Is dependent labour compatible with human autonomy?

Seneca, in the first century of the Christian era, reports Chrysippus as saying, three hundred years earlier, that a slave is a wage-labourer in perpetuity.¹ It appears that Seneca's report can be trusted. For one thing, he merely inserts, he does not really use in his context the claim he ascribes to Chrysippus, which makes it likely that it is in fact a quotation from the master, translated but not otherwise digested. For another, a related point appears in Philo of Alexandria, writing a few decades before Seneca, when he asserts that no human being is by nature a slave.² This statement follows from the one in Seneca. According to Seneca, Chrysippus holds that slaves are just wage-labourers, if long-term ones, and as one surely is a wage-labourer accidentally, not by nature, it follows that there are no slaves by nature, as Philo says. Given that Philo's writings contain quite a number of points that can be shown to derive from Stoic sources, it is probable that this holds for the present one as well, and if so, this supports Seneca's attribution of the statement quoted first to Chrysippus.

In accordance with the change in economic conditions since Chrysippus' times I shall be concerned primarily with the wage-labourers, not with the slaves. For present purposes, therefore, the interesting inversion of Chrysippus' statement is this: if slaves are wage-labourers in perpetuity, wage-labourers are temporary slaves. This is an interesting inversion, for if, as is commonly held, slavery is inhuman, then, if Chrysippus is right, so is wage-labour. The first question therefore in what follows is whether Chrysippus is right.

A few clarifications first. “Labour” is to be understood in a broad sense, roughly on the lines of Max Weber's “economic activity” (“Wirtschaften”)³: any activity that doesn't employ violence and that is primarily intended to cater for one's own or somebody else's desire for something deemed useful. Whether pleasure or pain accompany an activity, is thus immaterial for its being labour.

Second, while Chrysippus, as reported by Seneca, speaks of wage-labour (“mercenarius”), as Marx does many centuries later, the wages are not the issue. If I produce for you something you consider useful and you pay me for my labour, whether by the time I worked or by the size of my product, it is hard to see what is inhuman or degrading about our relationship. Also, slaves actually did not receive wages, so that taken literally Chrysippus' statement is false. To give it a chance of being true, it should not be taken literally, then, and the expression “wage-labour” should be replaced by “dependent labour” or, better still, by “subordinate labour”. The characteristic feature of such labour is that labourers are subject in their work to somebody's orders. True, receiving wages and being subject to orders most often go together: those who pay normally insist on telling the paid what to do, or they hire others to tell them. Sometimes, though, the two come apart. Those who work in the arts, for instance, while paid for their labour, are normally not told what to do, at least not in any detail, as the workers in a factory are. Switching, then, from wage-labour to dependent labour gives Chrysippus' statement a chance of being true, for slaves are subject to their masters' orders as well.

Third, it needs to be established that there is something wrong with slavery, or else Chrysippus' statement, putting dependent labour and slavery on a par, will be innocuous. Above I said that slavery is generally considered inhuman. Those who think so certainly do not mean that humans

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¹ “Servus, ut placet Chrysippo, perpetuus mercenarius est.” Senecae, de beneficiis III 22 (= SVF III 351)
² Philo, de septen. et fest. diebus, Mangey II, p. 283 (= SVF III 352)
cannot be slaves. They mean that, being human, they ought not to be slaves, and one wonders why this should be so.

Kant's answer to this question is representative of a view that is dominant not only in academic political philosophy, but also in the self-understanding of the states in which we are living:

Freedom (independence from another's coercive arbitrary power), to the extent it can coexist with everybody else's freedom in accordance with a general law, is this sole original right that any human being holds by virtue of being human.4

This means: any human being has the right to be free, i.e. to be independent from another's coercive arbitrary power. The freedom to which everyone has a right is restricted, though, by the condition that one's freedom can coexist with anyone else's freedom, the spheres of freedom of everyone being regulated by a general law. What the restriction of freedom to compatibility with everyone else's freedom under a general law precisely amounts to is notoriously difficult to spell out. Here it need not be spelled out, since the present concern is with the nature of the freedom so restricted. So it is the parenthesis in the text above that needs explaining first of all.

Here is an explanation: you hold coercive arbitrary power (nötigende Willkür) over somebody if you can force that person at your discretion to do any of the things she is able to do. That is to say, you hold coercive arbitrary power over somebody if you are that person's master, lord, “Herr” in German, “dominus” in Latin.5 Independence from another's coercive arbitrary power is, accordingly, the condition of one over whom nobody holds such power, the condition of lordlessness. I shall call this condition autonomy, for this is what now is commonly meant by this term: the idea of the autonomous individual is the idea of a human being deciding himself on courses of action, without being forced by others to take this or that one.6 Kant, it is true, understood the term “autonomy” differently. For him, autonomy is the condition of one who is subject only to self-given moral laws7; and this understanding is actually much closer to the original meaning of the word and its elements. However, the terms that Kant himself proposes here for what I call autonomy, “freedom” and “independence”, are even more likely to cause confusion. Freedom, as the term is used in Kant's first Critique, is not merely incompatible with others' forcing me into this or that course of action, it is already incompatible with what I do being caused by natural events.8 As regards independence, taking the word in its ordinary use, I can lack it in other ways than by being subject to someone's commands, for instance when I cannot live without someone's help. So “autonomy”, while possibly misleading, especially in a Kantian context, might still be the best term for the condition of an uncoerced decider.

Rousseau is making the same point as Kant does in the above quote, when he writes:

To renounce one's liberty is to renounce one's quality of being human, the rights of humanity, even its duties.9

This sentence is hard to understand without supposing that the liberty in question is something to

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4 Immanuel Kant, Metaphysische Anfangsgründe der Rechtslehre, AA VI 237.
5 In substance, I am following here Max Weber's explanation of domination, “Herrschaft” as “the chance to see one's determinate orders obeyed by determinate persons”. I only drop Weber's restriction to explicit orders and allow lords other ways of getting their subjects to do what they want them to do (Wirtschaft und Gesellschaft, chap. 1, § 16).
7 Immanuel Kant, Grundlegung zur Metaphysik der Sitten, AA IV 432f.
8 See for instance Immanuel Kant, Kritik der reinen Vernunft, A 533, B 561.
9 Jean-Jacques Rousseau, Du contrat social (1762); book 1, chap. 4.
which humans as such have a right. For if they have this right, then it makes good sense to say that by giving up the liberty to which they have a right, they at the same time give up the humanity by virtue of which they have it.

How Kant's and Rousseau's statement can be justified does not matter for now. What matters is that with the Kant-Rousseau principle in place, Chrysippus' statement is no longer innocuous. Assuming that slavery violates a right that people have by virtue of being human, then, if Chrysippus is right in saying that dependent labour is temporary slavery, it follows that dependent labour is an inhuman practice. Seeing how widespread the practice is, this is interesting news, and the question becomes urgent whether the argument of the previous sentence is sound and whether the premiss supplied by Chrysippus is correct.

Two lines of thought to counter the argument suggest themselves, the first running as follows. Chrysippus is correct in saying what he does, but it does not follow that dependent labour is an inhuman practice. For a temporary slave is no slave. Slavery, as we know it from ancient and from modern times, did not have an in-built time-limit. Once a slave, you were a slave all day long and, if nothing intervened, for all your life. True, there were exits. You could be redeemed, i.e. bought back from slavery, you could sometimes even buy out yourself, if your precarious legal status allowed you to assemble the funds needed, and also your master could on his part set you free, out of gratitude, say. Yet these are interventions external to your status as a slave. This status by itself did not have a temporal limit. Dependent labour today, by contrast, is limited on its own terms. It covers only part of your day and part of your life: once it is 5 p.m., say, or you turn 67, your boss ceases to be in a position to give you orders. Besides, dependent labour today is in most cases also materially limited. You normally are hired for some particular job, and outside the range of activities more or less formally specified in your job description you are not subject to orders. To be sure, your superiors often enough ask you to serve beyond the temporal and material limits contracted, and perhaps you cannot afford to refuse, or you think you cannot. That only shows, however, that your superiors' chance to see their orders obeyed is not determined once and for all by the contract they signed with you. It depends on the power they have and on the power you have, and these are both constantly changing. Still, wherever it lies, there will normally be a limit, factual, if not contractual, of what your superiors can make you do. And if they really can make you do anything that you are able to do, then we are indeed apt to speak, metaphorically or even literally, of your service or dependence being slavish. Thus Chrysippus' statement that dependent labour is temporary slavery resembles that witticism that under our clothes we are all naked: if it's under our clothes, then precisely we are not naked. Similarly, the qualification that the labourer's, but not the slave's, dependence is temporally and materially limited is precisely what distinguishes the labourer from the slave. The difference between them stands, then, and nothing has been put forward that would make dubious the moral status of dependent labour.

This much is true, ancient and modern slavery were not limited on their own terms, temporally or otherwise. Thus in contrast to what was said one paragraph back, it is strictly incorrect to call a dependent labourer a temporary slave: there is no such thing as a temporary slave. Yet this does not settle the substantive issue. Kant at any rate seemed to claim in the passage quoted above that not to be subject to another's coercive arbitrary power is something to which any human being has a right, whether or not the subjection in question is temporally or materially restricted. True, to be subject to another's coercive arbitrary power throughout and for ever is worse than to be subject to such power in certain areas and at certain times only, but the latter is not therefore acceptable. Perhaps in a spirit of patience one would not actually object to every deprivation of autonomy one suffers, however marginal or brief. As a rule, though, the presence of dependent labour in people's

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10 Weber claims that the oldest legal form of a free work-contract was everywhere a selling of oneself into temporary slavery (Wirtschaft und Gesellschaft p. 406). Weber's book standing unfinished, we are not told what the evidence for this statement is.
lives is neither marginal nor brief. Dependent labour normally is the main thing people do, and it covers the best part of their days and of their life-time. So if to lack autonomy is objectionable, dependent labour should be one of the first things to object to.

The first argument in defense of dependent labour fails, then. Here is the second argument. To say that dependent labour is temporary slavery is downright false. Chrysippus overlooks the difference between the way one becomes a slave, at least in most cases, namely unwillingly, and the way one becomes a dependent labourer, namely by entering a contract, hence willingly. While it is true, then, that in one's capacity of dependent labourer one no longer enjoys autonomy, one's being in that position is due to one's own deciding to enter it, and that decision was taken by an agent who at that point enjoyed autonomy. The agent, then, autonomously surrendered autonomy, for some time and with regard to some matters. Hence, Kant and Rousseau cannot complain about the violation of a human right to autonomy.

Actually, they do complain, at least when autonomy is not surrendered merely for a time and with regard to some matters. Kant for instance asserts of the condition in which somebody is the mere instrument of another's arbitrary power that

no-one can bind oneself by contract into such a dependence through which one ceases to be a person; for only as a person can one enter contracts.\(^{11}\)

Which is unconvincing, for as long as one is in the process of giving up one's status as a person, one still is a person and acts by virtue of being one. Only afterwards, as a result of what one did, one may no longer count as a person. Rousseau on his part argues that such a contract is so disadvantageous that it must be deemed void, anyone entering it being insane.\(^{12}\) That is a poor argument, too. Circumstances can easily be imagined in which parting with one's autonomy may be a good bargain. John Locke as well wishes to show that one cannot sell oneself into slavery, but he invokes the premiss that we are someone else's property,\(^{13}\) which is certainly implausible.

So these authors fail to show that there is no autonomous surrender of autonomy. To be sure, what they aim to undermine with their arguments is the justification of royal power by appeal to a contract of subjection. Whatever the success of their considerations in this respect, with regard to the present issue, dependent labour, these arguments' failure leaves the anti-Chrysippean line of two paragraphs back undamaged. The demands of autonomy are satisfied if autonomy is given up autonomously. As this is what happens when people enter dependent labour, but normally does not happen when people enter slavery, there remains an important difference between dependent labour and slavery which Chrysippus overlooked.

Here is a better argument in support of Chrysippus than those offered by Locke, Rousseau and Kant. Yes, from the point of view of autonomy there is nothing wrong with selling yourself into slavery or into dependent labour. This does not show that there is nothing wrong with your being either a slave or a dependent labourer. The fact that you exercised your autonomy in entering the one or the other condition does not make the condition, once entered, any less scandalous. The history of your becoming a slave or dependent labourer is irrelevant for the question whether your being in one or the other condition is acceptable. Since the difference that Chrysippus is said to have overlooked only concerns that history, it is his point which stands undamaged: dependent labour is slavery, with merely temporal and material limitations added.

It will be replied, *volenti non fit iniuria*, i.e. they are not wronged to whom is just done what they

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11 Rechtslehre, AA VI, 330.
12 Rousseau, Contrat Social, book 1, chap.4.
13 John Locke, Second Treatise of Government (1690), chap. 4, § 23.
asked for. Since to dependent labourers nothing is done what they did not ask for, whereas slaves normally suffer slavery against their will, the loss of autonomy of the former is not objectionable, while the loss of autonomy of the latter is.

However, *volenti non fit iniuria* does not seem to hold generally. If you become subject to another's domination, even if it is by willingly making yourself so subject, then you lack the autonomy to which you have, being human, a right. True, you brought about that lack yourself. Even so, the fact that you are then lacking autonomy violates a right you hold, since you are still a human being. - But as it is a right, can I not waive it? - No, you cannot. Most rights can be waived, but this one, springing from your humanity, cannot, since you cannot get rid of your humanity. Neither, therefore, can you sell it. As the traditional expression is, this right is inalienable \( ^{14} \), which does not mean that it must not be sold, but that it cannot be: whatever you do, it remains with you. Kant, incidentally, seems to be of two minds on this matter. While his doctrine of a human right to what he calls freedom, and what I call autonomy, commits him, as just argued, to holding that a loss of autonomy is an injustice even in the case of those who agreed to it, he also explicitly endorses *volenti non fit iniuria*, \( ^{15} \)

It might be suggested that, if this is correct, you cleverly cheated your employers. They took themselves to acquire, in exchange for what they pay you, the right to govern you, whereas in fact this right is not alienable and so they pay you for nothing, like somebody who buys an animal which keeps returning to its former owner. Actually, though, you are the one who gets cheated. While the right to govern you does remain yours, your employers nevertheless govern you, without the right. So you suffer an injustice, even if you receive the market price for what you do. They pay you a bribe so that you suffer what by right you do not need to suffer. And once again to prevent that misunderstanding, what you suffer is, here, not your being exposed to the vicissitudes of the market and being dependent on finding somebody who appreciates what you do and is prepared to pay you for the product or for the work that went into it. What you suffer is that you are under others' commands. The control room of the power station that you are is removed from the premises; whereas according to Kant you have the right to be run from within yourself alone.

Note that the same problem is not supposed to arise with regard to domination exercised on political grounds. When the police ask you to pull over and you do, it certainly looks like you were under others' command, but on Rousseau's and Kant's account you were not. The law which the police put into effect is “merely a register of our wills”, according to Rousseau \( ^{16} \), and according to Kant “the power to give laws can only be held by the united will of the people” \( ^{17} \). Thus the command you received from the police was in the last resort your own, since it derives from the people's united will of which you form a part, and so your autonomy did not suffer. To be sure, this account is dubious. For one thing, the united will of the people, even if you are a part of the people, is still “other”, precisely in the sense in which autonomy requires that you be not subject to others' commands. For another, the police unavoidably have some discretion as to when, where and how to execute the law, and to that extent you are subject to them rather than to the law, hence deprived of autonomy. Yet whatever the merits or demerits of this line of argument for rescuing autonomy in the political field, when it comes to rescuing autonomy in the workplace no such line of argument is even initially plausible. It is not the united will of the workers, it is your boss, only your boss, who asks you to do such and such. The people hired the police to keep themselves, the members of the people, abiding by the law that they, the people, gave. The workers did not hire the boss to regulate

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14 - understanding this expression in the third way distinguished by Judith Thomson: “In this third sense an inalienable right is one that a person cannot make himself or herself cease to have by any means”, *The Realm of Rights*, Cambridge Mass. (Harvard) 1990, p. 284.
15 Rechtslehre § 46.
16 Contrat social, book 2, chap. 6.
17 Rechtslehre § 46.
their work, but conversely, the boss hired the workers to get the job done, whatever it is, and

Chrysippus, then, is right after all: dependent labourers are slaves. Admittedly, the slavery of
dependent labourers is temporally and materially limited. That there are no such limits in the case of
classical slavery certainly makes classical slavery worse, but the presence of such limits in the case of
dependent labour does not make dependent labour acceptable. There is a difference, then,
between the two, but it does not save dependent labour from moral objection. Furthermore, there is
the difference between the two that people normally become slaves against their will, but become
dependent labourers willingly. This difference again does not prevent dependent labour from being
morally objectionable. One's lacking autonomy is an evil and an injustice, independently of whether
or not one incurred that lack by freely entering a contract to that effect.

It appears, then, that it is outrageous for people to work the better part of their days and of their
lives under others' directions, even if they have agreed to do it. Now many will rather reject the line
of thought inherited from Kant and Rousseau than admit that the relations of production dominant
in modern western economies are such that they should not be accepted by human beings.
According to them, we should drop the idea that by virtue of being human we have a right each to
govern his or her life. Dropping it is all the more advisable since the arguments offered by Kant and
his followers to support it are dubious, to say the least. And with that idea out of the way,
Chrysippus' point is no longer worrying. Yes, dependent labour is slavery, though self-incurred and
also mitigated by temporal and material restrictions. Yet in principle nothing is wrong either with
slavery or with its sophisticated modern form. The relations of production are just a matter of
economic expediency, and since dependent labour seems, in the present state of development of the
productive forces,\(^\text{18}\), the most efficient way to organise an economy, no ground for moral complaint
remains.

One might try to rebut the statement “nothing is wrong with slavery” by means weaker than what is
invoked on the Rousseau-Kant line of argument, and thus try to give grounds for a moral rejection
of slavery which does not also impugn dependent labour. No promising attempt of such a sort being
visible, however, I shall assume now that there is no way to defend dependent labour other than by
unreservedly accepting slavery, the latter being perhaps less efficient under present economic
circumstances, but as little wrong as we commonly take dependent labour to be. Question then,
where does giving up a commitment to autonomy leave us politically? Economically, to be sure, we
are fine: nothing speaks against subjecting people to whatever form of slavery is most productive
overall. It is the political question that is worrying: what sort of politics emerges, once claims to
autonomy are no longer honoured?

In the short run, what emerges are political institutions without the inhabitants they purport to have.
The constitutions of western states, in one form or another, guarantee individuals the unhindered
exercise of their autonomy within the limits of law. That these individuals for the most part do not
actually enjoy autonomy, but are subject to others' orders, makes the constitutions false, false not as
in “false statement”, but as in “false friend”. In the constitutions it is pretended that a certain set of
activities, metaphorically speaking a game, is going on, the game of individuals exercising their
right to determine what they do and become and exercising a variety of further rights contained
therein, like the rights to determine where to live and which religion to adopt – but actually such a
game is not on. The point is not that your boss can order you to do this or that with regard to all
these diverse matters. As explained earlier, this is not so, your subordination is materially limited.

\(^\text{18}\) For simplicity, I use the Marxian framework here, as laid down in Marx' preface to Zur Kritik der politischen
argument does not therefore rest on the theses making up Marx' Historical Materialism, spelled out for instance in
chap. 6 of Cohen's book.
The point is that, subject to others' commands in the central part of your life, you are not credible as an autonomous decider in the others. You are merely a slave on vacation, and with such personnel the game of independent deciding, even with matters lying outside the domain of your superiors' commands, becomes hollow. This holds especially with regard to your political decisions. Your boss may not be able to tell you which candidate to vote for in the next election, but in view of your subordinate position at work it is hard to believe that your going for the one or the other attests the independent judgment of a responsible political agent. With respect to the life you lead during the week, the autonomy you can exercise in voting seems to be a thing like the Sunday service, edifying, but lacking effect.

False institutions need not be unstable. Empty ceremonies can reach a biblical age. Indeed, the idea of the autonomous individual may by now fulfill an indispensable function, giving comfort by pointing to a better life, not after, but somehow underneath the present one: though you are bound to obey day after day, deep down you really are master over what you do. Though incompatible, then, real subordination and the ideal of autonomy as envisaged in the tradition of Kant and Rousseau may co-exist for a long time.

Friends of enlightenment, however, are apt to suspect that conceptual tensions cannot be suppressed indefinitely; and once we need to choose between subordination and autonomy, it is autonomy that will have to go, for lack of good arguments supporting it. Where is that change going to leave us politically? A speculative answer to a speculative question: it will leave us with some form of fascism few holds barred. Unless, that is, we succeed in abolishing, in actual fact, slavery in all its forms.