

## Barber Licensing Laws in Arkansas Hurt Consumers and Minorities

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In 1890, Black Americans made up 21 percent of all barbers and hairdressers nationally. By 1930, that number had fallen to nine percent. Various factors led to such a development, but the Journeyman Barber International Union of America (JBIUA) played an outsized role in excluding Black barbers from the market for cutting hair. In Texas, one union barber complained in the *Journeyman Barber Journal* that while business was doing well, “we do have a string of negro shops to contend with.” Since Black barbers were charging “15 and 35 cents” while the union members charged “25 and 50 cents”, Blacks were seen as unfair cheap labor. Another barber writing from Ohio found it impossible to organize “mostly foreigners—Bulgarians, Greeks, Syrians, Polish—and a few colored shops”. The main reason was that “[t]hey would not charge the prices, keep the hours, or pay the wages.” From the start of the JBIUA’s inception, Black barbers represented a threat to established white barber shops.

Since 1937, Arkansas barbers have been forced to comply with the state barber licensure law to legally practice their trade. Though those regulations rarely spark debate, State Senator John Cooper introduced a [bill](#) to repeal the law in 2019. Unfortunately, the Arkansas General Assembly failed to pass the bill and missed an opportunity to pave the way for licensing reform in other states. Research on the effects of licensing laws like those that regulate barbers in Arkansas suggests that deregulation would improve economic opportunities, increase competition, and benefit consumers.

Most occupational licensing laws date back to the early twentieth century. Those in favor of licensing often argue that licensure laws improve quality. However, scholars tend to find that licensing laws benefit professionals to the detriment of new entrants and consumers. [In researching the genesis of Arkansas’ barber license law](#), we found that the mostly white barber union, the JBIUA, lobbied for licensing laws in each state. The JBIUA argued that licensing laws would clean up barber shops and alleviate the perceived public health crisis caused by unregulated and dirty shops.

Despite claims of barbers threatening public health, we found no evidence that barber shops spread disease. Rather, we found that the JBIUA used the narrative of a public health crisis to justify rent-seeking. Rent-seeking is when an interest group lobbies the government for regulations or policies that benefit the members of the group through increased profits or “rents.” Once licensing laws were passed, Arkansas’ Governor appointed union members to the newly created barber board. Serving on the board, members created regulations and examinations that made it harder to become a barber. As the number of barbers decreased, established union barbers reaped the benefits of less competition and higher incomes.

Building on our previous research that demonstrated that barber licensing laws hurt consumers, our [recent research](#) demonstrates that Arkansas’ law regulating barbers was detrimental to Black barbers. In 1922, the *Arkansas Democratic Gazette* commented that

customers “invariably showed a preference for the Black barber.” Though Black men and women found few opportunities for economic advancement in the Jim Crow South, Black men were “the aristocrats of their race.”

The JBIUA saw Black barbers—and their success—as a threat. Since the union’s inception in 1887, they never represented a large contingency of Black barbers. The JBIUA initially tried to cartelize the barber industry through uniform business practices like union prices and hours. Black men, reaping the benefits of cheating the cartel, often charged lower prices, and stayed open later than union shops. Cartels only work if everyone is on board, and historically Black barbers were not. The JBIUA wanted to enforce standardized union practices, but they were consistently unable to organize Black barbers and thus held no power over barber shop prices and hours. Realizing that creating a cartel for the barber industry would not work, the union turned to an alternative: lobbying for licensing laws. Licensing laws, unlike union standards, could be enforced by the state, giving union standards actual teeth.

On the surface, the Arkansas barber licensure law is a racially neutral document. Indeed, anyone who wanted to be a barber, regardless of their race, hurdled the same barriers to receive their license. Yet, the law disproportionately excluded Black Arkansans. The reason is that the law was passed at a time when Black Americans had lower rates of literacy and less wealth than white Americans.

Furthermore, white barbers benefitted from union membership. The JBIUA taught courses on “scientific barbering” in Arkansas. Influenced by the JBIUA, Arkansas’ Board of Barber Examiners asked potential barbers to answer various anatomical questions that had a questionable connection to the practice of cutting hair. The first question on the exam was an essay question, which asked potential barbers to explain the “Scientific Fundamentals of Barbering.” Black citizens understandably struggled with questions that required strong reading and writing skills and that were also subjected to the precarious notions of examiners reading their work. Examinations with questions like that demonstrate that exams were catered toward JBIUA members who were given the necessary education to pass exams while excluding non-unionized Black barbers.

Arkansas’ barber licensure law went into effect in 1937. The law was a success for the JBIUA. Census records from 1930 to 1940 show that the law significantly decreased the number of barbers in Arkansas. Over that period, the number of white barbers decreased by 20 percent. Black barbers fared much worse. Over the same period, the number of Black barbers decreased by 41 percent. The pass rate for barbers taking licensing examinations also suggests that the law had a disproportionate effect on Black Arkansans. From 1938 to 1949, 77 percent of white Arkansans who attempted the exam passed. In the same period, only 63 percent of Black test takers passed the exam. Barber licensing shielded the JBIUA from competition, especially from black barbers. Though these numbers are specifically for Arkansas, we might expect similar findings across the South.

The history of barber regulations in Arkansas reveals that the barber licensure law was enacted to serve the mostly white JBIUA and was detrimental to Black barbers. While it is

impossible to undo historical injustices, we believe that reforming barber licensing laws and occupational laws more generally would benefit minority groups economically. In Arkansas, barbers must receive 1,500 hours of education to take the barber exam. That's almost a third more than the number of hours that it takes to become a police officer in the state. Occupational licensing laws, like the one regulating barbers in Arkansas, force potential workers and entrepreneurs to hurdle steep barriers that are hard to justify on any grounds. Cutting some of those barriers would increase competition, benefit consumers, and give minorities more economic opportunities.