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Freely Associated Production as a Political Ideal

This paper offers a brief account and defense of freely associated production as a political ideal. I discuss its conceptual structure, specifying what is meant by free association in terms of economic production, the sense in which it is a value for political order, and its approximate place in an historical lineage of reflection on freedom. Given that our economic arrangements are constitutively determined by law and public policy, and involve relations of governing power, the values that legal authority must subservise bear directly on the productive sphere. One of those values – arguably the highest – is relational freedom. Reigning structures of production violate its demands. Without understanding the ways in which that violation occurs, we cannot effectively address some of our most urgent social crises.

The covid-19 pandemic, taken as a single event, compressed in common experience a set of urgent political questions. When are we unfree? What are the sources and limits of state legitimacy? How is our economy ordered? Whose work matters, and why? What is at stake in our globally networked relations? These matters are internally related. If the state derives legitimacy from its members' free consent, which is granted on account of goods the state provides and protects – prosperity, freedom, safety – then there must be some general agreement as to the appropriate relations among those goods, as a condition of stability. That agreement can wear thin. Anti-lockdown protestors saw their prosperity and freedom imperiled by the new regulations, and were moved neither by considerations of safety, nor by arguments that illness and death *also* threatened their favored values. The politicians arguing against masking and isolation believed that some lives were worth sacrificing for economic activity. While richer people could often continue earning from home, low-wage workers either fell deeper into precarity or had to risk death to avoid it and go on working. This was not, as Judith Butler points out, “a question of work or death, but death as a result of work, when work is precisely what one needs to live” (Butler 2022, 47). Indeed, what everyone needs to live are food, care, shelter, and cleanliness, so workers providing these essential services were expected to put their health at hazard, for the lowest wages. This does not look like an especially *free* arrangement.

The pandemic, therefore, drew attention not only to the fact that our economic order accords the lowest value to services everyone agrees are essential, and to the lives of those providing them. It also revealed the viral threat's emergence from that order. The pandemic was generated from processes which *also* determine the

plight of essential workers, their financial and social and physical precarity, and – with that – their unfreedom. The links are easily traced. Zoonotic spillovers are more likely when species are forced into new habitats, which is more likely when ecosystems are penetrated by human action. So if the human economy is constantly “assailing the wild, encroaching upon it, tearing into it, chopping it up, destroying it with a zeal bordering on lust for extermination,” pathogens long secure in their normal hosts will find their way into us (Malm 2020, 56). And that is indeed how economic action affects nonhuman nature. Outbreaks can become pandemics when mobility is high, as it must be in a globally integrated market order, fueled by even more mobile capital. Capital mobility ensures that workers compete in a vast planetary labor pool. They have less bargaining power, more vulnerability. Because states compete for transnational capital by lowering tax and regulatory burdens, social spending can’t be adequately funded, and public functions are handed over to the market. Workers – already more vulnerable – end up worse off with respect to health. Their limited exit options leave them more dependent on the arbitrary will of an employer. Illness, stress, despair: these directly correlate with poverty and precarity, “as judged by factors such as educational attainment, income and wealth, race and ethnicity, and political voice” (Havranek 2019; Case/Deaton 2020). Ill, stressed, and despairing people, with little money and hardly any political voice, find it very hard to do or become what they have reason to value. They lack substantive freedom. Being forced to obey another’s arbitrary will is a deprivation of freedom. In what sense have people freely consented to, and thereby legitimized, these constraints? And if they are not legitimate, what does that fact entail? Covid has raised these questions anew.

Not for nothing, then, has the pandemic been seen as a “veritable orgy of capitalist dysfunction,” the point where manifold contradictions converge, “where cannibalization of nature and carework, of political capacity and peripheralized populations, merge in a lethal binge” (Fraser 2022, 159). At the very least, it is the sort of crisis that motivates further inquiry into what free productive association could be, as an institutional reality and a political ideal. Of course, that ideal has a long history; a fully adequate treatment demands extensive scope. So the aim of this paper is modest. It is to present and defend a general construction of the ideal – to state what it appears to demand in the form of social ordering, and why that demand has normative force. I discuss the concept’s constituent elements, what is meant by free association *in terms of production*, and in what sense it is a *political* ideal, and endeavor to place it in a rough and admittedly reductive historical trajectory. What follows practically from accepting the ideal is left to the reader’s imagination.

1. Political Values

For as propitious a starting point as any, consider how Rawls orients discussion of a political ideal. It would at the very least form a basis for determining what people

deserve as members of a social order. If society is “a cooperative venture for mutual advantage,” a tension obtains between the common interest motivating cooperation and the disparate individual interests retained by each member, who can be supposed, as a matter of standing preference, to welcome a large share of the venture’s advantageous product – the larger the share, the easier it is to formulate and pursue a plan for one’s life (Rawls 1999, 4). But since any complex goods require intricate collaboration to produce and sustain, the producers have to reach some concord on distributive priority. For the terms to merit agreement, they should not be unjust. To agree on *that*, members must be able to advert to shareable principles of justice – shareable in the sense of being very hard, or very unserious, to reasonably reject. These principles would contour everyone’s rightful powers, claims, and duties, and define the least objectionable allocation of money, jobs, public offices, social roles, facilities like health care and education, etc. In what *way* would they do that?

It helps to regard a principle like this as abbreviating a set of normative reasons for action and belief. Normativity has generally to do with what should or shouldn’t be done, and what is or isn’t forbidden, good, permissible, admirable, praiseworthy, wrong, blameworthy, aversive, etc.¹ For example, if people are prohibited or discouraged from seeking public office because they belong to a certain race or gender, and this constitutes a harm or disadvantage to them, a sound principle of justice will capture pretty much everything that counts in favor of challenging, speaking out against, resisting, and trying to put an end to whatever practices perform or facilitate that discrimination. The claim that discrimination *ought* to be condemned, rejected, dismantled, etc., would be made true or justified by features or aspects of discrimination that the principle identifies. That it involves *unequal* regard, based on *irrelevant characteristics*, makes it wrong. People deserve to be treated according to their equal moral standing; justice requires it. So the principle contains or expresses the *value* of equality, from which it borrows its reason-giving force. The *structure* of that value will, in turn, explain why the principle applies in just the way it does. We are here concerned with a related value – freedom. To explain how it bears politically on the sphere of economic production, we need an account of its structure, and what makes it an ideal.

A value, basically, is that with respect to which rational agents make the judgments, have the dispositions, and hold the attitudes that constitute *valuing*. Valuing is complex. It involves praising, wanting, needing, defending, creating, fostering, promoting, respecting, cherishing, demanding, and much else (Scheffler 2011). When we characterize some value as an *ideal*, we’re assigning it a priority and importance above that of other values, such that we shouldn’t generally sacrifice it in order to realize something else that we also have reason to desire or care about. This reflects the fact that valuing is an activity. We have a capacity for it. And that

¹ More precisely, there are three familiar normative categories, comprising the deontic, the evaluative, and the fitting (Berker 2022). The deontic has to do with duties and their absence, the evaluative with what is good or bad, and the fitting with what is appropriate or warranted or suitable, etc.

capacity, I submit, can be exercised correctly or incorrectly. There is debate over whether or not values precede correct valuing – whether valuing is best explicated as an apt or fitting response to a detected value-property, or that things come to have that property only when and because they are valued in the appropriate way. We don't have to take a stand on that. The point here is that, when conceived as a political ideal, freedom will feature in arguments about whether state authority is formed and used in ways that involve correct valuing, whether the prevailing social ethos encourages correct valuing when it comes to public matters, and – crucially for the economic context – whether the divide between a private realm of personal discretion and a public condition of right is drawn on correctly evaluative lines.

Now, the connection between the *idea* of correct valuing and the *content* of a political ideal can be made in terms of a specifically rational self-understanding. Valuing is not (merely) wanting, or liking, or preferring. You can want, like, or prefer something, while at the same time believing you have conclusive reasons *not* to want, like, or prefer it – think of the addict in search of treatment, who wants to drink but doesn't value that wanting. You can't (really) value something *and* think you're making an error in valuing it. And normally, you can desire something without thinking less of yourself if you stopped desiring it (Korsgaard 2015). But valuing is internally bound up with our self-understanding. We determine ourselves *as selves* by reference to what we value and why. Valuing governs not only what circumstances we aim to bring about in and through our actions, but the people we aim to be, in virtue of those actions. The same goes for political communities. They are ordered around justificatory norms that themselves are grounded in the endorsement of specific values. Political contestation involves disagreement over the relation of priority between these values, what role they should play in shaping shared forms of life, and, pursuant to these questions, how they are to be interpreted (Williams 2001).

The struggle over how to interpret political ideals is in the final analysis an effort to arrive at an interpretation consistent with the correct valuing of those matters to which the ideal pertains. Of course, in real history that struggle often plays out as a contest of wills, or an effort of domination and mastery – an exercise of power divorced from right. But insofar as they traffic in *reasons*, parties to the struggle are constrained to assume a distinction between what one happens to value and what one ought to value, such that any fact about the former is *necessarily* open to a challenge expressed in the latter. And vice versa: any claim about what should be valued, if it's going to have uptake, must be scaffolded by a normative appeal – an articulation of value-based reasons. Historians of what we shall call, for better or worse, Western polities, have accordingly traced the changing articulation of freedom-based reasons to favor, and condemn, the power-relations and practices prevalent in them. Facts about power in the productive domain – in what we've come to think of as the economy – have proved enduringly central to that history.

2. Freedom's Historical Forms

Historically, being free in a political order, and being part of a free political order, has been conceived in two broadly different ways: as exercising authoritative control over the manner and mode of government, or as enjoying a protected, private individual condition of security and rights (de Dijn 2020). Let's ignore for now the simplifications involved here, of a dichotomy between democratic freedom, latent in the first idea, and liberal freedom, evinced in the second. What is said to be the normative core of the democratic conception is given in its originating contrast with slavery. To be free is *not* to be subject to the interventionary power of a master, a *dominus*. It is a relational circumstance. On this view, slaves are not unfree on account of being prevented from taking an action they choose, but because their agency is always already under the power of an alien will, such that anything they have in mind to do requires the tacit or explicit consent of that will. Communities, likewise, are unfree when this domination is imposed by some individual member and his henchmen on everyone else, or an outside power imposes it upon them all. Hence we can envision a diverse, if not motley lineage, comprising Athenian and Roman theorists; Machiavelli and other early modern civic humanists; English radicals, ranging from the Levellers to the more orthodox republicans, like Milton, Harrington, and Sidney; Montesquieu and Blackstone; and the Franco-Atlantic revolutionaries, from Mably and Babeauf to Louverture and Madison (de Dijn 2020, 314; Lovett 2022; Palmer 2014; Skinner 2012). They share an understanding of freedom as consisting in nondominated associative life, and as the original distinction with slavery makes plain, the sphere of economic production was always a site of domination complaints.

In fact, what we'll call liberalism's counter-conception may be said to have arisen in the modern guise of an old elite fear – that if the nondominated status proper to a free person the status elites claimed for themselves to be universally extended, the economic holdings on which their social power and esteem rested would be expropriated by the demos. This redistributive threat was the main popular “impulse” requiring “restraint” by a representative class, whose rule was preferred (by its beneficiaries) to direct mass participation (Dahl 1989, 26). That strain of thinking came into its own during the backlash to the Franco-Atlantic revolutions. Now that the powers of propertied classes were at least theoretically open to revision, as opposed to being ordained by divine fiat, a “wholly new way of thinking about freedom” arose, one that served some of the emancipatory aims central to the conjuncture's new historical self-consciousness, without authorizing general economic egalitarianism (de Dijn 2020, 216). The freedom of the liberal moderns – let Constant bear the standard here – was not a relational structure of democratic nondomination but the prerogative of individual rights-holders, at liberty to enjoy their property, enter into contractual relations, and pursue their private visions of the good (Constant 2016). Whatever the merits of this view, it was essential to fostering an illusory divide between two zones of social life, the economic and the political. Attending that illusion are other separations: of public and private power, of

economic and state coercion (Fraser/Jaeggi 2018, 38). Under feudal order, state office was malconceived as a private possession – the ruled were subject to the alien, arbitrary will of the monarch and his barons, papal authority, etc.; therefore, the liberals inferred, when state power is properly answerable to the demos, there can't be unfreedom in the private sphere, because private rights are now secured.

The inference is invalid. For its conclusion to stand, at least three hidden propositional premises must be true: (1) private economic power does not depend on actions taken by the state; (2) so long as adult, sane persons are not coerced, their contractual associations are entered into freely; and (3) economic relations are not *governing* relations, in any sense for which freedom, as a political ideal, is relevant. Each of these claims should be rejected. Let's see why. Claim (1) falls easily to the acknowledgement that, at even the most basic level, what anyone can *do* with an economic asset – a machine, factory to house the machines, a sum of money – depends on their having reliable control over that asset, which depends on their having a socially recognized claim to control, otherwise known as a property title. It is state law that creates and enforces property titles. Any minimally sophisticated market system requires legal articulation and enforcement not only of property claims, but of a whole structure of bankruptcy, collateral, criminal and tort liability, and related juridical modules (Deakin et al. 2017; Pistor, 2019). Claim (2) is merely stipulative, defining freedom as an absence of coercion. Say you're child needs an operation, and I come along and, spotting an opportunity, agree to pay for it if you contractually agree to work as my butler for as long as I choose, at a very low wage. I didn't make your child ill, so the coercion complaint is silenced. It's arguably a net welfare improvement. But it's equally clear, from the vantage point of your new butlering job, that you've been delivered from desperation into something other than freedom. You haven't been coerced, but you've been forced, by your circumstance and my decision (together with enabling legal arrangements), to act with servile deference, with me controlling your actions, for very little money, and with no prospect of organizing a better deal. You do not have authority over your own conduct in the workplace – I'm your boss, so I have that authority. You are, in a word, *governed*.

Which brings us to (3). Government is not only what the state does. It exists “wherever some have the authority to issue orders to others, backed by sanctions, in one or more domains of life” (Anderson 2017, 42). *Private* government, on this construction, involves the governed having little to no role in determining how the ordering authority is run, what decisions it takes, what reasons motivate those decisions, and little to no independent ability to ensure their interests are weighed appropriately by that authority. Do the governed have a complaint *in freedom*? Were the state to rule in this way, both the democratic and the liberal accounts of freedom would support a deep complaint, sufficient to justify a revolution. But the liberal conception carves out a private sphere of property entitlement and economic contracting in which unfree governing relations are not merely tolerated but secured as rightful. The founders of an enterprise have committed their capital to it, and that endows them with “unfettered authority” over workers in that enterprise

(González-Ricoy 2022). That authority conflicts with freedom as nondomination, a fact recognized fairly early after the advent of industrial capitalism.

The forces prosecuting the Franco-Atlantic revolutions, however much they differed on the matter of slavery, challenged the old feudal hierarchies of peasant and guild labor. It was imagined that these revolutions would bring about substantively free markets, in which independent yeoman farmers, merchant traders, artisans, craftsmen, and low-scale manufacturing entrepreneurs could contract with one another from more-or-less symmetrical positions of economic strength. With rapid industrial development, however, new economies of scale channeled massive rewards to capital owners, overwhelming small concerns, limiting the opportunities for self-employment, and radically widening the gulf between employers and workers in the new, factory-centered firms (Anderson 2017). Colonial resource extraction, and the nascent globalization of markets, compounded the problem. It is not surprising that labor activists drew on the older tradition of freedom to articulate their grievances. In 1882, a US union representing hundreds of thousands of railroad workers, miners, former slaves, and factory hands characterized the unfreedom of labor this way, directly quoting Algernon Sidney's 1698 *Discourses on Government*: "The weight of chains, number of stripes, hardness of labor, and other effects of a master's cruelty, may make one servitude more miserable than another; but he is a slave who serves the gentlest man in the world, as well as he who serves the worst; and he does serve him if he *must* obey his commands and depend upon his will" (Gourevitch 2014, 103). Marx also conceived capitalist servitude in terms of domination. Having set aside for some years his early embrace of the democratic-republican tradition, he returned to it once again after witnessing the self-regulatory experiments of the Paris Commune, an example that, however briefly realized, informed his post-1871 thinking on the character of a socialist republic, which would have to feature direct labor delegacy and popular control over the state's coercive and administrative structures (Leipold 2020).

Marxism was not the first articulation of freely-associated production as a political ideal, but it was the most systematic and radical in its *negative* program, its diagnosis of capitalist unfreedom. Proudhon, Owen, and O'Brian had all mounted a republican critique of domination in the new industrial society, and Marx was in many ways extending that tradition (Roberts 2018). Yet his difference is more striking. A dominated worker, an unfree producer, for orthodox republicans was identified by his subjection to an alien, personal, and above all an *arbitrary* will, a will that was free at any time to bestow benefits or burdens, to punish or reward, be generous or miserly, etc. The boss or capitalist was akin to a feudal baron or absolutist king. But in Marx's account, unfreedom was necessitated by the capitalist market order, conceived as an impersonal structure. Workers were dominated, to be sure, by capital owners; they were subject to personal despotism in the firm – as they are still. But there was nothing arbitrary about *capitalist* domination, in and of itself. Owners of capital must seek profitable investment – capital just *is* an asset assigned some value in terms of the expected return that, when it's economically deployed, will flow to its owner (Levy 2017). This means that market competition

regulates, as it were, capitalists' control over *workers'* actions and choices. Because any capital owner must extract profit from his investment, the operation using that investment must involve its labor input being at the capitalist's command, if investment decisions are to track the ever-changing conditions of market profitability. Worker unfreedom is impersonal. How are we to inherit this insight? More precisely – what does it imply for those who would endorse freely associated production as a political ideal?

3. Freely Associated Production as a Living Ideal

In order to answer the foregoing questions, we should take stock and look again at the ideal's configuration. Freedom has a triadic structure: x is free from y to do or be some desired z (MacCallum 1967). There is a plain and compelling force to the liberal conception of freedom as the possession of secure private civil and political rights, enabling their individual holders (x) to do what they want (z) with their lives and property, absent interference from other individuals, a covetous mob, or the state (y). Now, even if we adopt this view, we might still conclude what few of its defenders are prepared to countenance – that an unequal distribution of capital assets, according to which some people are forced to sell their labor to others, is a form of unfreedom. The forcing is an elementary matter: needing money. Nearly everything a person needs costs money, and unless one can work for a capital owner one cannot get it, and hence one cannot offer it in exchange for those things. Without money, one is subject to interference by private actors and the state: try taking food from the shop without paying for it (Cohen 2011). So we might just as well conclude that poor people (x) are unfree to access what they need (z) on account of interference from others and the state (y). While this motivates from within liberalism a concern with basic social welfare provisioning, it doesn't speak to the second part of the ideal, that of free *association*.

Enter the democratic value of nondomination. Being freely associated means standing in an independent relation vis-à-vis some others; interacting with them on terms, and for ends, that one independently endorses and affirms. Independent in what sense? In the sense of not having one's consideration of those terms and ends shadowed by an asymmetric power, held by those others, to significantly affect one's important interests. That could be a capacity to personally injure, to grant or withhold some necessary good, to manipulate one's set of options, etc. Independence also involves a certain externality to, or symmetry with, others' sphere of authoritative command. One is either immunized from compliance with others' directives or has equal authority to issue directives that bind the other. This could be genuine authority, in the sense that the directives really generate normative reasons to comply, or “de facto” authority, which is common enough, and involves people having a range of motivating reasons to follow commands, such as to forestall an ugly confrontation, or as a habit, to evade sanction, or because the directive fixes some coordination problem (Kolodny 2022).

Mutually independent relations, on this account, are consistent with deep and complex ties of mutual material reliance. It's not that we can enjoy general non-domination only in a "frontier town" economy, wherein every individual owns the capital they need to use to sustain decent lives, resources are abundant, wage labor is rare, and nobody can accumulate large capital stocks (Nieswandt 2019). It is true, however, and has proved fateful, that the prevailing legal-theoretic justifications for liberal private property arrangements are rooted in the arguments of Locke, Hume, and Kant, who envisioned just such an economic order. In a frontier town, private property is a main guarantor of mutual independence. In a technologically sophisticated, hyper-interdependent economic structure like ours, in which small numbers of people hold private property incidents in massive concentrations of capital assets, while the vast majority live from wage labor alone, the relation between property and freedom is more controversial. Interdependence can be realized in dominance hierarchies. For freedom to take the form of mutuality and reciprocity, power and authority have to remain in equipoise. Where local asymmetries arise, that should be on account of decisions made by all affected from a position of symmetry, and be easily reversible. A democratic society, we think, is one whose members share a will to associate politically under such conditions. Hence we call them *free* societies. A system of *production*, therefore, has the property of being "freely associated" when those conditions obtain within it.

Orthodox economists tend to regard the production of goods and services as a black box, more or less fully analyzable in terms of its inputs and outputs – generic human labor, operating with and upon generic capital – with little of interest beyond their abstract combinatorics, despite their recognizing that "changes in the sphere of production usually have been the most powerful sources of social change" (Chang 2015, 21). Exchange and consumption are less fundamental. In economic terms, nothing can be purchased or consumed without having been made into, or rendered as, a commodity. Production is more elemental than consumption to our lives as valuing, volitional selves. Anyone who isn't extremely rich has to spend more time working than shopping – the economic activities we plan, consider, and commit to occur overwhelmingly in the productive realm. This partly accounts for why relations of power and authority matter so much in that realm. They are of greater normative concern, because they bear more heavily on the ultimate shape our lives end up taking. If the productive system is so fundamental and we are governed within it, why should it not be ordered by the value of freedom? If it should, in what sense is that a *political* ideal?

Let's assume two things. One, people ought to enjoy freedom in the productive sphere. Two, on any acceptable political morality, the system of freedoms guaranteed by law should be justifiable to every citizen, considered as an equal. So if freely associated production is a political ideal, its negation is *not* justifiable to every citizen, considered as an equal. How would its negation look? The space of exemplification is wide, but we can pick out certain features sufficient for relational unfreedom. If a nontrivial subset of people A are lawfully prohibited, when engaging in productive action, from speaking or interacting with others or moving their

bodies in a way that they choose, *unless* so authorized by people belonging to another subset B, who are not similarly constrained by A, then A is unfree in relation to B (Stanczyk 2021). If members of A are practically prevented from opting out of such relations – if they have no reasonable exit option – their unfreedom is structurally entrenched. If the society to which A and B belong, conceived as collective subject, cannot decide matters of great general importance democratically, on the basis of its best science, because of the rules determining how capital is invested in productive enterprise, then the society at large is unfree. Those “important matters” include, for example, the amount of energy to be consumed and the form of its production; or the kind of food that gets produced, and the manner of its production and distribution; or the types and extent of geo-engineering to be researched and employed (Benanav 2022). Two questions now remain. Are these arrangements justifiable to every citizen, considered as an equal? Do they obtain in liberal societies today?

I think the answer to the first question is pretty obviously *no*, and the second is pretty obviously *yes*. If the laws of property, contract, etc. – which are backed by appeals to the authority of the common interest or the general good (that is, the good for classes A and B, considered as equals) – make it true that members of B don’t have to follow any of their fellow citizens’ commands, while at the same time consigning the members of A to more or less lifelong servitude, then each member of A has at least a *pro tanto* reason to reject such laws. The grounds for rejection are that they fail to treat members of A and B as equals. Were it the case that every person *ended up* either in A or B purely through their own culpable choices, having begun their lives from positions of equal advantage, then maybe that reason would be defeated. But this is not how things stand. Membership in A and B is, in the relevant sense, independent of considerations of merit – it is merely a matter of one’s property holdings, however they were acquired, together with the peculiar structure of the legal-economic order. Nor is it the case that any alternative would impose some greater burden on B, or some other social subset, than that suffered by A.

Furthermore, those same laws necessitate that investment occurs via essentially private decisions-procedures, institutionalized in firms, banks, asset managerial funds, and other capital market entities, such that resources are directed on the basis of expectations of private profit in the future. That means that matters of great collective urgency, which hang on where invested resources flow, are decided undemocratically. The urgency of those matters gives anyone whose interests are significantly affected a reason to reject the arrangement. Making the future habitability of the earth – the adequate availability of food, water, and tolerable temperatures – depend on its being *profitable* to a narrow class of investors, simply puts the basic needs of future people, and children alive today, on a par with the luxury consumption of a wealthy subclass. The satisfaction of basic needs is not equal in value to luxury enjoyments. To acknowledge this is to appreciate a reason favoring democratic control of the productive investment function. And as with the earlier

problem, that arrangement would not necessarily impose *more* harms or burdens on anyone, compared with the present setup.

Freely associated production, as I hope this essay has shown, is a political value when and because relational freedom is a political ideal, an ideal to motivate and justify the laws and rules we institute – and because these laws shape and determine the circumstances of production, which are, in turn, absolutely central to our lives as individual persons, and our fate as a society.

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