsory. It violated the law of free association, and that of the slaves' private property rights in their own persons. The Civil Rights Act of 1964, then, to a much smaller degree of course, made partial slaves of the owners of establishments like Woolworths."

Block used much the same verbiage in Block vs Epstein (2005): "… Richard's position implies no right of secession. This, in turn, implies

† Loyola University, 6363 St. Charles Ave. Campus Box. New Orleans, LA 70118, USA.
(504) 864 7934
wblock@loyola.edu

slavery. Look, the only thing wrong with slavery was that you could not quit. If you could quit, it would be no problem. It's a pretty good deal: You get fed three meals a day, you pick cotton and sing a song -and then the guy pulls out the whip and you would say, "Wait, I quit." And he says, "No, you can't quit." You can't secede from slavery."

Note the strong parallels between these views of Block's and a statement[1] of a person none other than Frederick Douglass (1882):

"My feelings were not the result of any marked cruelty in the treatment I received; they sprang from the consideration of my being a slave at all. It was slavery, not its mere incidents I hated. I had been cheated. I saw through the attempt to keep me in ignorance. I saw that slaveholders would have gladly made me believe that they were merely acting under the authority of God in making a slave of me and in making slaves of others, and I felt to them as to robbers and deceivers. The feeding and clothing me well could not atone for taking my liberty from me." -- Growing in knowledge. - Frederick Douglass, The Life and Times of Frederick Douglass: From 1817-1882 (published 1882)

Douglass published these ideas over a century ago.[2] Given that Block stands accused of being insensitive, being too accommodating to slavery, not being aware of its horrors and monstrousness, I wonder if the likes of Tanenhaus & Rutenberg, (2014); Wildes, (2014); Murphy, et al, (2014) would care to level the same accusations at this particular author?

Block stated,in effect, along with Douglass, that it is not the "mere incidents" of slavery that are despicable. Rather, it is the fact that the "curious institution" violates the libertarian non-aggression principle (NAP); it is incompatible with the libertarian law of free association: slavery forces, compels, mandates, that the slave "associate" with the overseer, with the master, when what he wants to do more than anything else is *disassociate* himself from these evil men. He wishes, in effect, to *secede* from them, which is just another way of putting the matter.[3]

Then, there is the issue of reparations to the black great grandchildren of slaves in the U.S. Block has a long paper trail *supporting* this initiative, albeit with some libertarian reservations (Alston & Block, 2007; Block, 1993; 2001b, 2002c; Block & Yeatts, 1999-2000). That writer has authored a stern rebuke to Horowitz (2000) who opposes this matter of elemental justice. If Block did not think slavery was in effect kidnapping, the unjust theft of a life's worth of labor to say the least, he could hardly argue in this manner. But, he did, which indicates his long-held views on the horrors of slavery.

Why this sudden hysteria about slavery? In this year of the Lord 2014, this can hardly be a debatable issue. How, then, to explain it? This can only be speculative, but one plausible hypothesis that must be considered is that what is really at stake in this controversy is not out and out slavery itself, but rather, more generally, coercion, compulsion, violations of the NAP, and, most important, the present trashing of the libertarian law of free association as the law of the land. It is clear that at least for libertarians, these are precisely the reasons slavery is obnoxious and despicable. It violates these foundations of libertarianism. But for that, this institution would be entirely innocuous. In contrast, according to this admittedly speculative hypothesis, why do our friends on the "progressive," "liberal" left socialist axis oppose slavery? For none of these reasons. Why then? Because it was just plain awful. State Murphy et al, (2014) in an attempt to upbraid Block for his supposed support of it:

"Traders in human flesh kidnapped men, women and children from the interior of the African continent and marched them in stocks to the coast. Snatched from their families, these individuals awaited an unknown but decidedly terrible future. Often for as long as three months enslaved people sailed west, shackled and mired in the feces, urine, blood and vomit of the other wretched souls on the boat. For many, their desperation became so deep, they deemed suicide and infanticide as viable alternatives to a life of enslavement. After arriving in North America, labor, coercion and violence always occupied the same space.

"While the lack of free association did indeed characterize antebellum slavery in the U.S., the ownership of humans as property is merely one of the incontrovertibly unacceptable aspects of slavery. The violation of human dignity, the radical exploitation of people's labor, the brutal violence that slaveholders utilized to maintain power, the disenfranchisement of American citizens, the destruction of familial bonds, the pervasive sexual assault and the systematic attempts to dehumanize an entire race all mark slavery as an intellectually, economically, politically and socially condemnable institution no matter how, where, or when it is practiced."

Why this attempt to downplay, seemingly at all costs, the libertarian axioms of non-aggression and free association? Because to once allow these considerations to take center stage would be to open up the veritable flood-gates. If slavery is wrong and evil not because it is just plain awful, as these authors aver, but rather due to the fact that it violates free association, then the question immediately arises, What other laws, institutions, enactments, practices, also violate free association? But this issue cannot be allowed to arise, at least not on the part of this segment of the political economic spectrum. For once it does, a search will begin for other free association violations, and when this is undertaken, the candidates will be seen to be legion. For example, in section II, we discuss 1. Rent control, 2.Rape, 3. Employment contracts, 4. Secession, 5.The so-called "Civil-Rights" Act of 1964, 6.Taxation, 7.Affirmative action, 8.Divorce, 9.So called public goods such as roads, libraries, schools, museums, 10.Immigration and 11.Unions. We conclude this paper with section III.

Let us consider several of these violations of the libertarian law of free association.

1. Rent control

The usual economic arguments against this regulation consist of pointing out that with a ceiling price below the free market level, there will be a shortage of residential units, less investment in new buildings than would otherwise be the case, repairs will decrease, labor mobility will suffer, landlord – tenant relations will become exacerbated, more arson will occur, the "market" will be seen to have failed, condominiums will increase as a refuge from the law, and thus the need for public housing seemingly demonstrated.

But rent control also has implications for free association as well. Under this law it becomes exceedingly difficult, if not virtually impossible, for a landlord to evict a tenant. Before the advent of rent control, when the lease was up (typically after a two year term) there would be no question about the matter: the property owner could evict the renter from his premises for any reason at all, or, for, literally, no reason whatsoever. Under rent control these rights are severely truncated. Now, this can only occur for "cause." As determined by the courts, this would include non-payment of rent (although

rarely enforced within two to three months of Christmas),[4] malicious damage, etc. But this is hardly compatible with free association. The landlord is forced to "associate" with the tenant he does not, or no longer wishes to, do so any more. This of course does not amount to slavery. But it is a difference in degree, not kind. In both cases someone is compelled to associate with someone else against his will.

2. Rape

This barbaric act can be looked upon through many prisms: economic, sociological, criminology, law. But libertarianism, too, can register its analytic framework on this dastardly behavior. It, too, from this vantage point, is a violation of the libertarian law of free association. The victim is forced to "associate" with her rapist, against her will. If it is not against her will, it is not rape. It is love-making, or prostitution, or seduction. The NAP, once again, is the be-all and end-all of the libertarian analysis. There are of course some parallels with out-and-out slavery. Masters typically raped their female slaves. The main difference is that rape is of a relatively short-term duration, compared to life-long slavery. But *both* violate the law of free association.

The parallels are clear. The *only* thing wrong with rape is that it is compulsory. It is an uninvited border crossing, undermining the sanctity of the victim's person. Were this act not done against the will of the women, it would be unproblematic. As in the case of slavery, with rape, too, initiatory violence is the key element. With it, there is a crime; without it, not.

3. Employment contracts

Employment at will would be the only labor contract compatible with the free association requirement of libertarianism. That is, the employer would be allowed to fire the employee (or not hire him in the first place) at any time for any or no reason at all. If so, the employer owes *nothing* to the employee. Not one month's notice, or notice for any time period at all. No buyouts; no compensation; no nothing.

Present law is incompatible with the libertarian legal code on this matter. At present, the employee can *quit* at any time, with no notice, nor payment required. To not allow the worker to depart would be precisely equivalent to slavery (apart, of course, from what the owner of the firm is legally allowed to do to his employee). Remember, slavery would not have been "so bad," it even would have been quite alright, if and only if the victim of this practice could quit at any time, whenever he wanted, and if he were not forced into this condition in the first place. To not allow the employee to resign is thus to force him into a role all too reminiscent of slavery, in that his rights to free association would have been violated. But the identical occurrence takes place with the employer cannot be free of the employee. This is a reciprocal relationship, the Marxists to the contrary notwithstanding. Then, the owner of the company's free association rights are being trampled. He cannot rid himself of a now unwanted employee. To the contrary, he is forced to associate with him against his will.

Of course, if there are mutually agreed-upon labor contracts the above analysis must be modified. For example, if a professional ball player is given a multi-year contract, or an academic is awarded tenure, then all bets are off. This amounts to a voluntary relinquishment of free association rights that would otherwise obtain. Now the athlete cannot be fired[5] and this applies, too, to the university professor.

Economic illiterates might maintain that the employees' so called rights not to be fired arbitrarily actually help protect them. This is not so clear. For under such rules, employers have an incentive not to hire workers in the first place, or to hire only those who are unlikely to fail in their performance. If the firm cannot easily rid itself of a worker, to that extent they are less likely to be hired in the first place. Instead of a full time employment, companies resort to part time labor contracts, or piece work, or contracting out to "independent" firms.

4. Secession

In some quarters, secession has a bad press. People who support the right of some to disassociate themselves from others are presumed to favor, of all things, slavery. Why? Because the Confederacy tried to secede from the North in the war of 1861, and slavery was legal in the former territory. But the North, too, held slaves during that epoch. And, as DiLorenzo (2002) reminds us, the first attempt to secede from the Union was earlier in the 19th century, on the part of Massachusetts. Those abolitionists wanted to separate from the United States as a protest *against* slavery. Then, too, the desire for secession in Quebec, Scotland, Catalan, surely, can have nothing at all to do with slavery.

Nor can the desires of people in some counties in Colorado and California to separate from their respective states be at all connected to the issue of human bondage. Indeed, opposition to secession on the part of *any* American comes with particular ill grace given that their own country owes its start to, wait for it, secession from Great Britain.

Suppose there was a world government and the U.S., or Canada, or Brazil, or India wished to secede from it and set up a sovereign nation on its own. Could these people be accused of fomenting slavery? Hardly. Would they be justified in doing so? Yes, if the law of free association is valid, since it denies the right of any person or group to force anyone else to associate with it.

How far does this principle extend? Right down to the individual level, if the law of free association is to be strictly upheld. For if New York State has the right to secede from the U.S.,[6] then New York City may separate from its parent state. If this is so, then Manhattan may depart from the Big Apple, and the upper west side from that borough. But with this principle in mind, the square block bounded by West 88th and West 89th streets, and Broadway on the west an Amsterdam Avenue[7] on the east has an equal right to call it quits from the upper west side, and a single apartment house on that block, for example, 215 West 88th Street, may do precisely the same thing. And the occupant of apartment 2E may say "Sayonara" to that high rise building.

To say that this would stick in the craw of our friends on the "progressive" liberal socialist left or the war-mongering conservative right, would be an understatement of the year. No wonder they all find the law of free association, to say nothing of the NAP, to be so anathematic.

5. The so-called "Civil-Rights" Act of 1964

There are many and important positive elements of this legislation. It addressed long-overdue problems with voting, registration, rights of a jury trial, racial segregation laws, other vestiges of the Jim Crow era, and other injustices. But, in compelling Woolworths and other such establishments to serve meals to people against their will, it violated free association principles. Of course, it would be a vast overkill to liken this violation to outright slavery. To say that Woolworths was now enslaved to those to

whom it was compelled to serve meals would be a wild exaggeration. And yet, and yet, it cannot be denied that there are some parallels in the two cases.

In each situation there are some people (slaves, Woolworths) who are otherwise innocent, and yet are nevertheless mandated, against their will, to *associate* with others (overseers, masters, those engaging in sit-ins demanding lunch). This will appear as shocking to some. Placing slave masters and sit-ins in the same sentence is bad enough, they will aver. But, to maintain that they are both on the same side, the bad side, violators of rights, is enough to make such people head for the exits. This sounds anathematic to most ears. One reason for this is that the owners of Woolworths are presumably in the main, white, as were the slave masters; on the other hand, the slaves and those seeking lunch against the will of the purveyors of meals are both black. But skin color is only superficial in this matter. It makes no never-mind what the color is of someone's skin. Our analytic framework seeks similarities and difference in dimensions far removed from mere hue. More basic is whether or not a person or group is forcing his or its will on innocent victims. And in this case it is clear: philosophical analysis sometimes makes strange bed-fellows. For here we have on the "bad" side both white slavers and black sit-ins for lunch. And, on the good side, taking on the role of the innocent victim, are found both the black slaves, *and* the presumably white owners of Woolworths, *both* of whom are compelled to "associate" with others against their will.

And this law was so unnecessary. If Woolworths refused to serve meals to African-Americans, other entrepreneurs would have been glad to do so. The profit motive is a strong one. Competing restaurants would have earned extra-ordinary profits by catering to the now more desperate black community, shut out from the ilk of Woolworth emporiums.[8] [9],

Why were Jim Crow laws necessary from the point of view of the Southern racists in the first place? This is because either the requisite level of bigotry necessary for their purposes did not exist in the economy, or what was left of the free enterprise system had ground it down. If there was enough hate for people with dark skins, there would have been no reason for the law to compel segregated water fountains, bathrooms, back-of-the-bus requirements, etc. This would have occurred in any case, at least at the outset. Why did other bus companies not arise to serve black people who were mistreated by extant bus firms? Where were the competing bus companies who would allow African-Americans, and indeed, all other people, to sit wherever they wanted on these vehicles, on a first-come first-served basis? Was this a market failure? Not at all. Rather, it was precisely Jim Crow legislation that prevented such a salutary outcome: the political powers that were refused to grant a permit to any such bus company.

6. Taxation

Taxes, too, violate the law of free association. They force some to associate with others in the absence of full agreement. Have people agreed to be bound by tax laws merely by living in the territory claimed by the government? To argue in this way is to argue in a circle, since this claim assumes as correct the very point under dispute: that the state has a legitimate claim to the territory over which it exercises sovereignty. By what right does it do so? There was never anything like unanimous agreement to any such contract founding the nation on the part of the property owners who make up the territory.[10] But without unanimity, some are forced to associate with others against their will – a necessary condition for outright slavery.

Again we see a good and sufficient reason for the law of free association to stick in the craw of the statists.

Williams (2014) puts this issue brilliantly:

> "Imagine there are several elderly widows in your neighborhood. They have neither the strength to mow their lawns, clean their windows and perform other household tasks nor the financial means to hire someone to help them. Here's a question that I'm almost afraid to ask: Would you support a government mandate that forces you or one of your neighbors to mow these elderly widows' lawns, clean their windows and perform other household tasks? Moreover, if the person so ordered failed to obey the government mandate, would you approve of some sort of sanction, such as fines, property confiscation or imprisonment? I'm hoping, and I believe, that most of my fellow Americans would condemn such a mandate. They'd agree that it would be a form of slavery — namely, the forcible use of one person to serve the purposes of another.
>
> "Would there be the same condemnation if, instead of forcing you or your neighbor to actually perform weekly household tasks for the elderly widows, the government forced you or your neighbor to give one of the widows $50 of your weekly earnings? That way, she could hire someone to mow her lawn or clean her windows. Would such a mandate differ from one under which you are forced to actually perform the household task? I'd answer that there is little difference between the two mandates except the mechanism for the servitude. In either case, one person is being forcibly used to serve the purposes of another."

Yes, it sounds far-fetched in any way shape or form to equate taxation and slavery. But it is difficult to deny what they have in common: forced association.

7. Affirmative action

If affirmative action is adopted on a voluntary basis, it does not conflict with free association. If the National Basketball Association for example decides to make its teams "look like America" it can refuse to allow more than 14% of its players to be African-Americans, since that is the proportion in the overall population of this community. At present, blacks are wildly over represented on the rosters of the various teams, and they are all there based purely upon ability. If affirmative action were instituted for under-represented groups, then there would be more whites, more Orientals, more members of the fat community, more elderly folk, more women,[11] more short people, more unathletic people, etc. If the NBA suddenly decided without any coercion to have its team membership more fully reflect the makeup of America, this would be well within its province.

However, if that sport league were *forced* to do any such thing against its better judgment, this would be a violation of its free association rights. And the same applies, of course, to universities, government contractors, firms, restaurants, fire and police departments, etc. That is to say coerced affirmative action embraces a small amount of what makes slavery so detestable. And, affirm is ubiquitous. It affects millions and millions of people. No longer, even, does purposeful discrimination have to be proved in order to demonstrate a violation of this law. Any statistical imbalance is prima facie evidence of discrimination. If the law were applied across the board, the NBA and the NFL would be guilty of criminal behavior.

8. Divorce

If marriage is forever or at least until "death do us part" and spouses agree to this, they have then signed a contract with each other equivalent to

voluntary slavery.[12] Neither husband nor wife may then part with the other, and certainly not marry a third party. But, in reality, people are not allowed any such choice. In virtually all jurisdictions, the state has imposed a one-size fits-all procrustean bed. Happily, in most civilized domains, couples are allowed to disassociate themselves from each other. Under "no fault" divorce, they need not even give a reason for departing from the marriage, exactly as how "at will" employment would operate.[13] Under this system, bride and groom may associate with each other, or not, precisely as the libertarian law of free association stipulates. Were this not the case, the spouses would have remained yoked together to each other, in effect partially enslaved to each other albeit it in a limited manner.

However, matters are entirely different with regard to couples who live with each other in the complete absence of any contract between them. The courts, in a series of cases, have found, in their wisdom, that there was really in effect a contract between them, unbeknownst to the two parties: "palimony." They can no longer split up on the say-so of either one of them, with no strings attached. The scorned party now has the right to "associate" with the partner who wishes to end the relationship, at least to the extent of obtaining some of his money, which he is not contractually obligated to provide. If the latter is relatively rich, the former may now legally force him to associate with her, in much the same way as the taxpayer must associate with the government. He must pay her "palimony" fees. Such are the results when free association is abrogated.

9. "Public" goods

If there is government ownership of roads, streets, highways,[14] museums, schools, libraries, parks, symphony halls, recreation centers, no one may be excluded from these amenities. That is, anyone who uses any of them is forced to associate with all others who do so. There can be no such thing as full rights of free association on any public property with such rules. Thus, we have forced integration of all peoples. This of course does not amount to slavery. Far from it. But, the ominous parallels cannot be ignored. Both institutional arrangements violate free association.

10. Immigration

Suppose that in a given nation every single square inch of it – roads, parks, bodies of water, everything without exception – is privately owned. Then, if someone migrates into that country without a by-your-leave of a property owner, he is guilty of trespassing. He violates the freedom of association of the original inhabitants of that jurisdiction by entering onto property owned by one of them. The immigrant now associates with these people, without the permission of any property owner. Does that mean that immigration restrictions are justified in any extant nation where 100% of all property is not in private hands? No. Open immigration is the only policy compatible with libertarianism under real-world such conditions.[15] For then the immigrants need not trespass. They need not thrust themselves upon unwilling associates. They can occupy those unowned, or publicly "owned," parcels of land.

11. Labor unions

Our union legislation requires employers to "bargain fairly" with organized labor. But, suppose the owners of the firm do not want to bargain at all with their unionized employees. Posit that they wish to fire them all, and use replacement workers (scabs) in their places. May they do so? Of course not. For to engage in such a practice would be to rely on their free

association rights, and in the modern era this is a non-starter. No, the employer must be compelled to deal with the rank and file, fairly, forsooth, when he wishes, only, to be entirely rid of this "master" that has been placed over him by law. Shades of slavery. The latter was also forced to deal with the overseer; whether he wished to do so or not made no never-mind.

One argument in favor of the present system is that unions raise wages. Even if this were true, this could hardly constitute a justification. Assume that slavery actually led to an increase in cotton picking. Would any decent person advocate slavery on that ground? Of course not. The very idea is an abomination. Why even consider it, then, in the context of labor relations?

Moreover, it is simply not true that unions raise wages. What determines compensation is discounted marginal revenue productivity, not "bargaining power." Blood cannot be obtained from a stone. If pay is temporarily raised above productivity, until the rust belt sets in, or Detroit rears its ugly head, then wages soon enough fall to zero as there are none at all, high, low or intermediate. The companies go bankrupt, or move to more hospitable climes, mainly in the south.

The only accurate way to address the question of unions and wages is not, paradoxically, asking the effect of the former on the latter. Rather, it is to ask What is the effect of unions on productivity? Posed in this way, the query practically answers itself. What with strikes, slow-downs, work-to-rule shenanigans, inter-union strife, intra-union quarrels, promotion of hatred for the employer, it is difficult in the extreme to see how organized labor can ever *increase* productivity. Thus, it cannot account for rising real wages in the long run either.

2. Conclusion

Let us nowdouble down. Previously (Block 2005; 2013) wrote that slavery, in the absence of violence, compulsion, NAP violation was "not so bad." That was a poor choice of words. It was an inaccurate understatement. The truth of the matter is that under these conditions "slavery" would be a positive good. There, I said it. I will say it again: "Slavery" would be a positive good, under these conditions. Make of that what you will, *New York Times* and other enemies of freedom and logic. But note that when I assert that "slavery" would be a benefit, two things occurred. First, I placed quote marks ("") around the word "slavery" and second I mentioned that under these conditions it *would be* beneficial. I did not say, and I entirely reject the notion that *slavery as actually practiced* was anything other than a disgrace, a stark horrid evil. It is my view that the movies "Django Unchained," "Twelve Years a Slave," and the television series "Roots" are roughly accurate depictions of this monstrous practice.[16]

Let us discuss each of these provisions in turn. Why do I now place quote markets around the word "slavery?" I do so to rule out any possible misunderstanding; to obviate the possibility that anyone would see similarities between, let alone equate, this system of hypothetical "slavery" with the real practice as it actually occurred in the U.S. before 1865.

What is the difference? Real slavery occurred under duress. The slaves were forced into this role against their will. Slavery amounted to nothing less than life-time kidnapping. It was barbaric. But in very sharp contrast indeed, "slavery" without compulsion, without violating the NAP or the libertarian law of free association, would be quite different. There still might be the cotton picking, the living in a shack, the gruel, and even the whippings, but

all this would occur on a strictly voluntary basis. Has this hypothetical "slavery" ever occurred in history? Not to the best of my knowledge. Why then even discuss it under this rubric? This is done to make the much-needed point in the most dramatic and compelling manner possible that the problem with actual real world slavery had nothing to do with gruel, cotton, etc., and *everything* to do with compulsion and free association violations.

Is there anything per se objectionable about cotton picking? To ask this is to answer it. Of course not. Millions of people the world over pick cotton, and no rational person objects. An identical analysis applies to singing songs. If this were problematic, then Elvis, the Beatles, the Everly Brothers, Pavarotti, Joan Sutherland, etc., would all be victims. It is precisely the same with eating gruel. Grits, a similar savory product of the South, is served in the finest of restaurants. Nor is it any violation of libertarian law to live in a shack. Paradoxically, the same applies even to whipping. Sadists whip masochists regularly. This does not offend libertarian law as long as the latter *agrees* to be treated in this manner. When boxer A punches boxer B in the snout,[17] a sort of "whipping," no violation of the NAP has occurred. Why? Because they each *consented* to associate with the other in this manner. For the freedom philosophy, permission is essential. If someone agrees to be beaten or whipped, the physical harm may be identical to that which occurs under actual slavery. But the ethics of the matter are 180 degrees apart.

Could this hypothetical type of "slavery" ever occur? Consider the following scenario. A's son is sick with a dread disease that will soon kill him. There is an operation, or a type of medicine, that will save the life of A's son, but it costs $5 million and A, a poor man, does not have anything like that amount of money. B, in contrast, is rich. He has long wanted to have a slave. A and B make the following deal: B will pay A $5 million (who will turn these funds over to his child's doctor, thus saving his life), and then go to B's plantation where he will be treated exactly in the manner of a "real" slave: he will pick cotton, eat gruel, live in a shack, be beaten from time to time, and even possibly killed.

Would this be "not so bad" for B? No, it would be an unmitigated *good*, at least in the ex-ante sense. Would this be "not so bad" for A? No, it would be a definite benefit, at least in the same ex-ante sense. Both A and B benefit from this commercial interaction in the ex-ante sense, otherwise they would scarcely have agreed to it. How does B gain? He values A's servitude to him more than the $5 million he paid for this "slavery." B earns a profit to the extent of the difference between these two values to him, in his subjective determination. But A also improves his economic welfare! He values his child's life more than his own freedom, and even his continued existence. Not surprising to the economist but perhaps a mystery to all others, A also profits from the deal. He does so to the extent that he subjectively value's his son's life more than his own freedom or, indeed, life. All "capitalist acts between consenting adults" (Nozick, 1974) are mutually beneficial in this sense.

But what about the ex-post sense? Here, there is a presumption of mutual gain, but it is not apodictically necessary. B might later come to think that A's servitude to him was not worth the $5 million he had to pay for it. A, while he is being whipped by B, or killed[18] might regret his decision to sell himself into "slavery." Although he may not, of course. Even in the midst of a brutal beating he may say to himself, "my son is alive thanks to my efforts, my son is alive thanks to my efforts." But the same may be said of *any*

marketplace transaction. When someone buys or sells a newspaper for $1, or a car for $20,000, while there is necessary mutual benefit ex-ante, ex-post this decision may be regretted, after the fact.

Why call this type of "slavery," slavery? Will this not spread confusion, at best? Why not characterize it as "servitude," or "indentured servitude?" For one thing, those terms are already taken. They are already in use. They already apply to a type of contract that is quite different that the contract between A and B. Indentured servitude was typically of seven year's duration, and such people were more like employees than slaves. Any whipping, and the master went to jail for assault and battery. Killing an indentured servant would have been considered, and rightly so, murder.

For another, this hypothetical "slavery" resembles real world slavery in *every* element: cotton picking, gruel, shacks, whippings, killing, etc. Well, in every regard except one: it came about through voluntary agreement; there was no NAP violation. This type of "slavery," voluntary slavery, is totally in keeping with the libertarian emphasis on freedom of association.[19] The slave walked into this deal with his eyes wide open. He gained from it in terms of economic welfare, ex-ante. It was the only way he could save his son's life.

More important, and third of all, this is by far the most dramatic and compelling manner in which an astoundingly important point can be made: that the *only* thing wrong with actual slavery is that it was compulsory; it violated the NAP and freedom of association. It constituted an invasion, a life-long kidnapping.

If anyone still thinks that this analysis amounts to approval of actual slavery as it existed, he has an IQ of low room temperature, or, he is purposefully, and malevolently misunderstanding the points made in this essay.

Notes

[1] I owe this cite to that superb historian, Thomas Woods

[2] Full disclosure: I read this passage after writing the material referenced above (Block, 2013; Block vs Epstein, 2005).

[3] For libertarian arguments in favor of secession, see Adams, 2000; Block, 2002A, 2002B, 2007; Denson, 1997; DiLorenzo, 2002, 2006; Fedako, 2013; Gordon, 1998; Hulsmann, 2003; Hummel, 1996; Kreptul, 2003; McGee, 1994A, 1994B; Rosenberg, 1972; Rothbard, 1967, 1997B; Stromberg, 1979; Thies, 2009; Thornton, 1994; Thornton and Ekelund, 2004.

[4] In sharp contrast, if a person were to steal not rental services but a good such as groceries or an automobile, there would be no three to four month grace period, where these crimes were not punished. Theft of housing services, it would appear, is an entirely different matter.

[5] Unless he violates the contract

[6] Hopefully, without being characterized as favoring slave-holding

[7] Murray N. Rothbard lived at 215 West 88th Street, Manhattan, New York, NY

[8] We assume no "taste for discrimination" (Becker, 1957; Block, 1992, 1998A; Block and Williams, 1981; Block, Snow and Stringham, 2008; Sowell, 1975, 1981, 1983, 1984, 2000; Walker, Dauterive, Schultz and Block, 2004; Whitehead, Block and Hardin. 1999; Whitehead and Block, 2002, 2004; Williams, 1982, 2011) on the part of other involved economics actors such as customers, employees. We assume, here, discrimination on the part of owners only. For these complications see the literature mentioned in this footnote.

[9] Suppose white and black productivity for a given skill set to be equal at $10 per hour. Without racist discrimination, both earn a wage of that amount in equilibrium. Now introduce discrimination against black workers, which pushes down their wages to $7 per hour. This is impotent to hurt black employees. For given these stipulated conditions, a firm will earn a pure profit of $3 per hour by "exploiting" (that is, hiring) a black worker, and

nothing at all from employing a white one. The process would start out with the black person being offered $7.01; some other employer would bid this up to $7.02, etc. Where would it end? At $10, or course, at least in equilibrium as it was before. Thus, this type of boycott or discrimination is all but totally impotent to hurt the target group. Nor would black people suffer even in the interim. This is a hypothetical process. Presumably, if the discrimination were of long standing, and not sudden, there would be no initial wage gap at all.

[10] Buchanan and Tullock (1962) to the contrary notwithstanding.For a critique of the claim of these authors that there was conceptual or theoretical unanimity, see Block and DiLorenzo, 2001; DiLorenzo and Block, 2001; Rothbard, 1997A.

[11] In some quarters it must be considered a disgrace that females are relegated to the less successful Women's National Basketball Association. On the other hand, if women were allowed in the NBA, and to be fair, men in the WNBA, and membership was based strictly on ability, with no affirmative action, then there would be no women, not a single one of them, in either league, for the best female athletes are not as good in this sport as the worst players in the present NBA.

[12] On this see below.

[13] We it but allowed by law, which it is not.

[14] For the claim that private alternatives are not only viable, but would be preferable to socialist thoroughfares, see Block, 2009C.

[15] See on this Block, 1998B, 2011A, 2011B, 2013B; Block and Callahan, 2003; Gregory and Block, 2007.

[16] For a scholarly treatment of this "curious institution" see Fogel and Engerman, 1974

[17] Not below the belt or biting his ear

[18] Not murdered. There is no libertarian law against killing a "slave" whose ownership is derived in this manner

[19] There are numerous libertarian theorists who would disagree with this statement. For those who support it, see: Andersson, 2007; Block, 1999, 2001A, 2002, 2003, 2004, 2005, 2006, 2007A, 2007B, 2009A, 2009B; Lester, 2000; Nozick, 1974, pp. 58, 283, 331; Philmore, 1982; Steiner, 1994, pp. 232.

References

Adams, C. (2000). *When in the Course of Human Events: Arguing the Case for Southern Secession*. Lanham, Md.: Rowman & Littlefield

Alston, W.D.,& Walter E.B. (2007). Reparations, Once Again. *Human Rights Review*, 9(3), 379-392. doi: 10.1007/s12142-007-0055-x

Andersson, A.K. (2007). An alleged contradiction in Nozick's entitlement theory. *Journal of Libertarian Studies*, 21(3), 43–63.

Becker, G. (1957). *The Economics of Discrimination*, Chicago: The University of Chicago Press

Block, W. (1992). Discrimination: An interdisciplinary analysis. *The Journal of Business Ethics*, 11, 241-254. doi: 10.1007/BF00872166

Block, W.E. (1993). Malcolm X. *Fraser Forum*, January, 18-19.

Block, W. (1998a). Compromising the uncompromisable: Discrimination. *American Journal of Economics and Sociology*, 57(2), 223-237. doi: 10.1111/j.1536-7150.1998.tb03275.x

Block, W.E. (1998b). A libertarian case for free immigration. *Journal of Libertarian Studies: An Interdisciplinary Review*, 13(2), 167-186.

Block, W.E. (1999). Market inalienability once again: Reply to Radin. *Thomas Jefferson Law Journal*, 22(1), 37-88.

Block, W.E. (2001a). Alienability, inalienability, paternalism and the law: Reply to Kronman. *American Journal of Criminal Law*, 28(3), 351-371.

Block, W.E. (2001b). The moral dimensions of poverty, entitlements and theft. *The Journal of Markets and Morality*, 4(1), 83-93.

Block, W. (2002a). A libertarian theory of secession and slavery. *LewRockwell.com* June 10.

Block, W. (2002b). Secession. *LewRockwell.com*, July 9.

Block, W.E. (2002c). On reparations to blacks for slavery. *Human Rights Review*, 3(4), 53-73. doi: 10.1007/s12142-002-1003-4

Block, W.E. (2003). Toward a libertarian theory of inalienability: A critique of Rothbard, Barnett, Gordon, Smith, Kinsella and Epstein. *Journal of Libertarian Studies*, 17(2), 39-85.

Block, W.E. (2004). Are alienability and the apriori of argument logically incompatible?.*Dialogue*, 1(1),

Block, W.E. (2005). Ayn Rand and Austrian Economics: Two peas in a pod. *The Journal of Ayn Rand Studies*. 6(2), 259-269.
Block, W.E. (2006). Epstein on alienation: a rejoinder. *International Journal of Social Economics*, 33(3-4), 241-260. doi: 10.1108/03068290610646252
Block, W.E. (2007a). Secession. *Dialogue*, 4, 1-14.
Block, W.E. (2007b). Alienability: Reply to Kuflik. *Humanomics*, 23(3) 117-136. doi: 10.1108/08288660710779362
Block, W.E. (2009a). Yes, sell rivers! And make legal some slave contracts. *The Tyee*. July 25.
Block, W.E. (2009b). Privatizing rivers and voluntary slave contracts. Lewrockwell.com, July 27.
Block, W.E. (2009c). *The privatization of roads and highways: Human and economic factors*. Auburn, AL: The Mises Institute.
Block, W.E. (2011a). Hoppe, Kinsella and Rothbard II on immigration: A critique. *Journal of Libertarian Studies*, 22, 593–623.
Block, W.E. (2011b). Rejoinder to hoppe on immigration, *Journal of Libertarian Studies*, 22, 771–792.
Block, W.E. (2013a). Chris Selley is a pussy libertarian; I'm not. Lewrockwell.com, February 25.
Block, W.E. (2013b). Rejoinder to Todea on the 'open' contract of immigration." *The Scientific Journal of Humanistic Studies*, 8(5), 52-55.
Block, W.E. (2014). Reply to the scurrilous, libelous, venomous, scandalous *New York Times* Smear Campaign. Lewrockwell.com, January 30.
Block, W.E.,& Callahan, G. (2003). Is there a right to Immigration? A libertarian perspective. *Human Rights Review*, 5(1), 46-71. doi: 10.1007/s12142-003-1004-y
Block, W.,& DiLorenzo, T. (2001). The calculus of consent revisited.,*Public Finance and Management*, 1(3).
Block, W.,& Epstein, R. (2005). Debate on eminent domain. *NYU Journal of Law Liberty*, 1(3), 1144-1169.
Block, W.E., Snow, N., & Stringham, E. (2008). Banks, insurance companies and discrimination. *Business and Society Review*, 113(3), 403-419. doi: 10.1111/j.1467-8594.2008.00326.x
Block, W.,& Williams, E. (1981). Male-female earnings differentials: A critical reappraisal. *The Journal of Labor Research*, 2(2), 385-388. doi: 10.1007/BF02685295
Block, W.E.,& Yeatts, G. (1999-2000). The economics and ethics of land reform: A Critique of the Pontifical Council for Justice and Peace's 'Toward a Better Distribution of Land: The Challenge of Agrarian Reform,'" *Journal of Natural Resources and Environmental Law*, 15(1) 37-69.
Buchanan, J.M.,& Tullock, G. (1962). *The calculus of consent: Logical foundations of constitutional democracy*, Ann Arbor: University of Michigan.
Denson, J.V. (1997). *The costs of war: America's pyrrhic victories*. New Brunswick, N.J.: Transaction Publishers
DiLorenzo, T. (2002). *The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War*, New York, NY: Random House
DiLorenzo, T. (2006). Happy Secession Day. Lewrockwell.com.
DiLorenzo, T.,& Block, W.E. (2001). Constitutional economics and the calculus of consent. *The Journal of Libertarian Studies*, 15(3), 37-56.
Douglass, F. (1882). *The Life and Times of Frederick Douglass: From 1817-1882*. Ulan Press.
Fedako, J. (2013). Secession and the bonds of peace and prosperity. Lewrockwell.com, January 2.
Fogel, R.W.,& Engerman, S.L. (1974). *Time on the cross: The economics of American negro slavery*, Ann Arbor: University of Michigan Press
Gordon, D. (1998). *Secession, State and Liberty* New Brunswick: Transaction Publishers
Gregory, A.,& Block, W.E. (2007). On immigration: Reply to hoppe. *Journal of Libertarian Studies*, 21(3) 25-42.
Horowitz, D. (2000). The latest civil rights disaster: Ten reasons why reparations for slavery are a bad idea for black people -- and racist too.
Hülsmann, J.G. (2003). *Secession and the Production of Defense.* Hoppe, Hans-Hermann, ed. 2003. The Myth of National Defense: Essays on the Theory and History of Security Production. Auburn, AL: The Ludwig von Mises Institute, pp. 369-414.
Hummel, J.R. (1996). *Emancipating Slaves, Enslaving Free Men: A History of the American Civil War*. Chicago: Open Court.

Kreptul, A. (2003). The constitutional right of secession in political theory and history. *The Journal of Libertarian Studies*, 17(4), 30-100.
Lester, J.C. (2000). *Escape from Leviathan.* St. Martin's Press.
McGee, R.W. (1994a). Secession reconsidered. *The Journal of Libertarian Studies*, 11(1), 11-33.
McGee, R.W. (1994b). Secession as a tool for limiting the growth of state and municipal government and making it more responsive: A constitutional proposal. *Western State University Law Review.* 21. Spring.
Murphy, L., Anthony E.L., et al. (2014). *Letter: Faculty says Walter Block's claims were, once again, untrue and offensive*. February 6.
Nozick, R. (1974). *Anarchy, state and utopia*, New York: Basic Books.
Philmore, J. (1982). The libertarian case for slavery: A note on Nozick. Philosophical Forum, 14, 43-58.
Rosenberg, J.S. (1972). Toward a new civil war revisionism, (in Gerald N. Grob and George AthanBilias, eds.), *Interpretations of American History*, I, New York: The Free Press, pp. 459-479.
Rothbard, M.N. (1967). The principle of secession defended. *Colorado Springs Gazette Telegraph* (Pine Tree Column), October 3.
Rothbard, M. (1997a). Buchanan and Tullock's 'The calculus of consent', *The Logic of Action II*, UK: Edward Elgar Publishing Limited, pp. 269-274.
Rothbard, M.N. (1997b). Just war, (in Denson, John V., ed.) *The Costs of War: America's Pyrrhic Victories*. New Brunswick, N.J. Transaction Publishers
Sowell, T. (1975). *Race and Economics*. New York: Longman
Sowell, T. (1981). *Markets and Minorities*, New York, N.Y.: Basic Books
Sowell, T. (1983). *The Economics and Politics of Race: An International Perspective*. New York, Morrow.
Sowell, T. (1984). *Civil Rights: Rhetoric or Reality*. New York: William Morrow.
Sowell, T. (2000). *Basic Economics: A Citizen's Guide to the Economy*. New York, N.Y.: Basic Books
Steiner, H (1994). *An Essay on Rights*, Oxford: Blackwell Publishers.
Stromberg, J. (1979). The war for southern independence: A radical libertarian perspective. *Journal of Libertarian Studies*, 3(1), 31-54.
Tanenhaus, S., & Rutenberg, J. (2014). *Rand Paul's Mixed Inheritance*, January 26.
Thies, C. (2009). Secession is in our future. http://mises.org/story/3427
Thoreau, H.D. (1849). *Walden and Civil Disobedience*
Thornton, M. (1994). Looking forward (to secession): Renewing a vision of independence and self -government. *Vital Speeches of the Day*. 15(14), 440-443.
Thornton, M.,& Ekelund, R.B. (2004). *Tariffs, Blockades, and Inflation: The Economics of the Civil War*. Wilmington, Delaware: Scholarly Resources.
Whitehead, R.,& Block, W.E. (2002). Sexual harassment in the workplace: A property rights perspective. *University of Utah Journal of Law and Family Studies*, 4, 226-263.
Whitehead, R.,& Block, W.E. (2004). The boy scouts, freedom of association and the right to discriminate: A legal, philosophical and economic analysis. *Oklahoma City Law Review*, 29(3), 851-882.
Wildes, K. (2014). *Letter: Walter Block has made too many assumptions and contradictions*. February 6.
Williams, W.E. (1982). *The State Against Blacks*, New York, McGraw-Hill.
Williams, WE. (2011). *Race and Economics: How Much Can Be Blamed on Discrimination*?, Stanford, CA: Hoover Institution Press.
Williams, W.E. (2014). Concealing evil. Lewrockwell.com, February 18.