

The Case in Favor of the Voluntary Slave Contract

Christopher Vandenberg
Loyola University New Orleans
cjevanden@my.loyno.edu

Dr. Walter E. Block, Harold E. Wirth Eminent Scholar
Endowed Chair and Professor of Economics
Loyola University New Orleans
wblock@loyno.edu

Introduction: What is Slavery?¹

To begin this paper, it is important that a definition of slavery be established. There are many ways in which the term “slavery” can be defined. One such is “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (Allain and Hickey, 2012: 916 ; see also Allain, 2020: 2). Slavery can be broken down into two main types: coercive (compulsory), and voluntary. While these two types are related, they are not the same. In fact, they are in effect opposites.² In order to effectively state the case in favor of voluntary slavery, the two types and their differences must be understood. Furthermore, it goes without saying, but it is important that this be made known: coercive slavery is an abomination and its widespread institutionalization across the globe throughout history is a major blemish on the history of mankind; this paper is not written with the intention of justifying the practice of coercive slavery or is it intended to make a case for said practice to be reinstated; indeed, the very opposite is the case. Instead, we address a very different kind of slavery and argue that it should be legally permissible in our society. Voluntary slavery is a derivation of slavery that is mutually beneficial to both parties and formed upon a legitimate *bona fide* and bilateral contract, therefore making it legitimate and acceptable.

¹ The authors express a debt of gratitude to Christopher Hanson and Franco Funes for greatly improving an earlier version of this paper. All remaining errors and infelicities are ours alone, of course.

² The two terms are not antipodals, as the polar opposite to slavery is obviously freedom; they can be classified as disjoint or incompatible opposites, in the same vein as “red” and “blue” or “Monday” and “Friday”; they are members of the same set, but separate entities in the set.

Voluntary Slavery Versus Coercive Slavery

The major differences between these two varieties of slavery can best be understood by describing how the two are conceived and implemented. Let us begin with the first kind of slavery, the coercive variety. It is, in essence, a form of abduction or kidnapping and thus an inherent rights violation. This form of slavery is best described as “[r]eal (compulsory) slavery occurred under duress. The slaves were forced into this role against their will. Slavery amounted to nothing less than life-time kidnapping. It was barbaric” (Block, 2015: 169). The key takeaways from this description are that coercive slavery, its most common form which was practiced by several countries and empires in the past, such as United States and many Arabic countries, was an involuntary, immoral, and evil practice, motivated purely by the unilateral benefit of the slave owners.

In sharp contrast, voluntary slavery is very different. It takes a completely unique approach to the notion as a whole. Frederick (2014: 119) maintains that in order for slavery to be considered voluntary “[o]ne 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 fulfill 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 fulfill the commands of y”.



Joseph is Sold by His Brothers, Gustav Doré, 1866

In the view of Boldrin and Levine, (2008: 254): “Take the case of slavery. Why should people not be allowed to sign private contracts binding them to slavery? In fact, economists have consistently argued against slavery – during the 19th century David Ricardo and John Stuart Mill engaged in a heated public debate with literary luminaries such as Charles Dickens, with the economists opposing slavery, and the literary giants arguing in favor.”³

This kind of slavery deviates from coercive slavery in a number of ways. For one, it is voluntary, but it also implies that there is the inherent need for an incentive to be bound to this arrangement; in other words, both parties have something to gain from voluntary slavery, which does not hold true for real or compulsory slavery. They

³ For further support of this type of voluntary mutually agreeable contract, see Andersson, 2007; Block, 1969, 1979, 1999, 2001, 2002, 2003, 2004, 2005, 2006, 2007A, 2007B, 2009A, 2009B; Boldrin and Levine, 2008; Frederick, 2014; Kershner, 2003; Lester, 2000; Mosquito, 2014; Nozick, 1974: 58, 283, 331; Steiner, 1994: 232-233; 2013: 230-244; Thomson, 1990: 283-284.

Vandenberg & Block, Voluntary Slave Contract

are complete opposites; totally different from each other.

Now that it has been established that voluntary and real or compulsory slavery are not the same, more pressing matters can be attended to. From here on out, the focus will be placed on examining some potential real-world applications of voluntary slavery in order to demonstrate justifiable uses of it, as well as refuting arguments against it.

Practical Applications of Voluntary Slavery

There are certainly bound to be people who will struggle to conceive a world where there exist practical applications of any form of slavery, certainly including the voluntary version thereof. However, there are numerous potential scenarios in which a voluntary slave contract would bring about a positive change in the world.⁴ These benefits can range from merely impacting the two parties involved to including the entire world, depending on the circumstances.

Perhaps the best potential situation where a voluntary slave contract would serve as an excellent solution to a problem involves the sick child and the rich man.

A woman has a sickly child on the verge of death. It will cost \$10 million to save him. The poor mother has no such funds. So, she makes a deal with a rich man, B. He will give her the necessary funds which she will turn over to the doctors. They save her son. Then, she goes to B's plantation, and serves as his slave. Both benefit. She values her child's life more than her own freedom.⁵ He values the right to enslave her more than the \$10 million for which he paid her.⁶

It is impossible to know what someone would do in a given circumstance until one actually suffers that circumstance

Now, in response to this scenario, some may raise the following counterargument, namely, no one would sell themselves into slavery, no matter the circumstance. There is one problem with this statement. It is impossible to know what someone would do in a given circumstance until one actually suffers that circumstance. Parents certainly value the lives of their children more than their own freedom, so if a parent found herself in a situation where the options were to either let her child die or to live as a slave so that her child could live, it would be tragic for her to allow this to happen given that this horrific outcome could have been avoided.⁷ If you allow your child to die when it could have been

⁴ Again, the emphasis here is on voluntary slavery. There are no justifications for coercive slavery, as all benefits are reaped by the slave owner.

⁵ All decent parents, we aver, would make a similar ranking. Our children are even more precious to us than we are to ourselves.

⁶ Is this woman in a precarious position? Of course she is. But it is no fault of the would-be slave owner who is in the process of buying her. Rather, he is her benefactor! In the movie "Sophie's Choice" the main character was engaged in, perhaps, an even more horrid situation.

⁷ This response assumes that parents value the lives of their children over their freedoms, which is a fair assumption to make, as any responsible parent would pattern their behavior this way. Are there exceptions? Yes, and those who find themselves as exceptions to this assumption need to rethink their core values.

avoided, then you are essentially a child killer, are you not?⁸

A second scenario in which a voluntary slave contract would be justified involves, yet again, simply two people: a brilliant scientist and another extremely wealthy individual, with a net worth comparable to say Jeff Bezos or Elon Musk. Let us assume that the brilliant scientist has theorized a potential cure for cancer, but there is one problem: the funding needed to test his hypothesis costs upwards of fifty billion dollars, and because of this, no one is willing to take the risk of funding the project.⁹ The scientist, believing in himself and the prospect of a cure, offers to be sold into slavery to a wealthy investor, provided the investor will fund his research. He finds someone extremely wealthy willing to take a chance on him, and the two arrange for the scientist to be slave, in return for the wealthy individual funding his project. In this case, voluntary slavery is not just benefiting the two parties involved, but should the scientist be in possession of a correct hypothesis, this voluntary slave contract will benefit the entire human population as cancer would be a thing of the past.

There are many people who may be willing to sacrifice their public image for the greater good of humanity

A potential counter to this scenario (as well as the sick child scenario) is “why would anyone on Earth ever participate in such a system as a slave owner? Would they not ruin their public image in doing so?” In all likelihood, yes, their public image would be tarnished in today’s cancel culture society. However, there are many people who may be willing to sacrifice their public image for the greater good of humanity. Some notable examples include Galileo Galilei, Gregor Mendel, and (for those who are religious) Jesus Christ. Without the existence of people like them, it is hard to know how we would be as a society today, as their

contributions were extremely important to several aspects of life today. With this in mind, is it far fetched to say that someone would participate in this system of voluntary slavery to benefit the good? No, not at all. Both the slave owner and the slave in the example stand something to gain from participating in it, so why not allow it by law, especially if the benefits could be extended to the rest of the world?

Additionally, consider the kind of individual who would oppose this sort of arrangement involving voluntary slavery and a potential cure for cancer. It is fair to assume that such a person in effect opposes this. With all due respect, this certainly sounds worse than the arrangement itself. If someone were to prevent this from happening simply on the grounds that it is slavery, and slavery is wrong, they would essentially be responsible for all subsequent cancer deaths under our present assumptions.¹⁰ This voluntary slave contract scenario is an excellent example of the ends justifying the means, and if someone were to sell themselves into slavery in order to save the lives of millions, they should be lauded and celebrated as a hero across the world.

⁸ No. You are not a murderer. This assessment would require that there are positive obligations of which there are none. But you would not be a good parent, at least in our assessment. Has there been any research done, asking parents if they rank their children’s lives more highly than their own freedom? None to our knowledge.

⁹ In this scenario, it is possible that some other arrangement could be met, such as multiple investors inheriting a smaller, more affordable risk, but for the sake of the argument let’s stick with the single investor notion.

¹⁰ Or for the death of that innocent child.

Vandenberg & Block, Voluntary Slave Contract

These two scenarios show situations where voluntary slavery could result in positive improvements. Despite this, there are critics who still believe it is wrong for such an arrangement to exist, We now turn to an examination, and rejection, of their views.

Criticism of the Voluntary Slave Contract

Over the past few centuries, several important and notable philosophers have discussed the topic of the voluntary slave contract, such as Jean-Jacques Rousseau and Murray Rothbard. The two critiques presented by Rousseau and Rothbard are rather interesting and difficult to refute, so naturally they are the ones that will be countered in this paper.¹¹

Jean-Jacques Rousseau's opinion on the voluntary slave contract rests on the belief that such an arrangement is entirely to the disadvantage of the slave. Rousseau believes that in the end, the slave will lose everything in the deal. Evers (1997: 190), summarizes his views: "Rousseau contends that in a contract of self-enslavement, there is no mutuality. The slave loses all. The contract negates his interests and his rights. It is entirely to his disadvantage. Since the slave loses his status as a moral agent once the slave contract is enforced, the slave cannot act to enforce anything owed to him by his master." While it is true that the circumstance in which the slave master does not hold his end of the deal could occur, there is a very simple solution to prevent such a thing from happening: the contract would stipulate that the soon-to-be slave must receive his contractual consideration before he enters into that status. Rousseau's stance does not account for this. Frederick (2014: 120) explains, "the contractual duties of the party who becomes the slave-owner must be completed before the other party becomes a slave... otherwise the slave-owner could command the slave to hand it back".¹² The contract is agreed upon by two free persons, and before the soon-to-be slave fulfills his end of the contract, it would mandate that said contractual considerations must be fulfilled before he surrenders his rights and becomes a slave.¹³

Another critic of the voluntary slave contract is Murray Rothbard. His criticisms stem from the belief that the slave contract is paradoxical in nature. Rothbard (1998: 41) comments, "The concept of "voluntary slavery" is indeed a contradictory one, for so long as a laborer remains totally subservient to his master's will voluntarily, he is not yet a slave since his submission is voluntary; whereas, if he later changed his mind and the master enforced his slavery by violence, the slavery would not then be voluntary." One difficulty with this view is that it assumes that in order for slavery to be slavery it needs to occur against the will of the person subjected to the condition, which is inaccurate. Harkening back to the definition of slavery used by the United Nations (Allain, 2020), nowhere in their definition does coercion play a factor in whether someone is a slave or not. Rothbard's stance that all slavery involves some degree of unwillingness is incorrect, as it is entirely plausible for

¹¹ We do not deal with straw man arguments.

¹² Hand what back? The money required to save the child (or create the cancer cure)? No, that will all have been spent before the slavery status begins.

¹³ Some may ask, "Why doesn't the soon-to-be slave simply back out of the contract once the will-be slave-owner gives him his compensation?" Well, the future slave violated the terms of the contract, and would likely be imprisoned as a result, depending on the terms spelled out in the contract. The reason why this would not happen to the slave-owner should he refuse to compensate the slave in the scenario outlined by Rousseau is because the slave has no rights, and therefore is not owed any sort of compensation upon surrendering his status as a free person.

there to exist a slave who willingly and proudly performs his or her duties.

To discredit Rothbard's notion, there are examples in pop culture of a slave who demonstrates complete acceptance of living as a slave. Consider the character of Stephen, from Quentin Tarantino's *Django Unchained*. In the movie, Stephen is the head slave of the fictional plantation, Candyland, and he possesses some unique character traits. As a slave, he is required to perform the will of his master, but Stephen does not perform his duties as a slave with any signs of hesitancy whatsoever. He takes initiative and pride in his work as a slave and shows no signs of any hesitancy or apprehension in doing so. According to Rothbard, such an individual would not be a slave, as voluntarily participating in the system and deriving enjoyment from it is supposedly logically incompatible with slavery. However, Stephen is just as much a slave on the Candyland plantation than any other slave, as he is still obligated to perform the will of his master, or face consequences should he refuse. Simply because one may find enjoyment or the slightest amount of pleasure in being a slave means they are not slaves? This is highly problematic.

It is entirely plausible for there to exist a slave who willingly and proudly performs his or her duties

So much for the voluntary slave. But what about Rothbard's claim that "if he later changed his mind and the master enforced his slavery by violence, the slavery would not then be voluntary." This objection, too, can be met, and in two ways. First, the slave contract was then, to be sure, not voluntary; but it most certainly was, initially. Why should we count what occurs now, after the fact, when this person, before she actually became a slave, voluntarily consented? Remember, she did so in order to save her child's life, or, to cure cancer. Second, if we follow Rothbard's logic, no contract whatsoever would be binding. There would be no contract that could be "for keeps." Every commercial interaction would allow "backsies."

Consider the following case. Joe buys a car from Pete for \$5000. Joe pays Pete this amount of money, and then drives the automobile off the lot. So far, so good. This is an ordinary, voluntary contract. But then, later, one of them decides he did not like the deal. Joe wants his money back or, Pete desires to have the car he previously sold back on his possession.¹⁴ One of them refuses. But then Rothbard, if he stuck to his guns would have to say that this person is "enforcing (the car sale contract) by violence." Of course, the person who wishes to stick to the contract would be employing violence if the other insists upon reneging. But this would be defensive violence, not initiatory violence. And this holds in the slave situation too. If the person who is now a slave runs away, he is committing the initiatory violent crime of stealing his master's property, himself, that is. If the slave master uses violence to prevent the slave from absconding, he is utilizing defensive violence.

These two criticisms of the voluntary slave contract are flawed, and plausible counterexamples to the assumptions made by Rousseau and Rothbard are enough to burst each of their respective bubbles.

¹⁴ Only one of these may occur in our example. If both occur, they can simply switch back to the *status ante*.

Conclusion

The voluntary slave contract, while controversial, should be permissible in a free society. Both parties involved in the contract would gain from it,¹⁵ and it stands to reason that the potential benefits, depending on the circumstances, could even benefit the entire global population. Several famous philosophers who reject the voluntary slave contract have flawed arguments to support their beliefs. In the end, it is a voluntary and mutually beneficial arrangement, not made under duress or any other unfair circumstances, so why not allow it?

References

- Allain, J. (2020). Slavery convention protocol amending the slavery convention supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery. *United Nations Audiovisual Library of International Law*, https://legal.un.org/avl/pdf/ha/sc/sc_e.pdf
- Allain, J. and Hickey, R. (2012). Property and the Definition of Slavery. *The International and Comparative Law Quarterly*, 61(4), 915-938.
- Andersson, A.-K. (2007). An alleged contradiction in Nozick's entitlement theory. *Journal of Libertarian Studies*, 21(3), 43-63.
- Block, W. E. (1969). Voluntary Slavery. *The Libertarian Connection*, 1(3), 9-11.
- Block, W. E. (1979). Book review of Nancy C. Baker, *Baby Selling: the Scandal of Black Market Adoptions*, New York: The Vanguard Press, 1978. *Libertarian Review*, 7(12), 44-45.
- Block, W. E. (1999) Market Inalienability Once Again: Reply to Radin. *Thomas Jefferson Law Journal*, 22(1), 37-88.
- Block, W. E. (2001). Alienability, Inalienability, Paternalism and the Law: Reply to Kronman. *American Journal of Criminal Law*, 28(3), 351-371.
- Block, W. E. (2002). A Libertarian Theory of Secession and Slavery. *Lew Rockwell*. June 10. <https://www.lewrockwell.com/2002/06/walter-e-block/secession-and-slavery/>
- Block, W. E. (2003). Toward a Libertarian Theory of Inalienability: A Critique of Rothbard, Barnett, Gordon, Smith, Kinsella and Epstein. *Journal of Libertarian Studies*, 17(2), 39-85.
- Block, W. E. (2004). Are Alienability and the Apriori of Argument Logically Incompatible? *Dialogue* 1(1). <https://ssrn.com/abstract=1889440>

¹⁵ At the very least, *ex ante*.

- Block, W. E. (2005). Ayn Rand and Austrian Economics: Two Peas in a Pod. *The Journal of Ayn Rand Studies*, 6(2), 259–269.
- Block, W. E. (2006). Epstein on alienation: a rejoinder. *International Journal of Social Economics*, 33(3–4), 241–260.
- Block, W. E. (2007a). Secession, *Dialogue*, 4, 1–14. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1889440
- Block, W. E. (2007b). Alienability: Reply to Kuflik. *Humanomics*, 23(3), 117–136.
- Block, W. E. (2009a). Yes, Sell Rivers! And Make Legal Some Slave Contracts. *The Tye*. July 25. <https://thetye.ca/Opinion/2009/07/24/SellRivers/>
- Block, W. E. (2009b). Privatizing Rivers and Voluntary Slave Contracts. *Lew Rockwell*. July 27. <http://www.lewrockwell.com/block/block134.html>
- Boldrin, M. and Levine, D. K. (2008). *Against Intellectual Monopoly*. Cambridge: Cambridge University Press.
- Evers, W. M. (1977). Social contract: a critique. *The Journal of Libertarian Studies* 1(3), 185–194.
- Frederick, D. (2014). Voluntary Slavery. *Las Torres de Lucca*, 4: 115–37.
- Kershnar, S. (2003). A Liberal Argument for Slavery, *Journal of Social Philosophy*, 34(4), 510–36.
- Lester, J. C. (2000). *Escape from Leviathan. Liberty, Welfare and Anarchy Reconciled*. New York: St. Martin's Press.
- Mosquito, B. (2014). The Sanctity of Contract. *Bionic Mosquito Blog*. April 19. <http://bionicmosquito.blogspot.com/2014/04/the-sanctity-of-contract.html>
- Nozick, R. (1974). *Anarchy, State and Utopia*. New York: Basic Books.
- Rothbard, M. N. (1998 [1982]). *The Ethics of Liberty*. New York: New York University Press.
- Steiner, H. (1994). *An Essay on Rights*. Oxford: Blackwell Publishers.
- Steiner, H. (2013). Directed Duties and Inalienable Rights. *Ethics*, 123(2), 230–244.
- Thomson, J. J. (1990). *The Realm of Rights*. Cambridge, MA: Harvard University Press.