The Review of Austrian Economics
https://doi.org/10.1007/s11138-025-00689-z

Coercion against coordination: W.H. Hutt on collective bargaining and the strike-threat system

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Accepted: 18 June 2025

Abstract

W.H. Hutt's analysis of labor market institutions informed the rest of his analysis, particularly his understanding of consumers' sovereignty, his criticism of the South African color bar, and his post-colonial constitutional political economy. We explore Hutt's conviction that the strike-threat system protected affluent special interests from consumers and competitors rather than protecting workers from rapacious employers. Furthermore, we describe Hutt's constitutional escape via explicit payments to buy out special interests. We close with thoughts on Hutt's legacy for the twenty-first century.

Keywords Collective bargaining · Labor unions · Constitutional political economy · Apartheid · W.H. Hutt

JEL Classification Codes B52

We are grateful to the special collections staff at Stanford University's Hoover Institution, George Mason University, the London School of Economics, the University of Dallas, and Universidad Francisco Marroquin for assistance locating and assembling documents used in this and other projects. Parts of this paper are adapted from a book currently in progress. A referee provided valuable suggestions.

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Published online: 30 June 2025

1 Introduction

> "In virtually every great industrial dispute, the true parties in conflict are labor and the public, not labor and management. While the legal responsibility of managers is to the shareholders, they are essentially employees of the consumer." W.H. Hutt, quoted as the *Baltimore Sun*'s "Thought for Today," June 11, 1963 (Hutt, 1963b, p. 14)

W.H. Hutt was an economist of "working class origin…who pertinaciously contested the teaching of the middle-class mentors who misled the working classes to submit to socialism"(Seldon, 1988). To the extent that modern economists know him, it is because he popularized "consumers' sovereignty" as a doctrine and a phrase (Desmarais-Tremblay, 2020; Hutt, 1936; Olsen, 2019; Persky, 1993; Reekie, 1988). However, he has much to contribute to modern economics and to "a relevant research program" in Austrian economics, especially (D. J. Smith, 2023). He was a "gains from trade" economist who saw the competitve market as a process rather than a mere mechanism (Buchanan, 1988, p. 10). In this respect, he saw competition, like F.A. Hayek and Israel Kirzner did, as a "discovery procedure" (Hayek, 2002; Kirzner, 1992).

Throughout his long career, he concerned himself with freely functioning labor markets, and his commitment to individualism, skepticism of politics and politicians, and emphasis on gains from trade led him to explore labor unions, collective bargaining, and their effects on efficiency and equity. He criticized "private coercion" throughout his long and distinguished career, beginning with his first book, *The Theory of Collective Bargaining*, and revisiting the topic in later works like *The Economics of the Colour Bar* and *The Strike-Threat System* (Hutt, 1930, 1964, 1973). His analysis puts him on the wrong side of historians, but it puts him on the right side of history.

A committed individualist, he shared his father's skepticism of political solutions to economic and social problems from a very early age (Ansari, 1988). He worked for London's Individualist Bookshop after graduating from the London School of Economics, and he did not really consider an academic career until he saw an advertisement for a lectureship in commerce at the University of Cape Town. He decided to pursue it on the conviction that he had "a small contribution to make to economics" (Hutt, 1927). He underestimated himself: his "small contribution" was never recognized with a Nobel Prize, but he was in the discussion (John C. Goodman, 1982; "Resident economist dead at 89", 1988).

Hutt rejected restrictionism because of his unwavering emphasis on and commitment to gains from trade (Buchanan, 1988). In the case of labor unions specifically, he entered the fray because he saw unions as fundamentally restrictionist organizations that harmed those on the edges of society and the margins of the labor market. He put it this way: "The labor unions were impoverishing the workers…I was appalled! My interests have always been with the wellbeing of the peoples of the world, particularly that of the poorest people" ("William H. Hutt: An economist for all ages", 1985). He was not content with the visible benefits

accruing to visible special interests. He was concerned about the harder-to-identify burdens those interests created for the poor.

He thought competition helped people in their roles as consumers and producers, and he did not see the relationship between firms and workers as a zero-sum struggle over the fruits of workers' labor. He did not think unions armed with the strike-threat could transfer wealth and income from capitalists *in general* to laborers *in general*. They could transfer wealth and income to themselves, but they did so by forestalling opportunities that would have emerged in a free labor market and raising consumers' prices. Charles Baird summarizes the argument Hutt makes in *The Strike-Threat System*: "While labor unions have benefitted some workers, that comes at the expense of other workers and consumers" (Baird, 1988, p. 38). Other workers are confined to "enforced idleness" because they are prohibited from plying a trade on terms they and an employer find mutually acceptable (Hutt, 2011, pp. 72–92). This is broadly consistent with evidence that unionization means lower employment and investment but higher wages for union members (Farber et al., 2021). Meanwhile, higher labor costs meant higher prices.

Labor market institutions were important to Hutt's thinking throughout his career, and grappling with his analysis is much more than an exercise in appreciation or categorization. The classical political economists have much to teach us (Benzecry & Smith, 2024). So does Hutt. Hutt did not use the language of rent-seeking as it would not be developed until after he had published *The Strike-Threat System*, but he understood its logic (Krueger, 1974; Tullock, 1967). Unions could reduce transaction costs by providing certification, but as Hutt put it, his concern was not "with the useful services unions can perform, but solely with their organization of *privately-motivated coercive power*" (Hutt, 1986a, p. 49). By deploying this power through strikes and strike threats, organized labor created and enjoyed economic rents—but at the expense, again, of the workers they excluded and the consumers who had to pay more for less in markets actively prevented from coordinating fully. Hutt would build on his analysis in his later criticisms of John Maynard Keynes (Hutt, 1963a, 1974, 1980, 2011). Hutt argued that despite their packaging, "labor friendly" rules were only friendly to *some* laborers, namely, those who had friends in high places.

2 Private coercion and labor markets

Hutt's academic career spanned the Great Depression, World War II, post-World War II macroeconomic management and its failure, stagflation, malaise, and the Reagan-Thatcher era. What Bryan Caplan calls "the world's greatest market" was at the center of Hutt's work, and as Hutt explains things, it didn't work as well as it should have because of rules creating and reinforcing private privileges (Caplan, 2022). He criticized organized labor's privilege to prevent employment on terms it didn't like specifically. His analysis dealt a mortal blow to mainstream labor history, first by explaining at a theoretical level how unions' "private coercion" led to "exploitation" and second by exploring the historical record and finding that the labor market worked competitively—and, therefore, to workers' and consumers' benefit (Hutt, 1930, p. 3).

If Hutt's approach to labor economics had a decisive influence, it was the economic historian Lilian Knowles at the London School of Economics. His political individualism and distrust of labor unions and politicians might have come from his father, but Knowles helped him see that the industrial and labor history "everybody knew" was lacking. The conventional wisdom of the last two centuries of labor history is that the Industrial Revolution was essentially a disaster for the poor, who went from the fields into what the poet William Blake called the "dark Satanic mills" to be ruthlessly exploited, and people only got a fair shake when labor unions came to the rescue. Hutt learned from Knowles that "the commonly accepted notion of the Industrial Revolution, that it drove the workers into poverty, was sheer fiction" (Hutt, Undated, p. 20; See Knowles, 1921). Her work inspired his first article, "The Factory System of the Early Nineteenth Century" and sowed the seeds of his later criticisms of organized labor (Hutt, 1926, Undated, p. 20). Unfortunately, Knowles died before Hutt could show her the article, which would later be reprinted in F.A. Hayek's edited volume *Capitalism and the Historians* (Hayek, 1963; Hutt, Undated, p. 21).

As he explains, the strike-threat system was about protecting union members' special privileges, and it usually meant protecting the affluent against their poorer competitors and customers:

> "The truth is that, with hardly any exceptions, it was relatively affluent artisans (by contemporary standards) who first organized for the collusive pricing of their labor. And their motive was, in every case, to defend their privileges—special rights which were contrary to the interests of the poorer classes (and in multiracial countries, poorer races)" (Hutt, 1973, p. 26).

Unions, Hutt argued, could raise their members' incomes but only at the expense of consumers who had to pay higher prices and potential competitors who were shut out of the labor market.[1] Higher labor costs mean lower output and higher prices, and lower output in unionized industries "eradicated a source of demand for all non-competing things—all the rest of industry" (Quoted in Reynolds, 1986a, p. 30). His analysis is consistent with Shelaigh Ogilvie's argument that the main tasks of the medieval guilds were seeking rents and thwarting competition (Ogilvie, 2019).

His maverick ways were established early, and he published *The Theory of Collective Bargaining*, in 1930, not long after he arrived at the University of Cape Town. He builds his analysis on price-driven coordination and argues that institutions and organizations that obstruct price changes disrupt macroeconomic coordination, with disastrous consequences (e.g. Hutt, 1954). When prices are allowed to change, however, previously unused capacity comes online and becomes part of people's purchasing power as wages fall and more people are put to work.

For Hutt, the emphasis on relations between workers and employers was a distraction from the more fundamental reality that people acting as consumers were the ultimate employers. Notably, Hutt argued that South African Apartheid was at odds with his free market ideal as the unions were putting themselves between

[1] (Hutt, 1973, pp. 5, 7, 8, 10).

willing buyers and willing sellers or between willing workers and willing employers (High, 1988, p. 59; Hutt, 1964; Magness et al., 2025; Roback, 1988; Williams, 1989, 1997).

In *Economists and the Public*, Hutt popularized the phrase *consumers' sovereignty*, arguing that "The consumer is sovereign when, in his role of citizen, he has not delegated to political institutions for authoritarian use the power which he can exercise socially through his power to demand (or to refrain from demanding)" (Hutt, 1936, p. 257). In his autobiography, Hutt explained that consumers' sovereignty essentially means people voting with their money:

> "But I had subsequently come to perceive that this notion has most far-reaching implications for political theory. Consumers' sovereignty is a system of voting which, in a free society, people in their entrepreneurial capacity must recognize. Through such voting, not only is the composition of the community's assets stock determined, but equally the composition of the stock of valuable skills acquired—at least to the extent to which the workers perceive their prospectively most productive employment outlets" (Hutt, Undated, p. 81).

The strike-threat contests the election's results and promises to overturn the results, violently if necessary. The problem with the strike-threat system is that it involves *threats* of violence against employers and "scabs" who dare to cross picket lines. The strikes themselves need not happen for the strike-threat system to be debilitating:

> "Other forces of organized disruption may supplement 'the strike proper': the 'sit-in', 'ca canny' (going slow), 'working to rule,' deliberately spoiling work, 'luddism,' and various other forms of sabotage, intimidation of nonstrikers, 'demonstrations' to impress with the strength of intimadatory power—all these methods of disruption may be threatened or used. They are all forms of the private use of coercive power" (Hutt, 1973, p. 46).

The labor movement and the strike-threat system, Hutt believed, were built on sandy foundation of comfortable, blood-stirring falsehoods. He did not believe workers were at a bargaining disadvantage and argued that if unions wished to be useful, they would work as "employment agencies" finding their exploited members better work elsewhere. Furthermore, he thought competition was the workers' friend, not their enemy, and their best protection against exploitation. He was not obsessed with efficiency at the expense of equity; rather, he thought competition served both ends. Far from being an instrument of justice, the strike-threat system "made a mockery of justice":

> "Society's tolerance of the private use of coercive power, under the delusion that it is a means of compensating for the 'disadvantage of labor in bargaining,' has been a blunder which every intelligent humanitarian must deplore, and against the continuance of which it is his most solemn duty to fight. It has made a mockery of justice in the relations of the individual to workers' organizations and the great society itself" (Hutt, 1986b, p. 83).

Hutt understood that particular benefits to a visible, sympathetic group were not general benefits to the entire society. In fact, he argued that income and equality would reach their maximum when people earned no more than the minimum necessary to draw them into their chosen occupation—when neither capital nor labor enjoyed economic rents.

His argument might seem morally counterintuitive, and the way he phrases it lends itself to misinterpretation, but it seems no more controversial than a statement about free-market equilibrium with marginal value equal to marginal cost. Persistent unemployment or a "general glut" is a signal that wages or prices in general are too high. While price adjustments, like any other change, leave at least some people worse off, Hutt thought removing barriers to price flexibility is crucial to maximizing national income. If all prices, not just wages, are changing, then additional purchasing will express additional demands for everyone's labor.

The effect on any individual is ambiguous; however, the effect on society in terms of its effect on national income is clearly positive. To the extent people wish to compensate others for the losses they incur in a system of freely-fluctuating prices, Hutt argued that progressive taxation and redistribution is better than price control (Hutt, 1973, p. 45).

Hutt's analysis in *The Strike-Threat System*, like his analysis in the rest of his work, belies the notion that he was a hired mouthpiece for the bourgeoisie, a crass materialist, or someone who cared only to help the rich get richer. He wrote:

> "The purpose of my analysis is to assist those who are genuinely concerned with building 'the good society.' I want to help them to think rigorously about what I myself have come to regard as the crucial issue respecting interpersonal relations" (Hutt, 1973, p. ix).

And in an interview with Morgan Reynolds, he explained that "the present system is impoverishing, not only in material terms but even worse, in human terms."(Reynolds, 1986, p. 43) Finally, he appealed to justice insofar as market transactions are voluntary. Hutt's endorsement of the market was based on what it would achieve if left alone:

> "What we call 'the market' provides the only conceivable means of achieving either orderliness and the elimination of coercive action in the process of human cooperation, or results which are regarded intuitively as 'just' by the overwhelming consensus among free peoples" (Hutt, 1973, p. 13).

The market was "social" and "democratic" in that it reflected a consensus reached via an ongoing conversation between buyers and sellers—to use a political metaphor, it is a referendum that never ends (Hutt, 1986a, p. 44). It is the strike-threat system itself, he argued, and not its goals that is objectionable:

> "It is my thesis that strike-threat power is an unacceptable *method* of redressing wrongs in any circumstances, while it is of course doubly objectionable when it is used for indefensible objectives. Even if it could exert an equalitarian influence, we should, I suggest, have to condemn it, just as we should have to condemn the Mafia even if it could be shown that the revenues of racketeer-

ing were being used to subsidize opera, cancer research, or civil rights movements" (Hutt, 1973, p. 44).

The strike-threat repudiated this "overwhelming consensus" about justice. Because of its effect on productivity, Hutt saw it as an affront to civilization (Hutt, 1973, p. 9).

3 The constitutional escape from the strike-threat system

Ever the optimist, Hutt thought it was possible to dispense with special privileges and embrace free markets with minimal disruption. Governments are in the business of trading property rights for tax revenue, which usually means dispensing special privileges to special interests (Holcombe, 2018; North, 1981; Ogilvie, 2019). In what Douglass C. North, John Joseph Wallis, and Barry R. Weingast call the limited-access order, the rent-seeking society is the price we pay for political stability (North et al., 2009). Limited-access orders are those in which political and economic elites use their power to restrict access to opportunities and maintain their dominance. This results in use of violence to resolve conflict and ultimately to what they call the violence trap, which is a cycle of violence arising from institutional weakness and disparities in economic and political opportunities (Cox et al., 2019).

This was precisely the context animating Hutt's economic analysis. Concerns for justice and efficiency animated Hutt, but the reality of a deeply racist society built on structures of oppression tempered his enthusiasm for radical reform. Finding ways to buy off the privileged was the key to successful, peaceful constitutional reform, a point he made in his ambitious 1943 book *Plan for Reconstruction*, which sought to map out ways for the British to discard socialist institutions after World War II (Hutt, 1943). While the thought of buying off people who enjoyed unjust privileges offends most people's sense of justice, Hutt argued that the additional economic growth the newly privilege-free society would enjoy would more than make up for it, even for those who had been ill used by the rent-seeking society (Hutt, 1943, 1968; Magness et al., 2022).

The strike-threat system was a constitutional problem. It is important to understand Hutt's perspective. His plans for a system of buyouts and a graduated, wealth-weighted franchise (which Hutt proposed to alleviate were not the best world he could imagine. They were, he thought, realistically attainable reforms that would not spring the violence trap and lead to a bloodbath Cox et al., 2019; Magness et al., 2022). In this, Hutt was rather like Adam Smith's "man whose public spirit is prompted altogether by humanity and benevolence:"

"The man whose public spirit is prompted altogether by humanity and benevolence, will respect the established powers and privileges even of individuals, and still more those of the great orders and societies, into which the state is divided. Though he should consider some of them as in some measure abusive, he will content himself with moderating, what he often cannot annihilate

> without great violence. When he cannot conquer the rooted prejudices of the people by reason and persuasion, he will not attempt to subdue them by force; but will religiously observe what, by Cicero, is justly called the divine maxim of Plato, never to use violence to his country no more than to his parents. He will accommodate, as well as he can, his public arrangements to the confirmed habits and prejudices of the people; and will remedy as well as he can, the inconveniencies which may flow from the want of those regulations which the people are averse to submit to. When he cannot establish the right, he will not disdain to ameliorate the wrong; but like Solon, when he cannot establish the best system of laws, he will endeavour to establish the best that the people can bear" (Smith, 1869, pp. 207–208).

His criticisms notwithstanding, Hutt was optimistic about the prospect of a gain from political exchange. The people did not have "the best system of laws," but Hutt thought that "the best that the people can bear" would be an unambiguous improvement—and he saw opportunities to get there from a dismal and oppressive starting point (Buchanan, 1988).

4 An economist for the long run in the 21 st century

Hutt was a consistent "gains-from-trade economist" who looked for social processes encouraging cooperation rather than coercion and fit squarely within the "mainline" tradition (Boettke, 2012; Mitchell & Boettke, 2017). As Buchanan puts it,

> "The gains-from-trade economist, if he remains consistent, does not place arguments from efficiency, as such, in the front rank of his rhetorical presentation. His reform emphasis is directed toward the removal of restrictions, with the enhanced value in exchange relegated to a position of necessary consequence" (Buchanan, 1988, p. 10).

A few pages earlier, Buchanan describes "the allocation economist":

> "By contrast, the allocation economist, having identified failure by specific distortions in resource use, calls explicitly for a shift in allocation, independently of direct reference to the institutional setting" (Buchanan, 1988, p. 6).

The contrast highlights Hutt's approach to labor market institutions, which emphasized processes (the search for gains from trade) rather than allocations (the distribution of income between workers and capitalists). This is why Hutt's approach can be appropriately described as questioning *restrictionism*. An economist might not know conclusively what is efficient, but removal of restrictions is more tangible. Apart from being a "gains from trade" economist, he was also a humane classical liberal who saw in the strike-threat system not only an obstacle to prosperity but a system of special privileges that denied justice to the long-suffering but politically powerless. In 1983, Thomas Hazlett wrote that Hutt "may be the most important economist of this century" (Hazlett, 1986, p. 11). Samuel Bostaph, Hutt's colleague at the University of Dallas, suggested he would be one of the most important

economists of the twenty-first (Gilcreast, 1989, p. 3). If Bostaph's prophecy comes to pass, Hutt's analysis of labor market institutions will be among the reasons why.

Funding No Funding.

Data availability Primary source material used in the paper is available from the authors.

Declaration

Competing interest None.

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