

Voluntary Slavery¹

La esclavitud voluntaria

DANNY FREDERICK

dannyfrederick77@gmail.com

Abstract: The permissibility of actions depends upon facts about the flourishing and separateness of persons. Persons differ from other creatures in having the task of discovering for themselves, by conjecture and refutation, what sort of life will fulfil them. Compulsory slavery impermissibly prevents some persons from pursuing this task. However, many people may conjecture that they are natural slaves. Some of these conjectures may turn out to be correct. In consequence, voluntary slavery, in which one person welcomes the duty to fulfil all the commands of another, is permissible. Life-long voluntary slavery contracts are impermissible because of human fallibility; but fixed-term slavery contracts should be legally enforceable. Each person has the temporarily alienable moral right to direct her own life.

Keywords: Aristotle, compulsory slavery, critical rationality, enforceable slave contracts, essential personal task, natural slave, voluntary slavery.

Resumen: la permisibilidad de las acciones depende del hecho acerca del florecimiento y separación de las personas. Las personas difieren de otras criaturas por tener la tarea de descubrir por sí mismas, mediante conjetura y refutación, qué tipo de vida les resulta plena. La esclavitud voluntaria evita inaceptablemente que algunas personas lleven a cabo esta tarea. Sin embargo, muchas personas pueden conjeturar que son esclavos por naturaleza. Algunas de estas conjeturas pueden resultar correctas. En consecuencia, la esclavitud voluntaria, en la que una persona acepta el deber de satisfacer todos los deseos de otra, es permisible. Los contratos de esclavitud voluntaria de por vida son inaceptables a causa de la falibilidad humana; pero los contratos de esclavitud por un tiempo determinado deberían ser legalmente

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reconocidos. Cada persona tiene el derecho moral temporalmente alienable de dirigir su propia vida.

Palabras clave: Aristóteles, esclavitud voluntaria, racionalidad crítica, contratos de esclavitud legales, tarea esencial de la persona, esclavo por naturaleza, esclavitud.

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Introduction

In one important sense of the word ‘free,’ which is the sense employed here, a free person is one who has the legal right to direct his own life. As a consequence, he is legally entitled to use force, or to invoke the force of the state or of an agent acting on his behalf, to prevent others from interfering with his direction of his life. Kidnapping a person is a clear-cut case of interfering with that person’s direction of his own life. Reading a book of one’s own in one’s own home is a clear-cut case of not interfering with another person’s direction of his own life. However, while there are other clear-cut cases on each side of the boundary, the boundary is somewhat fuzzy. For example, does playing loud music in one’s own home interfere with one’s neighbour’s direction of his own life (if, for example, he needs peace to study)? However, articulating the content of the right to direct one’s own life is a job for another paper, or a book. An intuitive grasp of the notion will suffice for our purposes here.

In contrast to a free person, a slave is a person, x , for whom there is another person (a slave-owner), y , who has the legal right to direct the life of x . A compulsory slave is one who has been enslaved against his will. A voluntary slave is one who has agreed to become a slave of another person; that is, someone, x , who has, with the consent of another, y , given y the legal right to direct the life of x . Contemporary philosophers are unanimous that compulsory slavery is morally impermissible. However, while most contemporary theorists think that voluntary slavery is morally impermissible, there are some dissenters. Robert Nozick (1974, 331) and Judith Jarvis Thomson (1990, 283-84) opine, though without argument, that voluntary slavery is morally permissible. Hillel Steiner (1994, 232 including footnotes 4 and 5) argues that the right to ‘self-ownership’ is, like other rights, waivable, and it is possible that a person’s ends will best be achieved by waiving his right to self-ownership and becoming a slave. Steiner does not say what he thinks the relevant ends might be. Walter Block (2003) and Stephen Kershnar (2003) defend the moral permissibility of voluntary slavery on the ground that it can be a lesser evil in some circumstances, for example, where a parent sells himself into slavery in exchange for resources paid to his needy family which will enable them to buy food or medical treatment, or where a prisoner chooses slavery in preference to life imprisonment or execution. Such arguments are controversial; I will not consider them here. Instead, I consider whether

the possibility that there are natural slaves makes some form of voluntary slavery morally permissible.

To save on words, henceforth ‘permissible’ always means *morally permissible*. Something which is normally permissible may be impermissible in some exceptional circumstances in which it generates grave consequences; and something which is normally impermissible may be permissible in some exceptional circumstances in which it is the only way to avoid grave consequences (how grave is ‘grave’ depends upon context). Thus, all general statements of permissibility or impermissibility must be understood to hold *ceteris paribus* (see my forthcoming). Throughout, when I speak of persons I should be understood to be talking of normal adult humans. This is not to suggest that other humans are not persons; it is just to avoid encumbering the discussion with profuse qualifications.

In section I, I explain what voluntary slavery is by describing a paradigm of it. In section II, I argue that it is possible that there are natural slaves of at least five different types. In section III, I explain how persons differ from other creatures and how the human predicament grounds an alienable right of each person to direct his own life, which makes compulsory slavery impermissible and a non-paradigm form of voluntary slavery permissible. In section IV, I conclude.

I. Voluntary Slavery

A common confusion about slavery is exhibited by Steiner:

[S]elf-enslavement...cannot be incurred by a self-owner’s *transferring* (selling or donating) that right [of self-ownership], since such transfers entail that transferrors thereby acquire duties to their transferees, whereas slaves, as things wholly owned by others, must lack duties as well as rights (1994, 232 footnote 4).

However, slavery is essentially a relationship between persons: a mere thing, or even a living non-person such as a cat, cannot literally be a slave. A person is a moral agent with the duties to respect the rights of others that all moral agents have. A slave cannot, therefore, lack duties. On the assumption that *compulsory* slavery is wrong, one might wonder what duties a compulsory slave can have to her slave-owner; but even a compulsory slave has duties to other people. In all societies which had an institution of compulsory slavery, slaves were held responsible for their

actions and punished for committing crimes (Patterson 1982, 196). Steiner's error is to take a metaphor literally. A slave is in some ways *analogous* to a mere thing that is owned; but to be analogous to a mere thing is not to *be* a mere thing. If a slave, who is essentially a person, had to be a mere thing, a non-person, then slavery would be metaphysically impossible and there could never have been any slavery in the world.²

Voluntary slavery is slavery by agreement. Various types of relationship might aptly be described in that way, but it seems that the paradigmatic type would be a legally recognised agreement along the following lines. One free person, *x*, makes a legally binding contract with another free person, *y*, that, from some specified future time,

- (a) *x* has the legal duty henceforward to fulfil all the commands of *y*;
- (b) *x* cannot release *x* from that duty;
- (c) *y* can release *x* from that duty;
- (d) *y* may legally use or hire force to compel *x* to fulfil the commands of *y*.

From the specified future time, the person, *x*, ceases to have the legal right to direct her own life; she instead becomes a slave to her slave-owner, *y*, whose commands *x* has a legal duty to obey, which gives *y* the legal right to direct the life of *x*. It may help to clarify this arrangement if we compare and contrast it with employment.

With regard to (a), in both voluntary slavery and a contract of employment, one person accepts the duty to fulfil the commands of another: the employer or the slave-owner is responsible for directing the employee or the slave; and the employee or the slave is responsible for executing the directions appropriately. However, in employment this holds only during working hours, and only with respect to commands which are both consistent with organisation policies and relevant to the job as specified in the job description. In voluntary slavery, there are no such restrictions: the slave has no rights against the slave-owner. However, there are some restrictions on an employer's control over an employee which also apply to a slave-owner with regard to a slave. For example, becoming an employer or an employee does not give one authority to break the law, so it does not give the employer authority to command an employee to break the law and it does not divest the employee of her legal

² This sort of confusion goes back at least to Rousseau (1762, book I, ch. iv, 10) and occurs in Ellerman's (2010) objections to employment and Gabriel's (2012) objections to professional soldiers.

duty to obey the law. The same applies to becoming a slave-owner or a slave. Any command to break the law is legally void, and the slave has a legal duty not to fulfil it.

In connection with (b), although an employee accepts the duty to fulfil the commands of her employer, she can release herself from this duty at any time by leaving the job. The employment contract normally specifies a notice period; but the employee may refuse to work her notice, though she may then be liable to pay compensation to her ex-employer. The slave, in contrast, cannot release herself from her duty to fulfil the commands of her slave-owner; otherwise it would simply not be slavery. In connection with (c), while an employer must give an employee notice of termination, and may also have to satisfy some other legal requirements, before she can terminate an employee's employment, a slave-owner can release the slave from her slavery immediately. With respect to (d), an employer may not legally use force to compel an employee to perform her duties. The employment contract is enforceable against the employee only in the sense that, if the employee defaults on her duties, the employer may terminate the relationship and may in some circumstances be able to exact financial compensation for damage or loss. In contrast, a slave-owner is legally entitled to use or hire force to compel the slave to fulfil the slave-owner's commands, and to restrain or recapture a slave who tries to get free of the relationship. In paradigmatic slavery there are no limits to the severity of the force that a slave-owner may employ against her slave; in consequence, the slave-owner is legally entitled to kill the slave.

A legally binding contract normally requires consideration on both sides. To meet this condition, the prospective slave-owner must make some kind of payment for the services to be received from the prospective slave. A contract for slavery is made at a time when the two parties to it are free persons who thereby acquire contractual obligations to each other; but the contract stipulates a later time at which one of the parties ceases to be free and becomes a slave, and the other party ceases to have any obligations, contractual or otherwise, to the slave. Consequently, in a slave contract, the contractual duties of the party who becomes the slave-owner must be completed before the other party becomes a slave. If payment for the slave is made to the prospective slave, the latter must consume or transfer this payment before the slavery begins, otherwise the slave-owner could command the slave to hand it back; if payment is made to a third-party beneficiary, the payment must be made before the slavery

begins, otherwise the slave-owner's obligation to the slave to make the payment would lapse.

A legally binding agreement normally requires the absence of coercion. It might be suggested that only coercion or coercive circumstances could explain a person's consent to slavery. I argue against that suggestion in the next section.

II. Natural Slavery

Aristotle claimed that some humans are natural slaves while others are natural slave-owners (2007, I, iv, v), and that the latter are entitled to enslave the former against their will (2007, I, xiii). Aristotle thought that this difference in moral entitlement depends upon a difference in psychological capacities: 'he who participates in rational principle enough to apprehend, but not to have, such a principle, is a slave by nature' (2007, I, v). It appears that what Aristotle meant by this was that, while the natural slave is capable of practical reasoning, he is not capable of competent moral reasoning; so, left to himself, he will often act in a way that even he later sees to be amiss (Heath 2008, 244-53). Thus, although he is enslaved for the slave-owner's benefit, a natural slave is better off being enslaved (2007, I, ii, iv, v, xiii; 2006, VIII, x). Aristotle thought that non-Greeks, the majority of humans, are natural slaves (2007, I, ii, vi; III, xiv).

Aristotle's theory of natural slavery is defective. First, there seems to be no pronounced contrast between Greeks and non-Greeks with respect to the capacity for competent moral reasoning. Second, it does not follow from the fact that a person is incapable of competent moral reasoning that the person would be better off as a slave. A person might live a better, more fulfilling, life by directing his life less than competently than he would live by being a permanent drudge on twenty-four-hour call to another person. Still, Aristotle may have been right that there are some people who are incapable of living well if left to decide things for themselves; though the reasons may be unconnected with a deficiency in reasoning capacity. Let us say that a natural slave is *a person who is such that the most fulfilling and worthwhile life that he can lead is one in which he is a slave to another person*. I do not know whether there are any natural slaves; but it does seem possible that there are. I show this by describing five types of person who would find fulfilment in being a slave. For each type I point to familiar kinds of actual people who exhibit

tendencies toward that type. These tendencies are stronger in some people than they are in others. Indeed, it seems possible that there are some people in whom the tendencies are so pronounced and pervasive that they would find fulfilment in being a slave. The following fivefold categorisation of natural slaves is neither exclusive nor exhaustive.

The dutiful slave derives fulfilment from being under another person's total control. His satisfaction comes from being at the service of another. He wants to take on the duty to serve another completely and to discharge that duty in an exemplary manner. He takes pride in his service and even in his subservience; indeed, his self-respect depends upon doing these things well. He is not incapable of directing his own life; but a life of subservience is more valuable to him. Indeed, he might even supervise others on his slave-owner's behalf, in which case even these exercises of dominance will be suffused by his submission to his owner. A tendency to dutiful slavery often finds expression in religion. St. Paul says that Christians are slaves to obedience (Romans 6:16) and slaves to God (Romans 6:22). That is a metaphor; but it seems that many religious people have wanted to take it literally. If natural slaves exist, it seems likely that some of them will be found in monasteries, nunneries and cults. Similarly, though perhaps to a lesser extent, the tendency to dutiful slavery seems to be exhibited by some who join the armed forces or domestic service. A fictional example, which will be true to life in some respects, is Stevens the butler, in *The Remains of the Day*, whose fulfilment comes from service to a gentleman of moral worth. He is in charge of seventeen staff and carries out his duties stoically whatever the circumstances, striving for a 'dignity in keeping with his position' which is worthy of the admiration even of the gentry (Ishiguro 1989).

The weak-willed slave yearns to be a dutiful slave who fulfils every command of his superior; but he knows that in practice he will often default on his duties because of his lackadaisical nature. The most worthwhile life he can lead is as a slave to a slave-owner who will not only command but also exhort and punish, to goad him into doing his duty, or as much of his duty as he can do. He knows that if he has the option of terminating his servitude, he will do so when the going gets tough and thereby forsake his fulfilment, so it is essential for him that he is a slave rather than just a servant. If dutiful slaves are possible then so are weak-willed slaves. They are analogous to someone who submits to a detoxification programme during which his pleas for drugs, alcohol or

tobacco will be ignored and his attempts to escape will be frustrated. The weak-willed slave's self-respect is fragile, not because he lives as a slave, but because he often falls short of his slave duties and disappoints his slave-owner.

The refractory slave, unlike the previous two types, avows no duty to obey his slave-owner. When he complies with his owner's instructions, he does so to avoid punishment or for some ulterior motive. Although the slave-owner has the legal right to control him, the slave denies this. He acknowledges that he is kept in slavery but he deems this situation unjust and he recurrently rebels against the slave-owner. There is an element of fiction here, if he is a voluntary slave, because he has *given* the slave-owner the right to control him. But the fiction is necessary for him because he finds his fulfilment in rebellion and his self-respect comes from resisting an oppressor (just as his owner may find his fulfilment in subduing refractory slaves or, at least, in attempting to subdue them, for the chase may be better than the catch). For slaves of this type, if oppressors do not exist, they have to invent them (to adapt Voltaire). The tendency to this type of slavery is commonly exhibited in political life, where the scene is littered with people striking revolutionary poses against all manner of more or less imaginary oppressors (evil conspiracies of various kinds) or looking for a reason to martyr themselves.

The anxious slave may be competent to make good decisions for himself but he thinks, correctly, that the disadvantages of the anxiety he suffers in making choices outweigh the advantages of making good choices. It therefore makes sense for him to hand over the decision-making to someone else, even though the choices will be poorer, perhaps even much poorer, simply in order to be disburdened of the anxiety that he finds unendurable. He will want a reasonably virtuous slave-owner, to avoid having to cope with the dilemma of a command to break the law. He suffers from 'the strain of civilisation' (Karl Popper's phrase). He just wants to be told what to do, so that he does not have to think for himself. The tendency to this form of slavery is evident in the widespread attraction to tribalism (Popper 1945, chapter 10).

The masochistic slave finds his fulfilment in pain, humiliation or other torment. He could be a slave of any of the preceding types, but he needs a slave-owner who is sadistic. Some slaves of this type might find self-respect in bearing the suffering they endure. But for others a loss of self-respect may be an important part of the suffering. Indeed, some may

accept the duty to obey the slave-owner because they recognise that it demeans them. Some refractory slaves, who avow no duty to obey the slave-owner, may derive satisfaction from the humiliation they feel in submitting to the slave-owner's demands. The tendency to this form of slavery is commonplace and is exhibited in sadomasochistic practices, lifestyles and media.

Thus, tendencies to each of these types of natural slavery appear to be common. I conjecture that a tendency to natural slavery exists in each of us to some degree, and that evolutionary biology may be able to provide an explanation for it. Indeed, the elements of such an explanation may already exist, since Christopher Boehm (1999) describes our natural proclivity for dominance hierarchies, and Joseph Henrich and Francisco Gil-White (2001) offer an account of the evolution of voluntary deference. Since the tendency toward one or another kind of natural slavery is stronger in some people than in others, we cannot rule out the possibility that there will be people in whom the tendency is so strong as to make them natural slaves, people whose vocation was expressed by Bersyenev: 'I feel that one's whole destiny in life should be to make oneself number two' (Turgenev 1859, 30).

The possibility of natural slave-owners seems easier to explain. Let us say that a natural slave-owner is *a person whose flourishing would be enhanced if he were a slave-owner*. We all have chores which a slave could do for us, thereby permitting us to spend much more of our time and energy on more satisfying activities. So long as we would not find directing a natural slave so irksome that it outweighed those benefits, our flourishing would be enhanced by being a slave-owner. Further, many people find managing others intrinsically fulfilling, so for some of those people directing the life of a slave could be a substantial part of their fulfilment. It seems not only possible but highly likely that there are natural slave-owners, as well as people with tendencies to be such. Many marriages and friendships appear to resemble, to a greater or lesser extent, one or more of the types of slavery outlined above.

This account of natural slavery assumes that some activities or forms of life are objectively valuable for some people; but a value subjectivist or anti-realist might reformulate it in terms of preferences.

III. Permissible Slavery

In the case of an animal which is not a person, the best life that it can

lead is determined by its biology; and the animal normally tries to live a life of that kind by acting in accord with its biological instincts and the culture, if any, that it acquires from its local conspecifics. In contrast, a person is a creature who has language and self-consciousness. That enables a person to formulate in words her beliefs, thoughts, desires, expectations, emotions and such like. Once a person objectifies the contents of her subjective states in this way, she can distance herself from them, view them sceptically, consider alternatives, and formulate critical arguments and tests to decide between alternatives (Popper and Eccles 1977, 57-59, 108-12, 144-46). This capacity for *critical rationality* enables a person not only to evaluate ways of living exemplified by existing persons (including herself), but also to discover new possibilities. The sort of life that a human person will find fulfilling will be related to that human's biology, but the exercise of critical rationality can make that relation tortuously indirect. For example, people today can live sorts of lives that would have been inconceivable or thought physically impossible a few centuries ago, such as an astronaut, a transsexual model, a genetic engineer, or a web-site designer. Some people find their fulfilment in living lives of these new kinds, while others find fulfilment in living more traditional types of lives. Therefore, unlike those animals which are not persons, a person is faced with the question: what sort of life will be most fulfilling for me?

There is an abundance of material which is relevant to answering that question. There are studies by psychologists, anthropologists and other social scientists concerning different ways of life. There are biographies, autobiographies, novels and dramas, as well as lifestyle discussions throughout the popular media, containing accounts of how different people have fared in different kinds of life. However, what suits some people does not suit others, so the person also needs to know about herself. She may be able to learn about herself from family, friends, teachers and other acquaintances, since other people sometimes know a person better than she knows herself, in at least some respects. However, while such research will enable the person to form some conjectures about the sort of life she will find fulfilling, those conjectures need to be tested. Even if another person's knowledge of the sort of life that will fulfil a specific person is better than the knowledge that the person has herself, the other person's knowledge is still conjectural and needs to be put to the test. The crucial test of whether a type of life will fulfil a person is that

person's own experience of living that type of life. This is especially so if the kind of life she conjectures will fulfil her is one that no one has lived before. Therefore, in order to answer the question of how to live, a person has to form a hypothesis about what type of life will fulfil her, and then test that hypothesis by living that type of life, or at least some approximation to it. If she finds that the life she has chosen does not fulfil her, her hypothesis is refuted. If she is to find an answer to her question, her next steps must be to try to learn from her mistake, think up another theory about who she is and then, insofar as she can extricate herself from the circumstances of her current life, set out to test that new theory. The *essential personal task* of each person is to discover for herself, through conjecture and refutation, what sort of life will constitute her fulfilment. (This is not to suggest that every person apprehends her essential personal task and attempts to pursue it: for example, some people just follow convention or drift from one lifestyle to another under the influence of circumstances.)

A natural slave is a person whose most fulfilling and worthwhile life is one in which she is a slave to another person. If there are any natural slaves, what is good for them is slavery; it is through slavery that they will realise themselves and flourish. It is possible that there are natural slaves. Further, tendencies to natural slavery are endemic; so, many people may conjecture that they are natural slaves. None of these people can discover whether they are natural slaves except by experimenting with slavery, or some approximation to it. If they are to accomplish their essential personal task, they must have the opportunity for such experiments. If they thereby discover that they are natural slaves, their fulfilment depends upon them choosing slavery for themselves. Therefore, voluntary slavery is permissible. That is a sketch of the argument that will be developed in the rest of this section.

Few, if any, theorists would deny that morality is centrally concerned with the flourishing of persons. Given the nature of the essential personal task, human flourishing can be achieved only if people are able to try out 'experiments in living' (a term from John Stuart Mill, 1859), subject to the proviso that such experiments do not undermine the flourishing of others. The interconnectedness of people in society means that almost every such experiment by one person will have some adverse impact on some other people, so it is only where its adverse impact is

substantial that a specific experiment is impermissible.³ For instance, a man may conjecture that he will find his fulfilment in driving on busy roads while he is drunk; but it is impermissible for him to test that conjecture by living it because the threat to the flourishing of others is too great. However, there is a limit to the permissible trade-offs between the flourishing of one person and that of others. Most theorists insist that morality is centrally concerned with respect for the separateness of persons (see Zwolinski 2008 for useful discussion): a standard objection to act-utilitarianism and some other consequentialist theories is that they fail to take account of this separateness. We can illustrate the point with one of Thomson's examples (1990, 135). An expert surgeon has five patients who will die if they do not get new parts: two need one lung each, two need one kidney each, and one needs a heart. A healthy young man who is visiting the hospital has the right blood type and can be cut up to supply the parts for the five patients. The surgeon asks the young man whether he would like to volunteer his parts; but the young man declines. If the surgeon nevertheless kills the young man and cuts him up, this will, let us assume, enable five people to flourish at the cost of the flourishing of only one person. However, despite the net gain for human flourishing from curtailing the young man's experiment in living, the surgeon's action is impermissible because it uses the young man *simply as a means* to the flourishing of others.

We must pause a moment to consider what it means to use someone simply as a means. Kant (1785, 4: 429-30) says that it is permissible to use a person as a means where she shares the end of the action. This suggests that she must *consent* to be used as a means with a view to some *potential benefit* for herself. For example, when I hire a plumber I use her as a means to the end of getting my leaking pipe fixed; but I do not use her *simply* as a means because she agrees to fix my pipe in return for a payment. It is not necessary that she actually derives some benefit from the transaction: the trial-and-error nature of our search for fulfilment means that we will often make mistakes about which actions are beneficial. However, it does seem that conjectured potential benefit is necessary. For example, suppose the young man in the transplant example had consented to be cut up for the sake of the other five people. Would that have made it permissible for the surgeon to proceed? Some of

3 The notion of a *substantial* adverse impact needs to be spelt out carefully; but we do not need to address that issue here.

us may think not, because we cannot see what is in it for the young man. However, if we could see how, given the facts about his life, it would enhance his flourishing to make that sacrifice, we may think that his consent then makes it permissible for the surgeon to proceed. It seems, though, that it must be *possible* that the conjectured potential benefit will arise. For example, if the young man agrees to the transplants because he mistakenly believes that, as a reward for his altruism, his body will grow replacement organs that will be better than the original ones, then it would be impermissible for the surgeon to proceed.

It also seems that consent is necessary. For example, even if I am convinced that the plumber's flourishing will be enhanced if she fixes my pipe for a payment, it is not permissible for me to compel her to fix my pipe, even if I pay her handsomely, and even if it turns out in fact that the experience and the payment are genuinely beneficial for her. How can we explain this? Here is my attempt. Let us consider two arbitrarily chosen people whom we can label 'Alf' and 'Betty.' No one can know for sure what will benefit another person. So even where Betty knows better than Alf what is good for Alf, it may still turn out that both Betty and Alf are mistaken and that Alf learns more from his mistaken experiment than Betty could ever teach him. Further, it is not the case that everyone who thinks she knows better actually does know better. Indeed, in the sorts of cases we are considering, in which Betty wants to use Alf as a means to the flourishing of Betty, it will be almost inevitable that self-interest will give Betty a jaundiced view of what will be good for Alf. As a consequence, if Betty were to use Alf as a means whenever Betty thought that Alf would benefit, Alf would often have his flourishing undermined. It must be Alf who conjectures that there is a potential benefit for him, and also that the potential benefit is greater than that obtainable from alternative courses of action open to him. The test of that is that he consents. It is therefore impermissible to use a person as a means to the flourishing of others without that person's consent.

We can summarise the preceding discussion in the following (not very precise) principles:

(i) it is permissible for a person to try out whatever kind of life she conjectures may fulfil her, if such experimentation on her part is not impermissible according to (ii) or (iii);

(ii) it is impermissible to use a person as a means to the flourishing of some others, unless

- the person agrees to be so used because she conjectures that there is a potential benefit for her, *and*
- it is possible that a person should obtain the conjectured benefit from being so used;

(iii) it is impermissible for a person to experiment with a kind of life she conjectures may fulfil her, if doing so has a substantial adverse impact on the flourishing of others.

There seems to be general, though not universal, agreement that if we could save, say, a million or a billion people by killing just one, that would be an increase in overall flourishing sufficient to make it permissible to use the one as a means to the flourishing of the others without the one's consent. That is consistent with (ii) because the implicit *ceteris-paribus* clause in all general statements of permissibility and impermissibility allows for exceptions (though it need not commit us to accepting this particular type of exception, since there is room for debate about exactly when other things are not equal). It does not follow from (i) that *any* kind of experimentation is permissible if it is not impermissible according to (ii) and (iii), because (i) concerns only experimentation conducted by a person to test conjectures about what kind of life will fulfil her. It does follow immediately from (ii) that compulsory slavery is impermissible, because the slave-owner uses the slave as a means to the flourishing of the slave-owner without the slave's consent. I now show that principles (i) - (iii) make one kind of voluntary slavery permissible.

Slavery is a relationship between two people; so, for voluntary slavery to be permissible, it must not only be permissible for a person to be a slave, it must also be permissible for a person to be a slave-owner (Valentyne 2000, 3-4). Compare: it is permissible for Jane to marry, but there are no eligible bachelors. We have seen that there are widespread tendencies to slavery and to slave-ownership. Consequently, many people may conjecture that they are natural slaves and many may conjecture that they are natural slave-owners. From (i) it follows that it is permissible for those people to try out slavery or slave-ownership, respectively, if such experimentation on their part is not impermissible according to (ii) or (iii). If two such people agree to experiment with a relationship in which one is slave-owner and the other slave, each in order to further her own flourishing, the possibility that there are natural slaves and natural slave-owners means that such an experiment in voluntary slavery is not impermissible according to (ii). Each uses the other as a means to

discovering what sort of life will fulfil her, but neither uses the other simply as a means. It has been argued that voluntary slavery would generate costs or harms for people outside of the slavery relationship, since the costs of monitoring or enforcing slavery agreements would be borne by the public, and third parties may suffer distress, or become insensitive to suffering, if they are aware of the existence of voluntary slaves (Feinberg 1986, 75-81). However, the costs of monitoring or enforcing slavery contracts can be charged to the people who participate in them (see below). Further, interracial affection may generate distress in some third parties, and the promotion of political ideas like nationalism may reduce some people's sensitivity to the suffering of others, but such third-party effects are not considered substantial enough to make those activities impermissible. Therefore, (iii) does not render experiments in voluntary slavery impermissible (see Archard 1990, 456, and Kershnar 2003, part II, section B, for further discussion). Consequently, it is permissible for some people to experiment with voluntary slavery and voluntary slave-ownership.

The conclusion that it is permissible for some people to *experiment* with voluntary slavery falls short of the conclusion that voluntary slavery is permissible, because experiments typically come to an end. Someone who has experimented with voluntary slavery, or something approximating it, and has found the life fulfilling, might conclude that she is a natural slave. However, it is not possible for her to know for certain that she is a natural slave. The fact that she has found a life of slavery, or something close to it, fulfilling so far, does not preclude her from discovering in future that it ceases to fulfil her, either because there is only so much of such a life that she can enjoy, or because she changes over time. Someone who finds slavery fulfilling at a younger age may find it unbearable at a later age. However, voluntary slavery in its paradigmatic form does not permit the slave to terminate her relationship with her slave-owner. She may appeal to her slave-owner to release her, but the slave-owner may refuse. She may then find herself trapped in an unfulfilling, probably intolerable, form of life for the rest of her days. Consequently, if paradigmatic voluntary slavery is permitted, many people (perhaps all) who enter voluntary slavery may eventually discover that they have made a terrible mistake which they are unable to correct. Their continued slavery enables their slave-owners to continue to experiment with a kind of life that they conjecture may fulfil them, but only by

prevented the slaves from finding fulfilment. That is impermissible according to (iii). Therefore, voluntary slavery in its paradigmatic form is impermissible.

It may seem that the trouble with paradigmatic voluntary slavery is its condition (b), according to which the slave cannot release herself from the duty to follow the commands of her slave-owner. However, if the slave can release herself from that duty, the slave-owner cannot enforce it, so if condition (b) goes, so does condition (d), which means that the slave-owner can do only that to which the slave willingly submits. Such a relationship would not count as slavery at all; nor would it fulfil a natural slave. Even a dutiful slave who never wants to terminate the relationship and who willingly submits to all the slave-owner's demands and abuses may find her slavery ersatz if she knows that she can pull out of it at any time and that her owner is constrained by that consideration. The weak-willed slave and the refractory slave would be unable to realise themselves, for each needs an arrangement in which she is forcibly restrained from ending her slavery and compelled to do things she is disinclined to do. The anxious slave, somewhat similarly, will find it a great relief to be spared any agonising over whether to terminate the slavery. The masochistic slave may be denied her peculiar satisfaction because the slave-owner is reluctant to punish her severely for fear that she might end the relationship. Indeed, all types of slave may be denied the more extreme forms of treatment, which they may need. Therefore, a relationship without condition (b) would not be fulfilling for natural slaves; it would be just play-acting at slavery.

However, there is a non-paradigmatic form of voluntary slavery the permissibility of which is consistent with (ii) and (iii) and which also has the following benefits:

- it allows people the opportunity to experiment with something approximating paradigmatic slavery,
- it permits people who are convinced that they are natural slaves to live their lives in a state that approximates paradigmatic slavery.

We obtain this form of non-paradigmatic slavery if we amend condition (a) of paradigmatic voluntary slavery by replacing 'henceforward' with 'until the end of the contract period.' For, a fixed-term contract will enable people to experiment with a good approximation to slavery for a limited time, so that they can test whether they are natural slaves; and it

will enable people who are convinced that they are natural slaves to renew the contract as soon as it expires. The term of the contract can be agreed by the parties, up to a period of, say, five years. Such voluntary slavery is non-paradigmatic for two reasons. First, although the contract may be terminated at any time by the slave-owner, the contract terminates at the end of the fixed term independently of the slave-owner's wishes. Second, this fact is likely to inhibit somewhat the slave-owner who wants the relationship to continue beyond the end of the fixed term: she may be wary of being too severe in case the slave does not renew the contract. So the time-limited nature of the contract makes it significantly weaker than paradigmatic voluntary slavery.

It is, though, the time-limited nature of the contract that makes it permissible. Fixed-term voluntary slavery is consistent with (ii) because slave-owner and slave have agreed to the contract, each in order to further her essential personal task; and it is possible that there are people who are fulfilled by slave-ownership and slavery, respectively. It is also consistent with (iii), because a slave in such a relationship who discovers that she is not a natural slave will be able to resume her experimentation with other kinds of life at the end of the contract period, or sooner if her slave-owner releases her. Of course, she might not be able to resume her experimentation as soon as she concludes that she is not a natural slave. In such cases, there will be some adverse impact on her flourishing because she will be prevented from pursuing her essential personal task for a time. However, it will be only for a relatively short period; and this drawback is unavoidable if people are permitted to experiment with slavery, which is in turn necessary if natural slaves are to live fulfilling lives and if people who mistakenly think that they may be natural slaves are to pursue their search for fulfilment and obtain information that improves their chances of finding fulfilment in the future.

In paradigmatic voluntary slavery, the slave-owner is entitled to acquire the slave's property and to kill the slave. The former entitlement will attract people looking for a 'licence to rob,' who want to take on a slave, acquire her property and then immediately release her from slavery; while the second entitlement will attract people, such as serial killers, who see it as a 'licence to kill.' In both sorts of case, the slave-owner would be using the slave simply as a means to enhance her own flourishing. This is impermissible according to (ii): the prospective slave has not agreed to be used as the prospective slave-owner intends to use

her. The prospective slave-owner is attempting a kind of fraud and is not a permissible slave-owner. Thus, fixed-term voluntary slavery will be permissible only if such people are excluded from being slave-owners. This can be achieved by making two further departures from paradigmatic voluntary slavery. First, in permissible fixed-term slave contracts, the slave-owner will have a duty not to kill the slave. Since the slave-owner can have no duties to the slave, the duty not to kill the slave must be a matter of the criminal law, and it will permit the exceptions that are generally recognised in that law, such as self-defence, and perhaps assisted suicide. Second, the slave will be required to give away her property before the start of the contract term. Although each of these two conditions moves fixed-term slavery further away from paradigmatic voluntary slavery, it seems that neither makes an essential difference to the relationship. After all, a genuine slave-owner wants a live slave. Even if the slave becomes unduly troublesome the slave-owner has the option of terminating the contract, and few people would choose to kill a person when they have an effective alternative means of being rid of her. Similarly, a genuine slave-owner wants to acquire a slave rather than her property.

In fixed-term voluntary slavery, recall, two people agree a legally binding contract in which one person accepts the enforceable duty to live as directed by the other. To say that it is permissible for there to be such legally binding contracts is to say that people ought to be permitted to enter such contracts and enforce them legally, which is to say that such contracts ought to be legally enforceable. This does not exclude the imposition of some paternalistic conditions to be met prior to entry into such a contract. For example, a prospective slave could be required to receive a critical challenge, provided by a person trained for the purpose, the point of which would be to ensure that she has considered alternatives, is familiar with the risks and drawbacks and has strategies for dealing with them. To avoid any adverse impact on third parties, the costs of the critical challenge would be charged to the prospective slave. Further, legal provisions would be needed for a range of special circumstances, including children born to slaves; but the various options for dealing with such circumstances cannot be discussed here.

We can summarise (i) - (iii), as follows:

(iv) each person has the moral right to experiment with any kind of life that may possibly fulfil her.

This right involves the liberty of the person to experiment, expressed in (i), and the duty of others not to prevent such experimentation by using a person simply as a means to promote the flourishing of others, expressed in (ii). Like all rights, it is subject to limitation by the flourishing of others, as reflected in (iii). Given that one of the permissible ways in which a person may experiment is with fixed-term voluntary-slavery contracts, another way of expressing (iv) is:

(v) each person has the temporarily alienable moral right to direct her own life.

That is to say, each person has the moral right to direct her own life, unless she alienates that right; but she can alienate that right only for a fixed term. The fact that a person has the moral right to direct her own life unless she voluntarily gives up that right means that compulsory slavery is impermissible. The fact that she can give up that right means that voluntary slavery is permissible. The fact that she can give up that right only for a fixed term means that only voluntary slavery of a non-paradigmatic form is permissible. The permissible form of non-paradigmatic voluntary slavery is that which is for a fixed period, in which the slave-owner cannot kill the slave, and in which the slave gives away all her property before the start of the contract term. These moral rights, impermissibilities and permissibilities are grounded in the essential personal task of self-discovery, the possibility of natural slaves and of natural slave-owners, and the trial-and-error process by which we acquire our always fallible knowledge.

IV. Conclusion

A free person is one who has the legal right to direct his own life. Slavery is a relationship between persons in which one person has the legal right to direct the life of another. In compulsory slavery, a person is enslaved against his will. In voluntary slavery, a free person contracts with another free person that from a specified future time the first person will have the legal duty to fulfil all the legitimate commands of the second. The first person thereby ceases to be free and becomes a slave; the second becomes a slave-owner with the legal right to direct the life of the first. In paradigmatic voluntary slavery, the slave has the duty to obey the slave-owner until the slave-owner releases him from that duty; the slave-owner is also entitled to kill the slave and to take possession of the slave's property.

Facts about permissibility and impermissibility depend upon facts about human flourishing and the separateness of persons. Each person has the essential personal task of discovering for himself, through trial and error, which kind of life will fulfil him; though the knowledge thus gained is always fallible. This undergirds the right of each person to experiment with any kind of life that he conjectures may fulfil him, so long as it is possible for a person to be fulfilled in that way and so long as such experimentation does not have substantial adverse impact on other people's flourishing or involve using anyone simply as a means. This makes compulsory slavery and paradigmatic voluntary slavery impermissible. However, it is possible that there are natural slaves of (at least) five different types, for whom the most worthwhile life is that lived as a slave to another person; and there are permissible slave-owners. It is therefore permissible for people who conjecture that they may be natural slaves to experiment with a form of non-paradigmatic voluntary slavery, provided they can find a permissible slave-owner. In this form of voluntary slavery, the contract is for a fixed period, the slave-owner has a legal duty not to kill the slave and, before the start of the contract, the slave has to give away all his property. People who are convinced that they are natural slaves will be able to renew their contracts at the end of the fixed term and continue such renewals until such time as they change their mind (if they ever do). Thus, each person has the temporarily alienable moral right to direct his own life; that is, fixed-term voluntary slavery contracts ought to be legally enforceable. If fixed-term voluntary slavery were thus legally recognised, we might be surprised at how many people experiment with slavery as part of their process of self-discovery, and even at how many appear to be natural slaves.

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