The Art of Work in Kant's *Critique of Judgment**

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Abstract. There is a general impression among Kant scholars that he has no robust theory of work. Most of his references to the topic appear in his historical and anthropological writings, where he tells us that work is burdensome, and valuable only for the sake of whatever we produce. In this paper, I argue that Kant has an under-explored theory of work in the third *Critique*. This theory bears little resemblance to his depiction of work in the historical and anthropological writings. The third *Critique* will depict work as self-expressive, creative, and free, features Kant will go on to associate with art. Kant's contention is that when work resembles art, it is both agreeable and something we enjoy for its own sake. However, when work fails to resemble art — when it is, in Kant's words, natural, scientific, and mercenary — it is both disagreeable and constrained, and begins to sound like his description of work from the historical and anthropological writings. Kant's theory of work in the third *Critique* has a number of important implications. The first is that it provides a new foundation for a contemporary philosophy of work that places freedom and creativity at the

*Citations of Kant's works correspond to the *Akademie* edition. All translations, except for the *Critique of Judgment*, are from the *Cambridge Editions of the Works of Immanuel Kant*. Translations of the third *Critique* are from the Pluhar edition.

center of the labor process. My analysis also engages a part of Kant scholarship that has, until recently, been largely neglected. It is only in the last decade that the English-language Kant literature has taken up the question of how to make sense of Kant's remarks about work. However the focus is rarely on Kant's aesthetic theory of work, but rather on the place of work in his moral and political philosophy. I discuss the implications of Kant's third *Critique* theory of work for these other debates, as well as for our understanding of the third *Critique* as a whole.

1 Introduction

There is a general impression among readers of Kant that he has no robust theory of work.[1] Most of his references to work appear in his historical and anthropological writings, where he tells us that work is burdensome, and valuable only for the sake of whatever we produce.[2] For example, in *Anthropology from a Pragmatic Point of View*, Kant tells us that it not labor, but its absence (i.e., leisure), that is life's "greatest sensuous enjoyment."[3] He asks: "Why is work the best way of enjoying one's life?"[4] "Because it is an arduous occupation (disagreeable in itself and pleasing only through success), and rest becomes a tangible pleasure." In the

[1]But see §3 for a review of the literature on Kant and work.

[2]See also Kant, "Idea for a universal history with a cosmopolitan aim (1784)", 8:21; Kant, "Physical Geography (1802)", 9:402, 9:404; Kant, *Anthropology, History, and Education*, 7:148, 7:151, 7:164, 7:230-2, 7:236, 7:276, 7:280, Kant, *Religion and Rational Theology*, 6:73; Kant, "Anthropology", 9:470; Kant, "Natural Right Course Lecture Notes by Feyerabend", 27:1391, Kant, *Lectures on Ethics*, Vigilantius 27:636, for labor as burdensome punishment, see Kant, "Natural Right Course Lecture Notes by Feyerabend", Feyerabend 29:1391; though see Kant, *Lectures on Ethics*, Collins 27:395-6 for a passing claim that work can become enjoyable if we accustom ourselves to it in the right way. For a discussion of many of these quotes, see Pascoe, *Kant's Theory of Labour*, esp. Ch. 5.

[3]Kant, "Anthropology", 7:267.

[4]Ibid., 7:230-2.

Lectures on Pedagogy, he writes that "in work the activity is not pleasant in itself, rather one undertakes it on account of another aim."[5] It seems that if work has value at all in these passages, it is only when it is over.

In these writings, Kant will often contrast the constraints and burdens of work with the freedom of leisure. [6] Not all leisure is commendable, according to Kant. To be sure, laziness (i.e., "vegetating aimlessly" without first having worked) is a vice.[7] But it is only in leisure, when we are unconstrained by the demands of work, that we can engage in "play."[8] Play, Kant tells us in the third *Critique*, is the inverse of work: it is an activity we find agreeable, and which we perform for its own sake.[9]

In this paper, I argue that Kant has an underexplored philosophy of work in the third *Critique.* This philosophy bears little resemblance to Kant's view of work in his historical and anthropological writing. In contrast to this view, the third *Critique* will depict work as self-expressive, creative, and free, features Kant will go on to associate with play. The key to Kant's new, playful view of work in the third *Critique* is his identification of work with *art.* Kant's contention is that when work resembles art — that is, when it is self-expressive, creative, and free — it is both agreeable and something we enjoy for its own sake. However, when work fails to resemble art — when it is, in Kant's words, natural, scientific, and mercenary — it is both disagreeable and constrained.

In the next section, I discuss Kant's theory of work in the third *Critique*. With few exceptions, Kant scholars have neglected to consider the full

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[5]Kant, "Pedagogy", 9:470.

[6]Kant, *Notes and Fragments*, Anth. 1769-1779, 15:266-7; Kant, "Anthropology", 7:164, 7:230-2.

[7]ibid., 7:151, 7:267; Kant, *Lectures on Ethics*, Collins 27:382-3. Later in the *Anthropology* he enjoins us to "get fond of work; deny yoursel[ves] enjoyments," so that we do not become lazy, that "disgusting state that can make life itself a burden for the spoiled" (Kant, "Anthropology", 7:237); see also Kant, *Lectures on Ethics*, Collins 27:395-6.

[8]In the *Anthropology*, Kant contrasts work with "passing time," which includes both art and games (7:152). See also 7:276.

[9]Kant, *Critique of Judgment*, 5:304.

implications of this text for the philosophy of work, despite Kant's explicit discussion of labor throughout the text. I begin with the short §43 "On Art in General," which I use to structure my discussion. In that section, Kant distinguishes "art" as our more general capacity for skilled behavior from three other domains of experience: nature, science, and paid labor. Each distinction contributes to what I will argue is a new, distinctly Kantian philosophy of work. I connect Kant's philosophy of work in §43 to other major concepts in the third *Critique*.

This new, Kantian philosophy of work generates a number of interesting implications, which I turn to in §3. The first is that it engages a part of Kant scholarship that has, until recently, been largely neglected. It is only in the last decade that the English-language Kant literature has taken up Kant's theory of labor. However, the focus is rarely on Kant's aesthetics, but rather on his moral and political writings.[10] These writings also depict work as a potential source of freedom, for example in the famous distinction between active and passive citizens in the "Doctrine of Right."[11] However, I will argue that Kant's theory of work in the third *Critique* captures a distinct kind of freedom at work that is missing from his discussion of work in the political writings. In addition, we see that Kant gives us a new criterion for what makes certain forms of labor good or bad, pleasant or unpleasant, meaningful or meaningless. According to the third *Critique*, when work ceases to look like art, it also ceases to be "good" work.

I begin the next section by noting the lack of scholarship on labor in the third *Critique*. I then turn to Kant's definition of "Art in General" in §43. I use this section to structure a discussion of Kant's concept of labor in the

[10] Pascoe, *Kant's Theory of Labour*; Brixel, "The Unity of Marx's Concept of Alienated Labor"; Forst, "Noumenal Alienation"; Gilabert, "Kantian Dignity and Marxian Socialism"; Hasan, "Freedom and poverty in the Kantian state"; Pallikkathayil, "Deriving Morality from Politics"; Moran, "Kant on Traveling Blacksmiths and Passive Citizenship"; Wood, "Marx and Kant on Capitalist Exploitation"; Shell, "Kant on Citizenship, Society, and Redistributive Justice".

[11] Kant, "The Metaphysics of Morals", 6:314.

book as a whole.

2 Kant's Philosophy of Work in the *Critique of Judgment*

The third *Critique* is full of references to labor and labor-related concepts, for instance, the technically practical, the work of genius, and artifact production.[12] Despite the prominence of these concepts throughout the text, however, very little is written about the third *Critique* in the literature on Kant and work.[13] For the most part, the existing literature on Kant and work clusters into two distinct debates. The first debate focuses on Kant's political and anthropological writing. Scholars in this debate ask, for instance, whether structural exploitation is consistent with Kant's concept of right,[14] or about the racial and gendered undercurrents of Kant's ideas of work, freedom, and justice.[15] A second and longer-running debate takes place within the Marxist tradition. This debate concludes that Kant's first two *Critiques* exemplify the deep issues with the kind of abstract, bourgeois thinking that was later solved with Marx's introduction of the concept of labor into philosophy.[16] The implication is that Kant's philosophy is marked by the absence of the concept of labor, to its detriment.[17]

Even among commentators who focus on the third *Critique*, there is

[12]Human labor also appears in the context of the problem of empirical cognition (FI 203, 209), purposiveness (FI 217, 5:225), Kant's definition of art in general (5:303), and organisms (5:360).

[13]Wayne, *Red Kant: Aesthetics, Marxism, and the Third Critique*, ch. 6 is a notable exception.

[14]Hasan, "Freedom and poverty in the Kantian state".

[15]Basevich, "The Promise and Limit of Kant"; Pascoe, *Kant's Theory of Labour*.

[16]See Lúkacs, *Reification and the Consciousness of the Proletariat: Studies in Marxist Dialectics*, §2 in particular. See also Lúkacs, *Social Ontology of Being: Labour*, p. 6 for Lúkacs' argument that Kant's third *Critique* in particular has little to say about labor.

[17]Though compare to Mills, "Black Radical Kantianism", pp. 4–5.

little acknowledgement of Kant's philosophy of work. Rachel Zuckert discusses Kant's theory of artifact production in the "Critique of Teleological Judgment."[18] However, her central focus is on the contrast between artifact production and judgments about organisms, not on the implications for a philosophy of labor as such. Labor also appears prominently in the chapters on fine art and genius, Kant's term for the capacity that allows one to create fine art. Kant's explicit focus in these chapters is on the intellectual capacities required for artistic production. Yet Henry Allison argues that "Kant's fundamental concern" in these sections[19] "is with the nature of aesthetic *judgment*, not artistic production."[20] Allison's contrast between *judging* and *producing* suggests that he sees the "Critique of Aesthetic Judgment" as having relevance only for our passive reception of fine art, rather than its production, let alone production in general.[21]

I try to remedy this inattention by giving a reading of Kant's philosophy of work in the third *Critique*. I begin with §43, where Kant gives a definition of art (*Kunst*) as a subset of our more general capacity for "skill."[22] In other words, Kant defines art as a particular kind of skilled labor. It is here that Kant's philosophy of work appears most clearly in the text.

Kant defines art in §43 by distinguishing it from what it is not. Art, he writes, is distinguished from three other domains of experience - nature,

[18]Zuckert, *Kant on Beauty and Biology: An Interpretation of the Critique of Judgment*, pp. 82–5, 114–122.

[19]Roughly encompassing §§43-54.

[20]Allison, *Kant's Theory of Taste*, p. 271.

[21]Paul Guyer will make a similar claim at Guyer, *Kant and the Claims of Taste*, pp. 214, 351. For others who criticize this reception-focused reading of Kant, see Bremner, "Culture and the Unity of Kant's *Critique of Judgment*" and Wayne, *Red Kant: Aesthetics, Marxism, and the Third Critique*, Ch. 6.

[22]Kant's definition of art should not be limited to the fine arts like poetry or painting, which is *schöne Künste*, and which he addresses in the following section of the book.

science, and paid labor - and these three distinctions generate a distinctly Kantian philosophy of work. I will address each distinction in turn and what it reveals about this philosophy of work.

2.1 First Distinction: Art and Nature

Kant opens §43 by asking what distinguishes art from nature. His answer is that art is the product of human labor, while nature is a mere "effect." Art is, thus, always a "work of man."[23] Artistic production in a very general sense, then, is just a kind of work.

What distinguishes art as work from nature as effect is that art is the product of conscious activity, while nature is the product of causal forces that are not determined through conscious activity but instead by brute laws. Kant writes:

> By right we should not call anything art except a production through freedom, i.e., through a power of choice (*Willkür*) that bases its acts on reason. For though we like to call the product that bees make (the regularly constructed honeycombs) a work of art, we do so only by virtue of an analogy with art; for as soon as we recall that their labor is not based on any rational deliberation on their part, we say at once that the product is a product of their nature (namely, of instinct), and it is only to their creator that we ascribe it as art.[24]

The capacity that allows humans to create art is our freedom, our "power of choice." This is what distinguishes human labor, which is free, from the labor of the bees, which Kant will go on to say is "constrained" or "mechanical."[25] What enables humans to produce freely is that they raise

[23]Kant, *Critique of Judgment*, 5:303.

[24]Ibid., 5:303.

[25]ibid., 5:304. I am not concerned with whether Kant is right to deny animals the capacity for free or creative labor. I care only about his understanding of humanity's capacity for creative labor, which does not depend on his claim that this capacity is unique to humans.

their object in consciousness as a concept or purpose first, before they raise their object in the material world. This is what Kant means when he says that our act, our labor, is "base[d]…on reason." Bees do not have this capacity for conscious activity, which is why we do not consider their products works of art, but merely effects of nature. For the bee, the honeycomb is a product of instinct. The bee has no choice but to produce according to the standards it has been given by nature. Since humans have the "power of choice," we are "free" to produce according to any concept or standard we desire.[26] This means that, if we want, *we* can produce according to the *bee's* standard (a point Marx will go on to make in his 1844 *Manuscripts*), but more importantly for Kant, it also means we can produce according to the standards of beauty. [27]

The form of the distinctly human kind of labor Kant discusses in this excerpt appears elsewhere in the third *Critique* as *purposiveness*. Kant defines purposiveness as a particular kind of causation, wherein some "effect…is possible only through a concept of that effect."[28] The paradigmatic example of purposive activity for Kant, one that he actually discusses throughout the third *Critique*, is artifact production.[29] Consider, for example, the organization of a watch. In order to understand the way a watch is organized, we must, according to Kant, think about it as if it were organized according to a purpose. The brute forces of nature could not organize the parts of a watch in such a way that would make them function as the watch does, at least as far as we know. So, judgments about artifacts

[26]In his early (1784) lectures on natural right, Kant claims that things "things are products of nature and freedom" (*Die Sachen sind Produkte der Natur und der Freiheit*), suggesting that the third *Critique* is not the first nor only time he conceives of work as an activity in which we exercise our freedom (Kant, "Natural Right Course Lecture Notes by Feyerabend", Fey 27:1342). See also Kant's remarks at Kant, *Critique of Judgment*, 5:431 that only humans have "a capacity to set purposes of [their] own choice."

[27]Marx, "Economic and Philosophic Manuscripts of 1844", p. 76. See also Wayne, *Red Kant: Aesthetics, Marxism, and the Third Critique*, ch. 6.

[28]Kant, *Critique of Judgment*, 5:220.

[29]See Bremner, "Practical judgment as reflective judgment", §4.1.

are only possible, according to Kant, on the assumption that they were produced according to a concept, design, end, or purpose.

Kant thinks our ability to judge something as beautiful also depends on judging the object *as if* it were produced according to a concept or purpose. What distinguishes our attribution of a concept to beautiful objects from our attribution of a concept to the watch is that in the case of beauty we are necessarily ignorant of the concept that causes the beautiful object. This is the basis for Kant's famous claim that "there can be no objective rule of taste, no rule that determines by concepts what is beautiful."[30] To say that there is no objective rule of taste is just to say that we cannot appeal to any standard to tell whether this particular object is beautiful in the way that we can appeal to a concept of a watch to tell whether this particular watch is a good one. So, while we must consider the watch and the beautiful work of art the results of purposes, in the case of fine art we cannot actually subsume the object under a concept that vindicates our claim that it is beautiful. Kant's term for this is "purposiveness without a purpose."[31]

Returning to the question of labor, we see that Kant gives us the foundation for a philosophy of work in §43 with his distinction between art and nature. Human labor - encompassing both fine art and craft - is essentially purposive. The product of labor is based on a concept, and this concept makes possible the product in a way that brute nature could not. To identify human labor with purposiveness is to highlight the importance of *thinking* in the labor process. Unlike the animal, for whom labor is a mere effect of nature, human labor is an activity informed by concepts, thoughts, and plans. The more our thoughts and plans are reflected in the product of our labor, the more "human" our labor is.[32]

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[30] Kant, *Critique of Judgment*, 5:231.

[31] Ibid., 5:220.

[32] Kant's idea that labor is purposive has deep implications for the philosophy of work, especially in light of Marx's claim that most workers do not decide what plan to realize through their labor (See, for example, Marx, "Economic and Philosophic Manuscripts of 1844", p. 77; Marx, *Capital, Vol. 1*, pp. 449–50, 480–1, 643). That plan is chosen ahead of time

Kant's distinction of art from nature is the first part of his philosophy of work. It tells us that the quintessentially human form of work is purposive in that it is informed by a concept, and this distinguishes the work of art from the effect of nature, which is not conceptual.

At this point, you might be wondering: what does any of this have to do with art? All Kant has described so far is the idea that human labor is purposive - it begins with a concept or plan in the mind of the producer, which is made possible through their "power of choice." But this just describes production in general, not artistic production in particular. What's more, it seems like there is a tension between aesthetic production and the production of ordinary objects. According to Kant, in artistic production "no determinate rule can be given" for how to produce beautiful objects.[33] This means the producer of beauty — the genius — does not know the rule that makes his artistic production beautiful, though Kant argues we must nevertheless presume that the work of art was made with such a rule in mind. This is the basis for Kant's famous claim that works of art are instances of "purposiveness without a purpose." Production of ordinary objects like watches, on the other hand, are paradigm examples of purposiveness *with* a purpose. The craftsman has the concept of a watch in mind when she works. This concept both determines how she produces the watch, and also allows her to judge whether a given watch is a good one. It therefore seems that Kant's view of aesthetic production is categorically different from his view of ordinary production.

In what follows, I will argue that what Kant says about art in particular in §43 has important implications for all forms of work. My argument turns on another key distinction between art and science.

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by their manager. Using Kant's language, we might say that most workers do not have "the power of choice" at work. The result is that the purposiveness of the labor process is fractured. For a commentary on these passages and the relation between Kant and Marx on this point, see Wayne, *Red Kant: Aesthetics, Marxism, and the Third Critique*, Ch. 6.

[33]Kant, *Critique of Judgment*, 5:308.

2.2 Second Distinction: Art and Science

Just after Kant distinguishes art from nature in §43, he further distinguishes art from science:

> Art, as human skill, is also distinguished from science ([i.e., we distinguish] *can* from *know*), as practical from theoretical ability, as technic from theory (e.g., the art of surveying from geometry). That is exactly why we refrain from calling anything art that we can do the moment we know what is to be done, i.e., the moment we are sufficiently acquainted with what the desired effect is. Only if something [is such that] even the most thorough acquaintance with it does not immediately provide us with the skill to make it, then to that extent it belongs to art.[34]

Here, Kant continues a discussion he begins earlier in the book's Introductions (both the published and the unpublished First Introduction) between theoretical and practical propositions. According to Kant, this distinction turns on the referents of our propositions. If our proposition ultimately refers to concepts of nature, it is theoretical. If, on the other hand, it ultimately refers to the concept of freedom, it is practical in the strict (i.e., moral) sense. Kant says explicitly that work is "theoretical" because even though we produce something (practical in the general sense), what we produce is based on our concepts of things in nature. His term for these pseudo-practical propositions is "technical," as in the Greek *téchnē*.

Now, in §43, Kant distinguishes technical propositions, which he identifies with art, from another kind of theoretical proposition, which he calls "scientific." The heart of the distinction between art and science is that the former, to use Kant's language of "technical" from the First Introduction, "belong[s] to the art of bringing something about that we want to exist."[35] Science, on the other hand, concerns our knowledge of an

[34]Kant, *Critique of Judgment*, 5:303-4.
[35]Ibid., FI 200.

object that already exists. On the "art" side of this distinction Kant places "skill," "can" (vs. know), "practical ability," and "technic." On the "science" side: "know" (vs. can), "theoretical ability," and "theory."

Looking at the passage closely, however, we see that what distinguishes art from science according to Kant is not merely that they concern two different modes of engaging with the world - for instance, "acting on" in the case of art vs. "taking in" in the case of science. Art is also distinguished from science because in art, *we cannot know* how to produce the object, no matter how refined our scientific-theoretical understanding of that object is. Put another way, in art, our concept of the object is not enough to bring that object about. This is what Kant means when he says that as soon as we know exactly how to produce something, it goes from being an art to a science. More importantly for my argument, in order to "bring something about that we want to exist," - that is, in order to work - we need more than a purely theoretical understanding of what we are trying to produce.

Kant's claim that art as work is not fully exhausted by theoretical knowledge in §43 nicely sets up his account of artistic production and genius, which begins three sections later in §46. We already saw that when the genius makes art, she does not base her work of art on a rule or theory for how to produce beautiful objects. This is because, as Kant says, art is not a "skill…that can be learned by following some rule or other."[36] Rather than following a rule, the genius uses her "talent for producing something for which no determinate rule can be given."[37] This is what makes her "original," since she cannot fall back on someone else's rules but must establish her own.[38] The upshot is that no matter how "thorough[ly] acquaint[ed]" the genius is with other beautiful art, her theoretical knowledge of such art "does not immediately provide [her] with the skill to make it."[39]

[36]Kant, *Critique of Judgment*, 5:308.
[37]Ibid., 5:307.
[38]Ibid., 5:308.
[39]Ibid., 5:304.

Kant's remarks about genius help us make sense of the distinction in §43 between art and science. He writes that "we refrain from calling anything art that we *can* do the moment we *know* what is to be done." What the genius "knows" theoretically about beautiful objects is insufficient to actually produce them. Something else is needed. In her case, Kant says this is a special "talent" for providing the missing "rule" or "concept" that our theoretical understanding of art lacks. Importantly, the beautiful work of art contains something more than what was in the mind of its maker prior to being produced. Read in light of the first distinction in §43 between art and nature, Kant here draws out a perplexing feature of artistic production. The form of artistic production is purposive; we begin with a concept or plan of what we want to produce, and then realize that concept in our productive activity. However, our plan does not tell us everything we need to know in order to produce the object in question. We must, like the genius, supplement our lacking theoretical understanding, not with something that can be taught, but rather with something "original."[40] This is why Kant thinks "genius is a talent for art, not science."[41]

Taking the two distinctions together, now - the first between art and nature, the second between art and science - we see that, according to the first distinction, art is in a general sense work, and according to the second, any kind of work that involves indeterminacy in how to produce the object in question has an artistic element.[42] What makes painting a process of artistic production, then, is both that the the painter exercises her "power of choice" in choosing to paint according to the standards of beauty, and, at the same time, in order to produce the beautiful painting, she needs more than a theoretical understanding of other beautiful objects.

You might think, however, that while these features apply to the production of beauty (i.e., fine art), they do not apply to all forms of

[40]Kant, *Critique of Judgment*, 5:308.

[41]ibid., 5:317. I should note here that the actual practice of science doe not fall under Kant's concept of scientific labor.

[42]For a corresponding claim in Allison, see Allison, *Kant's Theory of Taste*, p. 273.

production in general. The watchmaker, for example, appears to have a concept or theory of watches that is sufficient to produce the watch itself. I will show, on the contrary, that Kant's distinction between art and science has implications for a theory of productive activity in general, and wage work in particular.

The very first time Kant introduces this distinction in §43, he contrasts theory not to fine art, but to *human skill*.[43] The implication is that any act of "skill[ed]" production, not just the production of fine art, will require more than a theoretical understanding in order to produce the desired object.[44]

To be sure, even though art involves some level of indeterminacy — and so cannot be exhausted by "theory" alone — it is not completely formless, or devoid of rules altogether. Kant anticipates this objection in the next paragraph when he writes that art does involve some "mechanism," meaning that all the arts, even the fine arts, have formal constraints (i.e., rules).[45] In poetry, for example, the formal constraint - its "mechanism" - is the correctness of language. Without correct language, the animating "spirit" of the poem, which is what gives the poem its "free[dom]," would "evaporate completely."[46] Like poetry, all art involves some mechanism. The importance of this point cannot be overstated. If art involves some mechanism, it means that we cannot crudely distinguish art from work by claiming that the former does not involve rules or concepts, while the latter is totally exhausted by rules and concepts. Kant's point is not that art involves no rules whatsoever, but rather that *those rules fall short of telling us exactly how to produce the object*.[47] By being careful to define artistic

[43]Kant, *Critique of Judgment*, 5:303.

[44]In Kant's 1776-8 notes on Aesthetics, he claims that even science involves some genius: "in all arts *and sciences* one can distinguish mechanism from genius…Genius consists precisely in having an idea and not a rule for its basis." (Kant, *Notes and Fragments*, 15:370, emphasis mine)

[45]Compare Kant, *Critique of Pure Reason*, A710/B738.

[46]Kant, *Critique of Judgment*, 5:304.

[47]See Bremner, "On Conceptual Revision and Aesthetic Judgement", especially §III for a similar claim about the inadequacy of our concepts to

production as involving *some* (rather than total) indeterminacy, Kant leaves open the possibility that many activities we think of as "work" have a distinctly artistic element.

The term I will use to describe the kind of "technical" problems one encounters in artistic production is "productive indeterminacy." Kant's distinction between art (as human skill) and science tells us that work - which falls on the "art" side of the distinction - is productively indeterminate because the process of working cannot be exhausted by explicit instruction. Put another way, there is always a gap between, on the one hand, the rules and instructions for how to perform one's work and, on the other, what is required to actually produce the desired product.

Kant is not alone in identifying work as productively indeterminate. The psychodynamic theory of work, a prominent thesis about work in contemporary French social theory, argues that all jobs have indeterminacies that cannot be resolved through mere rule following.[48] Because the work process cannot be fully exhausted by rules and instruction, workers themselves must bridge the gap between these instructions and the demands of the concrete, real-world circumstances in which their work occurs: "No amount of prescription, however substantial or refined, can foresee all the possible variations in the concrete, real context in which the action is to be performed…There is always a gap between the prescribed task and the actual realization of the task."[49]

Productive indeterminacy is clearest in jobs we see as creative. Consider the graphic designer who receives a creative brief from her client with minimal instructions. The brief will fall short of specifying what she must do in order to complete the design; her task is, in other words, productively indeterminate. The same is true of scientists (in our everyday

account for sensible experience in art.

[48] Dejours, Deranty, et al., *The Return of Work in Critical Theory: Self, Society, Politics*, p. 73; Dejours and Deranty, "The Centrality of Work", p. 168.

[49] Dejours, Deranty, et al., *The Return of Work in Critical Theory: Self, Society, Politics*, p. 73.

sense of the term), philosophers, and other knowledge workers. Scientists and philosophers must adhere to the mechanism, or formal constraints, of their discipline, such as parsimony, clarity, correctness, or validity. At the same time, these formal constraints do not exhaust their work. There are indeterminacies, for example, in how best to interpret data in light of existing theories, or in judging what kind of philosophical contribution is genuinely original, rather than "original nonsense."[50] There is no given rule for how to make these judgments. Like the fine artist, aspiring philosophers would, therefore, do better to "follow the example" of great thinkers rather than "imitate" them.[51]

But productive indeterminacy is also a feature of many other jobs, even manual jobs, or jobs we see as full of rule-following. Consider Matthew Crawford's example of the motorcycle mechanic in his essay "Shop Class as Soulcraft:" a mechanic must check the condition of a starter clutch on a decrepit 50-year-old motorcycle. In order to do so, however, he must remove the engine covers, which are fastened with screws that are stripped. Drilling out the screws risks damaging the engine. "The factory service manuals tell you to be systematic in eliminating variables," Crawford writes, "but they never take such factors into account."[52] Crawford's mechanic may know what "the desired effect" is - fix the bike - but the way to achieve that effect is not fully specified by any set of rules he has when he starts working. He might have great familiarity with the motorcycle service

[50]Kant, *Critique of Judgment*, 5:319.

[51]ibid., p. 318. At Feyerabend 27:1362, Kant claims that philosophers and scientists — in their capacity as teachers — also face productive indeterminacy because of the structure of their productive relationships. This is true of all jobs in which I am "mandated" to act on someone else's behalf, rather than paid to do a specific task. In these jobs, "a lot is left up to circumstances…which of course one cannot coerce. [I] can thus act in accordance with a rule, but [I] could perhaps act in more ways than that." For this reason, we do not prescribe a specific rule to their labor, but empower them to judge how our ends may be served best. See also Kant, "The Metaphysics of Morals", 6:286-7.

[52]Crawford, "Shop Class as Soulcraft: The Case for the Manual Trades".

manuals, but as Kant might say, "even the most thorough acquaintance with [the manual] does not immediately provide us with the skill to [fix the bike]."

This appears to be what Kant is describing with his distinction between art and science. There are practical problems - problems of implementation, of contingent and unpredictable environments - that cannot be grasped scientifically (i.e., theoretically) prior to production. This means they cannot be taught by a manual, a supervisor, or a master craftsman, but must be learned firsthand. It is the difference between "knowing" about something and the "practical ability" of performing it.

A special kind of judgment is needed when confronting situations like these at work. Let's consider the mechanic again. In order to fix the starter clutch, the mechanic not only needs to apply the rules already given to him in the motorcycle manual, but he must also *find* the rule, which is not specified in the manual, for removing the engine covers when the screws are stripped. Another way to say this is that he must not *mechanically* apply the rules of the manual, but must *judge* whether a certain rule for removing stripped engine cover screws applies to this particular situation.

The kind of judgment our mechanic must exercise at work is, I argue, the same kind of judgment Kant identifies in the introductions to the third *Critique* as "reflecting." Reflecting is what we do when we determine whether a "universal" (concept or rule) applies to a "particular" (object or situation). "If only the particular is given," but not the universal, then "[reflecting] judgment has to *find* the universal for it."[53] What makes the activity of the mechanic an instance of reflecting judgment is that the motorcycle manual does not give the rule for removing stripped engine casing screws. If it did, it would make the mechanic's judgment "determining," which Kant says "merely subsumes the particular under" an already "given" universal.[54] On the contrary, the mechanic himself must "find" the rule that applies to this "particular" situation. Put another way,

[53]Kant, *Critique of Judgment*, 5:179, emphasis mine.
[54]Ibid., 5:179.

he must "reflect" on which rule applies to a situation that "does not immediately provide us with the skill to [resolve] it."[55] This makes the mechanic like the genius, since he produces an object "for which no determinate rule can be given." In the words of Dejours and Deranty, this constitutes "a specific form of practical intelligence [which…] involves finding a solution as yet unknown to the working agent."[56] Following Kant, they claim that this practical intelligence requires a level of creativity we typically associate with art: "despite widespread representations about many areas of contemporary work, actual work nearly always demands, to a lesser or greater extent, a form of practical intelligence that is inherently inventive and creative."[57]

Before concluding my discussion of the second distinction, let me pause here to consider an objection. Someone may worry that my interpretation of work as involving the capacities of genius opens this term up in a way that dilutes its original meaning, especially since Kant himself reserves the attribution of genius to those rare instances of genuinely original fine art production.[58]

It is unlikely that Kant would attribute genius to the worker, for the simple reason that Kant reserves the term for producers of *fine* art. In §44, "On Fine Art," Kant writes that the worker and the genius can be distinguished by the different "end[s] intended" by their labors.[59] To use Kant's terms, work is a "mechanical" art, since it tries to bring about a useful object in accordance with our concept of that object. Contrast this to "aesthetic" art, whose aim is "to arouse the feeling of pleasure."[60] Kant only ever discusses the role of genius in relation to the production of aesthetic art.

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[55]Kant, *Critique of Judgment*, 5:304.

[56]Dejours and Deranty, "The Centrality of Work", p. 170.

[57]ibid., p. 170.

[58]Thanks to an anonymous reviewer for prompting me to consider this objection.

[59]See Allison, *Kant's Theory of Taste*, p. 273.

[60]Kant, *Critique of Judgment*, 5:305.

This should not imply that Kant does not think the worker requires some of the same capacities as the genius. This is precisely what I have argued in this section. However, it does make Kant's discussion of genius difficult to adapt to the case of work. This is because while the worker must reflect on which rules apply to productively indeterminate situations, she still produces an object which can be thought through concepts.

For this reason, I do not wish to stretch the analogy between the worker and the genius any further than I have so far. However, if my argument is correct, then the worker and the genius do share some powers of mind that make both of their labors possible. The most important of these is their ability to overcome productive indeterminacies through reflecting judgment. So, while we may not want to call all workers geniuses in Kant's narrow sense, we nevertheless ought to see both workers and geniuses as "artists."

Kant's distinction of art from science is the second part of his philosophy of work. It tells us that any form of work that involves productive indeterminacy is artistic, and that overcoming productive indeterminacy requires a unique kind of judgment or practical intelligence.

Taking both distinctions together, we get a more robust picture of the kind of capacities Kant thinks we exercise at work. The first distinction between art and nature depicts human labor as a fundamentally conceptual activity, one in which we realize, through our laboring activity, a concept which precedes that activity. Kant's second distinction between art and science depicts human labor as a potentially creative activity, one in which our rules for how to labor often break down. When this happens, we must supplement those rules with our own creativity. Like fine art, work involves balancing pre-given rules (in Kant's words, work's "mechanism") with our own creative input into the labor process.

Kant's third distinction in §43 is between free art and mercenary art. Whether art is free or mercenary will depend on the artist's motivation: are their labors for the sake of the art itself, or is the art merely a means to

payment? I turn now to this final distinction.

2.3 Third Distinction: Free Art and Mercenary Art

Just after Kant distinguishes between, on the one hand art and nature, and on the other art and science, he makes a third distinction between free art and mercenary art. Free art, Kant says, is both "play[ful]" and "agreeable on its own account."[61] Alternatively, mercenary art (i.e., art for pay), which Kant also calls craft work, is "burdensome" because it is merely instrumental. He writes:

> We regard free art [as an art] that could only turn out purposive (i.e., succeed) if it is play, in other words, an occupation that is agreeable on its own account; mercenary art we regard as labor, i.e., as an occupation that on its own account is disagreeable (burdensome) and that attracts us only through its effect (e.g., pay), so that people can be coerced into it.[62]

At face value, Kant's suggestion is that art is not something we pay for. If this is true, it counts against my argument that we can think of many forms of work as artistic. We pay for work, so it must be mercenary, not free. But, this cannot be Kant's interpretation. The sale of a painting does not turn the painter's work into craft.[63] Rather, what Kant describes here is the tension between labor expended creatively for a purpose we have set ourselves on the one hand, and labor expended for the sake of exchange (i.e., payment) on the other.

Recall earlier when I said that humanity's unique capacity for freedom - the one that distinguishes us from animals - is our "power of choice." This power allows us to labor purposively, i.e., choose the object of our labor.

[61]Kant, *Critique of Judgment*, 5:304.
[62]Ibid., 5:304.
[63]See Guyer, *Kant and the Claims of Taste*, p. 354.

The pleasure of artistic production, according to Kant, is that the object of our labor, the thing we work on, is at the same time the purpose for which we work. Put simply, work is pleasant when it is an expression of our purpose.

That is not enough, though. I may labor purposively - i.e., I exercise my "power of choice" over what to work on - but if the ultimate purpose of my labor is something other than my labor's immediate product, then my labor is not "free." Consider the structure of wage labor. A wage laborer works on products, even products that are an expression of her own purposes, not for the sake of those products themselves, but rather for the sake of payment. Thus, wage work has a unique motivational structure in which the activity of laboring itself is merely instrumental for some other end.[64] Contrast this to the artist. In free art, the process or product of artistic labor itself has value for the laborer. It is not merely instrumental in achieving some other valuable thing. This is what Kant means when he says that free art "could only turn out purposive…if it is play."[65]

Kant will use the term play throughout the third *Critique* to describe the relationship of our mental faculties during aesthetic experiences, but in every case he contrasts free play with what he calls "law-governed *task*."[66] In law-governed task, our faculty of understanding (in the theoretical domain) or our faculty of reason (in the moral domain) must "exert its dominance" over sensibility.[67] In the aesthetic domain, however, the relationship of understanding and sensibility "must appear unintentional

[64]Compare to Brixel, "The Unity of Marx's Concept of Alienated Labor", p. 8.

[65]Kant, *Critique of Judgment*, 5:304. Kant also distinguishes play — as a pleasurable activity that is not "necessitated by an end" — from work in his Anthropology notes from 1769-1778 (Kant, *Notes and Fragments*, 15:266-7); Kant, "Anthropology", 7:151; and Kant, *Lectures on Ethics*, Collins 27:382-3.

[66]Kant, *Critique of Judgment*, 5:268-9, 5:321.

[67]Ibid., 5:269.

and spontaneous," as if in "free play" with each other.[68] Kant continues in §51, "On the Division of the Fine Arts:"

> Hence anything studied and painstaking must be avoided in art. For fine art must be free art in a double sense: it must be free in the sense of not being a mercenary occupation and hence a kind of labor, whose magnitude can be judged, exacted, or paid for according to a determinate standard; but fine art must also be free in the sense that, though the mind is occupying itself, yet it feels satisfied and aroused (independently of any pay) without looking to some other purpose.[69]

Although Kant's remarks here are clearly directed at *fine* art, not art in general, the double sense of freedom he refers to in this passage can help us understand what it means for art to be free more generally. The first sense of freedom is the freedom we see explicitly in §43: art cannot be for pay. I already argued that we cannot understand Kant to mean that art ceases to be art the moment it is sold, but rather that he is referring to the specific motivational structure of working for some intermediate and therefore instrumental end. Here, Kant is more direct about what this instrumental motivational structure entails. When we work for pay, our labor is *measured,* and it is the possibility of measuring artistic labor that is his chief concern. When our labor is "judged, exacted, or paid for according to a *determinate* standard," it ceases to be artistic and becomes a "task."[70] Artistic labor cannot be judged, exacted, or paid for according to a determinate standard because there is no such standard by which to measure the magnitude of art. This is because, as we saw earlier, "there can be no objective rule of taste, no rule that determines by concepts what is beautiful."[71] Since we cannot measure a work of art according to its beauty,

[68]Kant, *Critique of Judgment*, 5:321.
[69]Ibid., 5:321.
[70]Ibid., 5:321, emphasis mine.
[71]Ibid., 5:231.

we cannot judge, exact, or pay for it according to its magnitude *as beautiful*. But this is just the kind of measurement mercenary art (i.e., wage labor) demands. Thus, beautiful art cannot be paid for according to a determinate standard. If it is, that standard cannot be the magnitude of its beauty, but must be some other aspect of the art *as a product*, for instance, its quantity. Put simply, while you may be able to judge whether someone produced five paintings, you cannot judge whether they produced five beautiful paintings. When one is "tasked" with producing five paintings, the measurable standard that determines her pay - the number of paintings - has nothing at all to do with the paintings as *beautiful*. She may as well be making widgets.

The second sense in which art is free is that in artistic production, the mind does not "look to some other purpose," but rather "occupies itself." Earlier I said that the motivational structure of mercenary art (i.e., wage labor) is that the labor is performed for the sake of some further end, like payment, that is not the labor itself. In wage labor, then, we "look to some other purpose" than the purpose we have set for ourselves in working. What makes art "free" compared to wage labor is that it is play, an activity whose end is the activity itself. Artistic labor, then, is undertaken for the sake of the process or product itself.

We now have a better sense of what Kant means in §43 when he says that art is only free when it is both "purposive" and "agreeable on its own account." To labor freely, not only must we labor according to a purpose that we ourselves choose, but that purpose must not be instrumental to some other, ultimate purpose we have. This is why wage labor cannot be free, since the immediate purpose of laboring on some object is always performed for the sake of the ultimate purpose of payment. At the same time, artistic labor performed for the sake of payment cannot be free, since insofar as we try to judge, exact, or pay for that labor according to a determinate standard, it ceases to be art and becomes "rule-governed task."[72]

[72]Kant makes a passing suggestion at Collins 27:395-6 that we can make

I mentioned in Section 1 that Kant's other writings depict work as both disagreeable and merely instrumentally valuable. If my reconstruction of Kant's theory of labor in the third *Critique* tells us anything, it is that this statement is not meant to be taken universally. Rather, Kant's comments are directed at a very specific kind of work. This work is natural, scientific, and mercenary; it is performed according to someone else's purpose, is stripped of its productive indeterminacies, and is performed not for its own sake but for the sake of payment. It is no wonder Kant finds such work disagreeable.

Kant articulates a different theory of work in the third *Critique*, one that emphasizes work's self-expression, creativity, and freedom. This theory is based on his idea that labor, when it is purposive, reflective, and playful, has the character of art. Work that resembles art is self-expressive because it is an expression of a purpose we ourselves take on. It is creative because it requires us to reflect on how to resolve any productive indeterminacies. Finally, it is free because it is performed for its own sake, not for the sake of payment. It is therefore not measured or judged according a quantitative standard.

Which of these views is Kant's? Rather than see these two views of work as competing, I think the best way to understand them is as serving distinct purposes. The "standard" view of work in Kant's other writings is best thought of as a description. Most forms of work Kant would have been acquainted with, especially those within an emerging capitalist division of labor, are burdensome, and performed merely for the sake of some other end like payment. In contrast, while Kant's account of work in the third *Critique* is a description of what artistic labor is, it is also a normative conception of what work could or should be. This is because Kant bases his

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labor — understood in the technical sense of conceptually-constrained, end-governed task — feel like play if we "get used to bearing and enduring it." Kant does not develop this suggestion further, so it is unclear how this kind of affective adaptation can overcome the structural features of labor that make it burdensome in the first place.

description of artistic labor on a normative view of human nature and freedom.

The implications of Kant's discussion of work in the third *Critique* are wide-ranging. I discuss these implications in the next section. First, I connect Kant's third *Critique* theory of work to discussions of work and freedom in Kant's political writings. I then turn to the implications for the philosophy of work more generally.

3 Kantian Foundations for a Philosophy of Work

Relatively little has been written about Kant's concept of labor in general, and about labor in the third *Critique* in particular. Recently, however, some scholars have returned to Kant's theory of right and morality to uncover how work fits into Kant's more general theory of right, freedom, and society. These scholars focus on, for instance, justice and domination in the labor contract,[73] the relegation of some kinds of workers to passive citizens,[74] the role of labor in history,[75] and the racial and gendered undercurrents to Kant's discussion of work, especially domestic work, in his theory of right.[76]

One thing to note about this literature is that it tends to focus on the contexts in which work takes place — the workplace, the state, the home — rather than on what work itself is. This has led some Kant scholars to conclude, as Pascoe does, for example, that "[f]or Kant…labour is not primarily a mode of production, but a reproduction and legitimization of a particular political order."[77] I do not doubt these scholars' conclusions. Kant's treatment of work in the political texts does indeed focus on the relationships between members of the labor contract or the household,

[73]Ripstein, *Force and Freedom*, esp. ch. 5; Wood, "Marx and Kant on Capitalist Exploitation".
[74]Moran, "Kant on Traveling Blacksmiths and Passive Citizenship".
[75]Maliks, *Kant's politics in context*.
[76]Pascoe, *Kant's Theory of Labour*.
[77]Ibid., p. 31.

often with the aim of justifying particular civic relationships.[78] Take, for example, his distinction between active and passive citizens in the "Doctrine of Right."[79] This distinction is meant to show that some forms of work preclude active civic participation. Dependent laborers — Kant's discussion cites women and blacksmiths in India, among others — lack "civic personality" because they cannot represent their own interests in political matters. This is because, as Kate Moran suggests, the structure of their employment contract or household makes it impossible for them to "absent themselves from their commitments in order to engage in civil affairs."[80] The upshot is that one's work bears directly on one's ability to exercise her political freedom to its fullest extent, with the effect that those who are subordinated at work or at home are also subordinated in civic life.

Kant's account of work in the third *Critique* is notably different from this account of work in the "Doctrine of Right." Both discussions connect work to freedom. The active citizen is independent at work, and this affords him a level of free participation in political matters, while the passive citizen is dependent, and so requires a political representative. In the "Doctrine of Right's" account of work and freedom, however, one is not free *at* work but rather *from* work. The active citizen is free not because of what he does while working but because his productive relations allow him

[78]Kant will sometimes distinguish between kinds of labor in his political and anthropological writings, and this tells us about the different capacities this labor requires. Pascoe draws our attention to Kant's claims in the *Anthropology* lectures that while the domestic sphere is one of rest for men, it is a sphere of work for women (Pascoe, *Kant's Theory of Labour*, pp. 27–9). Within the domestic sphere there is a cultural and racial division that determines the kind of capacities one exercises during domestic labor, which Kant makes using the same distinction we see in §43 of the third *Critique* between art and nature.

[79]Kant, "The Metaphysics of Morals", 6:314-5. Thanks to Jordan Pascoe for encouraging me to consider the implications of this distinction for my view.

[80]Moran, "Kant on Traveling Blacksmiths and Passive Citizenship", p. 124.

to stop working, or suspend his work-interests, when called upon to participate politically. But, this is not the only way one can be free at work. I have argued that Kant has an account of work in the third *Critique* that describes what it means to be free *within the productive activity itself*.

One implication of the third *Critique* locating freedom at work differently from the "Doctrine of Right" is that one can be free at work even if they are a dependent laborer. In the "Doctrine of Right," Kant does not address the kind of freedom afforded to dependent laborers, though one would not be mistaken for thinking that such work is unfree and meaningless. The account of work in the third *Critique* may suggest otherwise. Dependent laborers may still exercise a significant degree of creativity in how they carry out their work. Recall our mechanic. He may be a dependent laborer in Kant's sense — e.g., he may not own his tools nor garage, and may work on contract for someone else — but he still faces significant productive indeterminacies at work. He may also be able to direct his own labor for most of the working day. Importantly, he is is not totally free in this latter sense, since his labor is still ultimately directed by the shop owner's purpose rather than his own. But within this broad mandate, the mechanic may exercise a high degree of creativity and flexibility in how to carry out that purpose.[81] This would bring our mechanic closer the wives and servants of Kant's "Doctrine of Right," who "agree[] to do whatever is permissible for the welfare of the household, instead of being commissioned for a specifically determined job."[82] What's important for my purposes, however, is that the mechanic as well as wives and servants are still able to exercise freedom within their labor. This freedom may mean little compared to the freedom to set one's own ends at work and at home, but a theory of work that does not account for the

[81]This freedom and flexibility may make a significant difference to how the mechanic experiences his own work as meaningful or meaningless. See Arneson, "Meaningful Work and Market Socialism" for an account of meaning at work similar to Kant's.

[82]Kant, "The Metaphysics of Morals", 6:277; cited in Moran, "Kant on Traveling Blacksmiths and Passive Citizenship", pp. 119–20

freedom within the laboring activity itself risks being incomplete.[83]
It is no coincidence that Kant's discussion of the power of judgment in the third *Critique* serves as a model for practical activity in general, and a model for work in particular. Kant's discussion of the book's central concept – purposiveness – always proceeds by analogy with work, and this has deep implications not only for Kant's theory of work, but also for how we understand the merits of work itself.

Consider that Kant's theory of work will judge negatively many existing forms of work that require little or no reflection, especially those heavily routinized jobs in modern market societies like our own. Recall that "reflecting" at work is necessary when the rules of how to work fall short of capturing what's necessary to produce your object. In the third *Critique*, the paradigm case of work that cannot be captured by rules is the work of genius. This is because the genius produces an object "for which no determinate rule can be given."[84] The opposite of the genius, Kant says in §47, is the *imitator*, one whose work can be totally codified in rules and instruction.

Kant's claim that work involves judgment and creativity suggests that routinized jobs that involve a lot of rule following and imitation may be burdensome for the workers who occupy those jobs. This is because, in routinized jobs, managers have decided ahead of time exactly what work to do and how to do it, attempting to control for any and all productive indeterminacies. Such control over the labor process leaves the worker with little to do but follow management's rules. This means it is the manager, not the worker, who gets to use her judgment at work. Owing to the merely imitative and rule-governed nature of such work, Kant would

[83]Of course, work is not the only place Kant thinks we can exercise our capacities for freedom and reflecting judgment. The conception of civic agents that Kant advances in the "Doctrine of Right" suggests that politics more generally is a domain in which we exercise these capacities. Thanks to Sarah Holtman for pointing this out to me.

[84]Kant, *Critique of Judgment*, 5:308.

say that it is *scientific* rather than artistic.[85]

In addition, Kant's claim that work is an inherently purposive activity has implications for how we judge many new forms of short-term work, like gig work. Consider Amazon's "Mechanical Turk" (MTurk), a gig-work service that connects companies with workers who perform brief, repetitive, and often menial tasks such as training AI language models or deciding whether digital content is "Not Safe for Work." As with other routinized jobs, "Turkers" receive task instructions that are written at a level of detail that leaves little room for judgment or creativity. In addition, however, gig-work platforms like MTurk often anonymize the actual companies workers are working for, or the projects they are working on. "Turkers" are therefore unable to see their labor as culminating in any end or purpose whatsoever. This mypoic view of the labor process turns many gig-workers into bees, whose work appears as art, but only because it is directed by someone else's purposes.

Kant's theory of work in the third *Critique* suggests, therefore, that we may make work less burdensome by preserving those elements of the labor process that Kant associates with art. When work enables workers to exercise their own purposiveness rather than someone else's, resolve productive indeterinacies through reflection, and labor playfully for an end that is not mere payment, work will become an activity befitting humanity's unique capacity for freedom in production.[86]

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[85]Frederick Taylor's "scientific management" is thus a fitting term to describe this kind of total managerial control over the labor process (Taylor, *The Principles of Scientific Management*).

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