

The Proper Role of Economic Liberty and Property Ownership in a Political Liberal Framework

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Abstract: My thesis engages in the fundamental philosophical discussions of assessing the proper role of property ownership from a political liberal perspective in relation to the moral powers. Property ownership has been claimed as essential to the ability for people to pursue the lives they wish. John Tomasi argued specifically that a protection of the thick economic liberties as basic is essential for the development and exercise of 'self-authorship'. I argue that John Tomasi's justification to include a thick collection of property rights in the Rawlsian, or political liberal, scheme of basic liberties is not acceptable, because rather than enhance the moral powers, as argued by Tomasi, the protection would harm them. I argue that Tomasi's framework harms the pursuit of particular, non-property related conceptions of the good, undermines opportunity for meaningful work and holds a perfectionist conception of meaningful work, and facilitates domination via undermining worker voice and capacity to collectively own property. All of which harms the moral powers. However, my argument raises fundamental issues against the typical Rawlsian argument and framework. Rawls' frameworks also fail to offset domination, and has a similarly perfectionist conception of meaningful work, and either ignores the importance of worker voice and collective ownership within a property-owning democracy or undermines the capacity to privately own property within liberal socialism. The property-owning democracy model is also unable to handle new technological challenges to the moral powers from artificial intelligence and the resulting work polarisation. I develop a more anti-perfectionist idea of meaningful work, which factors freedom from domination, and consider the importance of worker voice and capacity to collectively and privately own property, to reject the typical property-owning democracy and liberal socialist models alongside Tomasi's market democracy. I argue that a framework which best assists in the development of the moral powers must not protect economic liberty as basic, however, it should permit some private ownership, alongside a strong protection of worker voice and capacity for collective ownership.

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Introduction

Do people need to privately own productive property to live the life they want? Does private property enhance or harm the ability to follow one's dream? Is it necessary for finding work that holds meaning? Or does it promote a powerful elite at the expense of the worst off? These are long-standing questions within political philosophy, all rooted in relation to whether or not, or to what extent private ownership of productive property, or the means of production, should be privately owned. There are proponents of private property ownership emphasising either it is an entitlement from self-ownership or because it leads to a more prosperous society, and advocates of collective property claiming that private property is exclusive and undermines workers' freedom to reap the benefits of the means of production. Many others advocate for a combination of private and collective ownership as well. However, they often share a commitment to some idea of enhancing freedom and opportunity, while coming to seemingly opposed conclusions.

Assessing the proper role of private and collective property, and the desirability of capitalism in relation to the ability to pursue one's idea of the good life, in other words, capitalism's impact on freedom, is as pressing today as it has been throughout history. These debates have had a considerable impact on state and institutional policies. Nations have adopted different stances toward the idea of property ownership. This has included the prohibition of private property, with state collectivisation such as in the USSR under Stalin, stateless collective communities such as within anarchist movements. Now, there has been a widespread proliferation of privatisation and enterprise globally as neoliberalism has become the norm. We also see and have seen countries which combined institutional support of private and collective ownership of property, such as via social democratic welfare states and nationalised industries alongside robust markets. However, it remains a challenge to assess what is necessary to ensure individuals can pursue their own ends freely in relation to productive property, often with different positions insisting their position on private property is the only correct way to ensure freedom and justice.

This thesis engages with this fundamental question as a response to John Tomasi's *Free Market Fairness*, a recent proponent of strong protection of private ownership of productive property.¹ Tomasi argues that "thick economic liberties" are essential for the moral powers, particularly self-authorship.² The moral powers are capacities that all persons are able to develop, and the typical Rawlsian conceptions are the capacity to pursue and amend one's conception of the good, and to develop a sense of justice.³ The former is, in brief, the idea that persons should be able to determine, pursue, and change, their idea of the good life, and the latter is the idea of respecting other citizens capacity to pursue their ideas of the good life without restraint. Tomasi's moral powers mirror these, although they take different names. Self-authorship can be understood as 'capacity to realistically assess the options before them and, in light of that assessment, to set standards for a life of a sort that each deems worth living' and the other moral power is the capacity to honour others' self-authorship, understood as when 'citizens can recognize that their fellow citizens have lives to lead that are fantastically important to each of them'.⁴ For Tomasi, unlike Rawls, these moral powers depend on the thick economic liberties, which can be understood as a right to own property with little restriction via regulation and taxation, enabling workers to negotiate contracts individually, and for a minimal welfare state. Because these economic liberties are, for Tomasi, effectively intrinsic for the development of the moral powers, they should be basic, as in, they should come under robust protection so that they can only be limited when they clash with other basic liberties. For Rawls, economic ownership does not factor into the moral powers as strongly and is not a "basic" liberty, only private, non-productive property should be protected as basic.⁵

I argue that Tomasi's justification for the thick economic liberties to be protected as basic fails. It does so because this protection would undermine the moral powers that

¹ Tomasi, John. *Free Market Fairness*. Princeton: Princeton University Press, 2012.

² *Ibid*, p40

³ John Rawls, *Political Liberalism*, Paperback ed, The John Dewey Essays in Philosophy 4, New York: Columbia Univ. Press, 1996.p310

⁴ Tomasi, *Free Market Fairness*, pp40-41

⁵ Rawls, *Political Liberalism*, p298, p363

he wishes to ensure the development and exercise of. This is in multiple ways: by protecting a narrow range of life plans revolving around business ownership at the expense of rival conceptions, by undermining the ability for many to pursue work that they define as meaningful, and by facilitating domination, as in capacity for arbitrary control, of an elite and employers, and inequality, as a result of this protection. However, much of my criticisms also apply to the typical Rawlsian view regarding property ownership. I argue that Rawls' promotes a particular idea of meaningful work which is not acceptable to all persons, and additionally, his frameworks either fails to meaningfully offset domination, particularly in relation to challenges from modern technologies, or overly restricts the capacity to privately own property on a small scale.

I take a political liberal perspective within this thesis, as Tomasi's argument is fundamentally a political liberal one, although he significantly deviates from the 'standard' political liberal position. Political liberalism aims to ensure a political state and its actions are justifiable to reasonable people, as in, regardless of how people conceive their idea of the good life, they should be able to affirm political acts. I take this stance because it allows me to understand whether or not Tomasi succeeds in making a convincing argument to incorporate the thick economic liberties into the Rawlsian framework from a political liberal position. If he fails, which I argue he does, then there may be a possibility to argue from a more perfectionist liberal position, although this would still have deficiencies, however, this would be a major differentiation in argument than the one he presents in *Free Market Fairness*. Despite engaging from a political liberal perspective, I do incorporate a concern for domination, drawing from republican concerns, to illustrate issues with the positions of both Tomasi and Rawls which I argue political liberals need to take more seriously. For example, I accept Pettit's conception of domination and that its presence is a pressing obstacle for individuals to pursue their own ends.⁶ My use of concerns outside of typical political liberal literature is particularly evident in the discussion regarding artificial intelligence and modern technologies.

⁶ Pettit, Philip. *Republicanism: A Theory of Freedom and Government*. Oxford Political Theory. Oxford : New York: Clarendon Press; Oxford University Press, 1997.

However, I argue that all the concerns of domination, and also other non-typical liberal concerns, can and do relate to the moral powers and pursuit of meaningful work, both of which are political liberal concerns.

In terms of structure, the discussion starts at a more abstract level, before moving along the stages of abstraction towards more concrete discussion on ideal political acts to ensure the development of the moral powers. The work is divided into three parts to reflect this process. The first part focuses on the case for the inclusion of thick economic liberties into the scheme of basic liberties, defining the terms, the political liberal position, and outlining the justification with some preliminary objections. Part two critically explains the failures of Tomasi's arguments, and also issues in Rawls' own framework in relation to the pursuit of meaningful work, and concludes by outlining the typical Rawlsian alternatives. Part three outlines the issues of the standard Rawlsian framework property-owning democracy and is where I develop my own argument on how best secure the conditions for the development and exercise of the moral powers in relation to property ownership. I argue, ultimately, there must be a significantly modified form of liberal socialism, which permits private property ownership with caveats, and I outline some ways this framework could manifest.

I finally conclude that economic liberties, when basic, harm the moral powers, and reiterate the proper role of private property ownership, in relation to ensuring the development and exercise of the moral powers. This proper role is that private property ownership should be permissible, sometimes encouraged, but not basic. This is because too widespread and concentrated private property ownership, the same as collective ownership, can undermine the capacity to pursue meaningful work and generally develop the moral powers. To develop the moral powers, including ensuring that person have the the ability to define and pursue meaningful work, workers need greater voice and capacity to collectively own property, as well as the means to privately own property with certain limitations, which is distinct from both Tomasi's and Rawls' positions.

Part One: The Case for Basic Thick Economic Liberties

Chapter 1 — What Does Making Thick Economic Liberties Basic Mean

1.0 Introduction

In this chapter I explain what making thick economic liberties basic means. In simple terms, how Tomasi, or any proponent of making relatively unrestrained private ownership of productive property protected as a “basic liberty”, perceives the nature of this protection and how they would justify it. I also explain key concepts related to the question my project addresses and aspects of the political liberal position, which Tomasi, and Rawls, operate within. Once the terminologies and the main focus of my thesis are defined, I am able to defend the foundational perspective, before addressing the argument in favour of making the economic liberties basic.

To briefly summarise the basic liberties and their justification, they are liberties afforded special protection within what is called the “wider scheme of liberties”.¹ Special protection means that these liberties cannot be limited by other political aims, such as the public good, or by deliberative processes; they can only be limited when they clash with other basic liberties. For example, if we decide freedom of religion should be basic, the ability to follow whatever faith a person wishes cannot be restricted, unless the individual is harming other persons’ ability to worship their own faith or another basic liberty. A liberty must meet the requirement of guaranteeing the social conditions that help develop what Rawls calls the “two moral powers” in order to be considered basic.² The two moral powers are capacities all persons possess and which are capable of being developed and exercised. The first moral power, ‘a capacity for a conception of the good’, refers to the way in which individuals determine and follow their life plan. The second moral power, ‘a sense of justice’, refers to the capacity ‘to understand, to apply, and to act from (and not merely in accordance with) the principles of political justice that specify the fair terms of social cooperation’ meaning to cooperate with and live alongside others with different life plans.³ Each of these points are to be clarified and explained within this chapter.

¹ Rawls, John. *Justice as Fairness: A Restatement*. Cambridge, Mass: Harvard University Press, 2001. pp45-47

² Ibid, pp45-47, and Rawls, *Political Liberalism*. p335

³ Rawls, *Justice as Fairness: A Restatement*, pp18-19

In section one of this chapter, I outline the idea of economic liberties in depth. Economic liberty, or liberties, refers to various freedoms regarding the scope of permissible activity within the economic and productive sphere.⁴ I describe the difference between a “thicker” and “thinner” conception of economic liberties, which are to be found in Tomasi and Rawls respectively.⁵ The fundamental difference, as will be demonstrated throughout this chapter, is the scope and restraint (or lack of restraint) of private ownership of productive property. In section two I explain the concept of basic liberties. I outline some of the core Rawlsian basic liberties their protections, and the justification for making them basic. I then illustrate the significance of including economic liberty in the scheme of basic liberties and the implication. Tomasi, among others, wishes to expand the list of basic liberties to include the “thick economic liberties”, and if we accepted this argument, the aforementioned economic liberties would be granted this special status. In section three I explain the moral powers test as outlined by Rawls in more detail, expanding on the idea that basic liberties must guarantee the social conditions that help us develop and fully exercise our moral powers.⁶ Tomasi argues that the thick economic liberties provide these social conditions and therefore meet the test of the two moral powers.⁷ I outline how the standard Rawlsian list of basic liberties is supposedly conducive to the moral powers, allowing us to understand the criteria for the inclusion of any further liberties, particularly thick economic liberties, in the list of basic liberties.

1.1 What Are Thick Economic Liberties?

This section clarifies economic liberty and the difference between thick and thin conceptions. “Economic *liberty*” is often used interchangeably with the term “economic *liberties*”, however, the former is regarding economic freedom in general, whereas the latter refers to a variety of specific freedom or permission to do some specific acts or set of acts. The freedom to own property, to take any job one wishes, to buy and sell goods, to run a business, to make a profit, and to invest income, are each specific economic liberties.⁸ What range of economic liberties is optimal is an open

⁴ Tomasi, *Free Market Fairness*, p23-24

⁵ Ibid, xxvi

⁶ Rawls, *Justice as Fairness: A Restatement*, p 335

⁷ Tomasi. *Free Market Fairness*, p81

⁸ Nickel, James. “Economic Liberties,” In *The Idea of a Political Liberalism: Essays on Rawls (Studies in Social, Political and Legal Philosophy)*, edited by Victoria Davion and Clark Wolf. Rowman & Littlefield Publishers, Inc., 2000.

question, and there are different arguments in favour of what can be considered “thick” or “thin” conceptions of economic liberties, with more and less economic liberties permitted respectively.

Thick economic liberties refer to a large range of protected economic liberties, including acquiring property, using said property how one wishes, entitlement to income from the use of property, and buying and selling goods and services.⁹ There is variation within proponents of thick economic liberties. For example, some such as Tomasi advocate for minimal taxation and regulation on economic liberties to protect the economic liberties, whereas others such as Nickel accept the need to restrain some liberties via taxation and regulation, in order to protect other liberties and prevent harmful inequality.¹⁰ Carens argues we should permit private ownership of productive property, its use, and market mechanisms however, he also argues to tax 100% on all income generated, and for it to be redistributed.¹¹ Another similar example could be Van Parijs, who defends a libertarian idea of self-ownership that because individuals they own themselves they are entitled to acquire property, wealth and goods from the fruits of their labour, yet all wealth generated from labour ought to be redistributed equally via a basic income.¹² Carens and Van Parijs are, arguably, defending a form of thick economic liberties, as most economic liberties are permitted and protected despite extensive taxation and redistribution. This illustrates there is no single fixed idea of what protection of thick economic liberties entails.

Nonetheless, in most defences of thick economic liberties, there is a recurring theme in permitting significantly, although not *necessarily* entirely, unconstrained ownership and use of ‘productive property’.¹³ Productive property can also be understood as the means of production, meaning the ownership of instruments of production, and the necessary raw materials and space, which together produce.¹⁴ Productive property could be a business, a shop, a factory, or a farm, as

⁹ Nickel, “Economic Liberties”

¹⁰ Tomasi, *Free Market Fairness*, p25, p53; Nickel, “Economic Liberties”

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¹² Parijs, Philippe Van. “Real Libertarianism,” in *Left-Libertarianism and Its Critics: The Contemporary Debate*, edited by Peter Vallentyne and Hillel Steiner, 1. publ. Basingstoke: Palgrave, 2000. p123, p142

¹³ Proponents of thick economic liberties can be found in: Tomasi, *Free Market Fairness*; Nickel, “Economic Liberties.”; Gaus, Gerald. “Coercion, Ownership, and the Redistributive State: Justificatory Liberalism’s Classical Tilt,” *Social Philosophy and Policy* 27, no. 1 (2010): 233–75. <https://doi.org/10.1017/S0265052509990100>.; Gaus, Gerald *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*. New York: Cambridge University Press. 2010; Schmidtz, David and Brennan, Jason. *A Brief History of Liberty*, Malden, MA: Wiley-Blackwell, 2010., pp120–168.

¹⁴ Cohen, G.A. *Karl Marx’s Theory of History A Defence*, Oxford: Oxford University Press, 2000, p32, p55

examples.¹⁵ The liberty to own productive property, if given a particular special protection afforded by assigning it the status of a basic liberty or something equivalent, would typically protect the freedom to acquire and hold property, to use and develop the property for productive purposes, and to purchase and sell goods and services in relation to it.¹⁶ Protection of economic liberties may include protecting other economic freedoms, such as the right to sell one's labour at any rate or to buy and sell products without regulation, but there is more variation here as previously discussed.

Some proponents of thick economic liberties, such as Tomasi and Nickel, wish to include these liberties as a right, or basic liberty, on par with other rights such as freedom of thought, speech, and others. This would considerably protect them from interference, except to protect other freedoms. An example of limiting economic liberty to protect other liberties could be restricting financial donations in politics to not bias any processes in favour of the rich, in order to protect fair political liberties.¹⁷ If thick economic liberties were protected to the extent most, but not necessarily all, proponents argue for, then the ownership and use of property can only be constrained in a narrow range of cases.

A thin conception of economic liberties, by contrast, includes a narrower range of economic freedoms. Thin economic liberty protects, as a right, the freedom to choose one's work and to own personal property, but not productive property, which if permissible is still subordinate to wider demands.¹⁸ This list is not necessarily exhaustive, but these specific liberties are commonly attributed to those who defend thin economic liberties.¹⁹ Personal property includes things such as residences and personal belongings, and are understood to enable the use of other freedoms and to choose one's life plan.²⁰ The difference with the thicker conceptions is that only the right to personal

¹⁵ Tomasi, *Free Market Fairness*, p43, Nickel, "Economic Liberties," p167

¹⁶ Nickel, "Economic Liberties," p157

¹⁷ Nickel, "Economic Liberties," p169

¹⁸ Freeman, Samuel. "Capitalism, in the Classical and High Liberal Traditions," *Social Philosophy and Policy* 28, no. 2 (2011): 19–55. <https://doi.org/10.1017/S0265052510000208>. Rawls, *Political Liberalism*. p308

¹⁹ Examples of proponents of thin economic liberties can be found in: Rawls, *Political Liberalism*; Rawls, John. *A Theory of Justice*. Rev. ed. Cambridge, Mass: Belknap Press of Harvard University Press, 1999; Dworkin, Ronald, *Sovereign Virtue* Cambridge, MA: Harvard University Press, 2000 esp. chaps. 1, 2; Dworkin, Ronald., *Justice for Hedgehogs*, Cambridge, MA: Harvard University Press, 2011; Kymlicka, Will. *Contemporary Political Philosophy: An Introduction*. 2nd ed. Oxford: Oxford University Press, 2002; Murphy, Liam B., and Thomas Nagel. *The Myth of Ownership: Taxes and Justice*. Oxford ; New York: Oxford University Press. 2002; Mill, John Stuart. *Principles of Political Economy: With Some of Their Applications to Social Philosophy*. Edited by Stephen Nathanson. Abridged. Indianapolis: Hackett Pub, 2004.

²⁰ Freeman, Samuel, *Rawls*, New York: Routledge, 2007p49

property is secure as a *right* in frameworks that protect thin economic liberties, as opposed to productive property. While there are other liberties we can include that are protected, there is no protection of productive property.

As an example of a proponent of thin economic liberties, we can look to Rawls. Rawls claims the right to hold personal property is a basic liberty, as in it protected by his first principle of justice, which affords special protection to certain liberties to all persons.²¹ The principles of justice are guiding principles that Rawls argues should form the basis of a political framework, and the protection of basic liberties is the first Rawlsian principle of justice. However, Rawls also claims:

The right to own certain kinds of property (e.g., the means of production) and freedom of contract as understood by the doctrine of laissez-faire, are not basic [liberties]; and so they are not protected by the priority of the first principle.²²

What is meant by saying that the economic liberties regarding productive property are not “basic”, is that they are not afforded any special and significant protection from other political processes and principles. Rather they are developed elsewhere in the political framework, and as a result, given less significant protection. The basic liberties, as I later explain in more depth, are specially protected liberties in Rawls’ framework by the first principle of justice, which means the liberties can only be constrained to protect other basic liberties. Personal property is derived from the core list of basic liberties, and included in the ‘wider scheme of liberties’, and therefore protected.²³ The reason personal property is protected is that people require space to live and personal possessions, to develop self-respect and independence, so they exercise their other basic liberties and pursue their life plan.²⁴ To illustrate, one cannot have privacy without some personal space to live and will be less able to practice many freedoms with a fear of surveillance.²⁵ We cannot claim that productive property is as important for other liberties or to pursue our life plans, according to Rawls, and thus they are part of the second principle not the first.²⁶

²¹ Rawls, *Justice as Fairness: A Restatement*, p42-43

²² Rawls, *Theory of Justice*, p54

²³ Ibid. p54 and Rawls, *Political Liberalism*, p298

²⁴ Rawls, *Justice as Fairness: A Restatement*, p114

²⁵ Freeman, *Rawls*, p49

²⁶ Rawls, *Political Liberalism*, p363

In addition, arguments in favour of either individualistic or collective ownership of productive property will not convince some people, whose life plans revolve around particular arrangements, and thus the matter should be solved elsewhere than in the list of basic liberties.²⁷ For example, if someone wishes to own a café and this is their life dream, they will not be convinced of the merits of a communist society where all productive property is shared. Conversely, one who wishes everyone to share property and dreams of being part of a collectively oriented society may struggle to be moved by dreams of individual business ownership. Rawls wishes to be neutral on the matter of productive property as it is a subject of disagreement regarding the good life, so he only includes personal property, which people regardless of their life plan will want. This neutrality leaves the matter of productive property in the second principle.

The second principle of justice is that any inequalities must satisfy two conditions, that offices and positions are available to all, and they are to the maximal benefit of the worst off.²⁸ Therefore, if any ownership of productive property is permitted, it must be because it satisfies this principle, and if it does not, then it would not be permissible. Therefore, private productive property ownership and resulting inequalities should not prevent any person from reaching certain roles and jobs in society, and it should actively benefit the worst off. This means property rights, regarding productive property, are not secure in the same manner as personal property, even if permitted, and have to be shown to be beneficial to the worst off.

While the two conceptualisations are clear, in that the protection of productive or only personal property distinguishes thick and thin conceptions of economic liberties, where exactly to draw the line between personal and productive property is not. This lack of clarity can happen at the level of mixed private and state ownership, or at the individual level.²⁹ For example, someone who runs a bed and breakfast business from their home or makes income off their vehicle by being a taxi driver uses their personal property to produce some good or service and earn income.³⁰ This might

²⁷ Ibid, p338-339

²⁸ Rawls, *Justice as Fairness: A Restatement*, pp42-43

²⁹ Two periods in USSR history had economic liberalization, whilst remaining in the planned economy, Lenin's NEP and Gorbachev's perestroika. See Bandera, V. N. "The New Economic Policy (NEP) as an Economic System," *Journal of Political Economy* 71, no. 3 (1963): 265–79; Brooks, Karen M., and Karen M. Brooks. "The Law on Cooperatives, Retail Food Prices, and The Farm Financial Crisis In The U.S.S.R.," 1988.

³⁰ Freiman, Christopher, and John Thrasher. "The Right to Own the Means of Production," in *Economic Liberties and Human Rights*, edited by Jahel Queralto and Bas van der Vossen. Routledge, 2019.

be thought to undermine the distinction between private and productive property. If this is the case, then thick and thin conceptions could be said to lack the ability to identify which property is to be protected in either case.

I argue there is still a fundamental difference between thick and thin conceptions of economic liberties. This difference is whether or not the ability to own productive property and use with little constraint is a basic right, liberty, or heavily protected. Any framework which protects only personal property as a basic right holds a thin conception, whereas any framework which protects the ownership of productive property as a basic right, holds a thick conception. This distinguishes Rawls, who holds a thin conception as do most liberal egalitarians, unlike Tomasi, Nickel, or even Carens, even though they each differ on ideas of redistribution and taxation.³¹ There is a scale to include *other* liberties, and arguably over some specific economic liberties' inclusion, the question that is most crucial is to the degree of protection the ownership and use of productive property has, and how unconstrained the use of property is. What constitutes productive property is less important than what range of economic liberties are permissible and should be protected as a right or basic liberty, which are two separate questions.

The differentiation within positions shows that the positions are not binary, rather they are flexible, even if there is a fundamental difference between the two positions. There are thicker and thinner conceptions of economic liberties along a scale, illustrating that one does not have to advocate for zero use of productive property or full use, or a full or a minimal range of specific liberties. On one end of the scale, we have the libertarian view which puts property rights as absolute, which would be the thickest view, and likewise, a framework without any individual property rights, such as a planned economy, which would be the thinnest position.³² We can place all different frameworks along this scale.

As we understand there is a scale of views, it is important to understand how we can place views along it. Rawls still accepts there is a case for some use of productive property, even if not basic, and therefore, does not defend the thinnest conception in this case. Although he does also consider it may be better in some situations to achieve the principles of justice without any private

³¹ Rawls, *Justice as Fairness: A Restatement*; Nickel, "Economic Liberties."; Tomasi, *Free Market Fairness*, Carens, *Equality, Moral Incentives, and the Market*

³² Freeman, "Capitalism in the Classical and High Liberal Traditions," p20, and p36

ownership of productive property, this being closer to the thinnest view, but he leaves room for market mechanisms, so this is still not *the* thinnest position.³³ Likewise, we can see differing degrees within proponents of thick economic liberties. For example, Nickel argues to protect productive property as a basic right but accepts there is a need for some constraint in order to protect other basic liberties, which is a thick view but not the thickest.³⁴ Tomasi conversely argues that any attempts to regulate must come under intense scrutiny, placing his views further along the scale towards the thickest conception, as the liberties are broader and have less constraint than in Nickel's framework.³⁵ All these views vary in their placement, depending on how many liberties are protected and to what extent. The larger the list of permissible liberties and the less constraint they have, either by tax, laws, regulation or other means, places the view further towards the thickest conception, and the less permissible liberties, and the more constraint, places the view towards the thinnest conception. With this clarification made, it is necessary to understand what protecting thick economic liberties as basic means, and how strong the basic liberties are.

1.2 What Are the Basic Liberties?

After establishing what thick economic liberties are, I now explain what it means for them to be made "basic". The basic liberties are liberties given special priority over others; the justification is that they provide the social conditions for the development of the moral powers. I explain first this justification for why these liberties are given a special protection, outline the standard Rawlsian list of basic liberties, and then the implication of the inclusion of thick economic liberties in the list of basic liberties in terms of a political framework.

Basic liberties are a range of liberties that are given special protection, as previously discussed.³⁶ They are part of Rawls' first principle of justice. This principle claims:

Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value.³⁷

³³ Rawls, *Justice as Fairness: A Restatement*, p140, Rawls, *A Theory of Justice*, pp242-250

³⁴ Nickel, "Economic Liberties," p170,

³⁵ Tomasi, *Free Market Fairness*, p241

³⁶ Rawls, *Justice as Fairness: A Restatement*, pp45-47

³⁷ Rawls, *Political Liberalism*, p5

In other words, each person should have a range of liberties and rights, which are more important than other liberties. These basic liberties can only be limited to protect one another. This means other political demands, such as the second principle of justice, or deliberative procedures, cannot interfere with these liberties. This is the special protection afforded to the basic liberties.

Liberties ought to be basic if they guarantee the social conditions which help develop and exercise the moral powers, or help secure the other basic liberties.³⁸ Rawls claims two moral powers, which all persons are capable of possessing, form the basis of the justification for the basic liberties. These are a sense of justice and a capacity for a conception of the good.³⁹ They are capacities, in the sense that they are things that are to be developed, rather than a natural attribute or right. Capacity for a conception of the good is the ability to determine, amend, and pursue a conception of the good, and it is something all persons possess to some degree, even if their conception of the good varies.⁴⁰ A conception of the good is what religious, philosophical, or moral or belief system a person holds and what aims a person has in their life, and this capacity is focused on being able to choose, change, and pursue said conception of the good.⁴¹ In other terms, this moral power is being able to choose and change one's rational life plan.⁴²

A sense of justice is described by Freeman as a:

disposition to act from the principles of justice and their requirements, and therefore respect and abide by laws and institutions that are designed to maximally benefit the least advantaged.⁴³

To put it differently, a sense of justice is an ability to recognise the need to coexist with others despite competing conceptions of the good life, such as different religions, even at a person's own expense, and recognising the need to follow the rules of a society which attempts to balance these different conceptions of the good. Rawls believes that all persons possess at least the capacity to develop a sense of justice, and it is in their rational interest to develop a sense of justice, as it affords each

³⁸ Melenovsky, C. M. "The Implicit Argument for the Basic Liberties," *Res Publica* 24, no. 4 (2018): 433–54. <https://doi.org/10.1007/s11158-017-9365-2>. p434

³⁹ Rawls, *Political Liberalism*, p93

⁴⁰ *Ibid*, p312

⁴¹ *Ibid*, p310-311

⁴² Freeman, *Rawls*, p276; Rawls, *A Theory of Justice*, p442

⁴³ Freeman. *Rawls*, p122

person the ability to live in accordance with *their* life.⁴⁴ Rawls states that to draw the basic liberties to the moral powers, in relation to assessing what liberties should be basic, we should ‘consider which liberties are essential social conditions for the adequate development and full exercise of the moral powers’ meaning that the liberties which help provide the right conditions for persons to develop their moral powers are those which should be basic.⁴⁵ Therefore, liberties that help a person develop their capacity for the good, their rational life plan, and those that help develop a sense of justice, are those which should be basic. I outline in more detail exactly how the basic liberties provide the social conditions for the moral powers in the next section, but this is the criteria of why these liberties are basic: that the basic liberties are those which provide what helps people develop their moral powers.

With an understanding established of the criteria for why certain liberties are basic, I can outline the standard Rawlsian list of basic liberties that guarantee the social conditions. There are six key basic liberties in the standard Rawlsian list, liberty of thought, liberty of the person, liberty of association, liberty of conscience, rule of law, and equal political liberties.⁴⁶ These core liberties are given special protection from other political processes and deliberative procedures, and in addition, are inalienable, so people cannot even voluntarily give these liberties away.⁴⁷ Liberty of conscience is the freedom to determine religious, ethical, moral, metaphysical, and philosophical questions, generally, that help us determine our conception of the good.⁴⁸ Freedom of thought has similarity with the liberty of conscience, however, it is more regarding the *expression* of personal belief, along with inquiry and communication.⁴⁹ Liberty of the person is a range of freedoms that protect the integrity of the person, such as freedom of occupation, to own personal property, and freedom of movement.⁵⁰ Equal political liberties are the equally afforded range of political freedoms to engage in political procedures. Rule of law is regularity and impartiality of the law and protection from arbitrary arrest and property seizure.⁵¹ Liberty of association is the freedom to meet with others and

⁴⁴ Rawls, *Political Liberalism*, pp315-324; Freeman, *Rawls*, p151

⁴⁵ Rawls, *Political Liberalism*, p293, pp 310-324; Melenovsky, “The Implicit Argument for the Basic Liberties”

⁴⁶ Rawls, *Justice as Fairness: A Restatement*, p44; Rawls, *Political Liberalism*, p291

⁴⁷ Rawls, *Political Liberalism*, pp365-366; Freeman, *Rawls*, p51

⁴⁸ Rawls, *A Theory of Justice*, p191; Freeman, *Rawls*, pp46-47

⁴⁹ Freeman, *Rawls*, p47

⁵⁰ Rawls, *A Theory of Justice*, p298; Freeman, *Rawls*, p49

⁵¹ Rawls, *Justice as Fairness: A Restatement*, p53; Rawls, *Political Liberalism*, p312, p327, p53; Freeman, *Rawls*, p47

unite into groups, to engage with other people of like-minded views and conceptions of the good.⁵² In Rawls' view, these six liberties provide the conditions to develop and exercise the moral powers.

In addition to the core list of liberties, there is a wider scheme of liberties which refers to the range of liberties that comes as a result of the basic liberties. For example, liberty of thought, the ability to think independently, requires that freedom of speech also become a right in the wider scheme of liberties, and liberty of the person demands the right to personal property.⁵³ The right to own personal property is not a core basic liberty in the standard Rawlsian list of basic liberties, but it is included in the scheme of basic liberties and thus also given significant protection from other political processes and principles.⁵⁴ The differentiation is important to note, these liberties give institutional protection of the core basic liberties, and it illustrates the process of first recognising the basic liberties, then attempting to formulate a wider scheme of liberties coherently to provide some constitutional and institutional arrangements to best achieve the principles of justice. It is also important, as it highlights how the inclusion of more economic liberties would work, it is most likely that there would be a core "right to economic liberty" and then the supporting wider range of specific economic liberties, such as property ownership, trade, wage negotiations and what can be proven to benefit the moral powers.

The only just constraint of the basic liberties is when they clash, to ensure a fully coherent scheme of liberties, but how this works requires explanation.⁵⁵ One problem is that it is not clear how to best prioritise liberties when they clash. Hart argued that claiming the only restriction is to protect other liberty, does not provide a clear ability to understand which liberty should be prioritised.⁵⁶ Rawls suggests in *ToJ* that the best system is to settle disputes from the standpoint of "the representative equal citizen" as in, we use a hypothetical person which will be most useful from a rational point of view.⁵⁷ While regardless of one person's own "ends", this representative citizen

⁵² Rawls, *Political Liberalism*, p313; Freeman, *Rawls*, p48

⁵³ Freeman, *Rawls*, p210, Melenovsky, C. M., and Justin Bernstein. "Why Free Market Rights Are Not Basic Liberties," *The Journal of Value Inquiry* 49, no. 1 (2015): 47–67. <https://doi.org/10.1007/s10790-014-9450-0>. p64

⁵⁴ Melenovsky and Bernstein, "Why Free Market Rights Are Not Basic Liberties," p64

⁵⁵ Rawls, *Political Liberalism*, p294

⁵⁶ Hart, H. L. A. "Rawls on Liberty and Its Priority," in *Essays in Jurisprudence and Philosophy*, edited by H. L. A. Hart, O. Oxford University Press, 1983. p237

⁵⁷ Rawls, *Theory of Justice*, p179

will sometimes choose certain principles to win out in a clash as it serves all rational interests, yet sometimes according to Hart

other conflicts between basic liberties will be such that different resolutions of the conflict will correspond to the interests of different people who will diverge over the relative value they set on the conflicting liberties.⁵⁸

As in, other people will value different liberties rationally and thus we cannot recognise which liberty ought to be prioritised. However, Rawls later develops a response, that the decisions on matters of when basic liberties clash are rooted in the relationship to how they guarantee the development and exercise of the moral powers.⁵⁹ Rawls claims, in the situation of whether we need to attach more significance to one liberty with another clashing liberty

the significance of a liberty(...)can be explained this way: a liberty is more or less significant if it is more or less essentially involved in, or is a more or less necessary institutional means to protect, the full and informed exercise of the moral powers.⁶⁰

Thus, the more useful a liberty is for the moral powers, the more significance it has. In addition, Rawls' earlier definition of the first principle wanted the most extensive scheme, whereas later he argues for a fully adequate range, which narrows the wider scheme of basic liberties.⁶¹ This narrowing, and focusing on only demanding liberties which provide the conditions for the moral powers, gives a better criterion to adjust the liberties, as it is easier to assess what gets priority when two basic liberties clash.

I illustrate here how the prioritisation of one liberty over another can work. To develop the coherent scheme of liberties, for example, there may be a constraint on freedom of speech such as to prevent the incitement of rioting, to protect others from harm.⁶² Likewise, there may be a constraint on political funding, a form of political speech, to protect the equal political liberties as it prevents domination of the wealthy in politics, which is where we see an example of the basic

⁵⁸ Hart, "Rawls on Liberty and Its Priority"

⁵⁹ Rawls, *Political Liberalism*, Lecture VIII

⁶⁰ Ibid, p335

⁶¹ Freeman, *Rawls*, p77

⁶² Ibid p52

liberties clashing.⁶³ In both cases, the constraint is justified on the basis that the one which is prioritised is more useful for the development and exercise of the moral powers. As harmful speech is not useful for the person to develop their moral powers, and hearing it may harm another's moral powers more so. Likewise, the freedom to express political speech via income is less important for the moral powers than it is to have *any* voice in politics, which the domination of the wealthy in politics will undermine. Here we see how the liberties can be constricted to protect persons and the other liberties, however, these are the only justifications and they cannot be violated or alienated, so as not to undermine the moral powers.

It is important to note that alongside the core list of basic liberties, and the other basic liberties included in the wider scheme, there is space for other rights and liberties that are not basic. These liberties do not provide the social conditions for the moral powers, they have alternative justifications. It is important as economic liberties regarding productive property are placed here for Rawls. These additional liberties come as a result of the institutional arrangements which combine political principles, such as Rawls' second principle of justice, with the wider scheme of liberties, and are determined by the wider sociological and political culture.⁶⁴

It is important here to explain that Rawls develops two principles of justice, one regarding basic liberties, and the second about fairness of equality of opportunity, and there are then constitutional and institutional stages to implement the liberties and principles into a coherent scheme. This is part of the four-stage sequence, a method to devise the principles of justice.⁶⁵ The first stage considers the original position where persons do not know their conception of the good and material conditions and agree to certain principles, the second stage is where this is applied to the constitutional level, the third stage is legislative, and the "last" is where people recognise what the laws demand of them.⁶⁶ With each step, it gets closer to reality, and while the basic liberties are ascertained on the basis of their relation to the moral powers, the later non-basic liberties come as a result of combining these principles into a working scheme, in accordance with the wider realities that will affect the institutionalisation of these principles of justice.

⁶³ Ibid, p63

⁶⁴ Rawls, *A Theory of Justice*, p248; Rawls, 1995, p298

⁶⁵ Rawls, 1971 section 31

⁶⁶ Freeman, *Rawls*, p202

A liberty that is not necessary for the development and exercise of the two moral powers, would be a non-basic liberty and have less protection. This means it can be restricted the reasons outside of protecting other basic liberties. For example, freedom for speech acts that are not necessary to develop a conception of the good, such as inciting riots, false advertising etc., can be constrained.⁶⁷ Furthermore, liberties which may come as a result of other political principles can be restricted for those same principles, such as equality of opportunity may restrict advertising that aims to exclude certain ethnic or religious groups, as it undermines this fairness of opportunity.⁶⁸ This does not permit *any* restriction to non-basic liberties, there is as Rawls says a ‘general presumption against imposing legal and other restrictions on conduct without sufficient reason’ meaning that laws and restrictions cannot be passed without scrutiny, and a framework should develop any restrictions on other non-basic liberties from the deliberative process of public reason.⁶⁹ Nonetheless, the non-basic liberties, meaning the ones not conducive to the development of moral powers, are not afforded the same level of protection as basic liberties.

The freedom to possess productive property for Rawls, if permitted, comes at this last stage, meaning ownership of productive property is not a basic liberty, it comes if and only if it satisfies the second principle of justice, whereas the freedom to own personal property comes as a result of the freedom of the person and thus is afforded special protection.⁷⁰ As ownership of productive property comes as a result of the second principle of justice, on the same grounds the freedom can be restricted. Therefore, to ensure the principle of justice is implemented, there may be taxes, regulations, and other means on the owners of productive property. Proponents of thick economic liberties wish to include the right to productive property, and other economic liberties usually, in the scheme of basic liberties making them more rigorously protected than they are in the standard Rawlsian list.⁷¹

Having illustrated the general constitution of basic liberties, I now outline the possible consequences of making the thick economic liberties basic. The defenders of thick economic liberties, such as Tomasi and Nickel, broadly accept the list of basic liberties and their importance

⁶⁷ Ibid p52

⁶⁸ Rawls, *Political Liberalism*, p363-364; Freeman, *Rawls*, p82

⁶⁹ Rawls, *Political Liberalism*, p292; Freeman, *Rawls*, p83

⁷⁰ Rawls, *Political Liberalism*, p298, p338

⁷¹ Tomasi, *Free Market Fairness*, p69; Nickel, “Economic Liberties,” p155

but wish to expand it to include thick economic liberties; therefore we need to understand what degree of protection the thick economic liberties will have as basic liberties.⁷² If thick economic liberties were made basic, they would be 'on a par with other basic liberal freedoms', referring to the typical list as outlined by Rawls.⁷³ This grants them the special protection the aforementioned liberties, freedom of conscience, person, and thought have. This means they can only be restrained to be developed into a coherent scheme and when the basic liberties conflict with one another. I stated that there is variation within proponents of thick economic liberties regarding specific liberties, tax, and other issues, yet they generally share a common theme of protecting the right to productive property as a basic liberty.⁷⁴ This would secure this right, and others, in the wider scheme of liberties. I am not considering the views of those like Parijs and Carens, rather, those who wish to protect the thicker conceptions of economic liberty such as Tomasi and Nickel.

If the right to productive property were protected as basic, then any interference with it would only be justified in order to protect the other liberties, and this would then be derived from what most was useful for the moral powers. However, other principles, such as fairness of equality of opportunity, could not justify any constraint on the ownership of property. Thus, taxation on income derived from property would only be justified to secure the other liberties, but not to redistribute to satisfy the other principles of justice. Taxation, in general, would come under intense scrutiny and this would, in turn, warrant less redistribution and provision of state-based services, so as not to violate the basic liberty.⁷⁵ The ownership of productive property would no longer be justifiable only if it was beneficial for the worst off in society, rather, it is protected regardless. Making this liberty basic affords a strong range of protection compared to a standard Rawlsian list, therefore. If we consider other specific liberties to be included in the wider scheme of basic liberties, such as the right to individually negotiate wages or to buy and sell goods, then also these would come under considerable protection, and any restraint would have to be justified on the basis of moral powers and protecting other liberties only. Some rules and regulations may be allowed, as the protection of thick economic liberties is not the absolute protection of property, for example, some laws against discrimination may be permissible to protect the moral powers of those it affects, and some tax may

⁷² Tomasi, *Free Market Fairness*; Nickel, "Economic Liberties"

⁷³ Tomasi, *Free Market Fairness*. p226

⁷⁴ Nickel, "Economic Liberties," p155; Tomasi, *Free Market Fairness*, pp78-79

⁷⁵ Tomasi, *Free Market Fairness*, p11, p84

be permissible.⁷⁶ In addition, there may be different interpretations of what the protection of thick economic liberties looks like, some advocates for example allow more constraint via tax than others depending on if it can be proven to protect the other liberties or moral powers, but regardless of these cases, economic activity would have less constraint than in a typical Rawlsian framework if thick economic liberty was made basic.⁷⁷ One way to understand the protection of economic liberty is made by Penny:

adopting the wider class of economic liberties as basic liberties would, amongst other things, lead to a more laissez-faire economic system that would in turn drastically increase the rate at which the economy in question grew. Citizens would, in effect, agree to sacrifice many of their social and employment rights in return for a more open and dynamic economy, which (over time) afforded them a far greater quantity of wealth and income than they could receive under a more ‘sluggish’ left-liberal model⁷⁸

Effectively, the collective negotiation rights, redistribution, and other aspects that come under a thin (left-liberal) conception of economic liberties would be removed, instead, this wider range of economic liberties, permits more inequality but, at least in theory, creates more economic growth. For advocates of the thick economic liberties, this is more beneficial than social and employment rights, as economic liberty is *more* useful for the moral powers and; therefore, it should win out over other matters.

1.3 Moral Powers and Basic Liberties

I now come to elaborate on *how* the basic liberties provide the social conditions for the moral powers, to provide an understanding of the thick economic liberties that fit this criterion. I first explain the relationship between the social conditions and moral powers, what the social conditions are, and then I explain the link between the moral powers and liberty of conscience, then equal political liberties, and then rule of law. The remaining basic liberties share similar justifications so further discussion on them is not necessary. The section on rule of law involves some discussion regarding domination and inequality as well, as they are harmful to the moral powers. By examining

⁷⁶ Tomasi, *Free Market Fairness*, p117

⁷⁷ Nickel, “Economic Liberties,” p170

⁷⁸ Penny, Richard. “Self-Respect or Self-Delusion? Tomasi and Rawls on the Basic Liberties,” *Res Publica* 21, no. 4 (2015): 397–411 <https://doi.org/10.1007/s11158-015-9300-3>. p408

the ways in which we understand basic liberties to provide conditions for the development and exercise of the two moral powers, we can then recognise if the thick economic liberties pass the criteria to develop and exercise the moral powers. In addition, I can use the understanding of the moral powers, and how they are developed, to later identify issues not only with Tomasi, but also Rawls' own position, and assess the proper role of property ownership and economic liberty in relation to the moral powers.

The moral powers, as previously discussed, are both capacities persons, regardless of their particular life plans, have an interest in developing.⁷⁹ As they have an interest in developing the moral powers, they will require what allows them to develop and fully exercise the moral powers, namely, social conditions.⁸⁰ Social conditions can be understood as political, legal, and societal arrangements, which will have an effect on how an individual develops their moral powers.⁸¹ The basic liberties provide and secure these social conditions, which in turn allows persons to develop and fully exercise their moral powers. This is the relationship between the moral powers and social conditions.

1.3.1 What Are the Social Conditions?

It is vital to comprehend first what are the social conditions achieved by the basic liberties. These conditions are described by Melenovsky, who aims to fill a gap in Rawls' argument based upon his thought, as he did not entirely elaborate on these conditions.⁸² The first two conditions I explain, both of which help develop the capacity for a conception of the good, are what Melenovsky calls "conditions of comparison" and "conditions of guidance".⁸³ In order to make a meaningful choice about a conception of the good and the pursuit of it, people need to be aware of the range of different conceptions of the good and to compare their life plan to others, which are the conditions of comparison, to assess if that is what they want to pursue. If a person was handed a religion via the state, had no ability to encounter alternative religions, they would not be certain if it truly was

⁷⁹ Rawls, *Political Liberalism*, pp312-324

⁸⁰ Melenovsky, "The Implicit Argument for the Basic Liberties," p436

⁸¹ Freeman, *Rawls*, p216

⁸² Melenovsky, "The Implicit Argument for the Basic Liberties," p434; Cass, Devon. "The Priority of Liberty: An Argument from Social Equality," *Law and Philosophy* 40, no. 2 (2021): 129–61. <https://doi.org/10.1007/s10982-020-09393-4>. p138

⁸³ *Ibid*, p445

part of their life plan, as to make a meaningful decision, they must be able to compare and engage with alternative life plans, effectively to figure out if the choice of religion is their own.⁸⁴ This is why the conditions of comparison are necessary for the development of the capacity for the good, as a person will struggle to know if it is truly what they want to pursue without a range of options to choose from.⁸⁵ Conditions of guidance provide the ability to engage with others, receive guidance in their life plan, to learn from tradition, for example, a religion.⁸⁶ To make a meaningful choice about choosing a life plan, a person needs to be able to engage with other adherents of that life plan, to understand how to best pursue it. These are both useful social conditions for the capacity for a conception of the good.

The second set of social conditions helps develop a sense of justice. There are two specific conditions we can understand in relation to the political liberties: “conditions of understanding” and “conditions of expression”.⁸⁷ Conditions of understanding are the ability to understand other diverse perspectives, which is important to develop a sense of justice, as without the ability to do so, it will be difficult to cooperate with the diverse range of conceptions of the good.⁸⁸ For example, a person unable to understand that people follow other religions, have different ideas of how to live life, and have different values, will find it difficult to have any empathy or a capacity to respect other life plans’ validity, thus developing a sense of justice will be difficult. Conditions of expression provide the ability to express an opinion, to develop a conception of the good but not being able to express this would make it difficult to create a sense of justice, as people would not understand the competing conceptions of the good and form their conception of the good and the expression of their views in relation to others.⁸⁹ The ability to engage with others who are free to express their views, and their conception of the good, will allow a person to develop a sense of justice as they can recognise and understand other life plans and respect their validity. If only one religion was legally permissible, one would be less likely to understand other religions’ sincerely held beliefs or respect

⁸⁴ Krishnamurthy, Meena. “Reconceiving Rawls’s Arguments for Equal Political Liberty and Its Fair Value: On Our Higher-Order Interests,” *Social Theory and Practice* 38, no. 2 (2012): 258–78. p267

⁸⁵ *Ibid*, pp445-446

⁸⁶ *Ibid*, p446

⁸⁷ Melenovsky, “The Implicit Argument for the Basic Liberties,” p443

⁸⁸ *Ibid*, p443

⁸⁹ *Ibid*, pp443-444

their validity for example. While the conditions of understanding may also help a person develop their own conception of the good, it is importantly related to a sense of justice.

It should be noted, that while these conditions may exist without the protection of the basic liberties, they are properly secured when the basic liberties are made basic, which better guarantee the development and exercise of the moral powers. For example, a person in any situation may have the ability to reflect upon what sort of life they wish to live and pursue a new life plan such as a new faith, but in countries with no proper legal protections of certain rights and freedoms, this will not be as secure and they will be at the whims of others. This is why the liberties, which provide certain conditions, must be made basic, as without these foundational liberties it is harder to develop further liberties and legal rights that can assist in the individual pursuit of their own conception of the good.

1.3.2 How Liberties Provide Social Conditions

I now provide examples of how three basic liberties provide social conditions facilitating the development and full exercise of the moral powers. Liberty of conscience provides social conditions to develop a capacity for a conception of the good. To be able to take philosophical, moral, and religious convictions seriously, persons require protected liberty of conscience. Additionally, the ability to adopt, pursue, and revise a conception of the good requires ‘conviction, reason, and reflection’, which are protected by liberty of conscience.⁹⁰ In terms of social conditions, this liberty provides both the conditions of comparison and guidance. With liberty of conscience people are able to receive guidance from other followers of their conception of the good, and compare their life plan with others, meaning that both these social conditions are achieved.⁹¹ To illustrate, a person wishes to follow a religion, which is a conception of the good, they need certain conditions to pursue that life plan. They need to be free to pursue that religion, to have others who follow the religion to offer advice, and also for people to be free to follow other religions, in order to make a judgement if they truly believe in that faith. Permitting people to be free to explore their beliefs, by providing them liberty of conscience, allows them to receive the guidance of others, and to compare to others who are free to express their differing beliefs.⁹² The necessary social conditions are guaranteed by the

⁹⁰ Rawls, *Political Liberalism*, pp311-312

⁹¹ Melenovsky, “The Implicit Argument for the Basic Liberties,” pp446-447

⁹² Ibid, pp445-447

liberty of conscience, so we can see this social condition being met, and the moral power of the capacity of the good is better enabled to be developed and fully exercised.⁹³

Equal political liberties help develop a sense of justice. They do so by providing the ability to cooperate and engage with other people with different conceptions of the good, and cooperating fairly with others who possess competing life plans.⁹⁴ Equal political liberties secure these conditions, as people need to be able to engage in political discussion freely and securely, for example, women, or minorities, to ensure that they are free to *express* their opinions.⁹⁵ By ensuring all the different groups and people can express their views and engage in political discussion, people can form their views in relation to them, they can *understand* other members of their society, and learn to recognise others as equals.⁹⁶ When people engage in political discussions, often compromises are reached and people engage with competing conceptions of the good leading to a sense of understanding of others. This is how the equal political liberties help provide the conditions to develop a sense of justice. We can also see that the political liberties, by giving a person the chance to engage in political matters, to engage with people with alternative conceptions of the good, also get to develop their own capacity for the good as well.⁹⁷ As in the case of liberty of conscience providing conditions of comparison, there is a reasonable degree of the same justification for the equal political liberties. If one engages in democratic procedures, and gets involved in politics, then they will compare to other life plans, and also reflect on their own rational life plan. Thus, there is an extra component we can consider, even if the main relationship is towards a sense of justice.

Third, we should consider the rule of law's effect on the social conditions for the moral powers' development. Unlike the previous two liberties, the rule of law does not itself help develop a moral power; however, it secures the other basic liberties.⁹⁸ Without the rule of law according to Rawls 'The boundaries of our liberty are uncertain. And to the extent that this is so, liberty is restricted by a reasonable fear of its exercise.' meaning that a person will be uncertain if they can practice their other freedoms, such as liberty of conscience, being able to express themselves, to follow their faith,

⁹³ Cass, "The Priority of Liberty: An Argument from Social Equality," p139

⁹⁴ Rawls, *Political Liberalism*, pp315-324; Melenovsky, "The Implicit Argument for the Basic Liberties," p443

⁹⁵ *Ibid*, pp444-445

⁹⁶ *Ibid*, p445

⁹⁷ Krishnamurthy, "Reconceiving Rawls's Arguments for Equal Political Liberty and Its Fair Value," p270

⁹⁸ Melenovsky, "The Implicit Argument for the Basic Liberties," p448

as the state has not properly protected these freedoms.⁹⁹ By protecting the other liberties, which help develop the moral powers, it still guarantees to help in the development of both the moral powers, even if it does not do so directly. If a person is uncertain, they cannot truly express themselves, their liberty of expression is undermined, and therefore the moral powers are undermined. Generally, the rule of law prevents the state from interfering with certain rights and freedoms, the rule of law secures the other liberties and generally protects people from the state.

Relatedly, the rule of law also prevents domination. Domination can be understood as when someone, or a group, can exercise arbitrary control over another, making it difficult for the dominated to form a plan, forcing them to live their life in relation to the dominant, and requiring them to recognise their subservience.¹⁰⁰ Domination will harm the other liberties, and the moral powers, as a person is not able to freely practice liberties in the knowledge that a party can arbitrarily wield power over them. They cannot express their opinions if the state or some other body determines this view is unacceptable and punishes them, for example.¹⁰¹ Persons cannot live in accordance with their own life plan, or develop a sense of justice when their life plans are entirely oriented around the dominant party. Domination can be related to the state over its citizens, or persons or groups over others. In all situations, the subjugated are harmed in their capacity to develop the moral powers. One may reject the distinctiveness of domination as a concept, and claim it is a violation of equal status, for example, and/or is a matter of injustice; however, this does not mean that there is no valid concern for this specific harm towards the moral powers. It can be reasonably claimed to be a form of potential coercion, injustice, or violation of equal status, which identifies a form of less direct coercion or one that relates to power dynamics over mere interference.

In addition to undermining citizens capacity to live in accordance with their own life plan, when a group has unequal amounts of power (and wealth) in a society, the worst off suffer in a variety of ways, for example in status. The worst off, for example, racial minorities, have lower status, are provided fewer goods, and are looked down upon and suffer discrimination as a result, which

⁹⁹ Rawls, *A Theory of Justice*, p210; Freeman, *Rawls*, p51

¹⁰⁰ Pettit, *Republicanism*, pp85-90; Melenovsky, "The Implicit Argument for the Basic Liberties," pp448-449

¹⁰¹ Melenovsky, "The Implicit Argument for the Basic Liberties," p449

undermines their status as equal individuals.¹⁰² To relate this to the rule of law, as a result of the dominance of certain groups, such as ethnic majorities, the legal systems, if there is no proper rule of law, can undermine the equal status of minorities. For example, the legal system in the USA often fails to provide proper safeguards to black people, leading to higher incarceration rates.¹⁰³ If persons are dominated, and if they have a lesser status in a society, they will be less able to develop their moral powers. If one is viewed as less, has their liberties insecure, on some arbitrary characteristic such as race, sex, gender, or religion, they are hindered in their development of the moral powers.

The proper rule of law prevents state and private domination and restores equal status. In relation to the state, the rule of law protects people from unjust and arbitrary interference, which reduces the state's capacity for domination.¹⁰⁴ A legitimate rule of law demands proper political procedure, lessening the state's capacity for arbitrary power and securing liberties, by giving them proper legal and constitutional protections.¹⁰⁵ The equal political liberties, now property secure with the rule of law, give voice to all persons, preventing the state from having dominance over them, thus the rule of law, and political liberties, help alleviate domination of the state.¹⁰⁶ In addition, by providing proper rights and freedoms to all persons, the state cannot arbitrarily discriminate against different persons, giving proper equal status to all persons from the position of the state.¹⁰⁷ The proper rule of law also can prevent domination and status violations from non-state agents.¹⁰⁸ By providing a range of secure rights, no person is permitted to wield power over another individual. For example, an employer can also not discriminate and undermine their employee's equal status, and they will be punished if they do so. With a proper rule of law, all groups will have proper protections and safeguards, proving goods, and better equal status, whether the threat is from the state or private agents. We can therefore see how the rule of law is beneficial for securing the other liberties and ensuring that the moral powers can be developed

¹⁰² Scanlon, Thomas. *Why Does Inequality Matter?* First edition. New York, NY: Oxford University Press, 2018. ch2

¹⁰³ Ibid, pp15-16

¹⁰⁴ Cass, "The Priority of Liberty: An Argument from Social Equality," p139

¹⁰⁵ Melenovsky, "The Implicit Argument for the Basic Liberties," p449

¹⁰⁶ Victoria Costa, M. "Rawls on Liberty and Domination," *Res Publica* 15, no. 4 (2009): 397-413
<https://doi.org/10.1007/s11158-009-9102-6>.

¹⁰⁷ Scanlon, *Why Does Inequality Matter?* p28

¹⁰⁸ Pettit, *Republicanism*, p36

It is important to recognise that inequality can lead to domination, and needs to be of concern for liberals. Scanlon explains why:

If, for example, a small number of people control almost all of the wealth in a society, this can give them an unacceptable degree of control over where and how others can work, what is available for them to buy, and in general what their lives will be like¹⁰⁹

Illustrating that distributive inequalities, often are associated with domination, and thus are a threat to the moral powers.¹¹⁰ Some claim that the liberties are not sufficient to support moral powers and thus the focus should be on resources, not liberties.¹¹¹ For example, the ability to understand the viewpoints of others can come from the opportunity to travel, which requires resources not liberties.¹¹² To take this point it could be said that without concern for domination from inequality, the moral powers will not be secured. For example, if we do not ensure a base level of equality is guaranteed, a group will inevitably dominate in the ways aforementioned, even if legally they cannot violate rights, they will have the capacity to interfere in other areas, such as controlling information in the media or interfering in politics through lobbying and influence.¹¹³ In addition, by the fact of having more resources, and owning more property, they will wield a degree of power over others, in other words, will be dominant over others.

However, this inequality is arguably addressed by the second principle of justice to offset inequalities. The second principle of justice intends to permit only inequalities that benefit the worst off, thus any inequality that leads to such domination is impermissible. The Rawlsian principle of justice has strong potential to ensure the liberties' worth and aims to redistribute to ensure against too much inequality.¹¹⁴ However, this concern does show that there needs to be a degree of control on inequality and preventing domination of non-state actors to secure the moral powers.¹¹⁵ While the matter of inequality is distinct from the basic liberties discussion, it is important to note in relation to whether or not the economic liberties help secure the moral powers.

¹⁰⁹ Scanlon, *Why Does Inequality Matter?*, p6

¹¹⁰ O'Neill, Martin. "The Facts of Inequality," *Journal of Moral Philosophy* 7, no. 3 (2010): 397–409. <https://doi.org/10.1163/174552410X511383>. p403

¹¹¹ Cass, "The Priority of Liberty: An Argument from Social Equality," p140

¹¹² Ibid, p140

¹¹³ Scanlon, *Why Does Inequality Matter?*, pp90-91

¹¹⁴ Costa, "Rawls on Liberty and Domination," p410

¹¹⁵ Ibid, p411

I have established the basic liberties, the moral powers, and how the basic liberties provide social conditions which are conducive to the development and exercise of moral powers. The basic liberties each play a particular role in achieving the social conditions which help the development and exercise of the moral powers and we can see these particular conditions achieved by the liberties outlined. I also discussed how preventing domination helps people develop and exercise their moral powers and noted the relationship towards inequality. A liberty's relationship with the development of the moral powers is the criteria, or test, which determines if the liberty should be basic or not. The key question is, does a thick range of economic liberties help provide social conditions for the development of the moral powers.

1.4 Conclusion

This chapter defined the central terms relating to the issues of economic liberties in the philosophical tradition of liberalism that are in the main question of whether thick economic liberties should be included in the list of basic liberties. My fundamental question engages explicitly with what is the correct scope of the economic liberties, and whether any should be included in the basic liberties. With the understanding of the basic liberties and the moral powers test, it is possible to adequately assess whether thick, or thin, economic liberties should be included. Evidently, proponents of including thick economic liberties as basic strive to ensure that the ability to own and use productive property is protected, and only to be constrained to protect other basic liberties, which are beneficial for the moral powers. Before I proceed to address the key question, I must outline the political liberal perspective underpinning the argument of those who wish to protect the thick economic liberties as basic.

What is noteworthy at this point is that the justification for basic liberties, namely the moral powers, are not primarily related to matters of justice; rather, they are matters of individual pursuit of the good. I *do* accept that Tomasi is correct in identifying the relationship of property with the good, not (only) justice. However, I reject the claim that basic economic liberties should be included as basic because basic thick economic liberties inevitably harm other conceptions of the good which involve different conceptions of work and property ownership, which are, as Tomasi correctly identifies, matters of an individual's pursuit of their conception of the good.

Chapter 2 — The Requirements of Political Liberalism

2.0 Introduction

This chapter defines the political liberal foundation, as in, the basis of the position that Tomasi is attempting to adhere to in his defence of the inclusion of the thick economic liberties in the scheme of basic liberties. This foundation is that a political framework must not inherently prefer any idea of the good life over another, political power must be acceptable to all, and the state also should not promote a particular conception of the good. Outlining this foundation helps me in further clarifying key terminologies and outlining the requirements Tomasi's argument to include the thick economic liberties in the basic liberties must adhere to from a political liberal perspective. This chapter also will clarify terms that relate to both Tomasi's position as well as Rawls' that I address in following chapters. The next chapter will then outline Tomasi's argument to include the thick economic liberties as basic with the understanding of his theoretical position clarified. Following these chapters, I can move from the definitional and abstract discussion, towards assessing the argument to include the thick economic liberties in part two.

Tomasi, the main proponent of the view to incorporate the thick economic liberties which I will engage with as it is most recent and most developed political liberal account, believes his market democratic framework fits into the Rawlsian principles of justice and shares a commitment to various principles such as treating persons as free and equal citizens.¹ If he shares commitments with Rawls, the inclusion of the thick economic liberties into the basic liberties must satisfy certain criteria of political liberalism, particularly the 'acceptability requirement', state neutrality, and anti-perfectionist ideas towards the good life.² Political liberalism intends to create a framework that ensures all persons' political autonomy, as in citizens' legal independence, assured integrity, and their sharing equally with others in the exercise of political power.³ With political autonomy, all reasonable citizens agree to the state's legitimacy and its use of power regardless of their own personal views on morality, ethics, and politics.⁴ I argue, in line with political liberals, that as political

¹ Tomasi, *Free Market Fairness*, pXV, p224, p249,

² Clayton, Matthew, and David Stevens. "Is the Free Market Acceptable to Everyone?" *Res Publica* 21, no. 4 (2015): 363–82. <https://doi.org/10.1007/s11158-015-9298-6>.

³ Rawls, *Justice as Fairness: A Restatement*, p146

⁴ Freeman, *Rawls*, pp345-356

power is the coercive power of free and equal citizens in corporate, it must be acceptable to all free and equal persons.⁵ Effectively, as persons should be treated as free and equal, they should be able to accept the use of political power and the state's legitimacy, to protect their status.

I focus on three key areas that require explanation as to how the state and its use of power can be justified as they are fundamental and determinate concepts in political liberalism, which any modification to the standard political liberal or Rawlsian framework, must adhere to. I first explain non-controversial justifications, which are those that all persons, regardless of their ideas of what constitutes the good life, can accept, and explain what reasonable persons and reasonable disagreement are. I then elaborate on the second condition, that political power can be used in a way that is justifiable to all. Concluding this chapter, I explain that the state should be neutral regarding conceptions of the good, and elaborate on what this entails. If the inclusion of thick economic liberties as basic fails to satisfy the political liberal criteria, which I argue it does, then defender of the thick economic liberties must accept that basic thick economic liberties are not compatible with political liberalism and abandon one for the other. Even if one rejects the political liberal position, it is valuable to understand if political liberals can defend basic thick economic liberties. Crucially, this discussion will allow us to assess the proper role of economic liberty, particularly property ownership, in relation to political liberalism. As I argue that Tomasi fails to satisfy the conditions he must adhere to, the question will be raised on the nature of economic liberty within political liberalism, which I address.

2.1 Requirement One: The State Must Be Freestanding from Controversial Claims

In order for a state to be considered acceptable to all persons, it must rest on a justification which is non-controversial.⁶ To explain, the legitimacy of the state is undermined when the state, and its use of power, rests on controversial justifications that fail the acceptability requirement. In short, a controversial justification is one based on, for example, reasons derived from a specific conception of the good, or what can be called a comprehensive doctrine. When the state rests its justification or wields political power on the basis of such controversial reasons, it creates a situation

⁵ Rawls, *Political Liberalism*, pp139-140

⁶ Rawls, *Political Liberalism*, p11-12; Larmore, Charles. "The Moral Basis of Political Liberalism," *The Journal of Philosophy* 96, no. 12 (1999): 599–625.

where reasonable citizens have grounds to reject that justification because they do not share those reasons.

To be clear, disagreement regarding a claim does not inherently mean that a claim is controversial, as the political liberal position which is non-controversial, will be disagreed with by some. However, controversial claims are those which tie into broader comprehensive views regarding the good, or metaethical or metaphysical ideas. Political liberalism finds a basis on which all reasonable persons, regardless of their conception of the good, would agree. Those who reject these core concepts are unreasonable. To clarify this point, and the first requirement, I now elaborate on key aspects of this requirement: reasonable persons, and unreasonable vs. reasonable disagreement.

2.1.1 Reasonable Persons

A key concept of political liberalism is that it is the reasonable persons who accept the non-controversial justifications for the state. Reasonable persons, or citizens, are best understood as people who accept the validity of other life plans and other persons' right to pursue their particular life plan and the free and equal status of other persons.⁷ Reasonable citizens accept what is called the 'burdens of judgement', they understand people have differing answers to fundamental questions which lead to their different comprehensive doctrines of the good life and, as a result, it is unreasonable to impose their own judgements about such matter onto others through state-based institutions.⁸ It is not unreasonable to accept a range of comprehensive doctrines; therefore, people who adhere to a range of doctrines can be said to be reasonable, and they may believe their doctrine is true.⁹ A reasonable person recognises people will disagree and follow other doctrines, and that it is reasonable to accept a differing doctrine as evidenced by many reasonable people following other doctrines. Also, the reasonable accept that under free institutions people will come to different conclusions about what conceptions of the good are worthy of pursuit. The burdens of judgment mean that reasonable people recognise that other people follow other reasonable doctrines; therefore, they recognise that they cannot use political power in a way that others will not accept, rather, they must find justifications for the use of power that all share.¹⁰ This means that reasonable

⁷ Rawls, *Political Liberalism*, p xlv; Freeman, *Rawls*, p333

⁸ Rawls, *Political Liberalism*, p58

⁹ Ibid, p60

¹⁰ Ibid, pp60-61

persons should not justify the use of power to enforce their particular doctrine onto others as a result. Effectively, reasonable persons intend to cooperate with others with competing conceptions of the good, and are 'ready to propose fair terms of cooperation and to abide by them provided others do.'¹¹

I explain why persons will agree to be reasonable. As previously outlined in chapter one, persons have a higher-order interest in developing their moral powers.¹² Because persons are sociable and need to engage in social cooperation, they need to develop a sense of justice, as in respecting others' right to pursue their conception of the good and to cooperate, and if they do not do this they risk isolation.¹³ When persons are in the original position scenario, when they do not know their capacities or their own conception of the good, they will recognise rationally that it is correct to develop a sense of justice, which involves respecting others.¹⁴ Those who reject these principles risk isolation and are at risk of endorsing a political framework which is not conducive to them developing their moral powers.

In contrast to the reasonable, unreasonable citizens reject one of or any combination of these ideas: '(a) that political society should be a fair system of social cooperation for mutual benefit, (b) that citizens are free and equal, and (c) the fact of reasonable pluralism.'¹⁵ They may hold a reasonable conception of the good in general; however, they may wish to support unreasonable policies or prioritise certain principles incorrectly. An unreasonable citizen generally can be understood as one who wishes to use the coercive state power to impose their conception of the good onto others, undermining others' free and equal status.¹⁶ As a result of rejecting any of these aspects, they may be willing to impose their particular life plan on others or utilise the state to promote a particular conception of the good. It is important to understand that unreasonable persons do not follow a particular doctrine which defines them as unreasonable, rather, it is the rejection of the burdens of judgement and free and equal status. They may be religious individuals

¹¹ Ibid, p54

¹² Freeman, *Rawls*, p151

¹³ Ibid, p151

¹⁴ Ibid, Rawls, *A Theory of Justice*, p119

¹⁵ Quong, Jonathan. *Liberalism without Perfection*. Oxford, New York: Oxford University Press, 2011.p291

¹⁶ Friedman, Marilyn. *Autonomy, Gender, Politics. Studies in Feminist Philosophy*. Oxford; New York: Oxford University Press, 2003. p164

who wish to use the state to further their religion, but they could equally be liberals who fail to take social cooperation seriously.¹⁷

2.1.2 Reasonable and Unreasonable Disagreement

Reasonable and unreasonable disagreement are crucial components related to political liberalism's acceptability requirement and, thus, require elaboration. Controversial claims are those which can be rejected by reasonable persons, and, importantly, this rejection is understood as reasonable disagreement. It is the avoidance of these controversial claims which is one part of the acceptability requirement. Reasonable disagreement is when persons disagree about conceptions of the good, but respect the free and equal status of other persons and the burden of judgement. To illustrate, people will always find reasonable disagreement about the validity of religions or whether certain philosophical beliefs are preferable to others, while respecting other persons' rights and freedom to pursue their own conception of the good.¹⁸ That there will always be reasonable disagreement regarding conceptions of the good provides a need to find a justification for the use of political power that does not rely on controversial claims regarding the good. This is a major motivation of political liberalism.¹⁹ Unreasonable disagreement, by contrast, would be a disagreement that rejects the validity of other people's reasonable life plans and their free and equal status, as well as denying the burdens of judgement, or the need to engage in fair terms of cooperation. For example, a view that claimed certain persons were not to be respected as free and equal is unreasonable.

2.1.3 Finding a Non-Controversial Justification for the State

For a system to have non-controversial justifications for a political framework, it is imperative to find a justification for a political system that does not rest upon a particular conception of the good. Any ideas regarding the good life, or any premises to a framework which rests on a particular doctrine, may be subject to reasonable disagreement and rejected. For example, consider a liberal framework built on scepticism of moral facts, which claims that 'there is no moral truth'. This view

¹⁷ Clayton, Matthew, and David Stevens. "When God Commands Disobedience: Political Liberalism and Unreasonable Religions," *Res Publica* 20, no. 1 (2014): 65–84. <https://doi.org/10.1007/s11158-013-9221-y>.

¹⁸ Barry, Brian. *Justice as Impartiality*, Oxford: Clarendon Press. 2004, p141

¹⁹ Gaus, Gerald. "The Moral Foundation of Liberal Neutrality," In *Contemporary Debates in Political Philosophy*, edited by Thomas Christiano and John Christman. Malden, MA: John Wiley & Sons, Incorporated, 2009.

of moral scepticism is a particular comprehensive doctrine which many will reasonably disagree with and thus is controversial as a justification for the state and its use of power. Even if this comprehensive doctrine of moral scepticism supported a liberal framework, it has a justification that some people will reasonably reject, as moral scepticism will come under reasonable disagreement.²⁰

In comparison, non-controversial claims are those which all reasonable persons are willing to accept and this is what must form the basis of a state for it to be legitimate. These claims do not refer to a particular conception of the good. For the political liberal, these sorts of claims appeal to the principles of justice, as in the protection of certain rights and liberties, fairness of equality of opportunity, and the difference principle. These principles may be understood differently by each person; however, they are still shared by all reasonable persons.²¹ The discussion regarding fundamental issues must be undertaken in regards to values that other reasonable citizens will endorse. Actual political discussion, and the use of political power, when made in reference to the principles of justice are therefore invoked in a way that other reasonable citizens will accept, as there is a shared sense of principles. An example similar to how this justification can manifest is with regards the US Supreme Court decides a case, they do not (or should not at least) appeal to religious, or other comprehensive doctrines in defense of a verdict or the acceptance of a political policy, rather, on the basis of the constitution.²²

2.1.4 Summary of Requirement One

To reiterate, for the political liberal, the state and the use of political power cannot be justified on a controversial claim. The non-controversial basis for a political framework is a key aspect of developing a framework that is acceptable to all persons. Therefore, it is vital that a political liberal framework's justification for the state is not dependent on any controversial claim, in order to provide sufficient stability to all reasonable conceptions of the good. Any controversial justification for the state struggles to achieve this stability, as citizens may reasonably reject it. This is the first part of the acceptability requirement.

2.2 Requirement Two: Political Power Must be Justifiable to all Reasonable Persons

²⁰ Larmore, Charles. *The Morals of Modernity*, Cambridge: Cambridge University Press. 1995. p126

²¹ Rawls, *Political Liberalism*, p226

²² Freeman, *Rawls*, pp383-384

The second condition political liberal frameworks require is the use of political power must be acceptable to all. In the previous section, I explained what controversial and non-controversial claims are and that the state and its foundation must be justifiable to all by being non-controversial, which may seem the same as claiming power is acceptable to all. However, the first section explained what the political liberal framework must not be, this section puts forward the normative argument as to how the state, and its use of power, can be acceptable to all. A state may not be justified or use power on controversial grounds; however, it still may be unable to justify the use of power unless the criterion that permits the use of power is clearly defined.

The use of political power must have reasons which are justifiable to all reasonable persons, regardless of their conception of the good. Rawls claims that the use of political power is acceptable:

only when it is exercised in accordance with a constitution, the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.²³

For instance, if the state were to enact policy, legal protections, or any other use of power, regarding abortion on the basis of the Christian religion, while some who believe in the bible may be convinced by this, this type of policy justification would be rejected by those who reasonably reject the Christian reasons for objecting to abortion.²⁴ By failing to provide sufficient reasons to people with a variety of conceptions of the good to endorse the state or use of political power, the use of political power will, therefore, struggle to meet the acceptability requirement.

2.2.1 What Are Acceptable Reasons For the Use of Political Power

Political power is acceptable if it appeals to the principles of justice. This relates to the original position. To explain, a person is in the original position, if they do not know their standing when they are in society, their conception of the good, abilities, race, gender, and so on, they will accept that the principles of justice are effective ways to govern society, because it is rational to accept these, in order to provide self-respect and to ensure that one can develop and exercise their moral

²³ Rawls, *Political Liberalism*, p137

²⁴ Prusak, Bernard G. "Politics, Religion & the Public Good," *Commonweal*, New York, United States: Commonweal Foundation, 1998. p14.

powers.²⁵ When people have accepted these principles, in society, there will be what Rawls describes as the overlapping consensus, ‘a consensus in which it is affirmed by the opposing religious, philosophical and moral doctrines likely to thrive over generations in a more or less just constitutional democracy, where the criterion of justice is that political conception’.²⁶ In simpler terms, the idea is that all conceptions of the good should be able to recognise and accept the principles of justice, which provides a shared basis for a constitutional democracy, so they have the motivation to accept respect for other conceptions of the good.²⁷ It is those who accept the need for justice, respect the basic rights and provision of a ‘social minimum’ as in the provision of certain goods, who can find consensus with others to support the principles of justice.²⁸ They then in turn accept, as part of their own conception of the good, the need to respect the base liberal principles of justice. This is referred to as ‘congruence’, where ‘each citizen must decide for themselves how the political conception of justice fits with their wider comprehensive beliefs.’²⁹ In other terms, the political values are adapted into a person's own reasonable doctrine. This helps create stability between all the conceptions of the good.

As a result of accepting the principles of justice, the reasonable persons will accept what is referred to as the concept of public reason, that all use of power must be justifiable in relation to the principles of justice. When it comes to political power, persons do not need to agree on the specific acts of power, but the constitutional essentials which govern political power.³⁰ Citizens need to be able to explain ‘how the principles and policies they advocate and vote for can be supported by the political values of public reason’, alternatively, the use of power must be justifiable on the basis that it adheres to the principles of justice that all reasonable persons will accept.³¹ Therefore, for example, if one supported keeping prostitution illegal purely on a religious basis, on the grounds that it is sinful to engage in such behaviour and thus should be prohibited, this would not appeal to public reason.³² It fails to appeal to publicly held reasons, as not all persons would accept this appeal to a particular doctrine. However, if the criminalisation of prostitution was motivated by a sincere

²⁵ Rawls, *A Theory of Justice*, p130, p156

²⁶ Rawls, John. “The Idea of an Overlapping Consensus,” *Oxford Journal of Legal Studies* 7, no. 1 (1987): 1–25.

²⁷ Freeman, *Rawls*, p367

²⁸ Freeman, *Rawls*, p370

²⁹ Quong, *Liberalism without Perfection*, p41

³⁰ Freeman. *Rawls*, p372; Rawls, *Political Liberalism*, p217

³¹ Rawls, *Political Liberalism*, p217; Freeman, *Rawls* p373

³² Quong, *Liberalism without Perfection*, p42

liberal belief, for example on the basis of ending the exploitative treatment of women and children, then it appeals to publicly shared reasons in its justification.³³ Another example, which illustrates the limit of what sort of power is not permissible, is Rawls' claim that there is no reasonable justification to prevent abortion in the first trimester, as when we consider 'due respect for human life, the ordered reproduction of political society over time, including the family in some form, and finally the equality of women as equal citizens', the rights of the woman override any argument to have an abortion in the first trimester.³⁴ This illustrates that there are certain things that cannot be justified if we accept the notion of public reason, as any argument to prevent women from aborting in these circumstances cannot be justified by the principles of justice.

2.2.2 What are Acceptable Uses of Power

In terms of what use of power is accepted by all reasonable persons, rights and basic liberties are justifiable, as they are core motivations of the free and equal status of all persons, protected by the principles of justice.³⁵ This provides an example of something in which any disagreement towards would be seen as unreasonable, as there can be no justification to undermine another citizen's rights or free and equal status, with respect to the principles of justice.

There will be reasonable disagreement about the demands of liberal justice, however. For example, there will be reasonable disagreement as to what the best manifestation of the principles of justice is and how to interpret these principles, and how to best achieve them.³⁶ To explain, reasonable people may agree with the core principles of justice; however, what institutional arrangements best achieve these, what sort of policies best achieve the principles of justice, what the principles apply to, how far certain rights go, and other matters, will still come under *reasonable* disagreement. The main demand, however, is that any argument in relation to any of these issues must be made in reference to the principles of justice in order to appeal to public reason. Additionally, there will always be historical changes and new matters affecting the interpretation of the principles of justice. The use of public reason, and the family of reasonable political doctrines,

³³ Quong, *Liberalism without Perfection*, p42

³⁴ Rawls, *Political Liberalism*, p243

³⁵ Rawls, John. "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64, no. 3 (1997): 765–807. p771

³⁶ Freeman, *Rawls*, p379; Quong, *Liberalism without Perfection*, p198

will change over time, meaning results, responses, and policies that are justifiable are not fixed, and rather they give some motivation that all reasonable persons can share.³⁷

This does not mean that the principle of public reason or the principles of justice are relative, however. Rather they are governed by a moral principle of citizens as free and equal, and society as a fair system of social cooperation, which is stable throughout time and place.³⁸ Effectively, a policy may still be implemented, so long as the reason can appeal to the principles of justice, which all reasonable persons accept. As long as people can share the reasons behind the use of power, then it is justifiable and acceptable.

2.2.3 Second Requirement Summarised

Building on the acceptability of the framework and being abstracted from controversial claims, the use of political power must be acceptable to all, and it is acceptable to all if it appeals to reasons all, regardless of their conception of the good, can accept. These reasons are rooted in the liberal principles of justice. This provides a basis for certain rights, and other uses of power, even if they come under reasonable disagreement, must be justifiable only in accordance with the principles of justice. If we are to accept the protection of thick economic liberties, it must be justifiable on a basis that all reasonable persons can accept. If it appeals to a comprehensive doctrine, then it is not justifiable.

2.3 Third Requirement: The State Must Be Neutral Regarding a Conception of the Good

The third aspect of the acceptability requirement is that the state must be neutral. Neutrality means, in a broad sense, that the state does not prefer, or justify itself, in relation to any conception of the good; it is neutral regarding ideas of the good life. Rawls claimed that all reasonable conceptions of the good are seen as equally valid, and should not be judged by the state from a 'social standpoint' so that the state takes no stance regarding what conceptions of the good are preferable.³⁹ The political liberal position is that if it is accepted that the use of power must be acceptable to all reasonable conceptions of the good and that people should abide the principles of

³⁷ Rawls, *Political Liberalism*, pl-li

³⁸ Quong, *Liberalism without Perfection*, p157

³⁹ Rawls, John. "Social Unity and Primary Goods," In *Utilitarianism and Beyond*, edited by Amartya Sen and Bernard Williams, 159–86. Cambridge: Cambridge University Press, 1982. p172, Rawls, *Theory of Justice*, p94.

justice, it is, therefore, required that the state be neutral regarding conceptions of the good.⁴⁰ A non-neutral state will not be acceptable, and may prefer certain conceptions of the good, not focus on ensuring all persons can develop their moral powers, and will use power in a way that is not acceptable to all reasonable doctrines, leading to instability. I now explain what it means for the state to be neutral regarding conceptions of the good. There are different kinds of neutrality and differing justifications for neutrality, which requires explanation for clarity and accuracy.

There are two kinds of neutrality: neutrality of effect and neutrality of justification.⁴¹ These can often be conflated, which is why they must be distinguished, and the form of neutrality that I am considering within the acceptability requirement specified. Neutrality of effect focuses on whether the state's policies have a neutral outcome, in that all conceptions of the good are affected equally, in order to ensure that they can be pursued.⁴² If a state enacts a policy that benefits one conception of the good over another, then it is non-neutral, but if it benefits all, then it is neutral. Neutrality of justification is a form of neutrality in which the state does not invoke preference for a particular conception of the good in justification for the use of power.⁴³ In this understanding, the state would be non-neutral if it justifies a policy in relation to promoting a conception of the good, it uses reasons which are not acceptable to all reasonable doctrines of the good. This topic does relate to the previous section as it is regarding the use of acceptable political power, as I explained that the state cannot wield coercive power on the basis of any conception of the good. Neutrality of justification is not undermined in instances where certain conceptions of the good flourish over others, unlike neutrality of effect, and is upheld when the use of power is acceptable to all reasonable conceptions of the good on the basis of its justification.

Neutrality of justification is the typical Rawlsian position, relating back to the second requirement, and is most plausible when we consider that all actions will result in different outcomes. Every state action will inadvertently affect different conceptions of the good in different

⁴⁰ Quong, *Liberalism without Perfection*, p195

⁴¹ Kymlicka, Will. "Liberal Individualism and Liberal Neutrality," *Ethics* 99, no. 4 (1989a): 883–905. p884; Patten, Alan. "Liberal Neutrality: A Reinterpretation and Defense," *Journal of Political Philosophy* 20, no. 3 (2012): 249–72. <https://doi.org/10.1111/j.1467-9760.2011.00406.x>. p255

⁴² Kymlicka, "Liberal Individualism and Liberal Neutrality," p884; Patten, "Liberal Neutrality: A Reinterpretation and Defense," p255,

⁴³ Patten, "Liberal Neutrality: A Reinterpretation and Defense," p255

ways, which causes difficulty for the neutrality of effect's possibility.⁴⁴ For example, the protection of civil liberties, such as freedom of speech and freedom of association, will have non-neutral effects, because certain life plans have more adherents than others, meaning some will flourish and others will not.⁴⁵ If the intention was neutrality of effect, such a policy, even if it were intended to neutrally protect all life plans, would fail to be sufficiently neutral in its outcome. It is essentially impossible. Primarily, however, as Tomasi is attempting to justify the inclusion of the thick economic liberties within the political liberal framework of Rawls, it is also coherent to operate with the presumption that the state should be neutral in justification.

One criticism is that it can permit policies which have disproportionately non-neutral effects, even if it is justifiable on neutral grounds. Effectively, it can seemingly justify policies which disproportionately provide benefits to particular conceptions of the good, so long as the motivation is neutral.⁴⁶ However, there may be a genuine neutral motivation for such a policy such as funding religions in a non-neutral manner. For example, funding certain religions and state involvement with religion in order to combat extremism, may be built on a neutral justification. If we accept that the use of power must be justifiable to all reasonable conceptions of the good, and we can accept that all reasonable conceptions of the good would agree that preventing extremism to foster consensus and reasonable doctrines over unreasonable ones is desirable, then it is a genuinely justifiable policy.

If a state's action is clearly benefitting a particular conception of the good, however, then we may still find reason to reject it, as individuals of rival conceptions of the good may ultimately object to such an outcome, and it is, therefore, a violation of the commitment to public reason and neutrality. For example, if a government were to focus policies on a particular religious group for what appeared to be acceptable reasons to all i.e. combatting extremism, but the results were harming this group's capacity to pursue their life plans, then such a policy would be objected to by this group and others who claim it undermines justice and their capacity to pursue their conception of the good. Therefore, the policy undermines the core commitments to political liberalism to ensure all conception of the good can flourish. There may be concerns as to why non-liberals will accept liberal justifications, or that they may even feel marginalised. However, people will eventually

⁴⁴ Kymlicka, "Liberal Individualism and Liberal Neutrality". Raz, *The Morality of Freedom*. p117

⁴⁵ Kymlicka, "Liberal Individualism and Liberal Neutrality," p884

⁴⁶ Patten, "*Liberal Neutrality: A Reinterpretation and Defense*," pp255-256

incorporate political liberal values into their own conception of the good in order to engage in cooperation, as stated in relation to the overlapping consensus.⁴⁷

2.3.1 Anti-Perfectionism and Neutrality

There is one final distinction to clarify, between neutrality and anti-perfectionism. Political liberalism rests on anti-perfectionist foundations; however, not all anti-perfectionists are political liberals. Anti-perfectionism rejects the idea that the state should take a stance to prefer conceptions of the good so that all reasonable persons would accept the justification for the state.⁴⁸ Anti-perfectionists however, may advocate for a neutral state, as political liberals do, or reject this, for example, because it is the will of democratic deliberation. Conversely, any preference of a particular conception of the good is a form of perfectionism.⁴⁹

Perfectionists accept that there is either some particularly preferable life plan or certain ends that are desirable in and of themselves. Some perfectionists do accept a neutral state; however, it is just justified in relation to some broader comprehensive and perfectionist claims regarding inherently valuable goals.⁵⁰ This means there is still some justification that does not appeal to all conceptions of the good. The perfectionist, and non-neutral, argument can be understood with this quote from Raz:

it is the goal of all political action, to enable individuals to pursue valid conceptions of the good and to discourage evil or empty ones⁵¹

However, not all forms of perfectionism are non-neutral, as some accept the state should not prefer the conceptions of the good institutionally despite holding the view there are preferable conceptions of the good life, e.g. Dworkin, Kymlicka.⁵² Neutrality versus non-neutrality is more focused on whether the state actively prefers, and/or is justified, or its use of state power is justified on, some

⁴⁷ Freeman, *Rawls*, p267,

⁴⁸ Chen, Selina. "Liberal Justification: A Typology," *Politics* 18, no. 3 (September 1998): 189–96.

<https://doi.org/10.1111/1467-9256.00077>. p6; Fowler, Tim. "Perfectionism for Children, Anti-Perfectionism for Adults," *Canadian Journal of Philosophy* 44, no. 3–4 (2014): 305–23. p305

⁴⁹ Chen. "Liberal Justification: A Typology," p190

⁵⁰ Dworkin, *Justice for Hedgehogs*. Kymlicka, "Liberal Individualism and Liberal Neutrality"

⁵¹ Raz, Joseph. *The Morality of Freedom*. Oxford: Oxford University Press, 1998. p133

⁵² Dworkin, *Justice for Hedgehogs*; Dworkin, *Sovereign Virtue*, p270, p281; Kymlicka, Will. *Liberalism, Community, and Culture*. Oxford: Oxford University Press. 1989b. p18

conception of the good.⁵³ What distinguishes political liberalism from other forms of anti-perfectionism is that it advocates for a neutral state, is specifically freestanding of moral claims, and wants a state to fulfil this by being neutral to all reasonable citizens in its use of power. Some forms of anti-perfectionism, such as deliberative democrats or proceduralists, may accept that when we consider the role of democratic procedure, the state may ultimately become non-neutral regarding its treatment of conceptions of the good, even though it is not founded on any particular doctrine.⁵⁴ This type of position generally rests on comprehensive claims and that rights are at risk in such a framework, however, meaning it struggles to be acceptable to all persons.⁵⁵ These conceptual divides overlap, but it is important to distinguish for clarity: anti-perfectionism does not enter the question of whether or not there is a preferable conception of the good, and neutrality rejects the idea the state should prefer any conception of the good. Political liberalism's position, the position Tomasi implicitly endorses, as any argument regarding moral powers does, and that I am operating within to engage with him, accepts both anti-perfectionism and state neutrality.

2.3.4 3 Summary of the Third Requirement: The State Must Be Neutral

The third requirement is that the state must be neutral in its justification of political power. On this basis the protection of thick economic liberties must be shown to be justifiable to all reasonable comprehensive doctrines, so as not to be non-neutral regarding conceptions of the good. In addition, as I discussed anti-perfectionism, it is worth reiterating that any justification must adhere to anti-perfectionist principles of not preferring any particular conception of the good in its justification or on a premise that the state should promote particular ends for individuals to pursue. If the justification for the basic thick economic liberties violates this core commitment to anti-perfectionism, then the argument is neither suitably political liberal nor even anti-perfectionist, is fundamentally less acceptable to all conceptions of the good, and will be a radically distinctive argument.

⁵³ Chen, "Liberal Justification: A Typology," p191,

⁵⁴ Fishkin, James S., and Robert C. Luskin. "Experimenting with a Democratic Ideal: Deliberative Polling and Public Opinion," *Acta Politica* 40, no. 3 (2005): 284–98. <https://doi.org/10.1057/palgrave.ap.5500121>.; Waldron, Jeremy. *Law and Disagreement*. Oxford: New York Clarendon Press ; Oxford University Press. 1999; Habermas, Jurgen. *Between Facts and Norms*. Cambridge, MA: MIT Press. 1994; Habermas, Jurgen. *Moral Consciousness and Communicative Ethics*. Cambridge, MA: MIT Press. 1985

⁵⁵ Rawls, John. "Political Liberalism: Reply to Habermas," *The Journal of Philosophy* 92, no. 3 (1995): 132–80.

2.4 Conclusion

The three conditions I outlined means that a political act or framework must be based on non-controversial justifications, must be justifiable to all reasonable conceptions of the good, and must not be justified in relation to a particular conception of the good as a result. In addition, a political framework, state, or act of political coercion must adhere to the principle of neutrality and the anti-perfectionist foundations if it is to be suitably politically liberal. Therefore, the defence of the inclusion of the thick economic liberties must be justifiable to all reasonable persons and must not rest on non-neutral justifications towards conceptions of the good. This also applies to any position relating to economic liberty, including property-ownership, as there must acceptability to all in its protection or limitation.

Some may reject political liberalism, however, Tomasi is operating within political liberalism, as he claims his 'Market Democracy' combines four components, one of which is the idea that 'just and legitimate political institutions as acceptable to all who make their lives among them.'⁵⁶ This means he needs to find a justification for the state and its use of power that appeals to *all* reasonable conceptions of the good, not just ones that require such strong protections of thick economic liberties. If the protection of certain life plans seems to indicate a preference for that conception of the good, then the use of political power to protect the ownership of productive property, indicates a non-neutrality. The moral powers argument is an attempt to find state legitimacy and justification for the use of state power which is acceptable to all persons. If advocates of thick economic liberties fail to work within this political liberal framework, which I argue Tomasi does, then the argument has failed to provide Rawlsian justification to include thick economic liberties as basic liberties. If the protection of thick economic liberties has to rest on more perfectionist grounds, or leads to a state which inherently prefers certain conceptions of the good, then this will require a significantly different defence and will require further justification. Even if an argument holds no issue in a perfectionist or non-neutral justification of the state, there is a major departure from the argument Tomasi, or any other argument of a similar kind, intends to make. While I do hold that this will struggle to find stability and justification, it is vital first to establish that the thick economic liberties cannot be included in a political liberal framework.

⁵⁶ Tomasi, *Free Market Fairness*. pXV

Chapter 3 — The Argument for Basic Thick Economic Liberties

3.0 Introduction

In this chapter I explain the case for why economic liberties should be considered basic liberties in the Rawlsian scheme, having established the terms and theoretical basis of both the argument to include the thick economic liberties. I outline three arguments in defence of the thick economic liberties, which in various ways argue that thick economic liberties are vital to the development of the moral powers. After developing these arguments this chapter sets out several lines of criticism, which form the basis of the following chapters by establishing wider questions regarding the proper role of economic liberty and property ownership in relation to the moral powers. This criticism continues the move from the abstract discussion. In addition, it raises significant issues beyond Tomasi, regarding the development of the moral powers in relation to Rawls' and the issue of what kind of framework best secures the conditions for the development of the moral powers, which are addressed in later chapters.

This chapter utilises Tomasi's arguments particularly over other defenders of the thick economic liberties, as they are the most detailed and substantial argument which aims to operate within a political liberal framework.¹ This allows for a better understanding of the types of justifications for the thick economic liberties, and therefore, provides a wider scope for criticism. Much of my responses also apply to other arguments to include the thick economic liberties in the scheme of basic liberties, however, the responses to Tomasi sufficiently allow me to engage with the wider questions of the proper role economic liberty should have in a political liberal framework.

In section one I first explain how Tomasi's argument follows Rawls' argument, albeit using different terminology for his sets of moral powers, which I elaborate and clarify.² They are similar, if not the same, due to the relationship the moral powers share to the basic liberties. Then I explain the arguments. The first argument is that the thick economic liberties are valuable to certain life plans, and thus should be basic. This argument is called the argument from particular interests.³ The second is that they increase a range of life plans, helping develop the moral powers, which is called

¹ Tomasi, *Free Market Fairness*

² Tomasi, *Free Market Fairness*, p40

³ Melenovsky and Bernstein, "Why Free Market Rights Are Not Basic Liberties". p52; Tomasi, *Free Market Fairness*, p81

the arguments from evaluative horizons.⁴ The third argument is that they secure the basic liberties by providing certain goods or self-respect.⁵ In this chapter, I highlight issues with these arguments, however, they are developed more in-depth in the following chapters, as they serve here to illustrate the initial objections that are apparent.

3.1 Two Sets of Moral Powers: Rawls and Tomasi

Before considering the case for including thick economic liberties as basic, it is important to note that Tomasi (who makes most of the arguments to include the thick economic liberties in the list of basic liberties) shares with Rawls a conception of the person that includes possession of the two moral powers. However, Tomasi gives the moral powers different names: self-authorship, and capacity to honour others' self-authorship.⁶ Self-authorship is understood as:

All healthy adult citizens, regardless of their particular advantage or disadvantages given by birth, have the capacity to develop and act upon a life plan (whether that plan be individual, collective, or otherwise shared). People are life agents and their agency matters. As responsible self-authors, they have the capacity to realistically assess the options before them and, in light of that assessment, to set standards for a life of a sort that each deems worth living.⁷

The central focus is on determining a person's own life plan, as in the goals they wish to achieve. They can assess, and modify these life plans, and do so with "agency". Capacity to honour others' self-authorship is that 'citizens can recognize that their fellow citizens have lives to lead that are fantastically important to each of them', in other terms it is regarding the concern for the legitimacy of other life plans, recognising the importance others have for their life plans and that any use of the coercive power of the state is used in respect of this.⁸

We can compare to Rawls to draw out the similarities and differences. Rawls' moral powers, as previously discussed, are the capacity for a conception of the good and sense of justice. Capacity for the conception of the good is regarding 'ends and aims[...] persons pursue[...]objects of their attachments and loyalties[...] and the 'view of their relation to the world- religious, philosophical or

⁴ Tomasi, *Free Market Fairness*, p75, p90, p181, p236

⁵ Nickel, "Economic Liberties"; Tomasi, *Free Market Fairness*, pp83-84

⁶ Tomasi, *Free Market Fairness*, p40

⁷ Ibid, p40

⁸ Ibid, pp40-41

moral', effectively the beliefs and motivations a person has in their life and what they want to pursue.⁹ A sense of justice is a 'disposition to act from the principles of justice and their requirements, and therefore respect and abide by laws and institutions that are designed to maximally benefit the least advantaged', essentially it is regarding the recognition of the legitimacy of other life plans and abiding the rules of the political institutions in respect of the principles and others reasonable conceptions of the good.¹⁰ Self-authorship and capacity for a conception of the good, are both regarding choosing, reflecting, and modifying one's life plan, so there is a noticeable overlap and they are seemingly analogous. With regards the sense of justice and honouring others' life plans, they share a similarity, being that people can recognise others' choice and capacity, and not use the state to punish other life plans. It could be reasonably claimed that they are sufficiently similar to proceed. However, there is one key difference that requires explanation.

One difference is the focus on agency and choice within Tomasi's conception. For example, Tomasi claims regarding self-authorship 'People are life agents and their agency matters', which implies all persons possess a level of autonomy in choices. Rawls does not focus on this aspect to the same degree. For Rawls, full autonomy 'is realized by citizens when they act from principles of justice that specify the fair terms of cooperation they would give to themselves when fairly represented as free and equal persons'.¹¹ In other terms, when people engage justly with regard others, in a well-ordered society, then people are fully autonomous.¹² However, Tomasi seems to imply people already *are* agents, as in, they are fully responsible for their decisions, or fully autonomous, even if they need to develop their moral powers. The moral power sense of justice and honouring other citizens' self-authorship, also share this difference. Tomasi claims

honoring the capacity of one's fellow citizens to be self-authors requires that one respects fellow citizens' capacity to make choices of their own regarding¹³

⁹ Rawls, *Political Liberalism*, p310

¹⁰ Freeman, *Rawls*, p122

¹¹ Rawls, *Political Liberalism*, p77

¹² Kogelmann, Brian. "Kant, Rawls, and the Possibility of Autonomy," *Social Theory and Practice* 45, no. 4 (2019): 613–35.

¹³ Tomasi, *Free Market Fairness*, p98

It appears that, for Tomasi, developing the moral powers is important and having some capacity to choose and affirm one's conception of the good, as it is for Rawls, however, Tomasi seems to emphasise individual choice more explicitly than Rawls.

Despite this difference, there are three reasons we can proceed to discuss the matter of whether economic liberties achieve social conditions for the moral powers, regardless of exactly which moral powers terminology we wish to use. Firstly, Tomasi is attempting to share with Rawls the commitment to develop moral powers, although he differs on how best to develop them, he does not challenge the moral powers.¹⁴ He gives no indication he challenges the conception of the person Rawls outlines, even though he uses different names.¹⁵ Tomasi claims:

High liberals view citizens as social beings who are endowed with moral powers of responsible self- authorship, including the capacity to honor their fellow citizens as responsible self-authors.¹⁶

In this example, he does not claim the moral powers to be different from high liberals', as in those with a thin conception of economic liberties. High liberals, according to Tomasi, view people as possessing the same moral powers, self-authorship, and responsible self-authorship. He also attempts to illustrate that the same grounds political liberties are important for moral powers in the high liberal tradition, is the same as his argument for economic liberties, as they help secure the ability to honour others' life plans.

Secondly, there are similarities in that one power is about determining one's life plan and the second is about respecting others' life plans. The substance is similar and we could draw the liberties to the ability to determine our life choices and respecting others, therefore. This is not a sufficient justification; however, as we can point to the difference in terms of agency previously outlined.

The third and final point I wish to make is that if one *does* wish to claim they are different, the arguments outlined regarding moral powers, regardless of how we define them, will apply to both sets of moral powers because they share such a similar nature in their relationship with the basic liberties. What this means is that both sets of moral powers require a range of liberties in order for

¹⁴ Tomasi, *Free Market Fairness*, p40

¹⁵ Melenovsky, and Bernstein, "Why Free Market Rights Are Not Basic Liberties," pp65-66

¹⁶ Tomasi, *Free Market Fairness*, p54

a person to develop and fully exercise them. In both these situations, even with different definitions of the moral powers, we can examine if the basic liberties help develop the moral powers. Because there is a sufficient degree of similarity, if a basic liberty can be shown to develop self-authorship it most likely helps develop the capacity for a conception of the good. An argument in favour of including a liberty as basic has to prove it provides conditions conducive to the moral powers regardless of the moral power, and as the powers are so similar, there is a similarity in the criteria for what liberties provide these conditions.

3.2 Why Include the Thick Economic Liberties

With a sufficient clarification of Tomasi's moral powers, I move on to discuss his arguments for the thick economic liberties to be made basic. Previously, I established what thick economic liberties are, the basic liberties, the moral powers, and the criteria for why certain liberties ought to be basic. I explain three different arguments along with initial objections and concerns.

3.2.1 Argument from Particular Interests

The first argument to include the thick economic liberties is referred to as the argument from "particular interests". This argument is that there is an array of economic arrangements people may choose (private/common ownership), which are essential to pursue certain conceptions of the good, and thus the economic liberties which secure these life plans must be made basic.¹⁷ The pursuit of our individually preferred life plans, an essential part of self-authorship or capacity for the good, requires us to be able to pursue said life plans. Different life plans may require different liberties to greater or lesser extents, such as religious or economic liberties, but they should be made basic if they are valuable to certain rational life plans, and just as religious liberties are important to some, economic liberties are for others.¹⁸ Free market rights are important for some people to pursue their particular economic-based life plan which revolves around business ownership and as these liberties are vital for some people to pursue their conception of the good, they must be basic.

As an example of economic-based life plans, Tomasi mentions Amy, who dropped out of college to own a "pup in a tub" dog grooming business, which was a significantly important dream.¹⁹

¹⁷ Melenovsky and Bernstein, "Why Free Market Rights Are Not Basic Liberties". p52

¹⁸ Tomasi, *Free Market Fairness*. p81

¹⁹ Tomasi, *Free Market Fairness*, p66, pp78-79.

For Amy, her life plan revolves around the ownership of property, and thus requires the protection of economic liberties as basic. Without the protection of the right to own this property afforded by the thick conception of economic liberties, Amy would be less able to pursue this economic-based life plan. Equally importantly, we can see that there is a significant link between a conception of the good for Amy and the ability to own property; therefore, the liberty to own productive property may appear to satisfy the moral powers test.

The immediate objection worth noting is that these economic liberties will inevitably prefer only some persons' conception of the good, namely business owners, those who dream of private business ownership, and the rich who benefit from free-market economies.²⁰ Generally, the basic liberties are meant to be beneficial regardless of a particular conception of the good, by securing the conditions conducive to the moral powers.²¹ To include a liberty as basic, it must be shown to be in all people's interest.²² However, it is not clear if this is achieved and thus it does not fit the moral powers test. For example, by protecting private ownership of productive property, it may appear to rule out collective ownership and those whose life plans involve that. People may equally desire other economic rights to be basic, as things such as collective bargaining, the right to strike, and other non-capitalist economic rights.²³ Tomasi specifies individualised work negotiations as part of the thick range of economic liberties, and it is not clear how this is conducive to the moral powers, as it gives considerable power to the employer over employees, who would possibly be better suited with collective negotiations in place.²⁴ If this is the case, then making thick economic liberties appears to prefer employers' and the conceptions of the good involving individualised negotiations and business ownership, but not others, and thus fails to give us a justification to make the economic liberties basic as it does not provide social conditions for *all* persons, regardless of their conception of the good, to develop their moral powers.

Defenders of the argument may claim it is not just capitalist arrangements protected by these liberties. Rendering economic liberty basic does not rule out those who wish to have a different

²⁰ Freeman, Samuel. "Can Economic Liberties Be Basic Liberties?" Bleeding Heart Libertarians (blog), June 2012.

<https://bleedingheartlibertarians.com/2012/06/can-economic-liberties-be-basic-liberties/>.

²¹ Rawls, *Political Liberalism*, pp310-324

²² Melenovsky and Bernstein. "Why Free Market Rights Are Not Basic Liberties," p48

²³ Freeman, "Can Economic Liberties Be Basic Liberties"

²⁴ Clayton and Stevens, "Is the Free Market Acceptable to Everyone?"

economic conception of the good, for example, one that involves workplace democracy, collective ownership, and so on.²⁵ Tomasi claims:

The right to private ownership of productive property provides individuals with the right to affirm and to seek to participate in any of a wide variety of ownership configurations, including joint and collective forms of ownership.²⁶

Therefore, the thick range of liberties rights gives individuals the freedom to choose collective arrangements as well, so long as it is not mandated by the state, as it is securing the right to choose *any* economic arrangement, rather than purely individual ownership of productive property. Without this protection, any economic arrangement is not secure, because it is contingently protected rather than a basic liberty. Without the same market rights which benefitted Amy, those who wish for a collective arrangement have their ability to choose their collective based economic life plan undermined, as that is equally not protected as a basic liberty. A person who wishes to create a democratically controlled workplace is secure to do so with this basic liberty. Further to this, Tomasi claims within his “market democracy” that less hierarchical forms of operating businesses may thrive, because it is beneficial economically, and thus non-hierarchical forms of work will emerge within the free market as a result of market processes.²⁷ If this is the case, then a market society with fewer restrictions will result in a broad range of economic arrangements.

I argue, however, that this argument fails to take into account how the protection of thick economic liberty, and the resulting protected private ownership and use of the productive property by individuals, not only fails to protect a range of life plans in the way described but actively *harms* other life plans. I explore this argument both in the next sections, as it relates also to the other defences of the basic thick economic liberties, and in the next chapter. However, to briefly explain the issue, I argue that because a basic liberty can only be constrained when clashing with another basic liberty, and the thick economic liberties, with the emphasis on private productive property ownership by their nature, when basic will not encourage a range of economic arrangements as

²⁵ Tomasi, John. “Reply to Samuel Freeman: Thick Economic Liberty,” *Bleeding Heart Libertarians* (blog), 2012b. <https://bleedingheartlibertarians.com/2012/06/reply-to-samuel-freeman/>.

²⁶ Ibid

²⁷ Tomasi, John. “Market Democracy and Meaningful Work: A Reply to Critics,” *Res Publica* 21, no. 4 (December 2015): 443–60. <https://doi.org/10.1007/s11158-015-9303-0>.

Tomasi claims and will undermine other property arrangements and conceptions of the good. If private ownership is rigorously protected, either collective ownership must be too, which can lead to irresolvable clashes between those who want collective vs. private ownership, as both should be protected as basic liberties, or other life plans are undermined if private ownership is *only* protected. As a result, this protection is violating the core concept behind the moral powers argument, namely, that it is acceptable to everyone, or it is unclear how it would work.

An additional issue to note is that while some people may have economic-based life plans, this fact alone does not necessitate making the economic liberties basic. Rather it can at most allow for some contingent ownership of productive property if and only if it satisfies some other principles. People such as Amy currently have economic-based life plans in actual existing societies without the stringent protection of economic liberties, thus it is not clear why the thick economic liberties need to be made basic. This issue is relevant in the next argument as well, however.

3.2.2 Argument from Evaluative Horizons

The second argument I address, which is a related but distinct argument is that without a thick conception of economic liberties, there are fewer life plans to choose from. Tomasi argues that we need the capacity to choose from a range of life plans and help broaden our “evaluative horizons”.²⁸ As per the conditions of comparison, this is the idea that in order to develop our moral powers, we need to be able to see alternative conceptions of the good and compare them.²⁹ Tomasi claims:

Societies that protect the private ownership of productive property as a basic right increase the range of projects, and the forms of economic relationships, that are available to citizens.³⁰

Essentially, the protection of productive property ownership increases the range of life plans one can choose from and this range of choices helps us develop our moral powers. Without a fully free-market society, the range of choices is limited by a constraint on economic liberties, and thus the evaluative horizons are diminished and the moral powers are weakened. Under a system without free markets, one would be less able, for example, to pursue ownership-based life plans, to be in

²⁸ Tomasi, *Free Market Fairness*, p235. p75, p90, p181

²⁹ Melenovsky, “The Implicit Argument for the Basic Liberties,” p445

³⁰ Tomasi, *Free Market Fairness*, p79

control of one's labour, or have a range of economic arrangements to choose from, as stated in the previous argument. This would be because a more constrained conception would, in Tomasi's view, prescribe certain economic arrangements via rules, regulations, collective negotiations, tax, and constraints on ownership. Even if a person does not wish to pursue a capitalist life plan, the fact people are able to do so provides the ability to see others pursue this life plan, and people can evaluate if this life plan is what they desire as a life plan or not.

This argument has a range of similar issues to the argument from particular interests, which I outline here, though I explore them in greater depth later. I do not reject the claim that choosing from a range of life plans is beneficial for the development of moral powers. Conversely, I argue this is crucial for the development of the moral powers, but it is not sufficiently secured by either Tomasi or a typical Rawlsian framework. The issue is whether or not free-market societies, as created by the protection of thick economic liberties, increase this range. Just as with the previous argument, such protection may seem to prefer some conceptions of the good, and even may make it more difficult to live alternative life plans. For example, without a generous welfare state to provide people security, people will be less able to pursue their goals.³¹ One may be less willing to start a business if they feel that the risks presented to them of poverty if it fails are too great, whereas if they feel the welfare state protects them, they will feel more willing to take that risk. Also, a person may not be able to sell their labour for fair compensation and safely without state intervention (such as legal regulations) and thus be more likely to be exploited, denying them the ability to pursue their life plan, and harming the exercise of their moral powers.³² If there are no regulations on discrimination, and someone is a member of a minority group, they may be unable to find work in their desired field. I repeat that if people have private ownership of productive property, they may be less able to engage in non-capitalist life plans, for example revolving around workplace democracy.³³ We also have not considered the effects of inequality that will be present in Tomasi's framework as negatively affecting agency by giving power to a minority. This monopoly of power and wealth could lead to a reduction of opportunities to the worst off, but a more redistributive framework, now ruled

³¹ Fowler, Timothy. "Markets, Choice and Agency," *Res Publica* 21, no. 4 (2015): 347–61.
<https://doi.org/10.1007/s11158-015-9297-7>. p354

³² Penny, "Self-Respect or Self-Delusion? Tomasi and Rawls on the Basic Liberties," pp404-405

³³ Freeman, "Can Economic Liberties Be Basic Liberties"

out by the protection of economic liberties, can overcome this via a more equal distribution of wealth and power.³⁴

Thick economic liberties appear to *narrow* the range of life plans, by reducing the range of available life plans, for example by removing the ability to start a business or pursue a job. Additionally, the private ownership of productive property may rule out the ability to collectively own property, thus there is only a range of capitalist life plans available in the economic sphere. Further, the thick economic liberties will lead to a reduction in power, particularly for the worst off in society. With these issues considered, economic liberties appear to fail to provide this range of life plans and provides a narrower range. Whereas a framework with a thin conception of economic liberties allows for more regulations and economic provisions, providing a range of life plans to be able to choose from, including business-related ones.

This argument also assumes that within a society, that either exists now without the protection of the thick range of liberties, such as social democracy, or a hypothetical society without the same protections, there is an overly narrow range of life plans, specifically economic ones.³⁵ However, economic life plans and a reasonable range of life plans are present without the protection of thick economic liberties. This argument by Tomasi is peculiar, considering that many in social democratic countries, people can run businesses and choose from a range of life plans, in addition to less capitalist ones. Capitalism, albeit welfare capitalism, is a core part of modern social democracies, so private ownership of property exists, even with some restrictions and a lack of economic liberty protected as basic.³⁶ With this in mind, it does not seem necessary to make economic liberty basic to give a range of life plans, including capitalist ones, as we can achieve the range of life plans without this requirement. On a more ideal level, a Rawlsian framework permits the ownership of productive property, and also provides various other goods.³⁷ A person can choose from a range of economic life plans, without the economic liberties being basic, and in addition, the fact they are not basic provides a better range of goods and other rights.

³⁴ Stiliz, Anna. "Is The Free Market Fair?" *Critical Review* 26, no. 3–4 (October 2, 2014): 423–38.

<https://doi.org/10.1080/08913811.2014.947746>. p430

³⁵ Melenovsky and Bernstein, "Why Free Market Rights Are Not Basic Liberties". p56

³⁶ Lukes, Steven. "Social Democracy and Economic Liberty," *Res Publica* 21, no. 4 (December 1, 2015): 429–41.

<https://doi.org/10.1007/s11158-015-9302-1>. p430

³⁷ Stiliz, "Is The Free Market Fair?," p436

The arguments so far do not provide us with a reason to make economic liberties basic. I illustrated previously that there is space for the ownership of property within a thin conception of economic liberties, therefore the connection that the liberties must be basic is questionable as well, as it could just mean productive property ownership can be located somewhere else in a framework, not necessarily as basic liberty. While some people, such as Amy, will benefit from the ability to own a business, and there are perhaps some other benefits, they do not sufficiently give us reason to claim they provide sufficient social conditions for *all* reasonable conceptions of the good. We also can see, as previously outlined, the ability to own property *without* making the liberties basic, so it is not necessary to make it basic. This means that the argument mostly gives us reason to accept some allowance of ownership of productive property elsewhere in a framework, where other rights and principles are not as curtailed to allow for redistribution and provision of other powers lost when the thick economic liberties are made basic. To summarise these issues, the protection of thick economic liberties does not expand a range of life plans, but rather narrows it, and any benefits of economic liberties seem to fail to be conducive to the moral powers thus failing the moral powers test.

3.2.3 Economic Liberties Secure the Basic Liberties

The previous arguments directly related thick economic liberties to the development of the moral powers, yet another type of argument is that economic liberties *indirectly* develop the moral powers. This line of argument comes in two forms. I outline each in turn.

The first line of argument can apply, even if we reject the former arguments that the thick economic liberties provide social conditions for the development of moral powers, as it claims that economic liberties play a key role in securing the other basic liberties.³⁸ For example, Nickel claims that:

protecting and advancing one's determinate conception of the good, is among other things an interest in production, an interest in changing, or rearranging the world so that it will contain more goods or better conform to one's life plan³⁹

³⁸ Nickel, "Economic Liberties"

³⁹ *Ibid*, p167

Without the ability to produce goods, to buy and engage with economic processes, the capacity to pursue a conception of the good is undermined. Developing a conception of the good relies on production, and ergo productive property, and this is best done with private ownership of productive property. In other words 'blocking [the economic liberties] substantially also block important parts of liberties that are widely accepted as basic'.⁴⁰ For example, contributing financially to the building of a church, hiring upkeep staff, acquiring materials for the church's building requires economic interactions. Without these economic interactions protected one will be less able to pursue their religious doctrine of the good and their religious liberty will be undermined.⁴¹ Liberty of association requires the ability to have physical spaces, which can require renting, buying property, hiring staff, soliciting donations, and other economic activities.⁴² Effectively, all liberties require some production of goods and economic interactions. This illustrates the link between the economic liberties and the other basic liberties. These productive and economic liberties help secure the other basic liberties by guaranteeing certain conditions and thus must become basic. Without the liberties basic, they can be limited in such a way that the basic liberties are not secure. For example, with the example of the church, without the ability to make such economic transactions protected, the ability to build and fund a church for a place to worship will be unsecure. This is similar to how the rule of law does not provide social conditions for the moral powers, but secures the other liberties and thus must be basic.

This argument does not succeed because these examples fail to illustrate why the thick economic liberties need to be basic. It shows at most that there is a need for certain goods to be available to persons, and as a result, they will have more capacity to practice their liberties. We could also consider having the economic liberties protected, but not as basic so that they can be constrained by wider principles, yet still secure the aforementioned basic liberties. It is not clear if the economic liberties need to be protected with such strength as the basic liberties in order to protect the other basic liberties if we agree the liberties do secure them to an extent.

It is also unclear if the economic transactions require private ownership of productive property either. The goods and services described, such as buildings, employment, and donations

⁴⁰ Ibid, p157

⁴¹ Ibid, p158, p167

⁴² Ibid, pp159-160

can be produced by the state or other non-private bodies, as has been and is the case in many real-world mixed economies. For example, the state could fund public buildings for certain communities to meet or provide employees. That goods come from production and economic transactions, which help people practice the other basic liberties, does not prove a necessary link with the thick economic liberties.

More fundamentally, the matter of possessing certain goods comprises part of the second Rawlsian principle of justice, not the first, and merely urges to ensure people have the means to properly pursue their conceptions of the good.⁴³ There is no reason why the securing of the basic liberties in the ways described could not be addressed by a thin conception of liberties. If the religious liberties require the ability to fund places of worship and hire persons to do work, it does not necessitate private ownership of productive property as this can be done with public ownership of productive property. Furthermore, Rawls' thin conception of economic liberty permits private ownership of productive property, but contingently, so if it is proven that the permittance of said ownership is beneficial for the worst off, and helps the other liberties be secure in some way, then it may justify the right to ownership, yet it does not necessitate it to be made *basic*. It permits the private ownership in the *second* principle not the first, the first having a different criterion in relation to the moral powers. Making the economic liberties basic could limit the ability to best secure the other liberties, and it may render the state less able to provide other useful goods to improve the liberties' worth; therefore, it is unclear why we should include thick economic liberties in the first principle of justice. How thick economic liberties can be harmful to providing the proper goods necessary to enjoy the liberties will be addressed in a later chapter, but for now, we can see this argument is problematic as it fails to justify why thick economic liberties ought to be basic.

The second line of argument shares a component with the former argument that thick economic liberties indirectly help provide something to aid their development and exercise. This argument claims that thick economic liberties provide the basis of self-respect. I first explain what Rawlsian self-respect is, as Tomasi draws from Rawls. For Rawls, self-respect is a primary social good, as in, it is part of the second principle of justice and is necessary to utilise the basic liberties and something all rational persons will want.⁴⁴ Rawls says:

⁴³ Melenovsky and Bernstein, "Why Free Market Rights Are Not Basic Liberties," p60

⁴⁴ Rawls, *A Theory of Justice*, p54, p79

It is clearly rational for men to secure their self-respect. A sense of their own worth is necessary if they are to pursue their conception of the good with satisfaction and to take pleasure in its fulfillment. Self-respect is not so much a part of any rational plan of life as the sense that one's plan is worth carrying out.⁴⁵

Therefore, we see that self-respect is a sense that life is worthwhile and a conception of the good worth pursuing. Self-respect can additionally be understood as being able to develop capacities and talents, to have a degree of independence and the capacity to develop their conceptions of the good.⁴⁶ Self-respect is achieved by 'publicly affirmed distribution of fundamental rights and liberties. And this distribution being equal, everyone has a similar and secure status'.⁴⁷ In addition, without equal citizenship via political liberties, and an opportunity for meaningful work, one will not possess self-respect.⁴⁸ A person must have self-respect to develop their moral powers, as without self-respect, a person is not independent, not motivated to pursue their life plan, and lacks the means to do so.

Having established what self-respect is, I can return to Tomasi. Tomasi claims that self-respect is achieved via the protection of thick economic liberties. Tomasi's argument is as follows:

how can individuals have self-respect if their fellow citizens deny them the right to decide for themselves how many hours they will work each week and under what precise terms and conditions?' How can they think of themselves as esteemed by their fellow citizens if those citizens call on the coercive force of the law to impede them in deciding for themselves how much (or little) to save for retirement, the minimum wage they may find acceptable for various forms of work, or to dictate the parameters of the medical care that will be available to them?⁴⁹

In other words, without the thick range of economic liberties, the state is making decisions for persons, depriving them of the capacity to develop independence and self-respect, as their life plan now is being deemed unacceptable, and not worthwhile. Without the ability to make these decisions

⁴⁵ Rawls, *A Theory of Justice*, p155

⁴⁶ Freeman, *Rawls*, p95

⁴⁷ Rawls, *A Theory of Justice*, p447

⁴⁸ Freeman, *Rawls*, p76; Rawls, *Political Liberalism*, p lix and p308

⁴⁹ Tomasi, *Free Market Fairness*, pp83-84

regarding work, savings, and wages, one will not have self-respect and thus will be unable to truly exercise their moral powers.

This argument has two problems. One is that no society protects thick economic liberties as much as Tomasi's frameworks do, and this would imply no one in history or the present day, has been able to develop self-respect.⁵⁰ This statement is unreasonably strong and requires some modification, as the claim would be easy to challenge and hard to defend. The response is to soften this claim and instead argue that we can have *more* self-respect if we are to protect the thick range of economic liberties as basic, as the lack of thick economic liberties is detrimental to self-respect, but not necessary.⁵¹ However, this then seems to once again weaken the demand that the liberties should be basic. If we can achieve self-respect, an important good to develop moral powers, without thick economic liberties, it means the thick economic liberties do not provide a social condition for the development and exercise of the moral powers or secure the basic liberties, and fail the moral powers test. Now the weakened argument admits that self-respect, and thus the moral powers, can be achieved without thick economic liberties, just that self-respect is achieved *more* with thick economic liberties. This argument only gives a case again to include some economic liberties in the second principle of justice, rather than the first, as it is a case of providing a primary good to help practice moral powers. We can develop the moral powers, and primary goods, including self-respect, help practice them but it is the basic liberties that help persons develop and exercise the moral powers. Therefore, there could be a case for some economic liberties in the second principle of justice to help provide self-respect, but it is contingent, thus not a justification to include thick economic liberties as basic.

The second major problem with this argument, which I develop in chapter five regarding meaningful work, is that the protection of thick economic liberties would be *harmful* to the bases of self-respect. The protection of thick economic liberties permits a range of behaviours that are harmful to self-respect, whereas constraining economic liberties in a way that would be impermissible if made basic will better achieve self-respect. For example, restricting things such as pyramid schemes, or giving workers autonomy via unions, may give more control and more self-

⁵⁰ Melenovsky and Bernstein, "Why Free Market Rights Are Not Basic Liberties," p61

⁵¹ *Ibid*, p61

respect, as people are not exploited and have more say in their work.⁵² A key part of achieving self-respect I referred to was the opportunity for meaningful work. It is not clear that people will necessarily achieve meaningful work in a society with the protection of thick economic liberties. This is because, there will be a lack of worker control in the workplace in favour of increased wealth, so certain collective bargaining rights and the right to strike, will be weakened in favour of marketisation and individual negotiations.⁵³ The lack of autonomy and rights in the workplace, even if it brings more income, may make work feel less meaningful to the workers, and an increase in autonomy through workplace democracy, unions, and other measures will allow for more meaningful work.⁵⁴ We can consider real-world examples of a lack of autonomy, choice, and satisfaction regarding work in market economies, which will be exacerbated by the protection of thick economic liberties.

I also add, the kind of society Tomasi advocates for will create domination from the markets and owners. As discussed in the previous section, societies with inequalities lead to domination. This domination and control over others often undermine equal status, the moral powers, and self-respect, as people will not feel valid or in control of their particular life plan. Self-respect requires a feeling of worth in a life plan, yet if a person bases their life plan in reference to the dominant, either their life plan is not truly their own, or they will feel insecure and unworthy in their pursuit of it if it is. This means that thick economic liberties do the opposite of securing or defending the other basic liberties and moral powers and undermines the case to include thick economic liberties as basic. I return to the issue of domination frequently; however, this is worth understanding as a concern which it appears Tomasi does not address.

Before proceeding I want to address that I accept that one aspect that Tomasi does identify correctly is that the matters of economic liberty, especially in relation to the work a person does, is a matter of the moral powers, rather than only a matter of justice. When this issue is relegated to justice, as it is with Rawls, it fails to take into account the nature of work in relation to an individual's life. Persons like Amy do exist, who dream of entrepreneurship, and others have dreams of particular

⁵² Penny, "Self-Respect or Self-Delusion? Tomasi and Rawls on the Basic Liberties," p404

⁵³ Tomasi, *Free Market Fairness*, p61

⁵⁴ Moriarty, Jeffrey. "Rawls, Self-Respect, and the Opportunity for Meaningful Work," *Social Theory and Practice* 35, no. 3 (2009): 441–59. pP457

labour, which factors into their conception of the good. It is reasonable to claim that these issues do go beyond justice, and while this does not diminish the role of the second principle of justice in regulating property, there can be conceptual space to consider the issues of property ownership, work, markets, etc. in relation not *only* to justice. Rather, it is crucial to consider the relationship between the moral powers and work and property, and this point serves as a significant basis for my argument.

3.3 Conclusion

In this chapter, I first showed that the moral powers arguments from Rawls and Tomasi share significant similarity in the relationship between the moral powers, social conditions, and basic liberties. This is important because it allows me to discuss issues facing the moral powers in general, not one particular set from either Rawls or Tomasi. I then illustrated three main arguments in defence of including the thick economic liberties and highlighted significant problems that need to be addressed, in order to assess if the arguments succeed. In the following chapters, I engage with these criticisms in more depth, to show why we cannot make the economic liberties basic. The fundamental issue is that the protection of thick economic liberties as basic do not secure the conditions for the development of moral powers, and this especially applies to those with non-business ownership related conceptions of the good, and to pursue meaningful work. The next chapter addresses the first issue before I discuss the harms Tomasi's argument has for the pursuit of meaningful work and a perfectionism within his argument regarding meaningful work, which also relates to domination which I have highlighted.

The issues I explore have significant implications in relation to the proper role of economic liberty, particularly, though not exclusively, to property ownership in relation to the moral powers. They also raise concerns in relation to the Rawlsian position in relation to meaningful work, as well as the political frameworks he advocates. This in turn will widen the discussion. This is because we must assess whether Rawls sufficiently ensures, for example, a range of achievable life plans involving property ownership, private and collective. However, first I must establish more sufficiently why the case to include thick economic liberties fails before I can explore the wider issues related to economic liberty, property ownership, and meaningful work in relation to the moral powers.

Part Two: Why Tomasi Fails, and What Are the Alternatives?

Chapter 4 — Why Rendering Thick Economic Liberties Basic is Not Acceptable to All

4.0 Introduction

In the previous chapters I established the case for the thick economic liberties to be made basic, the criteria of political liberalism that any justification of doing so must adhere to, and highlighted issues with the arguments. This second part of the thesis explores the fundamental issues relating to the moral powers from the protection of thick economic liberties, as well as concerns that are raised in relation to the standard Rawlsian position. This chapter explains why Tomasi's justification to render the thick economic liberties basic fails to satisfy the acceptability requirements outlined in chapter two. In essence, the argument fails, and the thick economic liberties cannot be acceptable to all reasonable conceptions of the good, and the basic protection of thick economic liberties would actively harm persons' capacity to develop and exercise the moral powers.

This chapter is structured by following two key arguments. The first argument is that the protection of the right to own property makes it unreasonably difficult to pursue other economic arrangements, which undermines the pursuit of certain life plans. While I already have discussed this issue in the previous chapter, it is a crucial argument that requires elaboration. The only way this arrangement, as in the protection of thick economic liberties, can be justified is if it is part of a perfectionist view in which capitalist-based life plans are preferable to others. This forces the defenders of the basic thick economic liberties to revise their argument significantly, or to accept the thick economic liberties can only be incorporated into the basic liberties on perfectionist grounds.

The second argument focuses on the failure of the state to provide certain goods and legal constraints that help persons, particularly the worst off, pursue their particular conception of the good. This further betrays a perfectionism towards certain life plans over others within the protection of thick economic liberties and indicates that a market democratic state is non-neutral, as the state is using political power in a way that can only be justifiable to particular conceptions of the good. The protection of thick economic liberties as basic therefore fails the acceptability requirements outlined in chapter two. In addition, I argue market democracy undermines political

liberty and permits excessive inequality, exacerbating domination and undermining opportunity. Overall, the protection of thick economic liberties does not appear to provide the conditions to ensure all can develop and exercise their moral powers. As a result, the thick economic liberties fail to meet the moral powers test, raising further questions about what sort of economic liberties are necessary, if any, for individuals to develop the moral powers.

4.1 How Basic Thick Economic Liberties Protect a Narrow Range of Life Plans

The argument to include the thick economic liberties as basic would protect private ownership of productive property. I argue this would unreasonably restrict other life plans not based upon private ownership or involve a significantly weaker individual ownership claim. For example, if the state were to protect property owners' right to productive property, it is unclear how collective economic arrangements would be possible. If the state were to allow collective property rights, this would undermine the basic thick economic liberties that are protected in this framework, as their capacity to own private property, seen as an essential basic liberty that helps persons develop and exercise their moral powers, will be constrained. As a result, the only justification for protecting this framework is to appeal to a perfectionist defence of ownership of private property.

The thick economic liberties include private ownership of productive property, and basic liberties guarantee a strong protection. Simultaneously, Tomasi states that any economic arrangement is protected, whether it is private or collective.¹ If this is true, then any property arrangement can be pursued, and it is merely the ownership, whether private or collective, that is protected. If this were correct, then it may appear that the protection of thick economic liberties is acceptable to all, as it does not prefer any particular life plan. However, this argument seems to directly contradict the nature of the basic liberties and fails to consider how the protection of thick economic liberties would render the pursuit of collective ownership difficult, as the thick economic liberties focus on private ownership. This illustrates a significant problem with including thick economic liberties in the list of basic liberties.

The thick economic liberties, by their definition, protect the private ownership of productive property.² This inherently provides some form of preference to those who own, privately, productive

¹ Tomasi, "Reply to Samuel Freeman: Thick Economic Liberty"

² Nickel, "Economic Liberties"

property. The basic liberties are protected and can only be constrained when they clash with other liberties.³ This bestows a significant protection to the right to own productive property, therefore. If one wishes to pursue an alternative economic arrangement or live a life with strong welfare protections of a social democracy, on the basis as it relates to their life plan just as how the ownership of a business relates to Amy with her pup in a tub store, these persons do not seem to have the same protection.⁴ The basic thick economic liberties would rule out certain acts that may equally be important to other conceptions of the good not involving private ownership of property. For example, workplace democracy and collective negotiations are ruled out as a result of the thick economic liberties.⁵ This is ruled out in two ways. Firstly, Tomasi argues explicitly for individual negotiation of wages, because each individual is responsible for their life and economic matters and it provides greater meaning.⁶ This, therefore, rules out unions, collective negotiations, and the ability to engage in the workplace in a collective manner, even alongside private ownership of the property.

Secondly, property owners would have full authority over the property and how it is used. Tomasi claims that:

Market democracies therefore seek to thicken ownership, in part by expanding the range of things that are made subject to legal ownership by private individuals and groups.⁷

On this basis, the scope for ownership is expanded, and property owners have a strong degree of control over what they own. While this does include 'groups', nonetheless, in any situation when an individual has 'thick ownership' they will have strong control. This means there is a greatly reduced space for workers' voice, or at least it is not guaranteed by any legislation. However, many persons may not have a life plan consisting of productive property ownership, rather they may desire democratic procedures in their workplace, and to associate themselves in organisations such as unions. This indicates that the protection of the thick economic liberties unreasonably undermines the pursuit of other competing life plans in order to protect those whose life plans involve property ownership.

³ Rawls, *Political Liberalism*, p294

⁴ Freeman, "Can Economic Liberties Be Basic Liberties?"

⁵ Tomasi, *Free Market Fairness*, xviii, p81, pp190-191

⁶ *Ibid*, p81

⁷ *Ibid*, p259

It is unclear how competing ownership claims would be resolved in a market democracy, highlighting this inherent tension. If there were a conflict regarding the ownership of some property between those who wish to own some property collectively, and someone who wishes to own it privately, the one who wishes to own it privately would be preferred on account that it relates to their basic liberties. For example, if a group and an individual were attempting to acquire the same business, or if an individual wished to purchase a collectively run property or vice versa. It would appear that the state has to protect the rights of those who wish to or do own private property, as the thick right to acquire private ownership of a productive property is a basic liberty, more explicitly than any owners of collective property. This subordinates the life plans of those who wish to have no private ownership-based life plans, and the justification would appeal to what Dworkin calls an “external preference”, as in, a preference for some discrimination due to a desire not for one’s own benefit, but to harm others.⁸

There is a potential defence of the protection of thick economic liberties, to stress market democracy’s impartiality. Defenders may still claim that it is a case that whoever acquires property first will be respected most if there is a conflict between ownership models, or that there is still room for workplace democracy. This is because any ownership claim is protected. However, this has seemed to diminish the original argument to protect thick economic liberty as basic. This idea of thick economic liberty seems to now defend any model of ownership, which differs radically from what was originally asserted based upon the protection of private ownership.⁹ However, if we accepted this understanding of ownership rights, and there was some conflict between property claims it would be difficult to resolve. For example, workers who wish to collectively buy a property, or even have workplace democratic procedures, will conflict with an owner who wishes to own the property privately and run as they see fit. Now the state cannot act in favour of either party with any legislation for example as both have a valid claim in relation to their conception of the good.¹⁰ This indicates that if one wanted to protect all arrangements, economic liberties should remain excluded from the basic liberties, and would be better placed elsewhere where the role of democratic procedures can best interpret the solutions to such matters. Only basic liberties can be constrained

⁸ Ronald Dworkin, *Taking Rights Seriously*, Bloomsbury Academic, 2013. pp282-283

⁹ *Ibid*, xxvi, p236

¹⁰ Brennan, Jason. “Against the Moral Powers Test of Basic Liberty,” *European Journal of Philosophy* 28, no. 2 (2020): 492–505. p497

to protect other basic liberties, yet, if productive property were outside the basic liberties, economic matters could be better regulated in order to allow for a wider range of life plans, even those including private ownership.

The only other available response would be to keep private ownership as basic and relegate collective ownership as non-basic, along with any desire for workplace democracy. This has two problems. Firstly, the justification of owning collective property, and workplace democracy, may have as much a relation to a person's conception of the good life as private property; therefore, there is no reason we should prioritise private over collective ownership. Secondly, if Tomasi wishes to insist that this protection does not constrain those who want alternative economic arrangements, this seems to have diminished the strength of the basic liberty. If the state were to enforce some compromise between those who wish for collective ownership and those who want private ownership, this weakens the basic liberty. However, this is justified not on the basis of another *basic* liberty, which is the only acceptable justification for constraining basic liberties. Ensuring a range of economic arrangements, including private and collective ownership may be a desirable goal, to ensure that all arrangements can be pursued, but it appears making the right to private property ownership a basic liberty is problematic to this end.

Defenders of thick economic liberties may argue that pointing to non-neutral effects, in that capitalist-based life plans are protected and flourish over non-collective ones, fails to prove that thick economic liberties are non-neutral. It could be argued that this is merely a consequence of the protection of rights. This would be analogous to how the protection of religious liberties may result in the flourishing of Christianity over Hinduism in a society, not necessarily meaning the protection of religious liberties is perfectionistic or non-neutral, therefore, we cannot ascribe non-neutrality to the protection of thick economic liberties. Similarly, one may claim it is merely a case of liberties clashing, between collective and private ownership-based life plans, in the same way that other basic liberties clash, and what liberty wins out will be determined in relation to the development of the moral powers.

Both responses fail to suitably address the concern I raised. The protection of thick economic liberties would be more analogous to a protection of freedom of monotheistic religions, rather than freedom of religion, which would lead to some state support of Christianity, Islam, and Judaism, over

Hinduism, for example. The protection of thick economic liberties explicitly protects capitalist life plans, but fails to extend the protection to the other economic life plans. The protection of monotheistic religions would not be acceptable to all persons, only those with particular monotheistic conceptions of the good. The same applies for the protection of thick economic liberties.

It also cannot be rescued by claiming that liberties clash. The thick economic liberties, which are directly in relation to *private* ownership of productive property, are protected as basic. However, collective, or any thinner economic liberties involving constraint on the use of productive property, in opposition to thick economic liberties, are not protected as basic liberties in an explicit manner. Therefore, the basic right to productive property will inevitably win out over other claims to life plans involving alternate economic arrangements. If collective rights were to be protected *alongside* thick economic liberties, then the argument would be significantly altered and weakens the thick economic liberties as it would constantly clash with the competing right, and there would be many potential challenges regarding the feasibility of two seemingly contradictory basic rights.

The only defence left for defenders of thick economic liberties as basic rights is to accept a perfectionist argument. They may argue, as Tomasi does to a degree, that the freedoms given over one's life help achieve better self-respect for example.¹¹ The argument could claim that the freedom to own property, the competitiveness of the market economy, and the self-sufficiency that is essential in a market democracy, are inherently beneficial to a person's well-being, compared to a social democracy.¹² However, this is a perfectionist argument, as it holds that a life that pursues certain ends, faces certain obstacles, and does not have support from the state or state provisions, is inherently more rewarding and thus the state should support this. This argument results in a fundamentally non-neutral state, as it does not aim to be acceptable to all in its use of power, rather, appealing to those who agree with this position. Taking the perfectionist position is also directly at odds with the argument Tomasi attempts to make, which appeals to a range of conceptions of the good in line with the principles of political liberalism.

¹¹ Tomasi, *Free Market Fairness*, pp170-172

¹² *Ibid*, p80

In essence, the protection of thick economic liberties inherently prefers certain life plans. While I do not believe that neutrality of outcome is a viable goal, this does illustrate some use of power that is not acceptable to all persons, it thus violates neutrality. It is not acceptable to all reasonable persons, as few would wish to endorse such a protection of only some particular life plans, which come explicitly at the expense of other life plans. If the framework is to make more room for alternative economic arrangements, the strength of the basic liberties is diminished. If it does not, then the argument has taken on an overtly perfectionist and non-neutral nature, in order to show why the end result of a market democracy is inherently preferable for people to achieve self-authorship on the basis that a life in a market democracy helps persons self-actualise, which is an argument which has departed from the political liberal position Tomasi intends to make. If defenders of the thick economic liberties accept that this is an intentional departure, then it is problematic to appeal to the principles of political liberalism. If it is not a departure, then it is unclear why political liberalism should incorporate thick economic liberties as basic, when it cannot be acceptable to all reasonable persons.

These issues therefore indicate that the state uses in its justification of policy a preference to a particular conception of the good, that of property ownership. Justifying this preference towards particular life plans is incompatible with reasonable persons who do not adhere to a conception of the good involving thick property rights. This preference towards a conception of the good is fundamentally perfectionistic, and is promoting the use of political power in a manner which is not justifiable to all conceptions of the good.

4.2 How Market Democracies Fail to Provide Goods for Certain Life Plans

The second supporting argument illustrates an inherent non-neutrality, as well as a failure to ensure that all persons can develop their moral powers with the protection of thick economic liberties. The argument focuses on the lack of provision of goods and protective legislation, and the resulting inequality in a framework which protects the thick economic liberties as basic. I outline how market democracy, and the policies it supports, fails to uphold the principles of justice and deprives persons of necessary resources and opportunities in order for them to pursue their conception of the good.

4.2.1 Discrimination

Discrimination is a major obstacle to self-authorship and would proliferate in Tomasi's market democracy. Tomasi outlines that in one potential model there will be no need for anti-discrimination legislation.¹³ This sort of legislation would prevent hiring, or not hiring, or providing services on the basis of discriminatory grounds i.e., race, gender, sexuality, etc. This sort of legislation is precluded under Tomasi's framework as it interferes with the freedom to own property as one sees fit, as a result, if one wishes to discriminate it is included in their right. While Tomasi does consider that there is a role for anti-discrimination legislation in another model of market democracy, he defends it contingently on the basis of overcoming some deficiencies in the market to ensure fairness of equality of opportunity, which illustrates a major problem with protecting thick economic liberties.¹⁴ The issue is that it fails to achieve the principles of justice if fully embraced by making it considerably difficult for many persons to pursue their life plan, or that the basic liberty needs constraint in order to overcome this problem.

Pursuing conceptions of the good that involve the use of labour depends on there being a guaranteed opportunity. That they can be blocked out of pursuing certain labour because of some arbitrary discrimination shows that the protection of thick economic liberties actively harms certain persons pursuing their own reasonable conception of the good. Rawls claims 'Justice as fairness, and other liberal conceptions like it, would certainly be seriously defective should they lack the resources to articulate the political values essential to justify the legal and social institutions needed to secure the equality of women and minorities.'¹⁵ Illustrating that the state must ensure opportunity for minorities, women, and others who are victims of discrimination. Anti-discrimination legislation's goal is to ensure opportunity for all persons regardless of their background, so the alternative to permit appears to undermine this significantly.

The real-world effects of discrimination illustrate this point. Discrimination of sexuality and race have been observed to have numerous negative effects on the well-being of persons. For example, sexual minorities and racial minorities earn less than their colleagues who are white and

¹³ Ibid, p116

¹⁴ Ibid, p117

¹⁵ Rawls, *Justice as Fairness: A Restatement* , p66

heterosexual.¹⁶ Furthermore, these discriminated groups are more likely to experience health and mental health issues.¹⁷ Importantly, a lack of discrimination legislation generally reduces opportunity for all persons and thus can be said to undermine the range of life plans they can pursue. All of these effects will hinder persons in developing their conception of the good, which directly stems from a lack of legislation.

Some argue that within a truly free market system, there would be no need as the market will reward those who do not discriminate better.¹⁸ However, the effects of discrimination are considerable, and have had long-lasting effects.¹⁹ To allow such a negative effect on minority groups because potentially the market may address injustices eventually seems to nonetheless harm a considerably large range of persons, particularly the worst off in society. This undermines the principles of justice and leads to strong barriers to persons to better develop and exercise their moral powers, as the conditions conducive to this development are not provided and their life plans are no longer achievable.

¹⁶ Multiple sources show that discrimination, and even with legislation, has led to financial difficulties for sexual and ethnic minorities: Badgett, M. V. Lee. "The Wage Effects of Sexual Orientation Discrimination," *ILR Review* 48, no. 4 (July 1, 1995): 726–39. <https://doi.org/10.1177/001979399504800408>; Perales, Francisco. "The Costs of Being 'Different': Sexual Identity and Subjective Wellbeing over the Life Course," *Social Indicators Research* 127, no. 2 (June 1, 2016): 827–49. <https://doi.org/10.1007/s11205-015-0974-x>; Berg, Nathan, and Donald Lien. "Measuring the Effect of Sexual Orientation on Income: Evidence of Discrimination?" *Contemporary Economic Policy* 20, no. 4 (2002): 394–414. <https://doi.org/10.1093/cep/20.4.394>; Lin, Ann Chih, and David R. Harris. *The Colors of Poverty: Why Racial and Ethnic Disparities Persist*. Russell Sage Foundation. 2008; Lang, Kevin. *Poverty and Discrimination*. Princeton University Press. 2011.

¹⁷ Choi, Shinwoo, et al. "Effects of Asian Immigrants' Group Membership in the Association between Perceived Racial Discrimination and Psychological Well-Being: The Interplay of Immigrants' Generational Status, Age, and Ethnic Subgroup," *Journal of Ethnic & Cultural Diversity in Social Work* 29, no. 1–3 (May 3, 2020): 114–35. <https://doi.org/10.1080/15313204.2020.1712569>; Williams, David R. "Race, Socioeconomic Status, and Health: The Added Effects of Racism and Discrimination," *Annals of the New York Academy of Sciences* 896, no. 1 (December 1999): 173–88; Ong, Anthony D., Thomas Fuller-Rowell, and Anthony L. Burrow. "Racial Discrimination and the Stress Process," *Journal of Personality and Social Psychology* 96, no. 6 (June 2009): 1259–71. <https://doi.org/10.1037/a0015335>.

¹⁸ Bernstein, David, E. "Context Matters: A Better Libertarian Approach to Antidiscrimination Law," *Cato Unbound* (blog), June 2010. <https://www.cato-unbound.org/2010/06/16/david-e-bernstein/context-matters-better-libertarian-approach-antidiscrimination-law>.

¹⁹ Stock, Michelle L., Laurel M. Peterson, Brianne K. Molloy, and Sharon F. Lambert. "Past Racial Discrimination Exacerbates the Effects of Racial Exclusion on Negative Affect, Perceived Control, and Alcohol-Risk Cognitions among Black Young Adults," *Journal of Behavioral Medicine* 40, no. 3 (June 2017): 377–91. <https://doi.org/10.1007/s10865-016-9793-z>.

Either discrimination is permissible, alienating persons from the market and from job opportunities, and causing negative effects to minority groups, or it is constrained. If it is constrained in order to overcome such a matter, it would illustrate that there is an inherent problem with protecting thick economic liberty in order to protect the capacity to develop the moral powers. Other basic liberties do not need such a significant constraint, to ensure persons can develop their moral powers, yet it appears that the thick economic liberties require constraint in order to avoid harming the powers' development. For example, while religious acts that may directly harm persons are outlawed, as they are not necessary for the development of the moral powers, people generally remain free to worship their chosen faith and hold whatever beliefs they wish. Whereas the private ownership of productive property, which is a fundamental part of the thick economic liberties, needs considerable constraint in order to ensure all persons can pursue their conception of the good. By Tomasi's understanding of what is entitled to a person on the grounds of private property ownership, it appears that this liberty is undermined by discrimination legislation, which is similarly necessary to ensure other persons can pursue their conception of the good. Additionally, the constraint, while justifiable on the basis of the development of the moral powers, is not on the basis of other basic liberties clashing; therefore, the constraint cannot be justifiable if the thick economic liberties are basic.

4.2.2 Healthcare and Education

A second issue related to the failure of providing goods and legislation necessary for certain life plans, is that Tomasi's framework does not guarantee many state-provided goods, compared to a typical Rawlsian scheme, or even a welfare state liberal egalitarian framework, preferring the market to allocate resources. One model of market democracy takes 'a minimalist, safety-net approach to other social service concerns as well', with some assistance only to help the poorest, to send some children to privately owned schools, or to help some access healthcare which is provided through the free market.²⁰ The most redistribution and provision of goods Tomasi accepts is some ensuring of education and healthcare, but preferable through subsidy or a minimum income in a market-based system.²¹ I argue this fails to ensure that people possess the goods necessary for them to pursue their conception of the good, and this again is only for the benefit of certain conceptions

²⁰ Tomasi, *Free Market Fairness*, p116

²¹ *Ibid*, p117

of the good, and thus is perfectionist. Conversely, in the standard Rawlsian property-owning democracy, there is a strong social minimum, universal healthcare, subsidy, and educational opportunities for all.²² This is beyond a standard welfare capitalist model, which merely provides a low social minimum, and actively ensures against inequality, whereas a welfare capitalist model, and Tomasi's market democracy, are content with wider inequalities on the condition that people may earn more income overall.²³

We can consider real-world examples to see the issue in Tomasi's framework. The policies that a market democracy accepts in the real world have clear detrimental effects when we examine societies that have increased marketisation and privatisation of provisions. The lack of provision of certain goods such as healthcare, education, and other welfare has been shown to be detrimental to wellbeing, health, and opportunity in society. For example, mortality rates decrease when universal healthcare is provided.²⁴ While private companies can provide these goods, that lack of guarantee is a concern and will exclude persons on a financial basis from being able to access these services without subsidy. In the USA, where healthcare is not universally provided, there is significant evidence showing those who are unable to access healthcare are at higher risk of mortality due to preventable illnesses.²⁵ If the state fails to provide support for poorer families to attend higher education, social mobility often is worse and inequality as well.²⁶ A lack of state education therefore tends to lead to wider poverty and a lack of opportunity as people lack the education to pursue better paid and more meaningful work. Furthermore, privatised education and higher education only accessible to the elites tends to result in lower social mobility, leading to a continuation of an elite dominance in certain fields. For example, private education students tend to obtain higher-level jobs than state-educated counterparts in the UK, and publicly provided education tends to reduce inequality of opportunity.²⁷ This then has larger effects on society by giving less of a voice to the

²² Rawls, *A Theory of Justice*, p252; Freeman, *Rawls*, p226-231,

²³ Freeman, *Rawls*, p131, p225

²⁴ Sen, Amartya. "Universal Health Care: The Affordable Dream," *Harvard Public Health Review* 5 (2015): 1–8.

²⁵ Wilper, Andrew P., Steffie Woolhandler, Karen E. Lasser, Danny McCormick, David H. Bor, and David U. Himmelstein. "Health Insurance and Mortality in US Adults," *American Journal of Public Health* 99, no. 12 (December 1, 2009): 2289–95. <https://doi.org/10.2105/AJPH.2008.157685>.

²⁶ Haveman, Robert, and Timothy Smeeding. "The Role of Higher Education in Social Mobility," *The Future of Children* 16, no. 2 (2006): 125–50.

²⁷ Macmillan, Lindsey, and Anna Vignoles. "Mapping the Occupational Destinations of New Graduates Research Report," *Social Mobility and Child Poverty Commission*, October 2013. p54; Andersen, Torben M. "Social Background, Education, and Inequality," *Economic Inquiry* 57, no. 3 (2019): 1441–59. <https://doi.org/10.1111/ecin.12778>.

worst off. Furthermore, if the state fails to provide a sufficient safety net or more, then there is generally worse social mobility within society. For example, Nordic countries and others with stronger welfare states score higher in social mobility indexes than those without.²⁸ Tomasi's state would rely on the market for most services and goods, yet it is shown to not only lead to inequality, but it actively harms the opportunity for the worst off.

A reply is that there is space for some welfare in a market democracy. For example, Tomasi says a basic income is considerable, as is progressive taxation on inheritance, to maintain fairness.²⁹ However, just as with accepting the need for anti-discrimination legislation, this concession undermines the strength of the basic liberties, which should only be constrained when clashing with other basic liberties. Furthermore, this concession recognises that in fact economic liberty needs to be *constrained* not expanded to ensure that all persons can develop their moral powers. If thick economic liberty, when fully implemented, fails to provide certain measures and constraints to ensure that all persons can develop and exercise their moral powers, regardless of their conception of the good, then the argument appears to fail. If it is recognised that the state must provide certain goods and a basic income, and constrain economic behaviours, in order to ensure all persons can develop their moral powers, then the thick economic liberties should not be made basic.

4.2.3 Inequality and Political Liberty

The protection of thick economic liberties leads to a framework that justifies stark inequalities on the condition that it increases wealth and autonomy for the worst off, even if there is a larger degree of inequality than in a standard Rawlsian argument. While this justification is focused on the difference principle, I believe this framework fails to ensure that all person can pursue their conception of the good. The reason for such high inequality is due to the fact that the market democratic state taxes minimally and allows for the market to provide goods instead. This in theory gives greater wealth to all and also permits unlimited earnings. However, it is not sufficient to have a floor, rather to ensure a limit on inequality to prevent excessive power of the elite.³⁰ Inequality,

²⁸ World Economic Forum. "Global Social Mobility Index 2020," *World Economic Forum*, 2020.

<https://www.weforum.org/reports/global-social-mobility-index-2020-why-economies-benefit-from-fixing-inequality/>

²⁹ Tomasi, *Free Market Fairness*, pp229-230; Tomasi, John. "Democratic Capitalism: A Reply to Critics," *Critical Review* 26, no. 3–4 (October 2, 2014): 439–71. <https://doi.org/10.1080/08913811.2014.988417> p460

³⁰ Freeman, *Rawls*, p133

even if the worst off have a degree of wealth, leads to considerable issues in power relations and dominance of a particular group over society. A radically imbalanced power dynamic is of significant concern, as when a group has power over individuals, they control media and government, and generally have more advantages to the detriment of the worst off.³¹ If an elite control the media and politics, they will have more influence and say, undermining the right to political liberty and expression of the worst off.³² As a result, this inequality will reduce the overall ability of the worst off to pursue their conception of the good.

This concern may not be a major issue for defenders of thick economic liberties. Tomasi transforms the interpretation of political liberty, by placing many economic matters beyond the realm of the political, rather securing political rights in a constitutional manner rather than by 'equalizing holdings', meaning political liberty for Tomasi is diminished compared to Rawls.³³ Therefore, the weakening of political liberties may not be a concern to him and other defenders of thick economic liberties, as they would argue the economic liberties offer better agency to persons and provide better grounds to develop the moral powers.

This is an additional problem, illustrating that the control of economic matters is more important than political freedoms. However, political liberty is vital to ensure that persons can develop their moral powers, as I previously outlined, it provides the ability to develop a sense of justice. Economic liberty, however, appears to prefer certain conceptions of the good at the expense of others. Those who wish for a politically engaged life struggle to pursue their particular conception of the good in a market democracy, and in addition, a social condition that is vital for the development of the moral powers is deprived for all persons. Persons will be less able to engage with others through political procedures, and establish consensus with persons who have competing conceptions of the good, so they will be less able to develop a sense of justice. Furthermore, due to a lack of political power, they will generally have less political autonomy and the state may not properly represent the people.

Tomasi stresses that there are better benefits for the worst off in his system compared to a typical Rawlsian system or social democracy, even at the costs of traditional social democratic

³¹ Scanlon, *Why Does Inequality Matter?*, pp90-91,

³² O'Neill, "The Facts of Inequality," p403

³³ Tomasi, *Free Market Fairness*, p252

advantages of political liberty and workplace autonomy.³⁴ He argues that people have more wealth at the expense of autonomy in the workplace, however, this is not necessarily true. For example, not only does higher union membership decrease inequality, even in terms of wealth alone, wages for those in union jobs tend to be higher than non-union wages.³⁵ In addition, the control that Tomasi claims is given to those in a market democracy, are comparable with a social democratic model, it just involves a degree of taxation which is not permitted in his framework. When these are considered, it appears that the worst off are not better off in market democracy financially, and they are deprived of political and workplace autonomy. In addition, the better off are explicitly preferred by the political framework by having stronger ownership rights, as outlined in the previous section, and certain goods are not provided to the worst off.

4.3 Conclusion

All of the issues I highlighted show the inclusion of thick economic liberties in basic liberties fails the acceptability requirement, and importantly highlights there is a non-neutral and perfectionist component in the argument to defend thick economic liberties. The only justification to defend the aforementioned lack of provisions, the expansion of economic rights at the expense of political ones, the loss of collective negotiations, and the lack of welfare, healthcare, education, and discrimination rights, is if it is accepted that there is some inherently preferable goal to a society with these sorts of policies. This can only appeal to a narrow set of persons, not all reasonable persons, and therefore the state is inherently non-neutral, by being justifiable to a narrow set of persons and resting on a perfectionist justification. By being perfectionistic and non-neutral, market

³⁴ Ibid, p187, p191

³⁵ Farber, Henry S, Daniel Herbst, Ilyana Kuziemko, and Suresh Naidu. "Unions and Inequality over the Twentieth Century: New Evidence from Survey Data," *The Quarterly Journal of Economics* 136, no. 3 (June 30, 2021): 1325–85. <https://doi.org/10.1093/qje/qjab012>.; Long, George I. "Differences between Union and Nonunion Compensation, 2001–201," *Natural Resources*, April 2013, 16–23.; Naidu, Richa. "Retail Workers in Unions Reap Higher Wages Even as U.S. Organizers Suffer Setbacks," *Reuters*, July 9, 2021, sec. Business. <https://www.reuters.com/business/retail-workers-unions-reap-higher-wages-even-us-organizers-suffer-setbacks-2021-07-09/>.

democracy undermines the free and equal status of persons, subordinates' rights, and also leads to an unstable state as few would accept its use of power.

It appears that the thick economic liberties do not provide conditions for all persons, but rather those with a certain life plan. If the life plans of those whose conceptions of the good involve living in a market democracy are only those that can easily be achieved, and those with rival economic arrangements are less able to achieve the conceptions of the good, only certain people can develop and exercise their moral powers. The moral power to pursue one's conception of the good, or self-authorship, is only able to be fully exercised if a person wishes to pursue a life plan which is conducive to a market democracy and the thick economic liberties. The preference for certain conceptions of the good, the lack of acceptability to a range of views, struggles not only to achieve legitimacy but fundamentally only allows a certain minority the capacity to develop their moral powers. The criterion to include the basic liberties is to guarantee the conditions that help all persons develop and exercise their moral powers, however, the protection of thick economic liberties, fails to provide these conditions. On this basis, we must reject the inclusion of the thick economic liberties from the moral powers test as well as the acceptability requirement, and because the justification to continue supporting thick economic liberties' inclusion can only be done so from fundamentally non-neutral and perfectionistic positions. There is one remaining argument left, that the thick economic liberties provide a better opportunity for meaningful work, which I now turn to address, which then concludes the reasons why thick economic liberties cannot be basic.

Chapter 5 — Meaningful Work and the Moral Powers

5.0 Introduction

This chapter criticises Tomasi's argument for including the thick economic liberties on the grounds that it fails to provide sufficient opportunity for meaningful work. It also criticises Rawls' own rival conception, which raises the issue that I address, of what is meaningful work and whether we can develop a more suitable, anti-perfectionist account of meaningful work. This account, in turn, informs much of the rest of my arguments regarding the proper role of economic liberty and property ownership, as work is deeply tied to economic activity and ownership.

I argue that Tomasi's framework only protects opportunities for certain conceptions of meaningful work. This continues and expands key points raised in the previous chapter as it relates to appealing to all conceptions of the good. This criticism is crucial to the core issue highlighted at the end of the previous chapter that the protection of the thick economic liberties tends towards a perfectionist view of work and property ownership. In turn, I develop a conception of meaningful work that is more rigorously anti-perfectionist, as many of the criticisms I apply to Tomasi also apply to Rawls., in relation to the issues of perfectionism and insufficiently taking domination seriously. This warrants me to further engage with deficiencies in the Rawlsian position in the following chapters, particularly in relation to domination.

The first section defines work in general, as meaningful work cannot be understood without clarification of what is work. I argue that work is not merely paid work, and it constitutes a range of activities. The second section outlines the core components of Rawls' conception of the opportunity for meaningful work, which is that for persons to have self-respect, people need an opportunity for meaningful work, and therefore the state, as a last resort, should be an employer.¹ The third section outlines Tomasi's argument, that the protection of the thick economic liberties as basic, provides agency and autonomy through a robust market economy. The fourth section criticises Tomasi's and Rawls' argument, and outlines some potential responses, where I argue both have overly perfectionist ideas of what is meaningful work, which can be reasonably disagreed with. Finally, I argue that work is a key part of all persons' life plans, and therefore relates to the moral powers

¹ Rawls, *Justice as Fairness: A Restatement*, p50

more directly than recognised by Rawls' or Tomasi. All persons need to be able to define meaningful work for themselves, and to do so require an opportunity to pursue meaningful work. This position overcomes the debate between conceptions of meaningful work, instead, better follows anti-perfectionist thought by allowing the pursuit of a range of rival reasonable conceptions of meaningful work.

5.1 What is Work?

Without an understanding of what work is, I cannot clearly explain what sort of work is meaningful or how the state should regulate work in relation to matters of justice if it should at all. This is a blind spot in much of the literature, as while there is a reasonable discussion on the matter of meaningful work or worker ownership of the means of production or voice in the workplace, there has been little rigorous discussion on the definition of work. This gap I attempt to address.

5.1.1 Is Work Paid Labour?

I argue that the common understanding of work as paid labour fails to sufficiently consider forms of unpaid labour, such as volunteering or domestic labour. Alternatively, work could be defined as an activity which is done due to necessity, which would include domestic labour, but this may fail to take into account those who work not for income but for the love of their work, or to occupy themselves despite being financially comfortable enough to not work. Work could be redefined as any activity that requires physical or mental activity; however, this would be too broad. I argue that there is a range of things that can be considered work, with family resemblances, rather than a clear binary of what is and is not work. The common theme is that work can be understood as something which is either done out of necessity, contributes to society, or is paid. These overlap, but instances can be found which cannot be considered anything less than work. With this understanding in mind after this section, there will be clarity going forward in my argument.

A common understanding of work is that it is paid labour.² On this definition, any activity that is paid, no matter how physically or mentally simple or difficult, constitutes work, and any non-paid activity, equally regardless of its simplicity or difficulty, is not work, and if it is, is seen as less

² Messias, Deanne K. Hilfinger, Eun-Ok Im, Aroha Page, Hanna Regev, Judith Spiers, Laurie Yoder, And Afaf Ibrahim Meleis. "Defining and Redefining Work: Implications for Women's Health," *Gender & Society* 11, no. 3 (June 1, 1997): 296–323. <https://doi.org/10.1177/089124397011003003>.

important. This understanding overlooks those who undertake serious volunteering work, those who care for others in the home, creative endeavours that earn no income, and any other unpaid activity, and these activities' significant value. I explain why each of these should be considered work and show the deficiencies in the classic definition.

The understanding of work as only paid labour has been criticised considerably by feminist theorists, who argue that it disregards the domestic labour many women undertake in the home, and the necessity it plays in ensuring that work can be undertaken.³ Completing domestic labour enables for undertaking paid labour. Women's labour often contributes informally to the economy, and to the family's economy, yet is often discounted, when work is equated with paid labour.⁴ For example, some estimates in China put the financial contribution to GDP of women's domestic labour as between 25-32%.⁵ The activities of domestic labour are the same as those of paid cleaners and servants, for example, and it seems peculiar to claim they are not undertaking labour merely on account that the activity is not paid, as it has a clear value to the family and the economy. Additionally, there even is economic value to the labour even if it not paid, showing that the idea that only paid activity is work is peculiar, and it opens up the question of whether or not the economic impact should be understood as a feature of work, even if it is not paid.

Volunteers additionally contribute economically, and to society as a whole. While there is a difference in outcome between volunteering a small amount of time to do something minor such as baking a cake to raise funds for a church compared to assisting refugees in accessing housing regularly, there is still a measurable outcome of volunteering and the use of labour. There are often considerably difficult and unpleasant tasks undertaken by volunteers, often involuntary once a volunteer is in the role.⁶ Many volunteers, such as legal ones, undertake what would normally be paid but for free, in order to assist others and society at large, without significant cost to the state

³ Ibid; Kahn-Hut, Rachel, Arlene Kaplan Daniels, and Richard Colvard, eds. *Women and Work: Problems and Perspectives*. New York: Oxford University Press, 1982.

⁴ Messias, et al, *Defining and Redefining Work: Implications for Women's Health*, p300 ; Jefferson, Therese, and John E. King. "'Never Intended to Be a Theory Of Everything': Domestic Labor in Neoclassical and Marxian Economics," *Feminist Economics* 7, no. 3 (January 1, 2001): 71–101. <https://doi.org/10.1080/13545700110103504>;

⁵ Dong, Xiao-yuan, and Xinli An. "Gender Patterns and Value of Unpaid Care Work: Findings From China's First Large-Scale Time Use Survey," *Review of Income and Wealth* 61, no. 3 (2015): 540–60. <https://doi.org/10.1111/roiw.12119>.

⁶ Stebbins, Robert. "Unpaid Work of Love: Defining the Work–Leisure Axis of Volunteering," *Leisure Studies* 32, no. 3 (June 1, 2013): 339–45. <https://doi.org/10.1080/02614367.2012.667822>. p340

or the recipients of help. There is an economic benefit for volunteers in society, helping generate income for their organisation and facilitating activities that can contribute to the economic activity of society at large.⁷ The activities of volunteers are equivalent to paid workers, and there is a clear outcome that benefits society and the economy, so it is unclear why this can be classified not as at least a form of work, or at least certain forms of volunteering.

Creative work can additionally provide benefits to society, including economically. For example, an artist may create something for free, which attracts cultural tourists to the nation it was created in. Cultural tourism is a major influence on a nation's economy, with many potential benefits.⁸ Art tourism, in and of itself, is arguably a distinct category and important to a nation's economy.⁹ There are also clear benefits to health and wellbeing from art, which in turn facilitate a happier and more functioning society.¹⁰ Art and creative endeavours may provide inspiration to individuals, enabling them to themselves make a wider contribution to society or themselves, in many instances through their paid work. The physical activities of creatives may, as with volunteers, be equivalent to paid labourers. Some artists may put painstaking levels of physical and mental exertion into a task. Furthermore, they may receive income as a result of their activity, but it is not necessarily considered as 'work'. This again illustrates a blurred distinction between work and leisure.

Regarding work and leisure, a person may take up a hobby in their spare time, such as painting, creating games, writing, sculpting, gardening, cooking, or any other activity. This may

⁷ Multiple sources find economic benefits for volunteering Handy, Femida, and Narasimhan Srinivasan. "Valuing Volunteers: An Economic Evaluation of the Net Benefits of Hospital Volunteers," *Nonprofit and Voluntary Sector Quarterly* 33, no. 1 (March 1, 2004): 28–54 <https://doi.org/10.1177/0899764003260961>; Ironmonger, Duncan. "Measuring Volunteering in Economic Terms," *Volunteers and Volunteering*, (2000), 56–72.; Salamon, Lester M., S. Wojciech Sokolowski, and Megan A. Haddock. "Measuring the Economic Value of Volunteer Work Globally: Concepts, Estimates, and a Roadmap to the Future," *Annals of Public and Cooperative Economics*, 82, no. 3 (2011): 217–52. <https://doi.org/10.1111/j.1467-8292.2011.00437.x>; Pho, Yvon H. "The Value of Volunteer Labor and the Factors Influencing Participation: Evidence for the United States from 2002 Through 2005," *Review of Income and Wealth* 54, no. 2 (2008): 220–36. <https://doi.org/10.1111/j.1475-4991.2008.00271.x>.

⁸ Cros, Hilary du, and Bob McKercher. "Issues, Benefits, Risks and Costs," In *Cultural Tourism*, 3rd ed. Routledge, 2020.

⁹ Franklin, Adrian. "Art Tourism: A New Field for Tourist Studies," *Tourist Studies* 18, no. 4 (December 1, 2018): 399–416. <https://doi.org/10.1177/1468797618815025>.

¹⁰ Macnaughton, Jane, Mike White, and Rosie Stacy. "Researching the Benefits of Arts in Health," *Health Education* 105, no. 5 (January 1, 2005): 332–39. <https://doi.org/10.1108/09654280510617169>; Selwood, Sara. *The Benefits of Public Art: The Polemics of Permanent Art in Public Places*. PSI Research Report 770. London: Policy Studies Institute, 1995.

eventually be something which they can earn a living off, yet the person does voluntarily and with pleasure, rather than out of a sense of financial necessity. This is a significantly different activity from working a menial job, for example. The distinction of when this activity becomes work, if it does at all, is not clear. The fact a binary distinction cannot entirely be discerned illustrates an issue with classifying work only as paid labour.

5.1.2 Alternative Definitions of Work

The fact there is an inability to succinctly distinguish what constitutes work from other activities by considering purely what is paid, illustrates the failure of this definition of work. An alternative definition could be any activity that uses physical or mental labour. However, this would be too broad a definition, including activities that are clearly recreational, such as playing sports, creative hobbies at home, and generally all aspects of day-to-day life for most people. Creating a picture, for yourself, would still involve considerable mental labour, yet it is peculiar to claim this is a form of work. A professional artist who makes a living does arguably have impact on wider society and/or on their own economic well-being, and therefore can be considered working, but the activities for their own sake are not clearly work. Therefore, this definition is too broad.

Another common definition is that of necessity, as leisure is often seen as a form of non-necessity.¹¹ This is broader than paid labour, and would include domestic labour, for example, as it is necessary for all people to undertake. However, people may work not out of necessity, but to contribute to the common good via lowly-paid but meaningful work, or they may work in highly-paid jobs with vast savings because they have a passion for the work. Volunteers may not act out of necessity, at least not for themselves, while engaging in beneficial activities which are often forms of typical paid labour. Creatives who engage in activities for the sake of art, whether or not they earn income, will often also be excluded by this definition, despite the fact they exert considerable mental and physical faculties, benefit society, and can have economic impacts. It is still too narrow to rule out these activities as not forms of work. These activities seem not only analogous but comparable to that of paid labour, yet are still excluded as forms of work, despite the fact they have economic and societal benefits, or may even be paid. What is required is identifying features that can

¹¹ Rose, Julie L. *Free Time*. Princeton; Oxford: Princeton University Press, 2016, p37

adequately distinguish certain activities as work, without ruling out many activities which may not be excluded by the classical “paid activities” definition or even the “necessity” definition.

5.1.3 How We Should Define Work

There have been multiple aspects touched upon throughout the examples I provided, which I argue can each, combined or alone, be considered a defining feature of work. I do not accept that work is a binary definition, rather, there are some family resemblances throughout a range of activities, and if these are held by certain activities, then it can be considered work. For example, there may be four features of work, called features 1, 2, 3, and 4, all of which, on their own or combined can be understood as work. Activity A, may have features 1 and 2, activity B may have features 2 and 3, activity C may have features 3 and 4. Each of these activities is, therefore, work, even if activity C shares no similarity with activity A. This is effectively sharing Wittgenstein’s concept of family resemblance, where there is, between multiple distinct games ‘similarities overlapping and criss-crossing: sometimes overall similarities, sometimes similarities of detail.’¹² The same can be applied to different activities we can categorise under work.

These features, I argue are one of, at least, four activities:

- Paid work
- Labour activities done out of necessity
- Activities that contribute economically
- Activities that contribute to society

There may be other features that we can later identify, however, these four features I believe can clearly be shown to be features of work. It may be claimed that work that is paid is done out of necessity, however, some people may earn billions and have savings that could last them their lives, but they still undertake work for payment. This is not done out of any necessity (arguably greed or boredom), but the activity is still a form of work, rather than of leisure. Activities such as domestic labour contribute to the wellbeing of the family or individual, and is a complete necessity to function,

¹² Wittgenstein, Ludwig. *Philosophical Investigations*. Translated by G. E. M. Anscombe. 3rd ed., Repr. Cambridge, Mass: Blackwell, 1989. p33

because, without activities such as household chores, an individual or family cannot function, so it is a form of work. This does not mean all forms of activities which are necessary are inherently work. Rather, labour which requires a degree of physical or mental exertion, and requires considerable time. Volunteer activities often contribute both economically and to the wider society, and therefore can be considered forms of work when they do so. This does not mean all forms of volunteering are work, but many are if they are contributing to society. Caring for others, is a form of domestic work done out of necessity, and also benefits society, and can be considered a form of work. Creatives who help contribute to society by sharing their work, or those who do make an income, can be said to be undertaking labour, as they generate income or make a wider impact, economically and in other ways, for others. This would rule out those who do creative tasks merely for themselves, as this is a form of leisure, however, those who make a living, or at least sufficiently contribute artistic creatives for others, can be said to be undertaking a form of work. Those who make a living off their hobby likewise, at the point in which they make income, have entered a form of work.

With these features, we overcome the challenge of defining work merely as paid work. I accept there are seemingly normative implications, in that we can recognise that those who contribute to society through unpaid activities, arguably require additional support for their roles. This in turn can have implications for any welfare policy a just society should pursue. However, the “paid work is only work” definition is also significantly normative, and this position factors in a *wider* range of activities, which is inherently more inclusive and appealing to all. However, the most important point is that going forward we can understand work to include a broad range of activities. Often, most references to work will be referring to workplace arrangements, however, with an understanding that a broader range of activities constitutes work, there is an ability to later consider the normative components.

5.2 Rawls, Self-Respect, and Meaningful Work

With work defined and understood, it is possible to go into the discussion of what constitutes meaningful work, and how to provide an opportunity for it. This section outlines and explains Rawls’ argument for the opportunity for meaningful work. Rawls’ believes that the opportunity for meaningful work is a component of ensuring that persons have self-respect, and has a particular understanding of self-respect. I explain first Rawls’ definition of self-respect before elaborating on

what constitutes meaningful work for Rawls. The subsequent section details Tomasi's rival conception of this argument, which having grown out of Rawls' conceptualisation necessitates the original be explained first.

5.2.1 Rawlsian Self-respect

The Rawlsian position claims that self-respect has a causal link to the opportunity for meaningful work. These terms need clarifying. To understand how the opportunity for meaningful work can achieve self-respect, it is important to understand what exactly self-respect is, and the relation of meaningful work towards it.

Rawls' defines self-respect in the following way:

We may define self-respect (or self-esteem) as having two aspects. First of all, as we noted earlier (§29), it includes a person's sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out. And second, self-respect implies a confidence in one's ability, so far as it is within one's power, to fulfill one's intentions. When we feel that our plans are of little value, we cannot pursue them with pleasure or take delight in their execution.¹³

There are two requirements for self-respect, one is feeling value and worthiness in pursuit of one's conception of the good, and the second is the ability to pursue this conception of the good. As part of the first requirement, in order to know if a pursuit of the good is worth carrying out, it follows the 'Aristotelian Principle'. This principle is defined as follows:

[...]human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and that this enjoyment increases the more the capacity is realized, or the greater its complexity.¹⁴

This idea is that humans enjoy exercising capabilities and engaging in complex activities that allow us to do so.¹⁵ Rawls gives the example that persons enjoy playing chess over checkers, if they have

¹³ Rawls, *A Theory of Justice*, p386

¹⁴ *Ibid*, p364

¹⁵ Aguayo Westwood, Pablo. "Self-Respect and the Justification of Rawlsian Principles of Justice," *Ethics and Social Welfare* 15, no. 3 (July 3, 2021): 232–45.

a choice, as it is more complex.¹⁶ Humans enjoy complex activities, as ‘they satisfy the desire for variety and novelty of experience, and leave room for feats of ingenuity and invention’.¹⁷ The Aristotelian Principle is effectively a motivation, something that assigns value to our activities, and motivates and inspires.¹⁸ According to this principle, people want to work towards ‘excellence’ to develop their capabilities. It is worth mentioning, this betrays a somewhat apparent perfectionism within Rawls’ account of meaningful work, as some will reject complexity over simplicity.

Another feature of self-respect, which helps a person know the worth of their pursuits, is the views of associates, and the sense of support they give to one’s particular intentions.¹⁹ The notion of self-respect ‘is tied to the pursuit of a suitably complex conception of the good within the context of an association of like-minded, supportive others’.²⁰ If one wishes to pursue their conception of the good, they need a sense of recognition from others. Without this recognition, they will not feel as validated in the pursuit of their conception of the good. This recognition confers the social bases of self-respect.

Self-respect is a primary good for Rawls therefore, the social bases, as in what provides a sense of self-respect, are something that the state has an interest in their distribution. This is in addition to non-basic liberties, and the opportunities for powers and positions of office, as examples.²¹ Primary goods are things ‘persons need in their status as free and equal citizens, and as normal and fully cooperating members of society over a complete life’.²² They are also goods influenced by the historical and sociological realities that can help persons develop and exercise their moral powers.²³ The basic liberties do have priority over primary goods, however, it is important to ensure that the worst off still have an acceptable share of these goods to satisfy the difference principle. This means that the social bases of self-respect provide a good that all persons require and that the state must distribute.

¹⁶ Rawls, *A Theory of Justice*, p374

¹⁷ Ibid, p386

¹⁸ Aguayo Westwood, “Self-Respect and the Justification of Rawlsian Principles of Justice”

¹⁹ Ibid, p387

²⁰ Moriarty, “Rawls, Self-Respect, and the Opportunity for Meaningful Work”

²¹ Freeman, *Rawls*, p113

²² Rawls, *A Theory of Justice*, pxiii

²³ Rawls, *Political Liberalism*, p292, p298

It is not the feeling of self-respect which is a primary good, but rather the social bases of self-respect.²⁴ Various things form the social bases of self-respect, such as the institutional provision of equal rights, recognition, and reciprocity.²⁵ Additionally, political liberties, the difference principle, and equal opportunity, also provide the bases for self-respect, as stated in Rawls' later work.²⁶ Importantly, Rawls claims that a lack of opportunity for meaningful work is harmful to self-respect, and therefore can be understood as a part of the basis of self-respect.²⁷

5.2.2 Rawls' Understanding of Meaningful Work

Rawls' understands meaningful work, and justifies the opportunity for it, as the following. In order for the state to provide the social bases of self-respect, a primary good to help develop and exercise the moral powers, it must provide the opportunity for meaningful work. Persons require the opportunity for meaningful work, among other goods, to have the ability to develop a sense of self-respect.

Generally, we can understand that meaningful work for Rawls has certain criteria. It is work that fulfils the Aristotelian Principle, as in persons can enjoy practicing their capabilities and allows people to form associations. Meaningful work is not monotonous and repetitive, unless voluntarily entered, and persons have other ways to develop associations. To have the opportunity for meaningful work, persons must be able to find association within work, if not at least outside it, and persons have a degree of power in the workplace.²⁸ I now explain each of these components.

The Aristotelian Principle, as outlined, is that all persons enjoy exercising their capabilities, through challenging and stimulating activity. For work to fulfil this criterion would mean that work cannot be boring, repetitive, or unsatisfying, to be meaningful. Work of this kind also cannot be chosen out of necessity, so if one does prefer menial or repetitive work for whatever reason, that is acceptable, so long as it is done so voluntarily.

²⁴ Rawls, *Justice as Fairness: A Restatement*, p60

²⁵ *Ibid*, p60

²⁶ Rawls, *Political Liberalism*, p82, p318

²⁷ Rawls, *The Law of Peoples: With, The Idea of Public Reason Revisited*. Cambridge, Mass: Harvard University Press. p50, 1999b; Moriarty, Rawls, "Self-Respect, and the Opportunity for Meaningful Work," p446

²⁸ Fukuma, Satoshi. "Meaningful Work, Worthwhile Life, and Self-Respect: Reexamination of the Rawlsian Perspective on Basic Income in a Property-Owning Democracy," *Basic Income Studies* 12, no. 1 (2017): 517–45. p521

Another aspect of what makes work meaningful can be understood from *ToJ*, where Rawls states that:

[...]no one need be servilely dependent on others and made to choose between monotonous and routine occupations which are deadening to human thought and sensibility. Each can be offered a variety of tasks so that the different elements of his nature find a suitable expression.²⁹

In essence, repetitive work which is not conducive to the development of human capacities is lacking meaning. Working in free association with others is a key component of meaningful work. For example, Rawls claims that:

What men [sic] want is meaningful work in free association with others, these associations regulating their relations to one another within a framework of just basic institutions.³⁰

In general, association is a fundamental aspect of finding meaning and developing self-respect. This is because association helps develop the sense of recognition towards conceptions of the good. Being able to freely associate with others gives persons the conditions to develop the moral powers, as outlined previously. It also helps develop a sense of recognition from others. Without a sense of social recognition, people will not feel their conception of the good is worthy of pursuit. Freedom of association is a basic liberty as a result, in order to help persons develop their moral powers. Therefore, meaningful work is something that should be voluntarily entered into, as opposed to forced into, and where individuals can form associations with others.

Rawls does accept, however, that some do not require their work to be meaningful, and so long as they can form associations outside of work, find purpose in their acts of leisure, then the opportunity for meaningful work is fulfilled.³¹ A person in a menial job can still be said to have the opportunity for meaningful work if they can form associations with others freely. Conversely, in later work, he believes that to fulfil the opportunity for meaningful work 'society' could be an employer of 'last resort' to fulfil equality of opportunity, which helps ensure the opportunity for meaningful

²⁹ Rawls, *Theory of Justice*, p464

³⁰ *Ibid*, p257

³¹ *Ibid*, p388

work.³² While some will find meaning outside of their work, rather than in it, it is an obligation of the state to, therefore, provide a real opportunity for persons to have meaningful work in order to provide the bases of self-respect.

It is important to note that it is an opportunity for meaningful work, not a guarantee of *having* meaningful work. This is because the bases of self-respect, like any primary good, are not necessary for all persons to pursue their conception of the good, they are determinate, and some people may be content without meaningful work.³³ A religious ascetic may not require certain primary goods to pursue their conception of the good, or an atheist may not require freedom of religion, however, they should be available to all persons regardless of their conception of the good. As meaningful work is important for many, but not all, it cannot be, for example, a positive right to provide everyone with a meaningful job, as people may choose to waive such pursuit. A positive right would ensure that each and every person *has* meaningful work, even if their conception of the good does not require it.³⁴ Rawls intends to ensure that all persons can have meaningful work, if they want, which is why the opportunity for meaningful work is essential to develop self-respect.

Rawls modifies his views over time, yet the core aspects remain. He does not abandon the idea that forming associations is vital for self-respect and meaningful work, for example, or that having work that is deadening to human thought and sensibility, where a person is dependent on others, is not meaningful.³⁵ The change is Rawls' sense that it is not enough to hope people can find meaning outside of their work. The recognition is that meaningful work may not be available and therefore the state needs to do more. Further, Rawls appears to think later that finding associations outside of work is not necessarily sufficient to claim that a person has the opportunity for meaningful work, which is why the state should take this more proactive role as an employer of last resort.³⁶

Another modification, which is effectively an expansion of his thought, is that in *PL*, Rawls claims something he omitted was the relation of democracy to the workplace and the firm.³⁷ Meaning to achieve meaningful work it is important to have a form of workplace democracy,

³² Rawls, *Law of People's*, p50

³³ Moriarty, Rawls, "Self-Respect, and the Opportunity for Meaningful Work," p443

³⁴ *Ibid*, p453

³⁵ Rawls, *Theory of Justice*, p464; Rawls, *Political Liberalism*, lvii

³⁶ Rawls, *Law of People's*, p50; Rawls, *Political Liberalism*, lvii

³⁷ Rawls, *Political Liberalism*, xxviii

expanding the importance of associations for self-respect. As people must be able to form associations, this idea should be expanded to ensure that people can freely associate into collective workers' organisations and have more autonomy within the workplace. It may not be sufficient to merely associate, to have stimulating work, or to be able to exercise capacities elsewhere, rather, workers need a degree of voice in the workplace.

Some, such as Freeman, have pointed out that considering the difference principles is about more than wealth, but also power, persons would in fact have certain economic rights and powers in a workplace in a Rawlsian framework.³⁸ Therefore, we can claim that at least some degree of workplace democracy, to distribute powers properly, will factor into a Rawlsian framework, and be associated with meaningful work. It may be the case that non-democratic workplaces are acceptable, and people can work in them, but it must be voluntarily done so, and they must have the opportunity to form workplace democracies if a person so wishes. Considering that there is no clearly stated basic right to meaningful work, and the non-essential nature of primary goods, it would be more likely that this is the case than to ensure each and every workplace is democratic. While Rawls does not support a basic right to meaningful work, or views a workplace democracy as necessary for meaningful work, however, it can be recognised nonetheless that some degree of power in the workplace is generally seen as being conducive to work being meaningful, as forming associations with others is a key part of meaningful work and self-respect.³⁹

To summarise, persons require an opportunity for meaningful work to have self-respect, a primary good. Self-respect requires recognition and the satisfaction of the Aristotelian principle, and meaningful work allowing persons to form associations with others and which offers stimulating work, also satisfying the Aristotelian Principle. People need the opportunity for meaningful work, even if they do not pursue it, to achieve self-respect. With this understanding, I can contrast this position to Tomasi's.

³⁸ Freeman, *Rawls*, p113

³⁹ Arneson, Richard J. "Meaningful Work and Market Socialism," *Ethics* 97, no. 3 (1987): 517–45.

5.3 Tomasi's Conception of Opportunity for Meaningful Work

Tomasi accepts several aspects of Rawls' understanding of both self-respect, meaningful work, and their relation. However, there are key differences. These are that Tomasi argues that self-respect requires a greater degree of individual agency, and that meaningful work is not achieved via associations with others, but rather individual decision-making and choice in work. I now outline this different understanding.

5.3.1 Self-Respect on Tomasi's Terms

Tomasi appears to accept the notion of self-respect in the Rawlsian sense, but questions whether it is applied correctly.⁴⁰ Both Tomasi and Rawls accept that self-respect involves the social basis and recognition. However, Tomasi modifies the constitution of meaningful work, and the basis for self-respect. Tomasi claims that a sense of a person being the self-cause of their life is vital for self-respect.⁴¹ Tomasi does not explicitly link meaningful work to self-respect, however, he accepts Rawls' understanding of self-respect and claims to value meaningful work, albeit in a different interpretation to Rawls as I shortly explain. In brief, Tomasi associates being a self-cause with self-respect, and perceives choice about economic affairs and, therefore, work valuable. As a result, evidently, both Tomasi and Rawls accept that the opportunity for meaningful work is important in relation to self-respect.

Tomasi claims that the social aspect of self-respect means not that the state should provide certain material bases to ensure independence, as he understands Rawls to.⁴² Instead, on the same conception of Rawlsian self-respect, Tomasi asks:

How can individuals have self-respect if their fellow citizens deny them the right to decide for themselves how many hours they will work each week and under what precise terms and conditions? How can they think of themselves as esteemed by their fellow citizens if those citizens call on the coercive force of the law to impede them in deciding for themselves how much (or little) to save for retirement, the minimum wage they may find acceptable for

⁴⁰ Penny, "Self-Respect or Self-Delusion? Tomasi and Rawls on the Basic Liberties," p399

⁴¹ Tomasi, *Free Market Fairness*, p83

⁴² *Ibid*, p83

various forms of work, or to dictate the parameters of the medical care that will be available to them?⁴³

For Tomasi, there is explicit value in being a self-cause in economic matters in relation to self-respect. Nonetheless, he draws from Rawls' understanding of what is self-respect. The difference I explain now is what constitutes meaningful work.

5.3.2 Tomasi's Alternate Definition of Meaningful Work

In *FMF*, Tomasi rejects the idea that his market democratic programs can define what is meaningful work, claiming it is perfectionistic and it does not claim to know 'what men want'.⁴⁴ However, he argues that the 'social democratic' understanding of meaningful work is considerably different to his own. This illustrates that Tomasi does address the question as to what constitutes meaningful work.

Tomasi claims that the social democratic view, which is used synonymously with the typical Rawlsian view, promotes the view that for persons to have meaning in their work, they require autonomy via workplace democracy, and that therefore the state must regulate and legislate in the economic sphere. The market democratic approach, while also valuing control, values promoting freedom for all persons in their own economic decisions, such as negotiating wages individually, and not having the state, unions and other collective groups, make decisions for individuals. In addition, market democracy gives people greater control via maximising their wealth. Both maximising wealth, and granting individual choices, are beneficial for self-respect.⁴⁵ I explain this view further.

A summary of his view, which contrasts with Rawlsian and other conceptions of meaningful work, can be found in the following passage:

On the social democratic ideal of work, recall, workers are imagined as finding meaning in their work by focusing on their status relations as co-workers: work is meaningful to the degree that the workplace is democratic, with the voice of each carefully affirmed as morally equal to the voice of each of the others. This is an inward-looking, relational conception of meaningful work. By contrast, market democracy finds the meaningfulness of work in

⁴³ Ibid, p84

⁴⁴ Tomasi, *Free Market Fairness*, p232

⁴⁵ Ibid, pp188-195

people's experience of agency. The focus is not people's positional-relation to their fellow workers, but on people's seeking out challenging tasks that absorb their attention.⁴⁶

For Tomasi, meaningful work is achieved via an individualised focus, each person finding meaning and being fully responsible for their economic affairs and working in market-oriented workplaces, over ones where workplace democracy or other egalitarian arrangements are present. People find meaning in their work from being self-causes, as in, being the ones who make their own decisions and being the cause of the results of their life, not having decisions made for them. To illustrate what would count as meaningful work, a worker who has worked from a low wage, to get themselves to a relatively well-paid position in the company, without any unions, minimum wage legislation, will have better self-respect, than one in a social democracy where the state ensures certain standards are met, or that unions ensure these standards on behalf of the workers.

Tomasi adds that market democracy provides greater individual agency in the workplace, increasing self-respect. Modern workplaces based on market principles employ novel approaches such as Market Based Management where individuals find the most suited role for them through trial and error, to see which brings the greatest value to the company, and gives the worker the most satisfying role in the company.⁴⁷ This is positive for psychological well-being because unlike in typical command models in older style industries, there is a learning process and specialisation in accordance with skills, and a hiring process based on skills and values as opposed to fitting a 'checklist'.⁴⁸ This sort of approach would be more widespread in a market democracy than a social democracy, according to Tomasi, and therefore provides a greater benefit to both companies and workers.

Additionally, pursuing work that 'absorbs their attention' is one component of what constitutes meaningful work for Tomasi. This is similar to the Aristotelian Principle and illustrates the way in which Tomasi is modifying Rawls' position. Both believe work should be stimulating and engaging, and people should be free to choose from a range of tasks to find this stimulation. However, the difference is how this is found by workers and the workplaces and economic arrangements that best achieve self-respect through meaningful work. For Tomasi, the emphasis is

⁴⁶ Tomasi, "Market Democracy and Meaningful Work: A Reply to Critics," p451

⁴⁷ Ibid, pp450-451

⁴⁸ Ibid, pp450-451, Tomasi, *Free Market Fairness*, p80, p193,

on the pursuit of it as an individual, which Tomasi thinks is not sufficiently granted by Rawls, with the numerous legislations and restrictions on economic matters. This is in contrast to Rawls' idea of the state as an employer of last resort, as for Tomasi the individual decision-making is more important than having the opportunity given to a person via the state. It also relates back to the market-based management approach, as Tomasi believes that companies in a market democracy, as opposed to a social democracy, are supposedly less structured and hierarchical, giving more capacity for persons to enjoy their work.

This understanding of what constitutes meaningful work being choice and agency is in contrast to forming associations or having power in the workplace. For Tomasi, it is in the challenge of work and having individual agency, rather than directly related to associations. A person who looks to work as much as possible, attempts to find their best-suited role in a fluid company, and finds it, will have more self-respect than a worker in a workplace democracy or in a company that assigns roles in a more rigid manner. For Rawls, having the opportunity granted to them to choose from a range of roles, to form associations, and some degree of workplace democracy is more important.

5.3.3 Summary: The Fundamental Difference Between Tomasi and Rawls

The fundamental difference between Tomasi and Rawls is that for Tomasi self-respect at work is not achieved through relationships with others, but rather through agency. Therefore, Rawls' view of meaningful work and its relationship to self-respect, which emphasises association, is not sufficient to actually provide self-respect according to Tomasi. Self-respect is better achieved via providing individual agency as much as possible. This justifies a system with less collective negotiations, fewer regulations of economic matters, and less redistribution of wealth, to afford individuals the ability to make their own economic decisions, to better achieve self-agency. Both of their definitions provide self-respect, and an opportunity to have meaningful work is essential to have these bases, an important primary good. The difference is that for Rawls, being able to find association, to have work that is not deadening to the senses or capacities, and to some extent control in the workplace, whereas for Tomasi, individual agency and finding stimulating work, as well as maximising wealth, provide persons with meaningful work. I now turn to the issues of both Tomasi's and Rawls' conceptions of meaningful work.

5.4 The Issues with Tomasi's and Rawls' Arguments for Opportunity for Meaningful Work

This section highlights a significant issue with Tomasi's argument, which is that the framework he proposes only protects certain conceptions of meaningful work, denying the opportunity for meaningful work. This is due to a fundamental perfectionism in Tomasi's account of meaningful work and its relationship to self-respect. This issue applies Rawls' argument as well, in that his conception of meaningful work and its relationship to self-respect may only appeal to certain conceptions of the good, as meaningful work relates more heavily to the conception of the good than he realises. This issue I outline second. I then provide a potential defence of either conception of meaningful work, on the grounds that non-neutral concepts can be adapted into an anti-perfectionist framework to satisfy the conditions of justice. I then argue that the available response to rescue either position fails to take into account the relationship of meaningful work not to primary goods and justice, or at least not only to these, but to the development of the moral powers. This response allows me to develop a more thoroughly anti-perfectionist account of meaningful work which factors in domination as this is also considerably overlooked by both Tomasi and Rawls.

5.4.1 Why Tomasi's Argument Fails

Tomasi's argument suffers from multiple issues. I first explain a weak argument that fails, as it allows to clarify my own arguments and its strength. The weak argument is that Tomasi's framework merely fails to secure self-respect, as understood by Rawls. This argument claims that the bases of self-respect require association and the Aristotelian Principle, in line with Rawls, and Tomasi's framework, by protecting thick economic liberties, undermines this ability and self-respect. It fails by undermining collective negotiations, the space for workplace democracy, and we can point to that in competitive capitalist societies with a minimal safety net people are forced to work degrading jobs and compete, rather than form associations.

While I do accept that the points about Tomasi's argument are true by themselves, to claim that the bases of self-respect are not secured is not entirely convincing. This is because Tomasi's conception of self-respect *does* work in this definition and relies on a modification of Rawls' conception, at least at face value. Tomasi shares the importance of being validated in one's pursuit

of the conception of good but stresses the importance of being a self-cause and having agency.⁴⁹ By his definition, the challenge will fail to convince. Tomasi will claim that the struggles that will be encountered are what help provide self-respect to a person.⁵⁰ For example, he claims ‘The experience of risk seems to be an essential precondition of the sort of self-respect that liberals value’.⁵¹ This does not mean the points cannot be utilised in a stronger manner, however, or that the response is not problematic in and of itself.

A stronger argument is that, as evidenced previously, Tomasi’s framework only secures certain conceptions of meaningful work, and rules out others. The same evidential components as in the weak argument, such as the difficulty to form collective negotiations and the general deregulation of economic matters, and the issues I highlighted in the previous chapter such as lack of provisions to secure opportunity for all such as discrimination legislation, illustrates that certain people will particularly struggle to find meaningful work.⁵² This is in part due to the lack of opportunity, particularly for the worst off, which is denigrated without certain regulations and provisions, which means that not all are able to choose from a wide range of meaningful work options. As I noted in the previous chapter, upward social mobility is higher in more social democratic countries, illustrating that opportunity for the worst off is actually better provided with more protections, regulations, and provisions, for example.⁵³ Additionally, within many workplaces, the work will be degrading or they will have little control, but it is done out of financial necessity.

This means that finding meaningful work, on Tomasi’s own understanding, will be difficult, particularly for the worst off. The lack of opportunity ensured by legislation and regulation harms the moral powers as it makes it difficult for persons to meaningfully choose and find the work they want. If people have to choose work out of necessity, due to the lack of a welfare state or discrimination legislation, rather than desire, they may be unable to pursue the work they actually want to do as the market is too competitive. Work relates to a person’s conception of the good, or life plan, as in the example of Amy in *FMF*, business and work relate to self-authorship. While Amy may be able to set up her own business in Tomasi’s society, others may be unable to find the work

⁴⁹ Tomasi, *Free Market Fairness*, p83

⁵⁰ *Ibid*, p80

⁵¹ *Ibid*, p80

⁵² *Ibid*, p xviii, p81, p116, pp190-191

⁵³ Fowler, “Markets, Choice and Agency”; World Economic Forum, *Global Social Mobility Index 2020*

to save enough to make their own business, as they are paid too little or denied work opportunities due to the unregulated economy of a market democracy. Therefore, it is significantly difficult to justify including the thick economic liberties as basic liberties, as not only do they fail to secure conditions for their development, but they actively harm their development.

I also argue that, on Tomasi's own grounds, it is hard to claim that a person can be a self-cause in a workplace they have little to no input in. If self-agency and being a self-cause is vital, there is a problem to protect thick economic liberties to such a strong extent. People who are in highly hierarchical workplaces are less likely to be self-causes. These workplaces are perfectly acceptable with the strong protection of thick economic liberties. In these workplaces, persons will have less autonomy, less say in workplace procedures, and be subordinated.

Tomasi believes the lack of voice in the workplace is offset by economic growth in a free market economy, however, this does not appear to be the truth when we examine real-world data. Generally, people in poorly paid work, without voice in the workplace, have less chance to escape their work, find new avenues of work or train in other skills, and are therefore at the whims of the market to find work. People in poverty often end up trapped, and unable to break out of it, due to the time demands of their work and financial precariousness, lack of institutional support, and using solutions which lead to further debt.⁵⁴ Another example, is that a UK government report found that low-paid earners often were trapped in their positions, due to high prices and low pay, for example, 5 million low earners in 2006 were still low earners in 2017.⁵⁵ The loss of welfare also generally kept people in worst-off positions, even if their earnings did increase, for example, as found in a separate report.⁵⁶

In addition, while we can note that marketisation has increased wealth to some degree, it is also the case that the wages of the lowest earners remain relatively static or even decrease in terms of purchasing power.⁵⁷ In the UK for example, wages have somewhat polarised, with low jobs having

⁵⁴ Lenton, Pamela, and Paul Mosley. "Financial Exit Routes from the 'Poverty Trap': A Study of Four UK Cities," *Urban Studies* 51, no. 4 (2014): 744–62.

⁵⁵ Social Mobility Commission. "State of the Nation 2017: Social Mobility in Great Britain," United Kingdom, 2017.

⁵⁶ Social Mobility Commission. "Monitoring Social Mobility 2013–2020 : Is the Government Delivering on Our Recommendations? Presented to Parliament Pursuant to the Life Chances Act 2010: June 2020," United Kingdom, 2020.

⁵⁷ Fowler, "Markets, Choice and Agency," p356

the smallest decrease, the flourishing of poorly paid jobs due to deregulation such as with zero-hour contracts, and real wages have not gone up.⁵⁸ These have accompanied pro-market policies and anti-union policies. Often those at the bottom of society take work from necessity, and therefore they are not truly choosing, or able to pursue, meaningful work.

It is important to note that the notion of being a self-cause is problematic in terms of determinacy. For example, if Tomasi's society came to fruition, and was an overwhelming success, would those later on who reap the benefits from the actions of others be a self-cause to enjoy the opportunities available to them?⁵⁹ They are now 'insulated' from the problems of life, due to the actions of others, which Tomasi explicitly argues against.⁶⁰ If we claim no, then it illustrates that no one can be a real self-cause as all persons are affected by circumstance. If we claim yes, then there is no real difference to those who live in a social democracy, as they are just as in control of their own personal affairs, even if others' actions have influenced them.

Tomasi respond that in market economies, especially an idealised one, hierarchical workplaces are less common and there is more autonomy in the workplace in fact.⁶¹ The fact that Tomasi is working on an ideal basis does not make it harder to engage in points regarding realities. Although, if Tomasi recognises the importance of being a self-cause, and that hierarchical workplaces are problematic for it, it seems odd to not want to regulate this or ensure that all working arrangements better provide agency in the workplace. Tomasi's other response can be to restress that the issues individuals face in a market economy are necessary for persons to develop self-respect. Therefore, despite the fact that people may have less choice, they are at least free to make their own individual decisions, which provides self-respect, and any eventual achievements are their own. While I could re-emphasise that the notion of self-cause is problematic and indeterminate,

⁵⁸ Castle, Jennifer, David Hendry, and Andrew Martinez. "The Paradox of Stagnant Real Wages yet Rising 'Living Standards' in the UK," VoxEU.Org (blog), January 21, 2020. <https://voxeu.org/article/paradox-stagnant-real-wages-yet-rising-living-standards-uk>. notes how real wages in the UK in 2017 were worse than in 2007; Grady, Jo. "The State, Employment, and Regulation: Making Work Not Pay," *Employee Relations* 39, no. 3 (January 1, 2017): 274–90. notes how low wages are entrenched and deliberate as a result of 'neoliberal' policy; Arestis, Philip. "UK and Other Advanced Economies Productivity and Income Inequality," *International Review of Applied Economics* 35, no. 3–4 (July 4, 2021): 355–70. notes the rising income inequality in developed countries; Macintosh, Steve. "Hollowing out and the Future of the Labour Market," Department for Business Innovation & Skills, 2013. notes how wages for the worst off have decreased, low paid jobs have grown in the UK, and we see increasing polarization.

⁵⁹ Penny, "Self-Respect or Self-Delusion? Tomasi and Rawls on the Basic Liberties," pp408-409

⁶⁰ Tomasi, *Free Market Fairness*, p80

⁶¹ Tomasi, "Market Democracy and Meaningful Work: A Reply to Critics," pp450-451

even if it this correct, it is an incredibly perfectionist argument. Claiming that the state and others know what is good for persons, what accounts for wellbeing, and therefore needs to be nudged to develop some attributes, is a perfectionist position.⁶²

The fundamental problem is that Tomasi's accounts of meaningful work, and self-respect, are overly loaded and perfectionistic. The notion of meaningful work is associated with individual choice and agency, but fails to take into account that for some they will want to find association with others and may not receive the validation they want to develop self-respect. While some may involve individual choice and agency in their life plan and require it for self-respect, others will prefer work that involves workplace democracy, or want to be able to choose work without the fear of servitude due to the presence of an active welfare state. Their capacity for individual choice will be stronger if they know they are not choosing work out of necessity; yet without the welfare state, they will be less able to determine and choose meaningful work.

The justification for Tomasi's framework is effectively based on a narrow conception of meaningful work, and claiming this narrow ideal of meaningful work is vital for self-respect, is a perfectionistic argument. Tomasi's idea of meaningful work is one that is not acceptable to all reasonable persons, as others will understand meaningful work in a different manner. This is because work enters questions of the good, in that what work people undertake is something that factors into people's life plans this disagreement is a reasonable one, and therefore, not something that the state should promote if it intends to be politically liberal. Therefore, Tomasi advocates a perfectionist framework that coerces people towards pursuing certain work with a focus on individual agency for the development of their self-respect. The policies supported by Tomasi's framework additionally come at the expense of social mobility and self-agency for many of the worst off, where the only justification is perfectionist as well.

5.4.2 Does These Criticisms Apply to Rawls?

If we reject Tomasi's argument that meaningful work should be understood in terms of self-agency, or self-cause, on the grounds of being too narrow and perfectionistic, there is an apparent mirrored problem with Rawls' argument. While the issues surrounding Tomasi's definition still apply,

⁶² Clayton and Stevens. "Is the Free Market Acceptable To Everyone?," p381

there is a concern of reasonable disagreement on Rawls' definition. Rawls, unlike Tomasi, believes that meaningful work is one in which persons develop associations, and additionally, some degree of control in the workplace is beneficial to give a person meaningful work.⁶³ Conversely, just as some reasonable people will disagree with Tomasi's idea of meaningful work, others may reasonably argue for Tomasi's definition or other ideals of what constitutes meaningful work, and reject Rawls' definition. This means that both arguments undermine the core political liberal requirements that they are built upon.

Disagreement with Tomasi's or Rawls' conceptions of meaningful work, I argue, is a disagreement relating to one's conception of the good. I accept that the opportunity for meaningful work is vital to developing self-respect and that it is something that the state needs to concern itself with, but the understanding of meaningful work is something that needs to be narrow enough for all persons to accept. If it is narrow, then it is problematic. Work and what constitutes meaningful work, relate to what a person spends much of their life doing, and it is perfectly reasonable for one person to claim that work for them is meaningful on account of individual decision-making or that the ability to form associations and have control in the workplace. This disagreement is one that relates to conceptions of the good, as their work forms a part of their conception of the good. It is not the mere fact that some people will disagree with Rawls, it is the nature of the disagreement. How we define meaningful work comes under reasonable disagreement in relation to one's conception of the good. If a person does not define meaningful work in the way Rawls' does, or Tomasi does, this is a matter of the good which factors into reasonable disagreement, and the state cannot promote something that cannot be acceptable to all reasonable conceptions of the good. If the state is promoting a conception of the good that people will reasonably disagree over, such as a conception of meaningful work, then the state is undermining its neutrality and anti-perfectionist foundations, leading to instability.

Rawls additionally roots his argument for the opportunity for meaningful work to self-respect. Just as we can criticise Tomasi for being perfectionistic, to claim the difficulties persons face in capitalism are beneficial for self-respect, we can criticise Rawls for stressing that, even if people would prefer individual agency in work over workplace democracy or forming associations, it is

⁶³ Rawls, *A Theory of Justice*, p257; Rawls, *Political Liberalism*, xxviii

better for their self-respect to have the arrangement Rawls promotes. This may appear to be as problematic and perfectionist as Tomasi's argument, at least at face value.

The issue illustrates a fundamental problem with grounding meaningful work purely in relation to self-respect, and having any particular definition of meaningful work, as people will always reasonably disagree. Any claim that a political framework is better for one's self-respect, even if a person disagrees with this idea and actively harms their life plan in some way, enforces a particular ideal of what they need for self-respect. Some may feel that their self-sufficiency is more important for their self-respect than recognition, for example. I do not claim that Rawls' necessarily forces an ideal on persons, but it may appear that there is an issue of relating meaningful work to self-respect, in that it determines for others what they want, without considering a range of conceptions of what provides self-respect and what constitutes meaningful work. Additionally, the Aristotelian Principle is, arguably, perfectionist, as many may reject complexity quite reasonably, and to relate it to the state's capacity to use coercive power seems at odds with political liberalism. Most importantly, to claim that the state must ensure certain working and economic arrangements for one's own benefit, even if they reasonably disagree, appears perfectionistic.

It could be claimed that Tomasi's understanding of meaningful work, and those who prefer it, are unreasonable, but this objection fails. The concept of being a self-cause, for example, is not unreasonable nor inherently opposed to other conceptions of the good. While I illustrated problems with the sort of policies Tomasi supports in relation to his own idea of meaningful work, such as failing to provide real opportunity or that self-cause is indeterminate, we can advocate for a different interpretation of the same concept. For example, arguing for more workplace autonomy and provisions to ensure real opportunity on the basis of being a self-cause. There is no inherent reason that the understanding of what constitutes meaningful work is wrong, even if the resulting policies fail to achieve justice. Therefore, we cannot claim that the interpretation of meaningful work is inherently unreasonable or undesirable, rather the interpretation of this concept is.

Entering the question of what meaningful work is and what provides self-respect, is impossible to undertake without appealing to broader perfectionist notions of a narrow ideal of meaningful work or self-respect. If we cannot claim that one interpretation of meaningful work and self-respect is inherently better than another, as they can be interpreted differently, and will appeal

to different reasonable conceptions of the good, there is a problem. Having two competing, but at face value reasonable definitions of meaningful work, leads to an indeterminate debate between two reasonable concepts of meaningful work or for us to enter wider perfectionistic questions about what kind of meaningful work is truly more valuable or better for persons to pursue. This debate appears at odds with the political liberal principles I outlined in chapter two, as it is entering wider questions about the good life. If we accept that one definition is preferable to another, then it appears that we are making a perfectionist claim. If we reject that one is preferable, then we need to have a much narrower conception of meaningful work, to allow for a range of definitions to be determined by each person, in a way that does not harm other conceptions either.

I argue we have to take into account that there are those who will reasonably disagree with Rawls' definition of meaningful work and would prefer to opt for their own definition. The Rawlsian framework, by basing the institutional arrangements around the principles of justice, still needs to appeal to a wide range of conceptions of the good. They may reject the use of power to promote the opportunity for meaningful work when it is based on a particularly narrow conception.

5.4.3 Can We Rescue Either Definition?

It is important to examine if either definition can be rescued. We can claim that the matter of justice, such as what is meaningful work, does not have to be neutral. This argument is made by Roessler, for example, who claims that the idea of meaningful work has normative and perfectionist aspects, but still must be addressed by the state.⁶⁴ Roessler argues 'the liberal state and the liberal theory of justice have to take up concern for the value of meaningful work since work has a central place in the life of the subjects working'.⁶⁵ Based on this view, the principles of justice are still acceptable to all, and downstream values such as meaningful work can enter wider perfectionist discussions but are compatible with political liberalism in general. It is just that the definition of meaningful work must be closer to Rawls, or Tomasi's, to best manifest the principles of justice. Therefore, the criticism of perfectionism fails, and it is better to focus on how best to achieve justice.

⁶⁴ Roessler, Beate. "Meaningful Work: Arguments from Autonomy," *Journal of Political Philosophy* 20, no. 1 (2012): 71–93 <https://doi.org/10.1111/j.1467-9760.2011.00408.x>.

⁶⁵ *Ibid*, p21

To add to this point, it is worth stressing, that meaningful work is in regards to self-respect, a primary good, and matters of justice, at least for Rawls, and thus it does not have to appeal to all persons. It may be the case that Rawls' understanding better achieves the principles of justice, and Tomasi's does not, and these principles are acceptable by all reasonable persons, so there is no concern. It can be argued that Rawls' framework ensures that the worst off have better opportunity with his understanding of meaningful work, by overcoming the issues I outlined with Tomasi's framework. In Rawls' framework, for example, property-owning democracy, there will be more support, regulations, income redistribution, as well as some protection of collective bargaining rights and worker voice.⁶⁶ Therefore, it is acceptable to reject Tomasi's understanding and accept Rawls.

Another point to add in defence of the argument is that the principles of justice are not fixed in their interpretation. The principles are agreed to by all reasonable persons, but the interpretation can change over time depending on the realities.⁶⁷ Therefore, the matter of how we manifest meaningful work, will change and may result in some policies that have non-neutral effects, so long as it is justifiable to all by appealing to the principles of justice it can be a narrow or perfectionist definition.

There is an analogous nature to the asymmetry objection to Rawls. The asymmetry objection claims that the neutrality of Rawlsian political liberalism cannot be compatible with claims for justice, which many may reasonably disagree with.⁶⁸ There are several responses to this, which we can use to understand the defence of the position to defend Rawls' conception of meaningful work, or Tomasi's. Some, such as Fowler and Stemplowska, claim that the asymmetry forces us to accept a perfectionist nature to political liberalism, and in terms of meaningful work this would mean that one has to make a perfectionist defence of their conception of meaningful work.⁶⁹ Others, like Gaus, claim that we should abandon the principles of justice, and therefore we should abandon the

⁶⁶ Freeman, *Rawls*, pp226-235

⁶⁷ Freeman, *Rawls*, p379; Quong, *Liberalism without Perfection*, p198

⁶⁸ Examples of this argument are: Caney, Simon. "Impartiality and Liberal Neutrality," *Utilitas* 8, no. 3 (November 1996): 273–93 <https://doi.org/10.1017/S095382080005008>; Gaus, Gerald F., and Kevin Vallier. "The Roles of Religious Conviction in a Publicly Justified Polity: The Implications of Convergence, Asymmetry and Political Institutions," *Philosophy & Social Criticism* 35, no. 1–2 (January 1, 2009): 51–76. <https://doi.org/10.1177/0191453708098754>.

⁶⁹ Fowler, Timothy, and Zofia Stemplowska. "The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement," *Journal of Applied Philosophy* 32, no. 2 (2015): 133–46. <https://doi.org/10.1111/japp.12090>.

question of meaningful work and securing its opportunity all together.⁷⁰ Another response tries to justify the asymmetry, on the grounds that it is justifiable to all reasonable conceptions of the good and based on neutral principles, and those who reject justice are being unreasonable, and in relation to meaningful work, the response would be that Rawlsian meaningful work is merely the best manifestation of justice.⁷¹

I argue that rejecting the neutrality and anti-perfectionism of political liberalism would lead to an unstable society, therefore, this is not an acceptable response to the problem. To justify a particular conception of meaningful work, while abandoning the political liberal principles behind it, is to create a state and policy use which cannot be justifiable to all reasonable conceptions of the good. This is not a satisfactory answer at this point. If one wants to accept this, then it appears political liberalism cannot engage with questions of justice.

To reject the concern for meaningful work is equally problematic. Work is a vital part of daily lives and enters into questions of the good life. To disregard its significance is effectively abandoning a major factor that needs to be addressed in a political liberal framework. If people do not have an opportunity for meaningful work, regardless of how we define it, people may struggle to find work that stimulates them, engages them, gives them opportunity to develop their self-respect through associations, develop their capabilities, and enjoy other benefits meaningful work can attribute. Additionally, the rejection removes matters of justice from work, which seems particularly peculiar as work is often the focus of economic injustice.

We can rescue the matter by repeating, as previously discussed, that Rawls better fits the idea of justice with his conception of meaningful work, and it is irrelevant if it is perfectionist as all reasonable persons agree to the principles of justice, which in turn justifies this definition. However, this argument leads us to another problem. The principles of justice in and of themselves, as already stated, are not static in their interpretation. They also are agreeable *principles*, to all reasonable

⁷⁰ Gaus, Gerald F. *Justificatory Liberalism: An Essay on Epistemology and Political Theory*. Oxford Political Theory. New York: Oxford University Press, 1996; Gaus, "Coercion, Ownership, and the Redistributive State: Justificatory Liberalism's Classical Tilt"; Quong, *Liberalism without Perfection*, pp202-203

⁷¹ Quong, Jonathan. "Disagreement, Asymmetry, and Liberal Legitimacy," *Politics, Philosophy & Economics* 4, no. 3 (October 1, 2005): 301–30. <https://doi.org/10.1177/1470594X05056606>.; Stevens, David. "Reasonableness and Inequality in Rawls's Defence of Global Justice," *Acta Politica*; London 38, no. 3 (September 2003): 231–53. <https://doi.org/10.1057/palgrave.ap.5500037>.

persons. However, there will always be reasonable disagreement about their interpretation. The matter of meaningful work is precisely such that will come under reasonably different interpretations. The problem with both Rawls' and Tomasi's arguments, is that they are not claiming or seriously considering that the idea of meaningful work can, and will, change over time to best fit the principles of justice. Instead, they appear to, though not necessarily intentionally, hold a static conception of meaningful work and implicitly hold that their definition is preferable to others. By appealing to a static conception of what constitutes meaningful work, they are grounding the justifications in a perfectionist manner, even if it is not their intention which cannot apply in different historical realities. As evidenced by the fact we can create multiple ideas of what constitutes meaningful work, the concept in and of itself is not fixed or determinate.

Furthermore, Tomasi's framework may struggle to best achieve the principles of justice, and his idea of meaningful work is narrow, however, as already stated it could be argued that we can reinterpret this idea of self-cause and self-agency being integral to meaningful work to justify a more egalitarian framework. We can reasonably argue that a free-market society robs persons of autonomy in the workplace or the ability to acquire property, which should be an economic *right* to ownership of property to best achieve self-agency.⁷² Whether or not this argument succeeds illustrates that the debate around how we conceive of meaningful work struggles to sufficiently be accepted or rejected. It cannot be claimed that Tomasi's understanding of what constitutes meaningful work inherently fails to meet the standards of justice when it can be interpreted differently in and of itself, rather how this is manifested in policy, constitutional, and institutional protections. This also applies to Rawls' concept of meaningful work, in that, we could reinterpret his conception in a different manner, but accept the core conception of what constitutes meaningful work. This illustrates a further fundamental issue, in that the same argument to rescue Rawls, can be used to rescue Tomasi. Either argument can be, at least in ideal terms, a valid interpretation of the principles of justice. This leads us again to an indeterminate argument that cannot answer the question of which interpretation of meaningful work is more correct.

⁷² Gourevitch, Alex. "Welcome to the Dark Side: A Classical-Liberal Argument for Economic Democracy," *Critical Review* 26, no. 3–4 (October 2, 2014): 290–305. <https://doi.org/10.1080/08913811.2014.947743>.

Effectively, all solutions have weaknesses. Either we abandon core political liberal principles, abandon a commitment to ensuring justice in work, or fail to sufficiently move past a reasonable disagreement about what constitutes meaningful work. Any attempt to resolve the debate will struggle to achieve the goal of understanding meaningful work and offering the opportunity for it to all persons. However, there is an alternative way to justify the opportunity for meaningful work.

5.5 An Anti-Perfectionist Argument for the Opportunity for Meaningful Work

This section outlines an alternative defence of the opportunity for meaningful work, with some major revisions to the understanding of meaningful work. This overcomes the issues outlined in the previous section. A truly anti-perfectionist argument must allow each person to not only can find meaningful work, but to define it themselves, and be related more securely to the development of the moral powers. My position is opposed to both Tomasi's framework, and a stronger socialist position, as all hold overly narrow conceptions of meaningful work and remove a reasonable opportunity for a range of economic arrangements, which I argue are necessary for persons to define and pursue meaningful work. While I outline the core motivation in this section, it informs the rest of my work, as I explore the issue of domination, which an anti-perfectionist conception of meaningful work must address.

5.5.1 Why Meaningful Work Relates to the Moral Powers

The first preliminary point is to restate that meaningful work has a range of reasonable definitions. This is analogous to there being a range of reasonable, and conflicting, conceptions of the good. Some will want to find work that gives them individual control over as much as possible, for example, those self-employed workers who wish to constantly travel, and those who wish to work in market-focused organisations. Others will want to form workers' cooperatives, or to at least have a degree of say in a workplace, whether traditional factories or more modern companies. Some will reject the notion of paid work, instead preferring to work domestically, to volunteer, or to pursue hobbies. This pluralism renders the discussion between Rawls' and Tomasi's conceptions of meaningful work problematic, in that they appeal to narrow conceptions and generally will promote narrow conceptions of meaningful work. While I stated that we can attempt to overcome this by relating to justice, it results in an indeterminate argument about reasonable conceptions of meaningful work, and therefore the state should not enter such questions.

I believe that meaningful work is more significant than a matter of justice, and should be understood in relation to moral powers and the ability to pursue and amend one's conception of the good. Meaningful work and being able to define it and have sufficient opportunity for it, is related to the development of the moral powers. By linking the opportunity for meaningful work to moral powers, I can justify it in a way that all reasonable persons, regardless of their own conceptions of the good, which includes their own conception of meaningful work, can accept.

Many have stressed how important it is for people to find meaningful work to flourish. For example, Veltman claims that all persons need to engage in meaningful work to truly flourish.⁷³ She accepts that the state should not enter such questions, however, in order to remain neutral on such matters.⁷⁴ Marx wants a society to allow people to engage in a range of activities, without the labels, so a man who hunts is not a hunter for example, illustrating how activities relate to life plans.⁷⁵ This acceptance of the importance of different activities and pursuing meaningful work highlights the very importance engaging in a range of activities plays in all persons' lives. I accept that meaningful work is important for persons, as does Tomasi and Rawls, however, it is important because it helps us directly develop and exercise our moral powers. Work, regardless of its nature, strongly relates to our conception of the good.

Work in any sense is an integral part of all people's lives. Paid work takes a significant amount of time, and therefore, will inevitably carry some meaning into any working person's lives and will most likely shape personality in general.⁷⁶ We do not have to define work merely as paid work as discussed earlier. To reiterate, work has always changed in definition, depending on historical and economic circumstances, for example, it would mean something different to a 19th-century servant, a factory line worker, or a corporate consultant.⁷⁷ Therefore, we cannot limit the idea of work to a particular definition even to paid work. Whether it is paid work, voluntary work, or domestic work,

⁷³ Veltman, Andrea. *Meaningful Work*. New York: Oxford University Press, 2016. Ch6

⁷⁴ *Ibid*, p173

⁷⁵ Marx, Karl and Friedrich Engels. *The German Ideology: Including Theses on Feuerbach and Introduction to The Critique of Political Economy*. Amherst, N.Y: Prometheus Books, 1998; Cohen, G. A. "Marx's Dialectic of Labor," *Philosophy & Public Affairs* 3, no. 3 (1974): 235–61. pp258-259

⁷⁶ Roessler, "Meaningful Work: Arguments from Autonomy," p12

⁷⁷ Muirhead, Russell. *Just Work*. Cambridge, Mass: Harvard University Press, 2004., p4

they all are parts of our daily lives. Meaning it is something all persons often think of, and finding work with meaning is a key part of the conceptions of the good life.

A deeply religious person, who wishes to spend their time spreading the gospel or assisting in charity, has involved a conception of work into their conception of the good. A person whose conception of the good involves a life of leisure, will consider work to either give them the means to live leisurely, or should be something to be minimised in order to live with more time free of work. Someone whose main motivation is family will focus on securing paid work to provide for them. A carer for a relative is engaging in work domestically, as is a domestic working member of a family to support the household. All of these aspects relate directly to their broader pursuits of the conception of the good. Even those who do not concern themselves with work in this sense, are making a decision in some capacity which relates to the conception of the good. For example, those who are content with menial work to have more spare time, are deciding what meaningful work is for them.

As work relates to the conceptions of the good, and there is a range of different ideas of what sort of work is meaningful for each person, there must be an opportunity to define what is meaningful. The opportunity for a wide range of work may be one thing, but it may not provide what is meaningful for that person. For some, the ability to earn large amounts of money, to travel while working, or to volunteer for a cause may be meaningful, but for others not so. To find and understand what is meaningful for them is also a relation to the development of moral powers. Just as one must have various conditions to understand if their conception of the good is worthy of pursuit, people need to be able to choose from a range of work and decide for themselves what is meaningful before pursuing it.⁷⁸

Therefore, it can be understood that the opportunity for meaningful work, defining meaningful work, and having a wide range of opportunities for different work options in general, relate not only to matters of justice but to those of moral powers. Being able to understand what is meaningful, to know what you can pursue and want to pursue in work, which heavily relates to the conceptions of the good, ensures the development and exercise of the capacity to pursue and amend one's conception of the good.

⁷⁸ Melenovsky, "The Implicit Argument for the Basic Liberties," p445

This admission also addresses a criticism that proponents of meaningful work fail to take into account the necessity of work, and how it is not a matter of autonomy.⁷⁹ The argument claims that most people do not have the luxury of pursuing meaningful work, but only choose work to survive. By granting persons the ability to define for themselves what is meaningful, having an expansive definition of work, and providing opportunity, ensures a real genuine choice in work. This is akin to Van Parijs' idea of allowing anyone to work or not work as they see fit.⁸⁰ While I do not necessarily accept that we have to endorse Van Parijs' argument in its entirety, the similar implication of my argument is that there should be a strong social minimum to ensure that people can pursue and choose from a range of options, with some support, to define for themselves what is meaningful.

The reality is that many people do not have the capacity for such a choice of options, and often are forced to make decisions around work, which negatively affects their capacity to pursue their conceptions of the good. Meaningless work degrades the capacity for autonomous decision-making.⁸¹ Therefore, meaningful work is something that needs to be available for persons to develop their moral powers. Many undertake menial work out of necessity to survive, because of their background or opportunities available to them, or due to surprising circumstances such as illness or duties to others. These still affect their ability to pursue their conception of the good. The remedying of these effects to provide opportunity is what warrants a sufficient opportunity for meaningful work. Ensuring the opportunity to define and pursue meaningful work requires certain institutional arrangements, which will change over time to best ensure this opportunity, such as a strong social minimum.

It is important to note that I do not accept the need to ensure that each and every person *has* meaningful work, via a positive right, for example. Such a claim is overly perfectionist and may undermine the development of the moral powers. As some people may still reject the need to even ever consider meaningful work, and are content with labour which is 'alienated' to secure other goods, even if they are a minority of persons, the argument to abolish all meaningless work is overly perfectionist.⁸² This claim would make meaningful work a good which overrides other matters, and

⁷⁹ Roessler, "Meaningful Work: Arguments from Autonomy," p7

⁸⁰ Parijs, Philippe van. *Real Freedom for All: What (If Anything) Can Justify Capitalism?*, Oxford Political Theory. Oxford : New York: Clarendon Press ; Oxford University Press, 1995.

⁸¹ Schwartz, Adina. "Meaningful Work," *Ethics* 92, no. 4 (1982): 634–46. pp636-638

⁸² Kymlicka, *Contemporary Political Philosophy: An Introduction*

forces meaningful work upon people, who may find their meaning elsewhere. Furthermore, ensuring everyone *has* meaningful work may demand that the state allocate work or regulate matters where the individual pursuit of the work is important to determine their views on what constitutes meaningful work for them. If there is an importance attached to sampling and experiencing a range of working situations, to determine what is meaningful, then it cannot be forced by the state.

5.5.1.2 Meaningful Work and Domination

These issues relate quite strongly to the issue of domination. To repeat, this is the capacity for an individual to interfere arbitrarily and without accountability, and if a person is in a position of domination, someone has capacity to interfere with them.⁸³ Domination relates strongly to the matter of meaningful work, or its pursuit, because if an individual is in a position of domination, they will be less able to determine the nature of the work they wish to pursue, as they orient their lives around the dominant. This in turn affects the relationship to pursuing one's conception of the good, as work heavily relates to this conception. A worker may be willing to enter a workplace that is "dominative" in that the bosses utilise a heavily hierarchical structure with no capacity for voice, if it provides alternative benefits such as a higher salary. However, in cases where the only work available to an individual is dominative, then they are unable to determine their conception of meaningful work.

In addition, structural domination, as in indirect domination via market forces, economic background, domination of an elite within society, etc. can also harm the pursuit of meaningful work, as once again, they have little to no choice in the pursuit of work they wish to undertake. To explain, this sort of domination is not agent-led, rather, related to formal or informal systems that have emerged. In many ways domination is about power, and is often structural, for example, in a sexist society, women are disempowered by informal rules and the power that men have over them, whether via powerful husbands who enjoy greater power over women or by normalisation of sexual harassment or assault.⁸⁴ It is not merely that the men enjoy power individually, it is that the society

⁸³ Pettit, *Republicanism: A Theory of Freedom and Government*.

⁸⁴ Gädeke, Dorothea. 'Does a Mugger Dominate? Episodic Power and the Structural Dimension of Domination'. *Journal of Political Philosophy* 28, no. 2 (2020): 199–221. <https://doi.org/10.1111/jopp.12202>. P207

has a structural level of domination of men over women. This goes beyond rights and legal protections, as societal norms can influence the power dynamics over the dominant.

Returning to the matter of work, an example of structural domination is the wage slavery of labourers in the 19th century, wherein workers had little choice in the forms of work they could choose from, and would have to accept poor working conditions and cruel management in order to survive.⁸⁵ While one may reply that the domination is a result of the individual owners and managers, the managers and owners had considerable power over the workers because of the highly capitalistic structure of society and the fact the workers had few rights. Other examples could be conceived, for example, in strict planned economies where workers are unable to make much choice in the work they conduct. If an individual cannot meaningfully choose the nature of work they want and are at the whims of wider market forces, or simultaneously an overbearing powerful state, they are less able to pursue meaningful work. For example, a worker with no welfare care in a powerful capitalist society may never be able to afford to train in a new skill, or be floating constantly from job to job to survive, or a worker in a rigidly planned communist economy cannot pursue the work they would like. In both cases, we can understand the workers to be in a position of domination, as bosses, or the state, or just the wider structural issues, can dominate an individual.

My argument offers a better protection from domination than either Rawls or Tomasi. Neither of their arguments sufficiently factors in the need to protect workers from domination. If a worker, or even a business owner, is in a position we can understand as domination, they are less able to orient themselves towards a conception of meaningful work. To illustrate, if a worker is at the whims of their employer, who has considerable arbitrary power over them, they may be less able to pursue their new work or find satisfaction in the work they have. They will be at the whims of their bosses or managers, and be determining their own choices, both within and outside of the workplace, around the dominant, because they cannot fully exercise their own intentions. Whether or not they prefer individualised or collective work negotiations, ownership or to be in a traditional workplace, the workers must be able to make their own individual choices on this matter. Rawls', while emphasising freedom of association, may in fact enable domination of individuals who would prefer a life of small-scale business ownership to be dominated by larger collectives or the state. To

⁸⁵ Gourevitch, Alex. "Labor Republicanism and the Transformation of Work," *Political Theory* 41, no. 4 (2013): 591–617. <https://doi.org/10.1177/0090591713485370>. p609

take domination seriously does require limiting all its forms, and collective workplaces or the state can dominate individuals too. As I aim to ensure persons can determine their own conception of meaningful work, there is a need to ensure there is an ability to compare and contrast different forms of work, meaning, there needs to be a range of options available, and persons must be able to avoid domination in any capacity.

My argument that I laid out in the previous section stresses the importance of ensuring individuals can define their own conception of the good, and pursue it. Any anti-perfectionist position on meaningful work must ensure that domination is addressed, otherwise, the workers, or any individual in fact, is unable to truly pursue and determine their own conception of the good, and therefore, their capacity to pursue and amend their conception of the good is undermined. This means that workers must be free from domination.

5.5.2 What This Argument Entails

What the opportunity for meaningful work justified on the basis of moral powers, with the space to definite it individually entails, is that there should be a capacity to reasonably choose from a range of work arrangements. Tomasi's framework, for example, makes it considerably difficult to pursue collective arrangements or workplace democracy, and fails to provide key provisions to enable people to have a real opportunity for work, as discussed in the previous chapter.⁸⁶ The state, or any governing body, should provide certain goods where necessary to ensure that there is real opportunity for all persons to pursue their conceptions of work. This would entail some state education, welfare, and workplace legislation, as well protection on the ability to form unions and workplace democracies. Additionally, those who wish to find meaningful work outside of their paid work should have the opportunity to do so. This could be achieved via ensuring a limit on working hours, of a reasonable minimum to ensure that those who work menial jobs have enough resources and time to truly pursue their additional pursuits. Those who wish to find meaning in unpaid work, could also have reasonable protections, this could be achieved via a basic income, or at least to ensure that those who volunteer for causes, are carers, or undertake other important but typically unpaid work receive some compensation and their work is recognised.

⁸⁶ Tomasi, *Free Market Fairness*, 2012a, xviii, p81, p116, pp190-191

While this argument does support much of what Rawls argues for, the justification is more acceptable to a broad range of conceptions of the good. One can accept a rival idea of meaningful work, however, as the justification for the opportunity for meaningful work does not utilise a particular idea of meaningful work, it is more acceptable. A person who believes that work is meaningful when they have more individual control is able to pursue such work if they wish, so long as it does not harm others' ability to pursue different conceptions.

This argument does not mean that the state should ensure that each and every conception of meaningful work is achievable. What it does warrant is the ensuring of a reasonable social minimum and other requirements to pursue their respective, reasonable, conceptions of meaningful work. If it can be understood that a state is failing to ensure that people have a real opportunity for meaningful work, because they are trapped in poverty, being compelled to work certain jobs for low pay, not receiving the provisions and goods necessary to develop themselves, then the state must adjust to ensure this. This ties into the conception of meaningful work not being static and changing over time, and also the necessary provisions to do so will change over time. For example, the welfare policies of the post-war era may not be as effective at ensuring opportunity today, so therefore, it can reasonably be understood different measures are needed.

My argument, therefore, rules out any argument that compels too much and has a loaded understanding of meaningful work linked to the idea of being good for one's self-respect. Therefore, Tomasi's thick economic liberties and the ways in which they help people develop self-respect through a loaded understanding of agency-oriented meaningful work can be ruled out as it fails to ensure that all persons can pursue their own conception of meaningful work. Additionally, socialist rights to meaningful work are flawed, as they also assume on behalf of others that they inherently want certain working arrangements and advocate policies that may undermine a choice towards different ideas of meaningful work.

5.5.3 Potential Objections

An objection could be that I focus too much on individual choice, like Tomasi does, in relation to defining meaningful work. Does a person who finds meaning in their work, as a result of their background culture, not have meaning if they have not adequately made individual choice? Does

the argument's focus fail to take into account the importance of recognition of others for the development of self-respect and threaten collective rights? I reply to both of these concerns.

I respond that just as with the development of the moral powers, people need to compare and reflect on their conception of the good. This applies to work as well, as people should be aware there are other arrangements available to know if the work they pursue is meaningful for them. This is not to compel people to act in any way, for example, the state does not have the right to force people to leave a religious commune, for example, to experience work outside of it but there should be some knowledge and education of alternatives. Rather, it is to ensure there is an opportunity to seek out alternative conceptions of meaningful work to determine it individually.

In relation to the individual focus, this is ultimately a liberal argument, and therefore it is somewhat individualistic in its focus. I do accept that individuals need self-respect which is derived from others. However, just as with conceptions of the good, one must individually determine for themselves what they wish to pursue, but the conceptions of the good are usually socially shared ideas. I am not claiming that meaningful work, or self-respect, is inherently achieved by being a self-cause. I am arguing that all persons should be able to have the opportunity to define and pursue their own conception of meaningful work. The framework I advocate does not force hardships upon people in the name of individual agency, as Tomasi's does, rather it ensures a range of conceptions of meaningful work can be achieved if a person so wishes, and this is a condition to help develop moral powers, which is something all reasonable persons would accept.

5.6 Conclusion

This chapter discussed Tomasi's argument to include thick economic liberties on the basis of the opportunity for meaningful work, deficiencies with this argument and Rawls' rival conception of meaningful work, and concluded with my own argument that meaningful work has a stronger relationship to the moral powers. I outlined the issue with Tomasi's argument to include the thick economic liberties in the scheme of basic liberties on the basis that it provides the opportunity for meaningful work and self-respect, which is that it protects a narrow conception of meaningful work that is not shared by all. I added additional criticisms of Tomasi's argument, in addition to identifying some initial problems with the typical Rawlsian framework in relation to the moral powers. If the objection to Tomasi is that he fails to ensure the development of the moral powers because of a

perfectionist conception of meaningful work and preference towards private property ownership, then Rawls must also be assessed on this basis, and an alternative framework developed. Rawls', similarly to Tomasi, has an overly narrow and controversial conception of meaningful work, and I also argued neither sufficiently consider domination as a threat to the pursuit of meaningful work.

In response to the issues of Rawls' own conception of meaningful work, I developed a more fundamentally anti-perfectionist position of meaningful work. If there are clearly issues with Rawls' conception from the political liberal view, then it is crucial to develop a distinct argument. My alternative argument overcomes the issue of Rawls' and Tomasi's controversial frameworks, which rely on narrow conceptions of meaningful work that can be reasonably disagreed upon, by providing a justification for meaningful work that appeals to any definition of meaningful work, which is therefore more fundamentally compatible with political liberal demands. My modification of the opportunity for meaningful work justifies a framework that supports a range of economic arrangements for people to compare different work arrangements, and a strong social minimum to ensure that people have a real opportunity to choose between the options.

I have additionally identified the issue of domination in relation to meaningful work, which requires more extensive discussion, as I argue that an anti-perfectionist position on meaningful work must factor in domination. However, to understand how to develop an alternative, and further assess the issue of domination in relation to the moral powers which factors into the issue of meaningful work, we need to understand the Rawlsian frameworks of a property-owning democracy and liberal socialism first, which I do in the next chapter. By understanding the alternative frameworks to Tomasi, we can assess what role of economic liberty is best to develop the moral powers via ensuring real opportunity for meaningful work, and generally securing conditions for the development and exercise of the moral powers, which offsets domination and provides a choice to ensure all persons can determine and pursue their own idea of meaningful work and the good life in general.

Chapter 6 — What Are the Alternatives to Market Democracy?

6.0 Introduction

This chapter outlines the possible alternatives to market democracy. In the previous chapter I highlighted an issue with Rawls' conception of meaningful work from the political liberal perspective, and intend to further illustrate that his frameworks are insufficient for the development and exercise of the moral powers. Many issues are also related to domination, which I briefly discussed. However, to further explore the issues related to Rawls' frameworks, I must explain them. The two typical Rawlsian frameworks are property-owning democracy and liberal socialism.

I identify the fundamental difference between a property-owning democracy and liberal socialism being the approach to property ownership, although there are others, and there is notable overlap. A property-owning democracy (POD) aims at the *dispersal* of productive property, where private property can be held yet cannot be acquired as a monopoly.¹ Liberal socialism aims at common ownership, where workers collectively own productive property.² I argue that we should reject this binary conception, and recognise there is fluidity and overlap, however, there are ideal conceptualisations of these frameworks which are distinctive enough that should be seen as polar ideals to aim towards. With this understanding in mind, what needs assessing is the desirability of said frameworks.

In the first section I define and discuss what a property-owning democracy is. I explain that the key feature is the dispersed but private ownership of productive property, in contrast with the welfare state capitalist (WSC) model, which is egalitarian, while permitting more widespread inequality, at least on Rawls' understanding, although there are alternate interpretations.³ In the second section I explain the key features of liberal socialism and contrast it with the POD model. The main distinctive aspect is the socialised ownership of productive property. I finally explain that there is a significant overlap between the frameworks, although there are distinctive features. I argue that we should not see these frameworks as concrete policy proposals nor ignore the overlap, rather, we

¹ Rawls, *Justice as Fairness: A Restatement*, p139,

² Rawls, *Justice as Fairness: A Restatement*, p139; O'Neill, Martin. "Social Justice and Economic Systems: On Rawls, Democratic Socialism, and Alternatives to Capitalism," *Philosophical Topics* 48, no. 2 (2020): 159–202. p5

³ Rawls, *Justice as Fairness: A Restatement*, pp 137-138

should understand they draw from similar influences and should be understood as polar ideals we can chart between to assess and develop the preferable political framework with regards justice. This chapter concludes part two, which engages critically with Tomasi and to an extent Rawls, and equips me to further critique the Rawlsian frameworks and engage with the question of how to actually secure conditions for the development and exercise of the moral powers in part three.

6.1 What is a Property-Owning-Democracy?

While I previously discussed this topic, I outline the concept of a property-owning democracy again in more depth now. A property-owning democracy (POD) is a form of a political framework that can, according to Rawls and others, satisfy the Rawlsian principles of justice.⁴ It is characterised as an alternative to capitalism.⁵ This characterisation is because, unlike even a strongly egalitarian form of capitalism with a welfare state and redistribution of income via taxation, there is *widespread ownership of property* as opposed to concentrated ownership.⁶ A POD is non-capitalist because there are stringent limits on the ability of individuals to own and trade property, although, it is important to recognise that private ownership is permissible while dispersed.

It is not entirely clear from Rawls alone as to how the institutions would ensure the dispersal of private property, however, property-owning-democracy aims at a wide dispersal of productive property, restrictions on inheritance and gift to offset inequalities, and protection of the political sphere from economic influence via restricting political donations and other measures.⁷ There may be wide and equal distribution of shares of businesses, for example, or permission of workplace democracy or worker-led firms, although neither workplace democracy nor collective ownership is inherently established by a property-owning democracy.⁸ Regardless of the exact form in which a POD would manifest, private ownership of productive property is permissible, and enforced via coercion as any property arrangement; however, crucially, it is shared among a wider degree of

⁴ Rawls, *Justice as Fairness: A Restatement*, p135

⁵ *Ibid*, pp135-136

⁶ *Ibid*, p139

⁷ O'Neill, Martin. "Free (and Fair) Markets Without Capitalism," in *Property-Owning Democracy: Rawls and Beyond*, edited by O'Neill, Martin, and Thad Williamson. Malden, MA: Wiley-Blackwell, 2012. pp80-81

⁸ Rawls, *Justice as Fairness: A Restatement*, p178

persons, to ensure against inequality.⁹ This would mean an individual could privately own productive property, however, they would be limited in how much property they would be able to own, or in the least, be under intense scrutiny, progressive taxation, and regulations, to ensure that they cannot exploit their workers nor undermine the principles of justice by exacerbating inequality.

6.1.1 Property-Owning Democracy versus Welfare State Capitalism

The distinction in the distribution of property ownership can be understood by contrasting a POD with welfare-state capitalism. Welfare state capitalism, from Rawls' view, allows for widespread private ownership of productive property, even monopolies, and inequality, while providing a floor, or safety net, to the worst off.¹⁰ Welfare state capitalism does not ensure the widespread opportunity to acquire property, does not redistribute wealth constantly, and allows for the concentration of property ownership. Therefore, it violates the principles of justice. In addition, the concentration of property ownership can negatively influence other important liberties, particularly political liberties are undermined when an elite can influence politics, and this is done according to Rawls in a welfare state-capitalist society.¹¹

It is important to identify that while Rawls claims a welfare state capitalist model is unacceptable, there are other models which share strong similarities that could better satisfy the demands of justice. For example, Dworkin notably argues for an egalitarian system that is simultaneously market-friendly with the institution of private property.¹² He claims that markets are indispensable to equality, similarly to Rawls, however, he also claims that 'the default required by equal concern and respect is a system of private property: we need a justification for any deviation from that default.'¹³ This affords greater protection towards the institution of private property. Dworkin advocates for resource equality, wherein impersonal resources are publicly owned, as in wealth, and distributed via public programs, and some can be publically owned, to offset

⁹ Brettschneider, Corey. "Public Justification and the Right to Private Property: Welfare Rights as Compensation for Exclusion," *The Law & Ethics of Human Rights* 6, no. 1 (December 6, 2012): 119–46. <https://doi.org/10.1515/1938-2545.1070>.

¹⁰ Rawls, *Justice as Fairness: A Restatement*, pp 137-138

¹¹ Ibid, pp137-139

¹² Dworkin, *Justice For Hedgehogs*

¹³ Ibid, p357, p375

externalities.¹⁴ What this results in is a system that protects private property, and does not limit or distribute ownership, yet resources are distributed and managed by society. A person would effectively have the means to pursue their life, however, they are bestowed a strong degree of responsibility, and the state is not focused on outcomes.¹⁵ Simultaneously, Dworkin's framework, with resource egalitarianism as a key commitment, demands constant redistribution of wealth that goes beyond a floor. This type of system would be considerably more egalitarian than what Rawls considered a welfare state capitalist framework, yet still protects the institution of private property.

There are two reasons this is noteworthy. One, it indicates that on an ideal level, there are further alternatives than Rawls considered and that we can draw upon in considering what form of political framework best guarantees the conditions for the development and exercise of the moral powers. This can include more protection of private property. Secondly, it indicates that a strong balance can, potentially, be struck between the institution of private property *and* egalitarian demands. I am primarily focused on examining the Rawlsian frameworks, as they have been articulated as the most relevant, especially in relation to the demands of political liberalism. I recognise that Dworkin is fundamentally a comprehensive liberal and arguably a perfectionist, as he relates moral, ethical, and other normative claims to his political framework.¹⁶ This could mean that his framework has issues from a political liberal perspective. Nonetheless, it is important to identify that there could be ideals beyond Rawls' interpretation to achieve justice and Dworkin's ideas, especially an acceptance of the presence of private property, can factor into a just political framework.

A property-owning democracy's defining distinction from welfare state capitalism is how it distributes private productive property. Productive property, in essence, is distributed but still can be privately owned. A property-owning democracy ensures that all persons have the ability to own property, or are perhaps given an allocation of property ownership as a positive right.¹⁷ However, the allocation of property is more egalitarian to prevent excessive concentrations of wealth and

¹⁴ Ibid, p370, p375; Arneson, Richard. "Dworkin and Luck Egalitarianism: A Comparison," In *The Oxford Handbook of Distributive Justice*, ed. Olsaretti, Sereena. Oxford University Press. 2018

¹⁵ Ibid 370

¹⁶ Chen, "Liberal Justification: A Typology," p191

¹⁷ Thomas, Alan. "Property-Owning Democracy, Liberal Republicanism, and the Idea of an Egalitarian Ethos," In *Property-Owning Democracy*, edited by Martin O'Neill and Thad Williamson, 1st ed., 101–28. Wiley, 2012. p122

property, as found within capitalist systems. While there are different conceptions of a property-owning democracy, none of which are like a welfare capitalist model which will allow for monopolisation and concentration of wealth and property.

A fundamental difference in terms of intention between the two frameworks is that welfare state capitalism does not inherently address the issue of private property ownership, rather it aims at certain outcomes. While, as in the case of Dworkin, there could be certain resources or goods owned by the state or society, this is done so on the basis of ensuring persons have certain means or that externalities are publicly controlled. Property-owning democracy, conversely, aims at dispersing ownership of productive property in and of itself, not merely to control externalities or allocate resources. This is because it is an alternative to capitalism, necessary to ensure the principles of justice. Without this dispersion of property, unacceptable inequalities can develop and the elite can undermine other important liberties, particularly political liberties. Shares in industries are divided and not concentrated in a property-owning democracy, and profits can be (or perhaps must be, although this is not clear) shared in accordance with predistributive principles. Essentially, a much stronger degree of wealth redistribution is constant and assured, rather than redistributing concentrations of wealth in a modest form after the inequalities have already been formed.

6.1.2 Eleven Features of a Property-Owning Democracy

There are other key aspects of a property-owning democracy, although, there are different interpretations. Freeman outlines eleven defining features of a property-owning democracy, which illustrate how it can work in practice.¹⁸ They are as follows:

1. Widespread ownership of means of production so workers can control real capital and their work conditions, whether as private owners or as members of unions or cooperatives.¹⁹ This is a fundamental difference between a WSC and POD system, as the workers do have a degree of control.

Before proceeding, it is important to distinguish workplace democracy and worker-co-owned property for clarity. Workplace democracy can work within a capitalist system, wherein workers

¹⁸ Freeman, *Rawls*, p226

¹⁹ Rawls, *Theory of Justice*, p139

have a say in the managerial practices of a workplace, but they are still employed as labourers.²⁰ Alternatively, it may take place under a more economically socialist model, wherein the workers have a say in the workplace and own the property, or the state owns productive property.²¹ Co-ownership, or collective or shared ownership, of productive property, is regarding whether the workers collectively own the property, regardless of if there is workplace democracy within the management structure.²² Co-ownership can be manifested in a variety of ways, for example, via allocating shares to all workers in medium and large industries or even providing them to the community. The distinction is important as they can be conflated, despite one referring to internal practices, and the other to property ownership.

2. Less disparity than welfare state capitalism, with gross inequalities curtailed to protect the fair value of political liberties. This is in part done by estate, inheritance, and gift taxes on transfer by the more advantaged to succeeding generations.

3. Fair value of political liberties. This is ensured by public funding for political campaigns, restricting private contributions, making public forums for debate, etc.²³ This limits the effects of private wealth on political campaigns and protects the *fair* value of political liberties, as all have an equal voice,

4. Greater fair equality of opportunity in POD than WSC. Workers are not consigned to work for wages with no interest in their product. They have at least the opportunity to own and control capital they use in day-to-day exercise of their working capacities. More control and protection in their workplace than WSC.²⁴

5. Social minimum is larger than a WSC. A POD does not focus on only increasing wealth or average income, but rather the economic and social position of the least advantaged.²⁵

²⁰ Freeman, Rawls, ch5 and ch7 is an example of this

²¹ Roemer, John E. *A Future for Socialism*. Cambridge, Mass: Harvard University Press, 1994. provides an example of state socialism without workplace democracy

²² Schweickart, David. "Property-Owning Democracy or Economic Democracy?" In *Property-Owning Democracy*, edited by Martin O'Neill and Thad Williamson, 201–22. Wiley-Blackwell, 2012. advocates for a form of workplace democracy and co-ownership

²³ Freeman, Rawls, p227

²⁴ Ibid, p227

²⁵ Ibid, p227

6. Inheritance and gifts are limited in a POD. Bequests are taxed on the receiver's expense and the wealthier are taxed more so, and less advantaged tax less so or not at all, to prevent the concentration of wealth.²⁶

7. Rather than income tax, a POD has a *proportional expenditure tax which* taxes consumption with the tax applying only after a minimum level of expenditures has been reached. This taxation does not discourage work or even consumption, rather it taxes what is taken out. This system is not like a sales tax which applies to everyone as it has to be over a certain amount in cost before it is required. Regarding taxation, there may still be some form of taxation from production and progressive taxes can be justified.²⁷

8. All should be encouraged to work if able. Welfare to those who are able but unable to work can foster dependency and undermine self-respect.²⁸ Rawls claims that a person cannot gain from cooperative efforts without doing their fair share.²⁹

9. No minimum wage but the government will subsidise wages. From Rawls' view, a minimum wage may disincentivise job creation; however, as people are worth more than their market rate, they receive a subsidy if they earn low wages to bring people to the social minimum.³⁰ In non-ideal conditions, a minimum wage may be necessary, however.³¹

10. Government will be an employer of able-bodied people as the last resort. As work is expected, and a part of self-respect, the government must ensure that all can work and fill the gap in natural unemployment rates.³²

11. Universal health care is essential on the basis of fairness of equality of opportunity. People with disabilities and chronic illnesses are often unable to advantage of opportunities available to other persons.³³

²⁶ Ibid, p227

²⁷ Ibid, pp227-228

²⁸ Ibid, p228

²⁹ Rawls, *A Theory of Justice*, p301

³⁰ Ibid, p252; Freeman, *Rawls*, p231

³¹ Freeman, *Rawls*, p500

³² Ibid, p231

³³ Ibid, p231

In summary, a property-owning democracy is a highly egalitarian system, which provides workers control of capital, although it does permit private ownership of property. There are stringent controls on the transfer of wealth, and a strong minimum which is enforced by constant distribution of wealth.

The property-owning democracy model appears initially to better facilitate the development and exercise of the moral powers, especially compared to Tomasi's market democracy. It does this by providing adequate resources via redistribution and provision of certain goods i.e., healthcare, to ensure workers and the worst off have the capacity to pursue their own conceptions of the good, and inequality will be considerably less. In addition, while private property is permissible, to some degree, workers can form associations and workplace democracies, giving a greater range of options to pursue in terms of the type of work they may define as meaningful. Furthermore, a POD will better allow for the pursuit of meaningful work because people are not as likely to be in positions of domination via dependence on their employers due to the welfare state. Additionally, because thick economic liberties are not basic, there is more potential for state intervention and protection of collective worker activities than in a market democracy, again, giving greater choice and undermining domination.

However, I argue that the position that point one by Freeman is not as clear as he claims, which is part of certain problems that a typical POD model has for securing the conditions for the development and exercise of the moral powers. If persons can privately own property, there is a lack of clarity as to what qualifies a property to be collectively owned or privately owned, or how the opportunity to have workplace voice or co-ownership will be guaranteed. In turn, there are problems with securing a range of different working and ownership arrangements and relatedly, offsetting domination, undermining the capacity to pursue particular conceptions of meaningful work and the good life in general, and generally failing to secure the conditions for the development and exercise of the moral powers. These issues I take with property-owning democracy as a framework I come on to in the next chapter. However, on an ideal level, I have provided an understanding as to how a property-owning democracy operates.

6.2 Liberal Socialism versus Property-Owning Democracy

Whilst I explained the difference between a property-owning democracy and welfare capitalism, it is crucial to contrast a property-owning democracy with the other form of framework acceptable in accordance with the Rawlsian principles of justice: liberal socialism.³⁴ This allows me to distinguish the two typical Rawlsian frameworks, and identify the unique features of each. Then I can proceed with critiquing property-owning democracy.

Rawls did less to develop the concept of liberal socialism, however, generally, it aims at not only the distribution of property but the sharing of productive property by society.³⁵ Rawls explains it as follows:

While under socialism the means of production are owned by society, we suppose that, in the same way that political power is shared among a number of political parties, economic power is dispersed among firms, as when, for example, a firm's direction and management is elected by, if not directly in the hands of, its own workforce. In contrast with a state socialist command economy, firms under liberal socialism carry on their activities within a system of free and workably competitive markets. Free choice of occupation is also assured.³⁶

Therefore, liberal socialism is a system wherein productive property is socialised, unlike property-owning democracy, which allows private property in 'productive assets'.³⁷ This means that it is shared amongst the citizens of society, with worker ownership of productive property guaranteed. Property-owning democracy permits private ownership of productive property, despite the fact it is dispersed and regulated, whereas liberal socialism does not, apparently, permit private ownership, although it may be that Rawls imagined the socialisation of private productive property to be *voluntary* within an ideal society. Nonetheless, the socialisation of private property is the distinctive characteristic of liberal socialism.

³⁴ Rawls, *Justice as Fairness: A Restatement*, p138

³⁵ O'Neill, Martin. "Social Justice and Economic Systems : On Rawls, Democratic Socialism, and Alternatives to Capitalism," *Philosophical Topics*, August 15, 2020. p3

³⁶ Rawls, *Justice as Fairness: A Restatement* , p138

³⁷ *Ibid*, p139

6.2.1 Liberal Socialism versus State Socialism

To help understand this framework, we can contrast with state socialism with central planning, which it is considerably distinct from.³⁸ To contrast with state socialism, Rawls claims:

State socialism with a command economy supervised by a one-party regime violates the equal basic rights and liberties, not to mention the fair value of those liberties. A command economy is one that is guided by a general economic plan adopted from the center and makes relatively little use of democratic procedures or of markets (except as rationing devices).³⁹

Within liberal socialism, there is no complete central economic plan like in typical command-state socialist economies, such as the USSR, for example.⁴⁰ The liberal socialist state is fundamentally liberal democratic, with rights and liberties protected. Rawls stresses that persons should have freedom of choice in occupation, the market allocation of goods is beneficial and should be present, and state control is harmful to these ends.⁴¹ There may be space for some central planning, as there is in any democratic society, on matters such as infrastructure, research, public goods such as education and healthcare, or environmental protection.⁴² However, the key distinction between command socialism and liberal socialism is the former has a central economic plan.⁴³ The difference between liberal socialism and property-owning democracy is that productive property is owned by ‘society’ in liberal socialism, although there is a range of how this could manifest: state control, community or municipality control, or other ‘hybrid control’.⁴⁴

This distinction allows us to further identify a key distinction between liberal socialism and property-owning democracy. In liberal socialism, control within the firms is dispersed, while ownership of property is socialised, whereas *ownership* within a POD is not necessarily collectively owned. Meaning, workers have a say in the workplace on who runs firms and have ownership as well. Rawls explains that ‘economic power is dispersed among firms, as when, for example, a firm’s

³⁸ Ibid, p139, O’Neill, “Social Justice and Economic Systems,” p5

³⁹ Rawls, *Justice as Fairness: A Restatement*, p138

⁴⁰ O’Neill, “Social Justice and Economic Systems,” p4

⁴¹ Rawls, *Justice as Fairness: A Restatement*, p138

⁴² O’Neill, “introduction,” In *Property-Owning Democracy*, edited by Martin O’Neill and Thad Williamson, 201–22. Wiley-Blackwell, 2012. p4

⁴³ Ibid, p4

⁴⁴ Ibid, p5

direction and management is elected by, if not directly in the hands of, its own workforce'⁴⁵ This would disperse power concentrations *within* firms, apparently more so than in a POD. Essentially, liberal socialism disperses power within firms by protecting workplace democracy, and prevents the concentration of private ownership by socialising the means of production. There is less said on how a welfare state would function, if at all, or matters of taxation. However, as productive property is socialised, the concentration of wealth that is present in a typical welfare state capitalist model will not be present as one cannot privately own productive property.

6.2.3 Workplace Voice and Common Ownership

One of the key differences worth explaining between property-owning democracy and liberal socialism is the issue of voice in the workplace and common ownership, which I just discussed in brief. There is no explicit guarantee of workplace democracy in a property-owning democracy, as Rawls did not spell out this requirement.⁴⁶ Workers are generally given a greater workplace voice than in a capitalist system, which could be done via unions or representatives, or by actual control of capital through dispersal. In addition, there is no clear guarantee of the ability to commonly own property in a property-owning democracy. However, even if there were commonly owned firms, it is not made entirely clear as to whether a *worker-owned* property would inevitably provide voice without the explicit guarantee of workplace democracy or any other guarantee of voice. Likewise, it is not clear if a privately owned business must provide worker voice so long as one person does not own too much property and fulfils the general obligations of the principles of justice, i.e., paying taxes. This could be amended within a property-owning democracy. However, it would move it closer to a form of liberal socialism as these characteristics are fundamental to Rawls' conception of liberal socialism.

Liberal socialism inherently accepts the significant importance of collective ownership of productive property and the ability for workers to have a say in their workplace, as it moves even further from private ownership of productive property than a property-owning democracy. Within liberal socialism, productive property will be socialised in some form, and all workers, at least according to Rawlsian version, will have a voice within the firm to elect their representatives. This

⁴⁵ Rawls, *Justice as Fairness: A Restatement*, p138

⁴⁶ Hsieh, Nien-hê. "Work, Ownership, and Productive Enfranchisement," In *Property-Owning Democracy*, edited by Martin O'Neill and Thad Williamson, 147–62. Wiley-Blackwell, 2012. p152

means that not only are socialised forms of property the standard ownership model, however that may manifest but that workers always have a voice.

In terms of the moral powers, the liberal socialist model has some strengths over the market democratic model, and the POD, but also deficiencies. It shares many of the benefits of the POD over the market democratic framework, as there will be reduced inequality, and less domination. The strength over the POD model is that it better secures the capacity to collectively own property and for workplace democracy, and offsets domination as a result. Arguably it also distributes state power, with its emphasis on decentralised power, and that property is not distributed by the state but rather owned *directly* by the workers, preventing state domination. However, liberal socialism may undermine choice to pursue conceptions of meaningful work and the good life that revolve around even small-scale property-ownership. These benefits and issues in relation to the moral powers are explored in greater depth later, however, they are worth noting here.

6.2.4 The Overlap of Property-Owning Democracy and Liberal Socialism

The distinction between liberal socialism and a POD model is not entirely binary, especially when considering various models that have been proposed within both these frameworks. Both also have only a thin protection of economic liberty, and strong egalitarian goals. Some, such as O’Neill, have argued a property-owning democracy has considerable overlap with a liberal socialist model and it is difficult to distinguish because both aim at dispersing property, and also providing greater control to workers, and society, over productive property.⁴⁷ Because they share key features, it is not entirely identifiable where the distinction lies. I accept that the distinction is not entirely clear, especially when the origins of the term have a distinctive socialist characteristic.⁴⁸ Meade, for example, who was a major influence on the concept of property-owning democracy, combines aspects of the welfare state capitalism, socialist institutions, and dispersion of private property.⁴⁹ He also has a different conception of liberal socialism, which combines free enterprise alongside collective provision and a strong sense of justice, which has more in common with property-owning democracy than Rawls’ definition.⁵⁰ This overlap illustrates that both property-owning democracy

⁴⁷ O’Neill, “introduction,” p76; O’Neill, “Social Justice and Economic Systems,” p5

⁴⁸ Jackson, Ben. “Property-Owning Democracy: A Short History,” In *Property-Owning Democracy: Rawls and Beyond*, edited by Martin O’Neill and T. Williamson. Wiley-Blackwell, 2012.

⁴⁹ O’Neill, “Social Justice and Economic Systems,” p16

⁵⁰ Meade, James E. *Planning and the Price Mechanism*. 1st edition. Routledge, 2013.

and liberal socialism are drawing from a similar foundation of thought. This thought attempts to balance freedom alongside justice and is opposed to state planning and laissez-faire capitalism simultaneously. As they develop from similar concepts, they have a strong overlap.

I have stressed that within Rawls, the main fundamental difference between a property-owning democracy and liberal socialism is whether private property is dispersed (POD), or socialised (liberal socialism). However, I would claim that we do not have to only focus on Rawls' conception of two opposing frameworks, instead, there is a lot of space between them for middle-ground positions. This helps us see the overlap not as an obstacle in assessing which framework is more desirable. For example, Thomas rejects the idea of mandatory 'market socialism' on the grounds that it could be exploitative, and generally at odds with liberal principles, but argues that much of the benefits of market (liberal) socialism will develop within a property-owning democracy, and later he claimed that it is something to be encouraged, just not mandatory.⁵¹ Here is an example that the two concepts are more intertwined than opposed. The institutions can be more akin to a property-owning democracy, and private ownership is permissible, however, the state can attempt to gently encourage aspects of liberal socialism. This is in line with Meade's original conception as well, which has firmly socialist state institutions alongside free enterprise.

In addition, others conceive of political frameworks that we could articulate between the two. These could be categorised as moderate forms of liberal socialism. Schweickart developed a form of "property-owning democracy+" that nationalises banks, mandates worker representation on boards, and as finance is 'curbed', firms would not expand as much as they do even under a property-owning democracy.⁵² Other hybrids are conceivable, where *some* productive property is collectively owned via workers or society, yet there is still more permission for private ownership of productive property, or there is workers' voice but no collective ownership, or collective ownership but no workplace democracy.⁵³ Another hypothetical moderate form of liberal socialism could permit some private productive property ownership, on the basis that different forms of productive

⁵¹ Thomas, Alan. *Republic of Equals: Predistribution and Property-Owning Democracy*. Oxford Political Philosophy. New York, NY: Oxford University Press, 2017; Thomas, Alan. "Market Socialism, Labour Market Domination, and the State as Employer of Last Resort," *Review of Social Economy* 79, no. 3 (2021): 528–53. <https://doi.org/10.1080/00346764.2020.1869294>.

⁵² Schweickart, "Property-Owning Democracy or Economic Democracy?"

⁵³ Schweickart, "Property-Owning Democracy or Economic Democracy?"; Freeman, *Rawls*, ch5 and ch7; Thomas, "Market Socialism, Labour Market Domination, and the State as Employer of Last Resort"

property have different natures and effects. For example, a reasonable conception could permit private ownership of small and medium-sized businesses, but not large-scale businesses, which would be owned by the state or have all shares owned by workers.⁵⁴ Overall, potentially, we can devise a framework aiming at an even more widespread allocation of property than a property-owning democracy alongside a degree of collective ownership.⁵⁵

It is important to emphasise that there is no one concrete model of liberal socialism, welfare state capitalism, property-owning democracy, or other frameworks, rather, a spectrum of potential frameworks. There are polar ideals, with welfare state capitalism permitting concentration of property ownership, property-owning democracy dispersing private ownership yet permitting it, and typical Rawlsian liberal socialism forbidding it. Yet between them, or arguably beyond, we have space to develop a range of frameworks.

I argue, therefore, that while Rawls appears to indicate that a liberal socialist society would totally exclude private property ownership, it does not mean that every conceivable liberal socialism must abolish all forms of private ownership entirely.⁵⁶ We can conceive of a range of frameworks, which can overcome issues with the models Rawls outlined, or failed to sufficiently flesh out. What should be understood is that these are ideals we can aim towards. I argue on the basis of the overlap that property-owning democracy and liberal socialism should not be seen as concrete policy proposals. They should be understood as guiding attitudes that political frameworks can aim towards, with the latter a focus on democratising the economy as opposed to distributing *private* property on a wider basis.⁵⁷ Similarly, the typical Rawlsian “polar” ideal of property-owning democracy does not inherently guarantee workplace voice or provide the means to ensure that property can be collectively owned. Nonetheless, we can conceive of frameworks that take clearer positions on these matters while aiming toward the ideals. Though I reiterate that the core differentiation is the importance attached to collective productive property ownership at least when we consider the “polar ideals” that we can develop frameworks between. If we have an appropriate

⁵⁴ Schweickart, “Property-Owning Democracy or Economic Democracy?”

⁵⁵ Jackson, “Property-Owning Democracy: A Short History,” p48

⁵⁶ O’Neill, “Social Justice and Economic Systems,” p11

⁵⁷ Ibid, p28

distinction between the ideal frameworks, the question is what is preferable to aim towards, even if we do not accept it wholly.

There is something worth considering, that the frameworks are considered in ideal conditions, as in, when persons act in accordance with the demands of justice. However, on an ideal level, a range of frameworks can achieve justice and facilitate development of the moral powers. A property-owning democracy, a liberal socialist model, or even a form of welfare state capitalism that is closer to Dworkin's understanding, are acceptable models. A welfare state capitalist model can also work because, if all persons acted accordingly, wealth was great and redistributed, the floor would be strong, and persons would not require a welfare state. The issues Rawls highlights with his interpretation of welfare-state capitalism could be sufficiently remedied with a generous social minimum, restrictions on political spending, and progressive taxation, so that there were no unacceptable inequalities and politics could be protected from political influences.

Potentially, even a very capitalist and libertarian society could achieve justice, if we imagined all persons acted benevolently, each owned a small degree of property, there were a range of economic arrangements to pick from, and everything had enough wealth so they could freely enter employment without risk of exploitation.⁵⁸ Workers would not need protection from employers, because everyone would be wealthy enough to have their ability to negotiate individually to be meaningful, and there would be no issue regarding exit, as workers can comfortably leave a job, and employers acted kindly to all workers. Whilst I have been arguing against making economic liberties basic, there is no inherent reason that strong private property rights and property exchanges cannot help facilitate justice in a utopia, even if not *basic*. Economic exchanges could benefit persons, as there would be a range of economic options available to all persons. However, as I have argued, present-day capitalism does not resemble a capitalist utopia. That the ideal level can achieve a form of justice does not help resolve the issue in non-ideal terms. If the desirability of a framework cannot be ascertained merely on ideal conditions, then we must consider the capacity of these frameworks to facilitate justice in non-ideal conditions.

⁵⁸ Brennan, Jason. *Why Not Capitalism?* New York ; London: Routledge, Taylor & Francis Group, 2014. Ch4

6.3 Conclusion

This chapter distinguished the different alternatives to Tomasi's forms of market democracy. I explained that the distinctiveness of the frameworks is that property-owning democracy disperses property, and does not guarantee worker-owned property, nor does it clarify worker's voice, while liberal socialism is a framework with only socialised productive property and significant protection of worker voice. I claimed that there is overlap, and space to explore frameworks within two polar ideals, though we should still decide which type of framework to aim towards. Part of the assessment must be non-ideal, as even hypothetically a somewhat capitalist ideal of society could work, even if it did not have basic thick economic liberties. With the consideration in mind that we must consider non-ideal arrangements, I argue that a property-owning democracy, in its typical Rawlsian ideal form, is insufficient to achieve justice and prevent domination, in turn, harming the opportunity for meaningful work, and importantly, the moral powers.

This chapter concludes part two of my thesis, and in part three I critically engage with Rawls' argument and highlight deficiencies in relation to domination. After critiquing the property-owning democracy framework, I make a case for what kind of political framework will best secure the conditions for the development of the moral powers, particularly in relation to offsetting domination and ensuring real opportunity for meaningful work. This allows me to make a case for the proper role of economic liberty in relation to the moral powers.

Part Three: Finding the Proper Place of Economic Liberty

Chapter 7 — Why A Property-Owning Democracy Does Not Offset Domination

7.0 Introduction

This part of the thesis explores the issues of Rawls' frameworks, and then develops a case as to how best to secure the conditions for the development and exercise of the moral powers, in relation to property ownership and the pursuit of meaningful work, which in turn requires taking domination more seriously than Rawls' frameworks does. This chapter argues that property-owning democracy fails to secure the conditions necessary for the development and exercise of the moral powers, because it fails to meaningfully offset domination and may facilitate unjust inequality. This failure is a result of the place of private property ownership, as it does not meaningfully ensure that workers have sufficient protection to form workplace democracies or worker-owned property. The discussion returns to the need to ensure the opportunity for meaningful work and the need to offset domination to do so. I outline key problems with property-owning democracy in securing the conditions for the development and exercise of the moral powers, particularly in non-ideal conditions, which particularly relate to the matter of domination. I examine three key aspects relevant to domination, the domination within the workplace due to a lack of protection for workplace democracy, the domination due to the inability to collectively own property as workers, and the structural domination that will still be present in a property-owning democracy.

If it is understood what is deficient regarding Tomasi's market democracy regarding the moral powers and I outlined the typical Rawlsian alternatives, they must be assessed in relation to similar issues. I explained previously that for individuals to be able to pursue their own conception of meaningful work and to develop the moral powers, they must be free from domination and be able to choose from a range of different options regarding work, which factors into their conception of the good. My aim is to assess how to develop the moral powers, meaning it is crucial to understand what framework can address domination, particularly as it can harm the opportunity to define and pursue meaningful work

I first argue that a property-owning democracy is insufficient at protecting workers' voice leading to domination within the workplace. It also fails to provide the opportunity for workers to conduct their labour in a workplace democracy, which can lead to domination and additionally

undermines the opportunity to find and pursue meaningful work. However, I consider that workplace democracies are beneficial yet if they are mandated this would be perfectionistic, as it would enforce a conception of the good onto others. Next, I argue that the ability to co-own property is important alongside voice to offset domination, however, a property-owning democracy fails to ensure it is a meaningful option. I then outline that mandatory co-owned property would also be perfectionist on the same basis as mandatory workplace democracy. This leads to a similar conclusion that both the typical property-owning democracy and liberal socialist models are flawed, although the issues with the latter model are further addressed in chapter nine. I then discuss the matter of structural domination, arguing that structural domination will be highly prevalent within a property-owning democracy due to the approach it takes to private property, along with inequality.

7.1 Voice, Workplace Democracy, and Property-Owning Democracy

The protection of voice and ability to form or work within a workplace democracy is not sufficiently protected within a property-owning democracy. Worker voice is an essential way to ensure that workers are not dominated by employers. I do not claim that there is one method to provide voice, however, I argue that there is insufficiently clear protection in a property-owning democracy. I first engage with the conception of workplace democracy. I argue that workplace democracy is not sufficiently protected as a viable and meaningful option within a property-owning democracy. However, I then continue by accepting there are also issues with workplace democracy, especially if it is mandatory, and that we should consider a range of options to ensure voice. Nonetheless, a property-owning democracy insufficiently protects workers from internal domination.

It is important to understand the potential for workplace democracy in a property-owning democracy. Rawls states that a property-owning democracy is compatible with Mill's worker-led firms, wherein workers co-run the workplace.¹ They make key management decisions, and collectively own the property together, rather than affording the ownership to a private individual. However, a property-owning democracy does not inherently protect the right to form a workplace democracy in its workplace, for example, it is not in the basic liberties or even the non-basic liberties,

¹ Rawls, *Justice as Fairness: A Restatement*, p179; Mill, and Nathanson, *Principles of Political Economy*, book. IV, chap. 7

meaning it lacks strong protection.² I do accept there are alternatives to provide voice to workers, such as unions, and collective bargaining, however, I am initially focusing on the notion of workplace democracy wherein workers have a more direct say on internal processes.

The inclusion of workplace democracy within a POD is often justified on the basis of reducing arbitrary interference.³ It can be reasonably asserted that to reduce domination, workplace democracy must be a meaningful option available to all workers, or properly guaranteed. Some do argue that workplace democracy can easily fit into a property-owning democracy, and even is a requirement, for example, to fulfil self-respect, provide meaningful work, and prevent domination.⁴ Others claim that it is justifiable based on the principles of justice.⁵ This does fall in line with my point that we should treat Rawls' views as polar ideals frameworks can operate between rather than fixed policy prescriptions. However, I claim that the modification reveals several issues for a property-owning democracy.

The first issue is that the modification reveals a deficiency. The key idea of a property-owning democracy is, while an alternative to capitalism, does permit private ownership and it is unclear how this can be balanced with a more robust protection of workplace democracy in accordance with Rawls' own interpretation of a POD. The departure to make stronger guarantees of workplace democracy may interfere with this ownership. To explain, an unguaranteed workplace democracy within a system permitting property ownership in the hands of private individuals will result in tension between the ability to have voice and the private owners' ability to operate their business, which they can justifiably privately own in a property-owning democracy. Rawls does argue that freedom to associate with others is a crucial part of meaningful work, meaning that the ability to organise and have collective bargaining and a strong voice in the workplace will be present.⁶ However, it is unclear if or how this is to be balanced in a property-owning democracy from Rawls' framework. From Rawls' own framework, if an owner wishes to operate their business a certain way, the workers may contest a decision, however, there is no institutional or constitutional protection

² Rawls, *Justice as Fairness: A Restatement*, p114

³ Hsieh, "Work, Ownership, and Productive Enfranchisement"

⁴ Ibid

⁵ Freeman, *Rawls*, p113

⁶ Rawls, *A Theory of Justice*, p257

of the workers' voice in a property-owning democracy.⁷ There is no clear approach to ensure that workers have sufficient voice, as in any capacity to have some say in how the workplace operates, and, therefore, it requires stronger protection and clarification.

A reasonable retort may be that we could implement this constitutional or institutional protection. I accept that worker voice can be guaranteed alongside private ownership, at least in larger firms, to ensure against workplace domination, where there is a stronger sense that persons are under the control of various processes and more levels of management. However, there is a practical issue within a property-owning democracy and the implementation of workplace democracies especially. As a property-owning democracy allows for private ownership, there will be capital returns, and private investors, who will be disincentivised from investing in worker-led or worker-owned firms.⁸ Funding for present-day worker-run firms is low, and they would want to avoid risk and be likely to invest in typical, hierarchical firms. This means that they may struggle to obtain funding to establish workplace democracies. If there were a right to form a workplace democracy, this would require stringent regulations and interference from the state. This may in turn further undermine the freedom of the owners of productive property and lead to an expansive state.

Ensuring workplace democracy would again be a departure from the typical property-owning democracy outlined by Rawls at least. If it came under stronger protection, as a right for example, then it weakens the property ownership of the private individual in a property-owning democracy. This inclusion of workplace democracy into a POD may be a necessary measure to ensure voice is protected and that workers are not dominated within a hierarchical workplace; however, this appears to stress the importance of workers' voice and has arguably shifted closer to a form of liberal socialism. It is feasible to include it; however, the modification indicates that workplace democracy at least as a viable option is crucial to offset domination, and the modification is a major departure from the standard framework. Therefore, such a modification would move the framework closer to

⁷ O'Shea, Tom. "Socialist Republicanism," *Political Theory* 48, no. 5 (2020): 548–72.

<https://doi.org/10.1177/0090591719876889>. p562

⁸ Braun, S. Stewart. "Workplace Democracy, Exploitation, and Liberalism: Why Labor-Managed Firms Are Neither Exploitative nor Illiberal," *Journal of Social Philosophy* 53, no. 2 (2022): 202–20. P213

the liberal socialist framework. Such a modification changes the framework's nature which protects private property, even if dispersed.

One may claim that with the dispersal of ownership, the requirement for workplace democracy is not necessary, as everyone can have stakes in the company. Even if shares of the business are divided among workers, as they may be in a property-owning democracy, there can still be a hierarchy when it comes to the matter of decision-making processes, it is just that the workers receive remuneration for their share ownership. Therefore, owners and management within a business, even if shares are divided among workers, can arbitrarily interfere with the workers, and thus, there is domination within a property-owning democracy without protections of voice, arguably in the form of workplace democracy, or at least ensuring it is a viable option.

That perhaps a liberal socialist system, with more worker-owned firms, is better equipped to address the matter of domination in this manner, illustrates a weakness in property-owning democracy. This indicates that the basis of private property can lead to domination, unless significantly curtailed, more in line with liberal socialism. It may reasonably be claimed that private property inevitably leads to domination within the workplace unless at least curtailed via workplace democracy and possibly other measures. There are reasonable concerns, particularly about compulsory workplace democracy, however, the lack of robust protection is no accident in a framework that protects private property

One could reasonably claim that in ideal circumstances, robust protection is not necessary. Workers would be able to find workplaces, work together as they see fit, and leave workplaces if they wish to find alternatives fitting their own demands. I can concede this point, in that workers in a POD would be able to form workplace democracies freely or choose alternatives. However, I emphasised that we need to discuss non-ideal conditions, and it is in these conditions that the property-owning democracy fails to offset internal domination. The institution of private property, in reality, has led to vast degrees of employer control over workers, and the move in Western democracies away from unionisation, has seen an increase in not only precariousness and lower wages, but weaker negotiating capabilities of workers and non-union positions. Essentially, there has been an increase in what I refer to as domination. To offset this, in present-day conditions, would require not merely a wider dispersal of property, which could continue internal domination, even

among worker-led firms, more robust protection of voice is necessary. This robust protection is found in liberal socialism. This indicates that, at least on the issue of internal workplace domination, a liberal socialist model is preferable by guaranteeing workplace democracy. It can reasonably be claimed we could maintain a degree of private ownership of the means of production alongside a stronger protection of workplace democracy, but this framework is a significant departure from a typical property-owning democracy.

To summarise, support for workplace democracy is not sufficient in a property-owning democracy, and its protection is required on a more institutional level, at *least* in non-ideal conditions. However, even in ideal conditions, workplace democracy must be a meaningful *option*, and it is unclear whether it would be in a property-owning democracy. Tomasi's market democracy permits free association which could theoretically permit workplace democracy, yet it does not facilitate this on a meaningful level, as the private individual control of a workplace is prioritised. The same issue applies to a property-owning democracy, wherein there is no guarantee that workers have voice within the workplace. Property-owning democracy provides voice, and this is not ensured. However, the question is whether there are alternatives to workplace democracy or issues with workplace democracy.

Workplace democracy must be a meaningful option, however, if were to be better protected it could undermine the freedom allocated to private owners of property, and any more fundamental shift would lead to a framework quite significantly different from a typical property-owning democracy. However, I accept that there is a range of models to ensure against domination by providing voice to workers. I admit, however, workplace democracy, if compulsory, would also be problematic. I now explain the issues around workplace democracy, however, to understand the characteristics of a framework which protects the opportunity to form and work in a workplace democracy should look like.

7.2 The Problems of Workplace Democracy

While I outlined the issue of the lack of protection for workplace voice within a property-owning democracy, it is important to understand the potential issues that workplace democracy, especially compulsory workplace democracy, faces. Initially, there is an issue of practicality and efficiency and a more fundamental issue facing compulsory workplace democracy in relation to the

commitment to neutrality and liberality in general. If the state mandates that all businesses be workplace democracies, businesses may suffer in efficiency, leading to a decrease in wealth for all persons, and the ability of both workers who wish to participate in non-democratic workplaces and those who have conceptions of the good involving property ownership may be undermined. Therefore, considerations are required.

7.2.1 Arguments from Efficiency and Feasibility

Worker-led firms, and worker-owned firms additionally, are often accused of being inefficient. The argument can take several related forms, though I focus on two as they apply specifically to workplace democracy. One is that workplace democracies lack the control to prevent free riders, who reap the assets without participating in the system.⁹ Another is that, as already discussed, it will be difficult to achieve investment to facilitate growth in a business due to perceived risk.¹⁰ Worker-led firms may focus on increasing worker profit, not max growth, hire too few workers, or fail to respond to price changes.¹¹ There are other issues, such as a lack of monitoring capabilities, however, they share the same characteristic.¹² It would also be unclear how they could work in smaller firms, as workers would outnumber owners or managers, while bearing less risk of the decisions or having less knowledge, meaning that workers could, inadvertently or deliberately, sabotage an industry. Essentially, the criticism is that democratic workplaces are difficult to work in, and because we have not seen this type of business growth in the present day, there is no reason to consider them viable or efficient businesses.

This argument from efficiency then ties into another separate argument, that the transition towards a workplace democracy is not feasible. Mill predicted that workplace democracies would flourish over time, however, this has not been the case. It is possible Rawls assumed that in a just society, workplace democracies would grow under a property-owning democracy, and this is why

⁹ Alston, Lee J., and William Gillespie. "Resource Coordination and Transaction Costs: A Framework for Analyzing the Firm/Market Boundary," *Journal of Economic Behavior & Organization* 11, no. 2 (March 1, 1989): 191–212. [https://doi.org/10.1016/0167-2681\(89\)90013-9](https://doi.org/10.1016/0167-2681(89)90013-9).

¹⁰ Putterman, Louis. "Ownership and the Nature of the Firm," *Journal of Comparative Economics* 17, no. 2 (1993): 243–63. <https://doi.org/10.1006/jcec.1993.1025>.

¹¹ Bowles, Samuel, and Herbert Gintis. "A Political and Economic Case for the Democratic Enterprise," *Economics and Philosophy* 9, no. 1 (1993): 75–100. <https://doi.org/10.1017/S0266267100005125>. p75

¹² Frega, Roberto, Lisa Herzog, and Christian Neuhäuser. "Workplace Democracy—The Recent Debate," *Philosophy Compass* 14, no. 4 (2019): e12574. <https://doi.org/10.1111/phc3.12574>. p6

there were no more stringent guarantees of them. The argument that they are unlikely is that people do not have an interest in running their firms and that workers on low wages lack the capacity to take control of businesses to make them democratic.

There are issues with these arguments, which ultimately rely on the fact that they compare ideal to non-ideal scenarios. Regarding efficiency, in a just economic system, efficiency may not be as important as justice, as even Rawls claimed that an efficient exchange is not necessarily fair.¹³ Efficiency is a key aspect of capitalism, in that efficient companies will inevitably grow and achieve a profit. However, in a just society, such as a property-owning democracy, arguably this may not be as important. It does little to provide us with a normative reason to accept or reject workplace democracy.¹⁴ I reject this argument, however, because while the profit motive may not be as strong if there are just background conditions, efficiency is important to create a positive workplace. There will be workplaces that are inefficient, and workers may not wish to work there if they are inefficient as it will lead to less profit for them, and even if this is not important to them, there may be less pleasant work, and the work may have fewer long-term prospects in an inefficient workplace. A property-owning democracy does not allocate goods to everyone, rather, there are still market exchanges. This requires a degree of efficiency, and therefore, it is still a valid criticism.

The feasibility argument also has issues. Workplace democracies have not flourished under capitalist conditions, however, within a property-owning democracy, it may be more likely because property is dispersed and the state provides a strong social minimum. Workers will have more capital, a strong social minimum, and will be better able to acquire the means of production to establish workplace democracies. Regarding investment, while I accept there will be difficulties, hypothetically, a workplace democracy could be seen as a stable investment, especially with a wider dispersal of property. Additionally, many of the issues outlined are present within hierarchical firms, such as inefficiency, risky investments, and poor control. I do claim there must be more done than Rawls expected to ensure workplace democracies can receive investment, however, there may be legitimate reasons to imagine them being feasible and efficient, but not necessarily all.

¹³ Rawls, *Political Liberalism*, p266

¹⁴ Braun, "Workplace Democracy, Exploitation, and Liberalism," p207

It is still worth questioning whether all workplaces should be democratic. If all workplaces are democratic, and this facilitates more inefficiency at least in non-ideal conditions to some extent, then this could be a practicality problem within a property-owning democracy. It could lead to more inefficient industries, a slowdown in the economy, and provide fewer meaningful jobs as all workplaces share the same nature. This issue could have implications for the typical liberal socialist model which would foster workplace democracies on a larger level, therefore, the liberal socialist economy could struggle to function as an efficient one, or it could be unfeasible to have a majority or all business as workplace democracies, especially if transitioning from present-day capitalism.

7.2.3 Argument from Illiberalism

There is a more fundamental issue with workplace democracy which is stronger than the practical concerns, however. The issue is that if all workplaces are mandated to be democratic, to offset domination and ensure they are an option, then this is illiberal. When we consider that some persons will be willing to work in a hierarchical workplace to benefit from trade-offs, for the state to impose a type of uniform workplace across the economy would be interfering with the pursuit of one's conception of the good.¹⁵ I have repeatedly argued for a range of work options to be available to all workers, and this would undermine the opportunity for meaningful work in this manner. It is also can be seen as illiberal, or at least "non-neutral" as a result, as it inherently prefers certain conceptions of the good i.e., it prevents those who want to find non-democratic work, or perhaps wish to own certain kinds of businesses, in favour of promoting those life plans involving democratic workplaces.¹⁶

Some reply that a workplace democracy, even mandated, is not illiberal because there can still be a range of work options available to all.¹⁷ Braun makes the case to defend mandated workplace democracy and market socialism from the illiberalism charge, which applies to workplace democracy on its own.¹⁸ There is nothing preventing someone from living a life of leisure, or pursuing consumer goods, even if the economic arrangements prefer worker-owned and led firms. Additionally, Braun claims that one can be an entrepreneur, owning a business and selling

¹⁵ Taylor, Robert S. "Illiberal Socialism," *Social Theory and Practice* 40, no. 3 (2014): 433–60.

¹⁶ Thomas, Alan. "Property-Owning Democracy Versus Market Socialism," *In Republic of Equals: Predistribution and Property-Owning Democracy*, edited by Alan Thomas, O. Oxford University Press, 2016.

¹⁷ Braun, "Workplace Democracy, Exploitation, and Liberalism"

¹⁸ *Ibid*, p214

membership rights, and that there is nothing inherent to prevent people from selling off their rights in favour of higher income.¹⁹ Further to this, it can be claimed that just because certain life plans struggle, does not mean it is not neutral. Life plans will always thrive or not and this may be unintentional. Braun goes further and claims democratic workplaces equip citizens in society with the skills necessary to live in a just liberal society.²⁰

This argument fails for several reasons. One is that Braun assumes the issue regarding conceptions of the good and employment is only about job roles or pursuing leisure. While a person may be able to find a range of roles in an economy where all workplaces are democratic, the same can be said for a centrally planned economy that controls all labour and industries, which is at odds with the liberal commitment to market mechanisms and freedom of occupation as the choice will be limited, and additionally, it facilitates domination from the state. Essentially, it is unclear what the range of jobs would be if all workplaces were uniform. One may take a role one wants, however, if the remuneration is not sufficient and if decisions about the preference of control over wealth are made on behalf of the workers, the state is mandating a certain arrangement that can counter conceptions of the good. Having some range of jobs in and of itself is not sufficient for justice, and therefore, the claim that a person can choose jobs is insufficient to address the charge of illiberalism.

Braun claims that within a worker-led firm economy, a person can get an education and rise sufficiently to acquire consumer goods.²¹ However, this puts middle and upper-class people at an advantage. There is nothing to allow for lower-level and entry jobs to be sufficient to acquire wealth, however, if they could reasonably trade off their rights for control in order for more wealth, they could make decisions for their own preferences to acquire consumer goods, without dedicating years to education and training.

Additionally, if persons can sell off membership rights, or become an entrepreneur, this indicates a weakening of the claim for a mandate on worker-led and worker-owned firms. This would concede that it is right as liberals to ensure people can pursue entrepreneurship and also work in non-hierarchical workplaces. It could be reasonably claimed that the default should be mandatory workplace firms, however, they can be traded after establishment. However, this encounters two

¹⁹ Ibid, p205

²⁰ Ibid, pp215-216

²¹ Ibid, p214

problems. One is that it could still disincentivise persons from creating a business if they have to adjust to then sell shares in the firm. One would have to create a business in accordance with the mandate and then sell the shares, however, it is unclear how this could work with the workers already in place to make the business sufficiently profitable, they may not wish to sell their shares, or they will be forced to leave their jobs. Secondly, and relatedly, if workers have a say in the company, and a company owner wants to sell the shares, or workers want to sell their shares, they may be unable to depend on the democratic model. The workers will have more say, and thus the owners and other workers are unable to pursue their own decisions. Effectively, a mandated workplace democracy will be impractical and enforce a conception of the good and reduce the opportunity to find meaningful work, as the state is mandating what work is meaningful. This would harm the moral powers.

A similar issue worth highlighting is that a workplace democracy may sideline individuals and harm their psychological wellbeing. Within any workplace different individuals will have their own ideas regarding how to operate, and some will likely be out of step with the majority. This could be problematic for two reasons. One is that they may be effectively dominated by a group, meaning, we have come full circle back to domination, but now it is via a group of colleagues. This issue brings me to the second issue, in that it may be psychologically damaging to feel a minority within a workplace, compared to being able to assign blame and feelings of grievance towards the boss or upper management. A response could be that a worker can leave their workplace, however, this is the response for defenders of *private* ownership as well. It appears there is domination either way within a workplace, whether democratic or not.

If mandated workplace democracy is problematic from a liberal position, there is an issue. On one level, worker voice is crucial to ensure against domination that occurs within workplaces, and the property-owning democracy fails in one regard to prevent said domination. However, mandates can lead to illiberalism. Workplace democracy, even if not mandatory, may struggle to be sufficient or ensure a range of economic options, or lead to forms of domination. This is a significant issue for the typical model of liberal socialism because all property is collectively owned and run. This means alternatives need considering to find a position that balances the need to ensure workplaces do not foster domination alongside the liberal demands of respecting all reasonable conceptions of the good.

There is a range of ways to ensure workers have voice: unions and collective bargaining, a right to exit which can be protected with a strong social minimum such as a basic income. Another consideration is “workplace constitutionalism” which is essentially the protection of workers’ rights through legal institutions.²² I will go through how each of these concepts can be taken as a collective bundle or interpreted differently based upon the real-world conditions of a society to ensure workers have their voice protected.

Unions and collective bargaining ensure that workers are not individually negotiating their wages. While in an ideal capitalist society as Tomasi imagines, everyone is an individual contractor, often in reality workers who approach employers are at an advantage and able to dictate the terms of negotiations.²³ Workers may inadvertently come into exploitative contracts and not recognise their market value. They are not equal parties, as discussed. Unions provide a way for workers to negotiate collectively to ensure certain standards are guaranteed.

Exit is crucial as discussed previously. The ability for a worker to exit can mean they have a better capacity to negotiate and are not at the whims of the employer and managers because they can leave their job without fear of poverty.²⁴ Not only must workers have a right to exit, but the background conditions must be just. This could be ensured with a strong social minimum, a welfare state, or a basic income, to prevent people without jobs from sliding into poverty. One could claim that with sufficient background conditions and a right to exit secure, there would be no need for voice.²⁵ This could be true in an ideal scenario, however, these conditions, in reality, would not be immediate. Workers could continue to be dominated within the workplace, and also structurally by being unable to meaningfully choose what work they want due to the threat of poverty. Therefore, there would be a need to combine the ability to exit with voice.

²² Jacob, Daniel, and Christian Neuhäuser. “Workplace Democracy, Market Competition and Republican Self-Respect,” *Ethical Theory and Moral Practice* 21, no. 4 (2018): 927–44. <https://doi.org/10.1007/s10677-018-9935-1>. p935

²³ Anderson, Elizabeth. *Private Government: How Employers Rule Our Lives (and Why We Don’t Talk about It)*. Edited by Stephen Macedo. University Center for Human Values Series. Princeton ; Oxford: Princeton University Press, 2017. p57, pp60-61

²⁴ Taylor, Robert S. *Exit Left: Markets and Mobility in Republican Thought*. First edition. Oxford, United Kingdom: Oxford University Press, 2017. p66

²⁵ Taylor, *Exit Left*, is an example of this position, proposing only strong exit rights and welfare policies are needed to offset domination

Workplace constitutionalism will ensure that workers' rights are generally protected. This can vary in form and resembles much workplace-related legislation within present-day societies, such as Germany with its "codetermination model" where workers have representation on the board of directors. General legislation protecting worker rights and their ability to have a voice does not go so far as mandated democratic workplaces. It can be interpreted differently; therefore, a workplace can choose how to ensure workers have voice or other protections through a variety of ways which could include direct workplace democracy, codetermination, unions, or other approaches. It allows for flexibility and a range of options to be available.

A valid response is that if we do not require all industries to be democratic, it would be easier to adopt these measures into a property-owning democracy. However, while mandated workplace democracies are not necessary, it is important to remember that they will struggle to be viable within a property-owning democracy due to the financial and economic backdrop of society where we will see private firms funding other private firms. What is required is a real range of workplaces to flourish, and a property-owning democracy, at least in its typical interpretation, is not sufficient to ensure this.

To conclude, workplace democracy is important and it cannot be fully achieved within a POD. This means that more robust protection needs guaranteeing. However, making it compulsory has issues and there must be a range of options available. The solution is to provide constitutional protections, just background conditions, and protection of unions and the ability to collectively negotiate. Often, however, it is claimed that workplace democracies can only flourish if worker-owned firms can be found. I now examine the viability of collectively owned property in a property-owning democracy, and its own issues.

7.3 Workplace Co-ownership and POD

I have argued that workers need to be able to collectively acquire property, in order to ensure a range of options to satisfy the opportunity for meaningful work, and to offset domination. However, a property-owning democracy may be insufficient to provide this. Simultaneously, as with workplace democracy, mandated common ownership of productive property would be illiberal. I now explain these points.

Ownership of productive property is widespread in a property-owning democracy, and ownership is not concentrated, yet there is no guarantee of worker-left firms or co-ownership. A property-owning democracy disperses capital ownership, it is still present and individuals can accumulate wealth over time. In addition, in current systems, worker-owned firms, or cooperatives, are rare.²⁶ This is due to the lack of funding from banks and governments because they are not seen as worthy investments. In addition, workers rarely have the capital funds to establish co-owned firms themselves. Within a system that has primarily private ownership of productive property, it is unclear how cooperatives will be achieved on a sufficiently wide scale. First, it is important to establish why cooperatively owned firms, not merely run, are crucial.

Even if a workplace democracy was acceptable in a property-owning democracy, the lack of ability for worker ownership of productive property fails to meaningfully offset domination and unacceptable inequalities.²⁷ The same issue facing the lack of protection of workplace democracy is present in a property-owning democracy regarding the ability of workers to engage in more socialistic modes of production. Therefore, there needs to be a wider and stronger implementation of co-ownership of property, and it must be a meaningful option.

What I mean by meaningful option is that there is a real possibility for workers to collectively acquire property, and have some form of constitutional protection, as well as policies in place to support them. While it is possible in many Western countries to collectively own property among workers, there is no protection of a right to do so, and due to the drop-off in union membership funding can be difficult.²⁸ Additionally, banks generally see cooperatives as risky investments, and thus funding is hard to secure, despite the fact that some can be long-lasting.²⁹ This issue needs addressing and it is unclear how a property-owning democracy could do so.

One may claim workplace democracy or voice is sufficient to offset domination, hierarchical and privately owned workplaces, especially in non-ideal conditions, lead to domination, and co-

²⁶ Dow, Gregory K. "The Theory of the Labor-Managed Firm: Past, Present, and Future," *Annals of Public and Cooperative Economics* 89, no. 1 (2018): 65–86. <https://doi.org/10.1111/apce.12194>. p66

²⁷ Hsieh, Work, "Ownership, and Productive Enfranchisement"

²⁸ Witherell, Rob. "An Emerging Solidarity: Worker Cooperatives, Unions, and the New Union Cooperative Model in the United States," *International Journal of Labour Research* 5, no. 2 (2013): 251–68.

²⁹ Monteleone, Simona, and Francesco Reito. "Cooperative Firms in Hard Times," *Small Business Economics* 51, no. 1 (June 1, 2018): 171–79. <https://doi.org/10.1007/s11187-017-9929-8>.

ownership can prevent individuals or groups from being able to exercise arbitrary interference.³⁰ Workplace democracy alone in a system with institutional and constitutional support for private property ownership is not always sufficient to offset domination. Even when the workers have voice the power ultimately still rests in the owners, and there is still a considerable degree of capacity to interfere with the workers arbitrarily as outlined in previous chapters.

A state has this issue, as the state can interfere with other persons as an inherently coercive institution. However, certain rights protect citizens, and the state, if based on political liberal principles, is somewhat constrained and guided by acceptable motivations to all reasonable persons. Whereas private property ownership affords more control over the workplace as there is no guidance in the form of shared political values, and the owner can rule in whatever way they see fit. Therefore, within a workplace where an owner, or even a group of owners, have complete ownership of the means of production, they are able to dominate their workers inherently, even if they are benevolent.

Within co-owned firms, no one person or group has an entire monopoly on control of the means of production. Therefore, policies enacted within the workplace will more likely be agreed upon by a majority. Due to the, potentially, more democratic nature of the firm from the fact that workers have ownership, the implementation of policy must be acceptable to workers, just as the use of state power must be acceptable to reasonable citizens. This takes the position that ‘if democracy is justified in governing the state, then it must also be justified in governing economic enterprises’ and claims that workers should be *owners* to ensure that there is no capacity for arbitrary interference from owners.³¹ Further than a defence of democratic participation, the argument claims that for firms to be genuinely democratic, they must be co-owned.³²

A reasonable response is that a workplace is different from a state which has democratic procedures to prevent domination and interference, as we do not choose to be part of a state, but persons do choose to work at a firm. The differences between the state and the firm are noticeable because, not only can persons leave a firm, firms are bound by the rules of the state, and they are

³⁰ Gourevitch, “Labor Republicanism and the Transformation of Work,” p609

³¹ Dahl, Robert Alan. *A Preface to Economic Democracy*. Berkeley Los Angeles: University of California press, 1985. p111

³² Frega, Herzog, and Neuhäuser, “Workplace Democracy—The Recent Debate,” p3

not the ultimate authority.³³ Employees can appeal to a higher court of law, for example.³⁴ While I have discussed previously how workers often cannot leave a role, as people work out of necessity, I accept that in some cases it is true, and people may choose to opt for firms that are not co-owned.

However, while the ultimate authority rests in the state, as stated, many companies are free to implement rules that are legal yet coercive in the present day and could be present in any framework that maintains some form of private property rights. Essentially, there are some key similarities to reasonably assert persons should have more control, not merely via workplace democracy, but by ownership. This is primarily because ownership gives far greater control and reward than merely democracy. Work is a daily factor of life, whereas democratic participation in the state is less frequent. Workers have a key interest in the behaviour of the firm, and thus, arguably are entitled to have shares to ensure that there is no arbitrary interference and that they can choose the type of firm they wish to be part of. Otherwise, they are being indirectly coerced. Co-ownership can help facilitate this control. For example, there would be a greater degree of control and interest in the success of such a firm if the workers actually had a stronger degree of capital. Therefore, while the state-firm analogy is not perfect, there is validity to the claim that workers are entitled to a degree of input, and arguably, ownership in firms, or at least the opportunity to become co-owners.

7.3.1 Is Co-Ownership Illiberal?

While I claim that the ability to co-own property can offset domination, I do not advocate that all workplaces must be co-owned, as it enforces a comprehensive doctrine and undermines freedom of association.³⁵ The same issues apply that face workplace democracy, namely, efficiency, and more importantly, liberality. To enforce any economic model would violate the commitment to neutrality, and interfere with conceptions of the good. Further, it would interfere with the opportunity for meaningful work. I expand on these points now. I focus on liberality, as the objection is more fundamental.

³³ Jacob and Neuhäuser, "Workplace Democracy, Market Competition and Republican Self-Respect," p932

³⁴ González-Ricoy, Iñigo. "Firm Authority and Workplace Democracy: A Reply to Jacob and Neuhäuser," *Ethical Theory and Moral Practice* 22, no. 3 (June 2019): 679–84. <https://doi.org/10.1007/s10677-019-10024-8>.

³⁵ Taylor, "Illiberal Socialism"; Thomas, *Republic of Equals*

Workers will want to work in a plurality of different forms of workplaces and may be content to work in a traditional hierarchical workplace, even if there is more domination.³⁶ The inability to make this trade-off is to enforce an economic conception of the good. Some will prefer to work in privately owned firms, acquire more wealth, or merely have no interest in making their day-to-day working life involved with democratic decision-making processes, preferring to defer that authority to owners. Additionally, they may not want to own shares in the same company they work in, as they would be dependent on one company for a significant portion of their financial well-being and independence. There is no inherent reason this should be enforced from a liberal perspective.

Mandated co-owned property would violate the life plans of people who wish to be entrepreneurs, such as Amy. With Tomasi's example, Amy just wanted to own a small business of her own.³⁷ If it were mandated to be co-owned, she would not have the ability to control this small business, or even achieve this dream. While there are valid concerns I have raised about employees, the idea of owning a small business does not inherently negatively harm other persons, especially if certain regulatory and constitutional protections are in place. The issues arise regarding the domination of workers and inequality enforcing people to work in degrading, poorly paid, and dominative workplaces. These can be offset, without forbidding Amy from owning a small business. Essentially, without the right for persons to establish their own business, or work in traditional workplaces, there is a choice being imposed on the workers that affect their pursuit of their conception of the good, and therefore, this would also be unacceptable.³⁸ This does not mean anything is acceptable if it is a worker preference. Trade-offs *should* be permissible, although, we can identify there is a point at which an individual cannot make a trade-off, as it is not permissible to allow someone to sell themselves into slavery, we can still ensure all workplaces have certain rules to protect workers from some degree of domination. Nonetheless, I argue that there must be a range of options available, but a property-owning democracy does not sufficiently ensure this

Additionally, co-ownership without the protection of workplace democracy could lead to the domination of a group or merely allow workers to make decisions with their shares in the company but not have any control of behaviours within the workplace.³⁹ This indicates that both of these

³⁶ Thomas, "Market Socialism, Labour Market Domination, and the State as Employer of Last Resort," p540

³⁷ Tomasi, *Free Market Fairness*, p66

³⁸ Thomas, "Market Socialism, Labour Market Domination, and the State as Employer of Last Resort," p540

³⁹ Hsieh, Work, "Ownership, and Productive Enfranchisement," p152

areas are essential, it is not enough to merely demand shared ownership of productive property, but importantly, that co-ownership can also lead to domination if it is the only option. Both aspects must be meaningful options, yet neither can be mandatory, in order to prevent domination or so that if a person is willing to enter a co-owned undemocratic firm or a privately owned democratic firm, they have a range of choices available and are willingly doing so.

Having a range of different economic options available, in a meaningful sense that they are protected by the state, helps offset domination, gives greater freedom to choose and freedom of association, and provides the ability for people to choose different economic-based conceptions of the good. I explain these points. When a range of economic options is not ensured in a political framework, there is greater capacity for domination within the workplace and less ability to pursue meaningful work, as the workers have little choice over the kind of workplaces are available, and they are indirectly coerced into accepting undesirable workplaces, where they will be at the whims of owners. While a property-owning democracy aims to ensure that productive property is distributed and not concentrated, there will still be owners of property and labourers who work for them, and in any situation where workers have no choice but work for someone else, they are being indirectly forced into selling their labour.⁴⁰ This applies if the only meaningfully available or legally protected, mode of production is private ownership *or* collective ownership.

The right to freedom of association means that people should be able to associate with like-minded persons and whomever they wish.⁴¹ Therefore, people should be able to associate in the workplace, choose the kind of work they desire, and this will include the ability to collectively acquire property in some sense, or work for a private business. If the state fails to ensure a range of options is available then this is undermined. This then relates to meaningful work, as the opportunity for meaningful work, as described previously, entitles persons to choose from a range of economic and work-based conceptions of the good. Therefore, persons should be able to acquire property individually and collectively, and this should be protected by the state in some manner to ensure it is a real option.

⁴⁰ Gourevitch, "Labor Republicanism and the Transformation of Work," p602

⁴¹ Rawls, *Justice as Fairness: A Restatement*, p169

Even if we accept that mandated co-ownership can be flawed, it still must be a meaningful option. The issue is that there is no range of arrangements protected in a property-owning democracy, which prefers dispersed shares but still permits private property. This private-property-based society will have institutions that *prefer* to fund said firms, leading to an inability for workers to meaningfully co-own property. Therefore, the ability to co-own property in a property-owning democracy is not necessarily a meaningful option available to workers. Property is widespread, but it is generally to be owned by different individuals or groups. This property arrangement, therefore, undermines their freedom of association, enables domination, and undermines the opportunity for meaningful work.

Co-ownership must receive financial support, and institutional protections, and be enshrined as part of the system to ensure it is a meaningful option, and that workers are not forced into accepting hierarchical workplaces, rather, non-capitalist modes of production are guaranteed. It does not require every business to be co-shared, as this would be enforcing a vision of work on workers, just as a market democracy does, but without such protection, it will not be a viable option for workers. There can be policies to provide sufficient funding, robust protection of unions to adequately organise, and other policies which do not directly compel persons towards common ownership. However, a property-owning democracy does not inherently emphasise democracy in relation to economic matters as a priority. Therefore, it is insufficient.

This indicates that a framework that is able to provide a range of options must be developed, at least on a non-ideal justification. This could be a form of liberal socialism, with some significant modifications to offset the charges of illiberalism. Ensuring the dispersal of economic control may manifest in a range of ways, from allocating shares to workers to give them the same ability to control the business as the owners, or more radically, to *only* providing ownership to the workers or the state so society can control the use of the property.⁴² A company may freely allocate shares in a property-owning democracy, and workers can together buy or form companies that they own, yet it is not protected nor guaranteed that businesses are to be collectively owned or that workers can easily establish co-owned firms. Rawls distinguished liberal socialism and property-owning

⁴² O'Neill, "Social Justice and Economic Systems," p5

democracy by explaining the former has no private property, but there is no reason that there cannot be some position that allows for both, even if Rawls did not imagine liberal socialism to include it.⁴³

7.4 Structural Domination

A different source of domination that will be present in a property-owning democracy is structural domination. What I mean by structural domination is indirect domination which arrives from background conditions. While this directly relates to the issue of background conditions of justice, there is a unique aspect that can be identified as it relates not just to providing opportunity, but rather to indirect coercion that is not agent-led. A property-owning democracy will foster this type of domination due to the permissiveness of private property ownership.

In a property-owning democracy, workers are not individual contractors like in a market democracy, and a Rawlsian society is regulated to ensure opportunity for the worst off and acceptable inequalities.⁴⁴ However, in a system where private individuals can acquire property, and co-ownership is not a guaranteed option, workers will still have little choice but to accept dominative, dangerous, or exploitative conditions in their workplace and are indirectly coerced into accepting these arrangements. Additionally, due to the fact workers will be dependent on the workplaces they are part of, even with some degree of workplace democracy, they are simultaneously at the whims of the market and under dominium, and the state, which is imperium, because they must depend on the state for welfare or as an employer of last resort.⁴⁵ Each of these aspects leads to a form of structural domination, as persons are not being directly arbitrarily interfered with, but they enter positions of domination indirectly due to the economic arrangements of a property-owning democracy.

Structural domination is considerably less in a property-owning democracy than in a market democracy, however, widespread private ownership of property can lead to structural domination, and a property-owning democracy may facilitate it. The background conditions are considerably more desirable to ensure that people have the capacity to choose in a property-owning democracy than in a market democracy, as there is redistribution, provision of goods by the state, and a general

⁴³ Schweickart, "Property-Owning Democracy or Economic Democracy?" p206 provides an example where small firms can operate alongside broader socialization of other industries

⁴⁴ Rawls, *Justice as Fairness: A Restatement*, pp8-9, p54,

⁴⁵ O'Shea, "Socialist Republicanism," p162

focus on the egalitarian distribution of property. However, workers are still required to find work to engage in society rather than spend all day surfing, and the state is an employer as a last resort, meaning that one is still indirectly coerced into working, with an arrangement that finds employment one may not choose.⁴⁶ Additionally, in a property-owning democracy, while many firms will seek out the goal of cooperation between workers and will be guided by principles of justice, it is not clear that they will not be motivated by profit maximisation which could theoretically prioritise wealth over workers.⁴⁷ While there may be measures such as profit sharing and taxation, a business and the workers will be aiming to maximise their profits.⁴⁸ Finally, workers will only be able to choose between hierarchical and profit-motivated workplaces, without the guarantees of workplace democracy or co-ownership, especially if typical hierarchical and privately owned companies are more likely to be funded by private investors.

An additional point is that a property-owning democracy aims at the widespread dispersal of property, however, there is no specification to limit the size of individual firms.⁴⁹ This means that potentially a large firm, so long as there is some form of equal distribution of property, may exist.⁵⁰ Even with the enforcement of worker-led firms within this system, there may be capacity for owners and certain groups to possess considerable power. For example, a large firm will be headed by individuals who possess more wealth and power, and who can influence democratic processes indirectly for their benefit as a result.⁵¹ Even with a dispersion of voting powers within the workplace, the owners of the property may be able to better mobilise against the workers in decision-making processes, smaller firms, or even those in the community due to their resources and profit motivation.⁵² This would therefore lead to a form of indirect structural domination. While the choice may not be as severe as working or being in dire poverty as in a market democracy, people wish to

⁴⁶ Rawls, *The Law of Peoples*, p50; Rawls, *Justice as Fairness: A Restatement*, p179

⁴⁷ Rawls, *Justice as Fairness: A Restatement*, p119

⁴⁸ Schweickart, "Property-Owning Democracy or Economic Democracy?" p214,

⁴⁹ Wilesmith, John. "Why Size Matters: Property-Owning Democracy, Liberal Socialism, and the Firm," *Journal of Political Philosophy* 29, no. 2 (2021): 231–51. <https://doi.org/10.1111/jopp.12230>. p232

⁵⁰ Schweickart, "Property-Owning Democracy or Economic Democracy?"; p205, Hsieh, "Work, Ownership, and Productive Enfranchisement," p152 each make a case for wide dispersal within large firms, accepting their existence within a property-owning democracy

⁵¹ Wilesmith, "Why Size Matters," p238

⁵² *Ibid*, pp238-245

work for a range of reasons, workers will be forced to accept working conditions they do not wish for because private owners will possess the majority of productive property.

A possible response is that due to the principles of justice aiming to offset unjust background conditions this is more a criticism of welfare state capitalism and therefore does not fully apply to a property-owning democracy. A form of workplace democracy can be incorporated further into a property-owning democracy, which some argue is more important than the issue of ownership dispersal.⁵³ Therefore, workplace democracy is sufficient, and these issues may be alleviated, as workers have a say in the workplace. Furthermore, it may be argued that the dispersal of property aims to ensure exactly against the domination of a particular elite. My response is that it is not clear whether or not a property-owning democracy, with its permissiveness of private ownership of property, can reasonably sustain these matters of justice within non-ideal conditions. There is considerable inequality in present-day capitalism, and funding for firms tends to be focused on investing in other private firms, as the risk is lower. This means that private, hierarchical, and profitable firms, will be more likely to receive investment. The state, to ensure against this, would thus have to interfere considerably in the economy to change this state of affairs, which could lead to economic issues, or worse, imperium, as persons will be dependent on the state. Structural domination is a major issue, however, a property-owning democracy, with its dispersed private property, may be insufficient at addressing it, without resorting to extreme coercion of economic affairs. It is worth exploring further the issue of present-day capitalism, and the challenge that a property-owning democracy faces, however, it is part of another separate point that a property-owning democracy may be insufficient at addressing inequality.

7.5 Concentration of Wealth and Private Ownership of Property

Related to structural domination is the risk of elite dominance in a property-owning democracy, which is a significant threat to acceptable inequalities. This adds to the non-ideal justification of some form of liberal socialism over a property-owning democracy. In essence, the argument is that the distribution of wealth and the allocation of it under a system of private ownership of productive property undermines the goals of the property-owning democracy and

⁵³ Hsieh, "Work, Ownership, and Productive Enfranchisement," p158

Rawlsian principles of justice. In effect, the issue here relates to the issue of domination, as unjust background conditions lead to what I have referred to as domination.

I previously established how the real-world distribution of wealth alongside widespread privatisation of goods has led to a decline for the worst off, such as in social mobility and general well-being compared to the well-off, as illustrated in the previous chapter.⁵⁴ Alongside marketisation, the share of property ownership of the worst off has not significantly increased, whereas the concentration of wealth and property has increased for the wealthiest in society.⁵⁵ This has direct dangers for the moral powers, as it facilitates domination and undermines opportunity, as I discussed. Those who have larger access to wealth have undue and unaccountable influence over other processes. Inequalities lead to negative effects on the protection of political liberties, in a way that facilitates elite domination. Rawls claims that ‘economic inequalities in background institutions are ordinarily so large that those with greater wealth and position usually control political life and enact legislation and social policies that advance their interests’.⁵⁶ Additionally, as Scanlon claims, they influence the media, which in turn affects the political processes, by controlling information.⁵⁷ This directly harms the political liberties, and, therefore, the moral powers. While the current arrangement is not under systems that resemble a property-owning democracy, this current arrangement of property and wealth illustrates a challenge that the implementation of Rawlsian principles must overcome, but also a risk of private ownership of productive property in general.

A property-owning democracy may not suitably address the widespread inequalities and their related issues of domination. A property-owning democracy permits private ownership, including of large firms, and the goal of the legislation is to limit the power of those, but the ownership is still permissible.⁵⁸ The risk is whether permitting private ownership of property on a widespread level, especially if large firms are permissibly allowed to be privately owned, leads to further concentration of wealth, monopolisation, and domination of an elite. This would mean that

⁵⁴ Piketty, Thomas. *Time for Socialism: Dispatches from a World on Fire, 2016-2021*. New Haven: Yale University Press, 2021. Ch1

⁵⁵ Piketty, Thomas, Li Yang, and Gabriel Zucman. “Capital Accumulation, Private Property, and Rising Inequality in China, 1978–2015,” *American Economic Review* 109, no. 7 (July 2019): 2469–96. <https://doi.org/10.1257/aer.20170973>.

⁵⁶ Rawls, *Justice as Fairness: A Restatement*, p149

⁵⁷ Scanlon, *Why Does Inequality Matter*, 2018. p6

⁵⁸ Edmundson, William A. *John Rawls: Reticent Socialist*. 1st ed. Cambridge University Press, 2017. p127

the issues of domination and inequality of property allocation would still be present in a property-owning democracy.

The main issue is that the goal of ownership of productive property tends to be the maximisation of profit or at least bringing greater wealth to the owners of property. The profit incentive is often presumed within a property-owning democracy, even in cases where ownership is shared amongst workers, and businesses within a property-owning democracy can be described as capitalist and want to maximise profits.⁵⁹ The concept of profit sharing, which is fundamental to the concept of a property-owning democracy, still implies that the profit motive exists.⁶⁰ While a property-owning democracy can aim to offset unjust transfers, it would be a constant exercise within the context of allowing private ownership, which not only would render the task difficult, and could effectively be unable to maintain the just distribution of property, wealth, and power.⁶¹ If a large section of citizens is motivated by property ownership and maximising the profits of said business, then the issues of present-day capitalism can manifest, such as monopolisation, coercive businesses, elite domination, sharp inequalities, and a resulting influence on political structures that lead to more inegalitarian policy. If profits are the goal of owners of property, then the constraints via redistribution of property may be insufficient, as the owners will most likely still acquire further income than their workers, even if the workers are better financially benefitted than in a market democracy, for example. They then can exercise their powers, over their workers and in society.

The response available is that a property-owning democracy is aiming to address precisely this concern. However, the decision as to whether a well-ordered Rawlsian society should be a liberal socialist or a property-owning one is worked out at a different stage of the four-stage theory based on political sociology.⁶² I am raising non-ideal concerns relevant to the current situation in present-day capitalism to assess the viability of a property-owning democracy on this basis. I argue that transferring from a current existing capitalist society to a property-owning democracy will not suitably address the profit maximisation motive which has led to the stark inequalities which currently exist. That there would still be the possibility of large corporations existing, even with a degree of control of workers and shared ownership, which can lead to further entrenchment of an

⁵⁹ Schweickart, "Property-Owning Democracy or Economic Democracy?" p206, p208, p214

⁶⁰ Jackson, *Property-Owning Democracy: A Short History*, p79

⁶¹ Edmundson, *John Rawls: Reticent Socialist*, p148

⁶² Rawls, *Political Liberalism*, p205

elite in society, without a more radical redistribution of wealth, and importantly *ownership* than a property-owning democracy can reasonably achieve, or achieve without authoritarian measures. If the currently wealthy and powerful continue to privately own property without sufficient constraint, then the issues of present-day capitalism in terms of inequality and domination will inevitably apply to a property-owning democracy.

It can be argued that in a Rawlsian society, guided by principles of justice, inter-company inequalities will be significantly constrained.⁶³ While there would be a constraint on passing down income, the influence of money in politics, and a wider distribution of property ownership, there would still be some private owners of large-scale property, who would be motivated to maximise their income, and would dominate workers from other smaller industries and within their own firm. Within the firm, even if all workers own shares, the different groups may compete in different directions, but those who are the initial owners of property, will be most incentivised to ensure their business makes certain decisions, and others may be passive enough to allow this.⁶⁴ Additionally, it is unclear what would prevent workers from wanting to trade their shares or workplace voice in return for additional profit in a property-owning democracy.⁶⁵ While some, or perhaps all, companies may have shares and profits shared, it is unclear how a private owner of productive property will not emerge considerably wealthier than their workers, unless co-ownership is better protected and enforced in at least large-scale firms, or those where owners have considerable influence and wealth due to the nature of their business. Effectively, without a proper guarantee of workplace democracy and co-ownership in at least parts of the economic system, Rawlsian principles cannot be maintained. This is because private property ownership, when not sufficiently curtailed, leads to the direct domination of an elite within society and the concentration of wealth as I have illustrated, and in present-day conditions, the inequalities are quite excessive, therefore, it is unclear if a POD is sufficient.

If the principles are to be upheld, and distribution of property more widespread, then it may require stricter constraints on the property arrangements than in a typical property-owning democracy, moving closer towards a liberal socialistic model, to ensure that despite profit

⁶³ Schweickart, "Property-Owning Democracy or Economic Democracy?" p209

⁶⁴ Wilesmith, "Why Size Matters," pp238-245

⁶⁵ Edmundson, *John Rawls: Reticent Socialist*, p150

motivations, the ownership of private property is constrained and regulated. The issue is that, as previously explained, the problems within capitalism, such as concentration of wealth, lack of voice, and structural domination are connected to the protection of expansive private ownership of property. While a property-owning democracy is meant to be an alternative to capitalism, in implementation, it may struggle to provide an alternative and return to a form of more unjust capitalism.

There are opportunities to address the issues of a property-owning democracy, namely, providing workers, and society, with a share of control of the means of production, at least of large and certain other businesses, in a more egalitarian manner, as well as protection of the ability of workers to organise within the workplace and to own property collectively. This restricts the ability to privately own productive property on a wide scale as found in a property-owning democracy. This means that a property-owning democracy, in order to sufficiently weaken the private ownership of productive property, will no longer resemble its typical framework and be a form of liberal socialism, or at least considerably closer along the 'scale'. Otherwise, it risks becoming a welfare state capitalist project (of the kind that Rawls describes), where workers have little say in their workplace, dominated structurally, and an elite inevitably emerges via the profit motive inherent in a capitalist system.

Another risk is that for a property-owning democracy to sufficiently address the matter of inequality, it would become a form of state socialism or a very inefficient bureaucratic state.⁶⁶ This option is not sufficiently liberal and undermines the ability of persons to choose their own affairs, and was discounted by Rawls.⁶⁷ The direct transfer of property to workers, rather than having a state manage each and every transaction and business, appears, therefore, to actually be a considerably more liberal, egalitarian, and market-friendly solution, by both reducing the capacity for inequalities and domination, yet not requiring a state to interfere with the market allocation of goods. Society, whether directly via community ownership or via worker cooperatives, can collectively share ownership in large firms, and protect the right to engage in workplace democracy and co-ownership. This distributes power away from an elite by providing workers and society a larger stake in the use of capital, undermining their capacity to interfere in politics, and preventing excessive inequalities.

⁶⁶ Edmundson, *John Rawls: Reticent Socialist*, 2017, p148

⁶⁷ Rawls, *Justice as Fairness: A Restatement*, p138

It does however provide more freedom to persons, without the need for a large state, as there is no need for constant regulation or a state to acquire and distribute property constantly, as the workers or society always have a stake in certain firms.

While a property-owning democracy has restrictions on the wealthy being able to use their funds in politics, that permission of private property ownership could eventually lead to the domination of an elite through control of the media, influence in politics, domination in the workplace, and structural domination. The pursuit of profit, which will be on a wide scale in a property-owning democracy, as the ownership of property is widespread, will be unable to reasonably maintain a standard to satisfy the principles of justice. Therefore, some further constraints must inherently be present in a system to best achieve the principles of justice. An alternative system is necessary to offset domination, satisfy the Rawlsian principles of justice, and facilitate the development and exercise of the moral powers.

7.6 Conclusion

This chapter has argued that a property-owning democracy, due to the nature of property ownership, which is a core component of economic liberty, fails to secure the conditions for the development of the moral powers, particularly because it fails to offset domination. Every point I have raised directly harms the capacity to determine and pursue meaningful work as well as the capacity to develop and exercise the moral powers, and thus fails to satisfy the Rawlsian principles. To summarise, firstly, within a property-owning democracy there is a lack of real choice between alternative forms of work. Secondly, domination within the workplace and on a structural level harms the moral powers as all persons make decisions in relation to others and the lack of protection for worker voice, and co-ownership, means it is harder to offset. Thirdly, the unjust background conditions that can arise from widespread private ownership of productive property will fail to offset unacceptable inequalities. All of these aspects directly harm the development and exercise of the moral powers, as previously illustrated, and thus we must examine an alternative arrangement. However, I also stressed mandatory workplace democracy or co-ownership would run into issues of efficiency and illiberalism, and some position which offsets domination, both structural and internal to the workplace, while permitting a real range of work options, is necessary to best ensure the development and exercise of the moral powers.

A final novel aspect I address in the following chapter, is the issue of artificial intelligence and automation within a property-owning democracy, as it must suitably be addressed in any alternative framework, and such considerations have not been sufficiently taken seriously. This provides an understanding that while Tomasi's framework fails to secure the conditions for the development and exercise of the moral powers, due to the role of economic liberty and its very permissive stance to private property ownership, Rawls' property-owning democracy also suffers from a similar problem, and the proper role of economic liberty and property ownership needs to be established. I proceed in the final chapter to lay out what sort of framework should be considered the best framework to overcome the issues I have outlined and what the proper role of property ownership and economic liberty is, answering the fundamental question of my thesis.

Chapter 8 — The Relationship of New Technologies and the Moral Powers

8.0 Introduction

This chapter addresses the issue of artificial intelligence, machine learning, and algorithms in relation to the moral powers. Artificial intelligence, machine learning, and algorithms, which I place under the umbrella term artificial intelligence, are often criticised on account of domination and alienation, because often workers are managed by automated platforms, in which they have no say, and additionally, they are detached from their superiors or even colleagues.¹ In addition, there is the issue of the “knowledge economy”, as in, the push to promote a meritocratic system where workers acquire knowledge as individuals, without the need for unions or regulations, in order to work in an economy oriented around new technologies.² This has accompanied the growth of treating workers as contractors, rather than full-time employees with a bundle of rights.³ I address these issues, and also discuss the matter of privacy and its threat from new technologies; however, I also add that there are benefits to artificial intelligence technologies for all in society, and they must be balanced. I also argue some of the criticisms rely on perfectionist ideas of what constitutes meaningful work as they presume what a worker values.

Artificial intelligence may initially not appear to relate to economic liberty, property ownership, or meaningful work, however, the issues I explore relate to work, which in turn, relates to the nature of property ownership and economic liberty in general. Crucially, as a pressing issue that is directly influencing the nature of work across the globe and in different sectors, by affecting the nature, quality, and precariousness of work, it must be taken seriously in any contemporary discussion of meaningful work, opportunity, and domination. A society with a more laissez-faire economy will have fewer restrictions on these new technologies, than a more regulated economy or

¹ Bales, Richard A., and Katherine V. W. Stone. “The Invisible Web at Work: Artificial Intelligence and Electronic Surveillance in the Workplace,” *Berkeley Journal of Employment and Labor Law* 41 (2020): 1. p9; Aloisi, Antonio, and Valerio De Stefano. “Essential Jobs, Remote Work and Digital Surveillance: Addressing the COVID-19 Pandemic Panopticon,” *International Labour Review* 161, no. 2 (2022): 289–314. <https://doi.org/10.1111/ilr.12219>.

² O’Donovan, Nick. “From Knowledge Economy to Automation Anxiety: A Growth Regime in Crisis?” *New Political Economy* 25, no. 2 (February 23, 2020): 248–66. <https://doi.org/10.1080/13563467.2019.1590326>. pp248-266

³ Perrig, Luca. “Manufacturing Consent in the Gig Economy,” In *Augmented Exploitation: Artificial Intelligence, Automation and Work*, edited by Phoebe V Moore and Jamie Woodcock. London, United Kingdom: Pluto Press, 2021. p75

one with less private property ownership, as the intentions will be different. This affects both the nature of work and the opportunities available to all. While the discussion is non-ideal, in that it addresses contemporary issues, the implications of much of the discussion relate to any future technologies, and how any ideal framework should protect the conditions to ensure the exercise and development of the moral powers. Work's nature will constantly change, as it has throughout history, and without identifying what ought to be considered in relation to them, i.e. ensuring opportunity of meaningful work is upheld, that workers always have opportunity to pursue different ideas of meaningful work, that equal opportunity is present, that inequalities are not exacerbated, and that domination is addressed, then future changes to technologies that inherently affect the nature of work cannot be handled, and frameworks will appear out of date and irrelevant to the modern day. To assess the proper role of economic liberty and property ownership, new challenges such as artificial intelligence in relation to the moral powers must be taken more seriously by political liberals, and this is what this chapter attempts to do.

I first explain the ways in which artificial intelligence can be harmful for the moral powers. These are via alienation, domination, lack of privacy, and the polarisation of labour. I also address the issues present in the knowledge economy and argue that the issue is not the emphasis on technologies, rather, it is the breakdown of unions and collective bargaining, illustrating the relationship between economic liberty and the effects of new technologies. I then consider the potential benefits that artificial intelligence can bring. Effectively, the benefits relate to efficiency and automation of degrading labour. This can benefit consumers and workers if done with sufficient regulations and with just background conditions. I also argue that many of the criticisms of AI rest on perfectionist arguments that make presumptions on behalf of workers, and make the case that a range of worker options must be ensured by protecting worker voice, and worker-owned property, and regulations must be enforced to protect citizens. However, this can then allow for society to benefit from the use of artificial intelligence, and workers who may be described as dominated or alienated, can be said to be making their own autonomous decision to be so. I argue that diversity in workplace arrangements and ownership models must be ensured, which also guarantees the opportunity for meaningful work is available. I then claim that a property-owning democracy, with its weak protection of worker voice and worker-owned property, is insufficient at addressing the issues of artificial intelligence because most workplaces would be privately owned. However, a

liberal socialist society would fail to benefit from artificial intelligence, forgoing efficiency, which may not be in accordance with all reasonable persons' life plans, who can benefit from said efficiency.

After this chapter, I have established the requirements for an ideal framework, with particular attention to work, meaningful work, and property ownership, all of which allow for an understanding of the correct role of economic liberty in relation to the moral powers. This chapter then equips me with the basis to develop a framework that best addresses the issues I have raised in relation to property-owning democracy and liberal socialism, as the typical forms of either fail to sufficiently provide the conditions for the development of the moral powers. The issues at hand all relate to the matter of economic liberty and property ownership in general, and therefore, the most suitable approach to ensure the conditions for the development and exercise of the moral powers must be developed to overcome the problems of both Tomasi's and Rawls' positions.

8.1 Artificial Intelligence and the Moral Powers

Much of the discussion around work has rested on traditional workplaces or idealized ones, which lack specific issues, however, it is crucial to consider a developing issue in relation to work. Work for many people globally is menial, such as farm work and factory work account for almost 50% of workers globally, so it may be claimed to only be a small-scale issue that is only found in the West.⁴ However, the effects of using AI and automation have ramifications for the shape of the workplace and have global effects. The issues, I argue, have negative effects on the development of the moral powers, particularly as they facilitate domination, and need to be considered to better develop and exercise the moral powers. These issues are found under current-day capitalism, will be pronounced in Tomasi's market democracy, and must be considered.

Automation refers to the process of replacing human labour with machinery or programmes, generally to increase efficiency.⁵ AI initially meant the human-like intelligence exhibited in machines, however, it has now included things such as machine learning which is seen as a subset of AI, where computational algorithms learn and improve.⁶ Generally, I refer to AI as the use of algorithms and

⁴ TheGlobalEconomy.com. "Employment in Agriculture by Country, around the World," Accessed April 28, 2022. https://www.theglobaleconomy.com/rankings/employment_in_agriculture/.

⁵ "Retma Gives Definition of 'Automation.'" *Electrical Engineering* 75, no. 8 (August 1956): 770–71.

⁶ Helm, J. Matthew, Andrew M. Swiergosz, Heather S. Haeberle, Jaret M. Karnuta, Jonathan L. Schaffer, Viktor E. Krebs, Andrew I. Spitzer, and Prem N. Ramkumar. "Machine Learning and Artificial Intelligence: Definitions, Applications, and

other processes in order to autonomously manage tasks, make decisions, and coordinate labour. Machine learning is a lesser form, which is more common, of artificial intelligence.

I intend to focus on the use of automation, AI, and algorithms in the workplace, as it is most relevant to my discussion of the nature of work in capitalism. If automation and AI are, or can be, harmful to the moral powers, through alienation, domination, polarisation, and decreasing the opportunity for meaningful work, and also threats to privacy, there is a core relevancy to the issues I have discussed in previous chapters. I highlighted these areas because they are prominent in the current literature regarding artificial intelligence. The question is to assess what the proper role of artificial intelligence is to ensure the conditions for the development and exercise of the moral powers.

8.1.1 Alienation

I explain first alienation. As a core concept, it refers to the sense of separation of things that ought to be together, or ‘separation between a self and other that belong together.’⁷ In the context of work, especially in relation to the Marxist thought, it refers to the alienation of labour from the workers who undertake it and because workers are placed into categories, however, it is not limited to this.⁸ While alienation is often associated as a Marxist concept, it has been utilised by others, and to highlight how it relates to AI from a more liberal perspective. For example, Vredenburg claims ‘Societies in which individuals are not fully free are societies in which they are alienated’.⁹ To explain Vredenburg’s argument, when workers have no sense of the wider purpose of their job, they will feel unable to shape the world around them or explain its purpose, and, crucially, affirm their work, institutions, and society which relate to their work.¹⁰ Workers need to ‘directly perceive the normative character of their economic system as well as their own work’.¹¹ This concept is analogous to how reasonable persons must accept and endorse the principles of the state as just, in order for

Future Directions,” *Current Reviews in Musculoskeletal Medicine* 13, no. 1 (February 1, 2020): 69–76.
<https://doi.org/10.1007/s12178-020-09600-8>.

⁷ Leopold, David. “Alienation,” In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta and Uri Nodelman, Winter 2022. Metaphysics Research Lab, Stanford University, 2022.

⁸ Wood, Allen. *Karl Marx*. Milton, United Kingdom: Taylor & Francis Group, 2004. p3

⁹ Vredenburg, Kate. “Freedom at Work: Understanding, Alienation, and the AI-Driven Workplace,” *Canadian Journal of Philosophy*, 2022, 1–15. <https://doi.org/10.1017/can.2021.39>. p3

¹⁰ Vredenburg, “Freedom at Work,” pp1-2

¹¹ Ibid, p10

the state and its use of power to be just.¹² Therefore, alienation is something that must be taken seriously, as we can see ways it relates to the moral powers. Work is a major influence in a person's life, as stated previously, and employers wield power over them and thus must be endorsed by the workers.¹³ Workers who feel separated from the end result of their work, will not be able to endorse it, as they cannot fully comprehend what they are endorsing, or not endorsing.

To illustrate this point, many work globally as freelancers in the gig economy, for example, doing simple tasks for companies like Uber, online.¹⁴ AI and automation relate to this matter when we consider freelance workers who are located around the globe, who do specific tasks assigned to them via automated workplaces and processes. In 2015, it was estimated there were 48 million people working online in such roles, referred to as microwork or freelance work, and in 2020 there were 163 million profiles online on these sites.¹⁵ This process is referred to as hyperspecialisation, and AI is a major influence, as automated systems hire and allocate tasks to individuals contracted on a freelance basis.¹⁶ Many of these workers have no broader sense of the work they are doing and thus can be said to be alienated.¹⁷ This is particularly used by large-scale corporations. In addition, services such as Fiverr and UpWork which manage work with algorithms, are utilized by companies to find individual workers for specific tasks.¹⁸ In 2021, 22% of US companies used these platforms.¹⁹ While this case is not explicitly the use of AI to allocate tasks, the process of hiring is based on algorithms, rewarding the workers who have completed more tasks. In either situation, these freelance workers doing specific tasks cannot then affirm the work they are doing and the institutions that facilitate this system. They have no awareness of their role and they do not meet

¹² Ibid, p2

¹³ Ibid, p5

¹⁴ Gray, Mary L., and Siddharth Suri. *Ghost Work: How to Stop Silicon Valley from Building a New Global Underclass*. Boston: Houghton Mifflin Harcourt, 2019. xv–xvi

¹⁵ Panos, Kuek, Siou Chew, Paradi-Guilford, Cecilia Maria, Fayomi, Toks, Imaizumi, Saori, Ipeirotis. "The Global Opportunity in Online Outsourcing," *World Bank*, 2015; Kässi, Otto, Vili Lehdonvirta, and Fabian Stephany. *How Many Online Workers Are There in the World? A Data-Driven Assessment* 2021. <https://doi.org/10.48550/ARXIV.2103.12648>.

¹⁶ Vredenburg, "Freedom at Work," p9

¹⁷ Ibid, p9

¹⁸ Waldkirch, Matthias, Eliane Bucher, Peter Kalum Schou, and Eduard Grünwald. "Controlled by the Algorithm, Coached by the Crowd – How HRM Activities Take Shape on Digital Work Platforms in the Gig Economy," *The International Journal of Human Resource Management* 32, no. 12 (July 4, 2021): 2643–82. <https://doi.org/10.1080/09585192.2021.1914129>.

¹⁹ Pasquarelli, Adrienne. "Booming Freelance Economy Fuels Ad Battle among Job Search Brands: Fiverr, Upwork and CareerBuilder Are Flooding Social Media and TV with New Advertising," *Advertising Age* 93, no. 2 (January 24, 2022): 1. p2

other people. They cannot endorse this system and are alienated, and some say working in unfree conditions.²⁰

There may be an apparent perfectionism regarding alienation, being that it is generally from a political morality at odds with the political liberal position. This is because alienation may appeal to an idea of what an individual must do to self-actualise or overcome alienation, meaning, it draws from a comprehensive doctrine that may be controversial to reasonable individuals. In addition, some workers may be willing to make trade-offs to be in a position of what some may call alienation in return for higher wages. Other workers may not even perceive it as an issue, content to work “menial” jobs or “alienating jobs” in order to free up mental faculties for other tasks.

However, there are some valid concerns for the political liberal in that there can be effects on the moral powers, especially if there is no real choice for the type of work an individual can undertake. This effect on the moral powers happens in two ways. One way is that there are no grounds of comparison, as there is no capacity for engagement with others with competing life plans, which helps develop their conception of justice.²¹ The ability to engage with others is a crucial step to developing the moral powers, as it gives people the ability to compare their life plans with others, affirm their conception of the good, and also find meaning in their work, if they wish to do so via this socialisation.

Secondly, and more importantly, workers are effectively at the whims of AI and algorithms determining their work, via control and nudging.²² Therefore, they have no say in the work and the decisions are being made for them, which means they cannot develop their ability to conceive and revise their conception of the good, particularly their work-related conception. While some may be content to work in such a manner, preferring the flexibility of freelance work or the economic benefits, the issue is that many people have no say in the system they work in and cannot choose alternative approaches. It effectively is an extension of the issue of hierarchical workplaces, done via technologies rather than direct human management, as the issue of a lack of control is extended via algorithms, which is arguably more opaque than human interaction. Workers can be permitted to make a degree of trade-offs, to ensure against accusations of perfectionism or non-neutrality,

²⁰ Vredenburg, “Freedom at Work,” p3

²¹ Ibid, p443

²² Ibid, p13

however, this in turn requires there to be a real range of opportunity and choice regarding work, to ensure that the decision is true, not one that they make out of necessity.

Rather than focus on alienation in and of itself, we can see the issues in relation to the issue of meaningful work and the moral powers in general, without appealing to the controversial concept of alienation. I argued the anti-perfectionist ought not to have an overly broad idea of meaningful work, instead opting to develop their own conception over Rawls' or Tomasi's idea of what meaningful work is. However, we can accept some workers will want to form associations in their work, and if workers cannot make sense of their work's normative character, or find affinity and form association with the other workers, there is an issue that affects the ability to define and pursue meaningful work. Workers need to be able to determine what is meaningful, and if increasing amounts of work are what one may call alienating, then they are having this capacity undermined. In summary, alienation is in one sense a valid concern, at least the issues raised in relation to it ought to be considered, and these issues can be facilitated by artificial intelligence, even if the political liberal must avoid a broad conception of alienation which may be controversial. Political liberals can identify that the issues clearly relate to meaningful work and the moral powers in general. In addition, while some degree of trade-offs could, or should, be permissible, this does not mean that the issues raised should be inevitable or not curtailed, and there must be a real meaningful choice in the matter of what sort of work an individual pursues, unlike in present-day conditions. I now discuss the issue of domination.

8.1.2 Domination

Domination can arise from the use of artificial intelligence. Domination is often understood as something that is agent-led.²³ However, I have explained how structural domination is a reality and does not only occur in such situations with direct agent-led domination.²⁴ Therefore, algorithms and AI can be used to dominate, without intentionality or an agent, if they exert control without accountability. A worker who has their decisions made for them by a machine, such as determining their workload or tasks, and making decisions on their rewards, is effectively interfering with the

²³ Pettit, *Republicanism*, p52

²⁴ Gädeke, "Does a Mugger Dominate? Episodic Power and the Structural Dimension of Domination,"; Chiao, Vincent. "Discretion and Domination in Criminal Procedure: Reflections on Pettit," *Politics, Philosophy & Economics* 15, no. 1 (February 1, 2016): 92–110. <https://doi.org/10.1177/1470594X15599104>

worker, and yet the worker has no say in the process. This, I argue, is a form of domination. An Uber driver is often rewarded for taking fares and is unable to see where the passenger wishes to go, so they are at the whims of the algorithm to determine what fares to take.²⁵ A freelance worker often has to bid and compete to take work tasks, setting their price lower than they would like in order to attract the most clients who are because the algorithm rewards those who complete more tasks.²⁶ Processes may be automated and replaced by AI, such as hiring and firing, break allocation, workload, and also processes such as spying on their activity.²⁷ These are examples of an AI process dominating a worker, as the worker has no say in the control exerted over them via automated processes.

Domination from AI is already a reality in a capitalist system.²⁸ This is primarily because there are many decisions made via automated systems in which the workers have no say in the processes. In addition, some AI systems directly control and observe workers. For example, tracking software, or task allocation for delivery drivers, where the workers have no agency in the decisions.²⁹ Hierarchical workplaces have reformed the nature of domination, to exclude agent-led domination, instead, replacing it with AI-based domination. However, the same conditions apply as workers have no control and can be arbitrarily interfered with by AI. There is a degree of input from the employers, as they plan the software and can control the workers, however, in instances such as delivery drivers, they frequently have no interaction with the supervisors, meaning they are in a position of domination with zero voice in the employee-employer relationship.³⁰ In addition, an office or remote worker tracked by their boss is essentially dominated, as it may interfere with the behaviours they do online, even if not working.³¹

²⁵ Rosenblat, Alex, and Luke Stark. "Algorithmic Labor and Information Asymmetries: A Case Study of Uber's Drivers," *International Journal of Communication* 10, no. 0 (July 27, 2016): 27..

²⁶ Bucher, Eliane Léontine, Peter Kalum Schou, and Matthias Waldkirch. "Pacifying the Algorithm – Anticipatory Compliance in the Face of Algorithmic Management in the Gig Economy," *Organization* 28, no. 1 (2021): 44–67. <https://doi.org/10.1177/1350508420961531>. p56

²⁷ Bales, Richard A., and Katherine V. W. Stone. "The Invisible Web at Work: Artificial Intelligence and Electronic Surveillance in the Workplace," *Berkeley Journal of Employment and Labor Law* 41 (2020): 1.

²⁸ Vredenburg, "Freedom at Work," p13

²⁹ Bucher, E.L, et al. *Pacifying the Algorithm*. Bales and Stone, *The Invisible Web at Work*, Cant, Callum. *Riding for Deliveroo: Resistance in the New Economy*. Cambridge, UK ; Medford, MA: Polity, 2020.

³⁰ Heiland, Heiner, and Simon Schaupp. "Breaking Digital Atomisation:: Resistant Cultures of Solidarity in Platform-Based Courier Work," In *Augmented Exploitation: Artificial Intelligence, Automation and Work*, edited by Phoebe V Moore and Jamie Woodcock, 138–48, 2021..

³¹ Bales and Stone, "The Invisible Web at Work"

The issue arises again though of ensuring workers are able to make trade-offs and to not overly rely on a comprehensive political morality at odds with political liberalism. While I have argued that domination does relate to the moral powers, and should be offset, we can also accept that workers may willingly make trade-offs to be in hierarchical workplaces or under the control of algorithms in exchange for other benefits. While Tomasi may argue that such domination is not an issue, as workers should have agency to make their own decisions completely, or others may argue any domination is undesirable, the real issue again is to ensure a range of options are available for workers to make their own choices in accordance with their idea of meaningful work and the conception of the good. Artificial intelligence, if unconstrained, can dominate, however, it must be oriented around securing conditions for the development and exercise of the moral powers.

To summarise, domination from artificial intelligence is an issue that needs addressing, albeit with caveats to maintain an anti-perfectionist stance regarding work. Domination, as explicitly outlined, directly relates to the development of the moral powers and the pursuit of meaningful work, and automated technology is still a concern. Therefore, AI poses a threat to the moral powers through internal workplace domination. Any just political framework must ensure against this domination, while ensuring a range of options and choices to allow individuals to determine their own conception of meaningful work and the good life.

8.1.3 Privacy

While not explicitly related to artificial intelligence, algorithms and large companies providing online services can be harmful to the moral powers via violating privacy. Rawls was not overly explicit with the concept of privacy, however, it is something an individual should have in order to have a protected personal life.³² Without privacy, an individual cannot make meaningful decisions and reflect freely, as they are under the gaze of another agent. This may harm the capacity to reflect and determine one's conception of the good, and potentially exercise other key liberties, such as free expression, as they feel unable to make connections or have discussions with others.

In relation to artificial intelligence and general current technological issues, major social media and internet businesses have acquired wealth from the processing of private data. Users,

³² Lever, Annabelle. "Privacy, Private Property, and Collective Property," *The Good Society* 21, no. 1 (2012): 47–60. <https://doi.org/10.5325/goodsociety.21.1.0047>.

often unaware, provide their data by using online services, which are passed on to advertising industries and intermediary services.³³ This data can be utilised to bolster artificial intelligence processes, and algorithms can determine users and track data across the internet, to create individualised profiles for advertising purposes.³⁴ While this is not a form of interference, there is a major concern for privacy. In this instance, an individual is inadvertently signing off their privacy, or they may feel unable or unwilling to engage online without the acquisition of their data. Therefore, some individuals being observed in this process lack the privacy that is necessary to create meaningful relationships and conditions of comparison. If they refuse these services to protect their own privacy, they are potentially being locked out of important tools. That they have no privacy for their activities online, is harmful to the grounds of developing and exercising the moral powers. Therefore, user data acquisition is an issue with present-day capitalism that any politically just framework must address. Citizens must be free to control their data and be able to access goods without violations of their privacy.

8.1.4 Polarisation

The other issue is that the proliferation of AI has led to major negative aspects of present-day capitalism, namely, what I refer to as the ‘post’ knowledge economy. The idea of the knowledge economy was that cognitively demanding and well-paid work would grow, replacing menial jobs, and providing more opportunities.³⁵ The initial conception was egalitarian, to create a meritocratic system where anyone could succeed; however, as O’Donovan claims, due to the policies pursued in its name, as well as artificial intelligence and automation, what was achieved is a society where owners of technologies are dominant, and the opportunities to the worst off to improve are diminished.³⁶ It was initially expected there would be a reduced role of labour or initial capital to grow the economy, rather the idea was that increased knowledge, for example, to create and operate technologies, would increase growth and wealth.³⁷ In theory, this allows less wealthy

³³ Gersbach, Hans. “Democratizing Tech Giants! A Roadmap,” *Economics of Governance* 21, no. 4 (December 2020): 351–61. <https://doi.org/10.1007/s10101-020-00244-5>. p351

³⁴ Agogo, David. “invisible Market for Online Personal Data: An Examination,” *Electronic Markets* 31, no. 4 (December 1, 2021): 989–1010. <https://doi.org/10.1007/s12525-020-00437-0>.

³⁵ Giddens, Anthony. *The Third Way: The Renewal of Social Democracy*. Malden, Mass: Polity Press, 1999. p248

³⁶ O’Donovan, “From Knowledge Economy to Automation Anxiety,” p248

³⁷ Giddens, Anthony. *The Third Way and Its Critics*. Cambridge, UK : Malden, MA: Polity Press ; Blackwell Publishers, 2000.

persons to establish industries. Governments in Western countries aimed to achieve this sort of society via pro-market policies, as rather than the need to protect collectives of workers, individuals with skills, no matter their wealth, could succeed, leading to governments disregarding the need for unions or government intervention, and emphasising education.³⁸ There was a strong laissez-faire component as well, for example, Leadbeater who influenced the New Labour government claimed ‘If knowledge-based industries tend to create monopolies, the government cannot alter that, other than to choose which monopolist we have. The pace of change in these new industries is so fast that monopolies will rarely last.’³⁹ It was more important to equip individuals with the skills to flourish rather than promote “out-of-date” labour roles and unions.

The knowledge economy gave way to a different set of affairs in part due to the role of new technologies, automation, and the growth of tech giants. As technologies have developed, and machine learning has become prominent, the value of skilled individual workers is diminished:

Whereas computer programmers were central to the archetypal business of the old knowledge economy, for a company such as Facebook or YouTube it is users themselves who play a dominant (but primarily uncompensated) role in value creation.⁴⁰

The profit model of what we can call the “post-knowledge economy” is based on *users’* data, meaning, labour is even more diminished in its importance.⁴¹ However, unlike in the typical knowledge economy, where capital was not necessary to establish one as an entrepreneur, to succeed now and compete against the tech giants, who rose to prominence under the marketisation of the 90s and 00s, must also have high degrees of capital.⁴² Now, workers are marginalised due to a lack of knowledge, a lack of capital, and menial tasks have taken less significance. As AI has replaced middle-level jobs, labour has polarised, to illustrate in most EU countries, middle-level jobs have decreased in availability, whereas low-skilled jobs have increased.⁴³ The trade-off of worker rights was meant to be compensated with an increase in skilled jobs, however, neither is available to

³⁸ O’Donovan, “From Knowledge Economy to Automation Anxiety,” pp253-257

³⁹ Leadbeater, C. 1999. *Living on Thin Air: The New Economy*. London: Viking.

⁴⁰ O’Donovan, “From Knowledge Economy to Automation Anxiety,” p258

⁴¹ Srnicek, Nick. *Platform Capitalism*. Theory Redux. Cambridge, UK ; Malden, MA: Polity, 2017.

⁴² O’Donovan, “From Knowledge Economy to Automation Anxiety,” p258

⁴³ Goos, Maarten, Alan Manning, and Anna Salomons. “Explaining Job Polarization: Routine-Biased Technological Change and Offshoring,” *American Economic Review* 104, no. 8 (August 2014): 2509–26.

<https://doi.org/10.1257/aer.104.8.2509>.

many.⁴⁴ Those who do work have diminished worker rights. To summarise, the growth of artificial intelligence and other technologies, has created a less fluid market, more inequality, and less opportunity. Lower-level workers have fewer rights, less bargaining power, and less stability.

Essentially, AI has exacerbated capitalism, and its role must be suitably changed to achieve justice and protect the moral powers. This has an impact on structural domination as workers have a narrow choice of employers, the opportunity for meaningful work, and general background conditions of justice. Each of these impacts the development of the moral powers. A just political framework must find a way to ensure against polarisation of work, prevent loss of worker rights, break up monopolisation of large industries, and ensure that the proliferation of AI does not accompany these negative effects.

It is important to note that the protection of thick economic liberties in a market democracy will worsen the situation. These algorithms are designed for profit and are not regulated generally. The freelance economy has grown alongside marketisation and considering that Tomasi wishes to make all workers contractors, they will be subject to much of these processes in a heavily capitalist system without regulations.⁴⁵ This means that workers will most likely experience further alienation and domination, and be isolated from their colleagues. The major issue is the lack of regulation of the use of AI and automation, leading to violations of privacy, and a proliferation of a working model where the worker has less ability to affirm their place and goals in the workplace, nor the capacity to contest or use their voice in the workplace. This will harm their moral powers, as I have already illustrated with hierarchical workplaces. While at this point, I have explained several deficiencies in the argument to incorporate the thick moral powers into the basic liberties, raising this issue here illustrates the problems that a property-owning democracy or any other framework must remedy if it is to guarantee the conditions for the development and exercise of the moral powers.

Now I have outlined the issues that are related to AI that concern the moral powers and justice in general, I discuss the fundamental reasons behind many of these issues. After this, I consider the benefits of AI technology and outline solutions that must be incorporated into a just

⁴⁴ O'Donovan, "From Knowledge Economy to Automation Anxiety," p259

⁴⁵ Tomasi, *Free Market Fairness*, p23, p77, p81

political framework. Then I return to the matter of whether this can apply to a property-owning democracy or a liberal socialist model.

8.2 Intention, Capitalism, and Artificial Intelligence

One of the fundamental reasons behind the matter of AI and automation is that these processes are not completely neutral, as the designers and companies that utilise these technologies, as well as the economic system within a society will influence the intentions and outcomes of the use of artificial intelligence. In present-day capitalism, I argue, the issue is that the workers, and even users, have no say in the processes that are developed. This could indicate that not only is artificial intelligence harmful in a market democracy, present-day capitalism, or other potential frameworks, but that within a different kind of framework and economic system, there may be greater benefits.

As stated, the use of automation merely extends the hierarchical work model approach onto workers, with even less ability to engage with the decisions being made. There is subjective input from the designers, those who make the AI, and those who are part of the system.⁴⁶ For example, a company will design an algorithm for the hiring process on the basis of profit maximisation, because the profit incentive is a cornerstone of the majority of businesses. Another example is often automated workplaces have tracking software to track employees' work output, while it may be used to ensure workloads are manageable, often it can violate the privacy of workers to ensure maximum output of employees and there has been a lot of legal concern over this software.⁴⁷ The motivation of efficiency is not inherently objectionable, but it is a self-interested decision. However, workers will have little to no say on the behaviour or decisions of the algorithm in a typical hierarchical workplace, as the decisions are made by the algorithm in a way with little to no transparency.⁴⁸ Workers cannot object to the software that spies on them, rather they must accept it in their work.

⁴⁶ Terzis, Petros. "Onward for the Freedom of Others: Marching beyond the AI Ethics," *In Proceedings of the 2020 Conference on Fairness, Accountability, and Transparency*, 220–29. FAT '20. New York, NY, USA: Association for Computing Machinery, 2020. <https://doi.org/10.1145/3351095.3373152>. P221

⁴⁷ Bales and Stone, "The Invisible Web at Work"; Aloisi and De Stefano, "Essential Jobs, Remote Work and Digital Surveillance"

⁴⁸ Vredenburg "Freedom at Work," section 4

Even a company with a flat structure or that is less focused on pure profit drive, will be influenced broadly by the society it is in. For example, while AI could be adapted to better factor in well-being and other matters, however, any capitalist economy will influence the role of AI. As an alternative, if a charity, NGO, or worker cooperative used AI, it may use AI for more noble goals. However, even within a capitalist system, there will be pressures for efficiency. This may result in tracking output, automated hiring and firing processes, and the allocation of tasks based on AI's understanding of what is most efficient and most profitable, which is necessary for a capitalist system.

This potentially illustrates that the issue is not one that may not be entirely resolvable with regulations. Regulations do play a valuable role in ensuring that automation can better serve workers, for example, removing spyware or ensuring that workers can contest decisions made for them. However, the issue is the fundamentals of a capitalist economy, without certain guiding principles. Some suggest that the principles of public reason may help better guide the use of AI.⁴⁹ Others stress the need for new philosophical concepts to adapt to the changing workplace in relation to AI.⁵⁰ However, I argue that hierarchical workplaces and a system with widespread private ownership of productive property will most likely, if not inevitably, facilitate AI and algorithms that are harmful to the development of the moral powers. This is because an unregulated market economy will mean businesses enforced decisions of the algorithm that they designed to maximise profit, of which workers cannot have a say, and in addition companies outsource and hire internationally, breaking down any sense of solidarity and collaboration among workers and increasing alienation. Additionally, those organisations and companies that do not intend to focus on profit are still influenced by the wider drive for efficiency due to AI. These outcomes are problematic and foster domination. The rise of automation and AI requires a more fundamental shift in how businesses operate and how society orients itself, and while regulations will be crucial to protect the moral powers, they may be insufficient. Essentially, within a capitalist system, it may be

⁴⁹ Maclure, Jocelyn. "AI, Explainability and Public Reason: The Argument from the Limitations of the Human Mind," *Minds and Machines* 31, no. 3 (2021): 421–38. <https://doi.org/10.1007/s11023-021-09570-x>.

⁵⁰ Santoni de Sio, Filippo, Txai Almeida, and Jeroen van den Hoven. "The Future of Work: Freedom, Justice and Capital in the Age of Artificial Intelligence," *Critical Review of International Social and Political Philosophy* (December 13, 2021): 1–25. <https://doi.org/10.1080/13698230.2021.2008204>

seen as an inevitability that artificial intelligence will be harmful to the moral powers in the ways we see, as it exacerbates current dominative worker dynamics due to the economic goals.

I argue, however, that the issue is not as simple as blaming private property as an institution in total. I argue, instead, that the issue is the lack of worker input. For example, a centrally planned, socialist economy may utilise artificial intelligence in a way that benefits the central state at the expense of the workers, to maximise efficiency regardless of worker voice and preferences. China serves as an example of a highly regulated internet as an alternative to the Western model.⁵¹ However, while China is a complex example due to its mixed economy, combining a strong state with private enterprise, we can identify that the dangers of technological surveillance and control are present within a range of societies. It is not inconceivable to imagine a fully socialist economy utilising artificial intelligence in a harmful way, indicating property ownership is not the entirety of the issue.

Additionally, the China example highlights that just as companies can exert power via artificial intelligence and other technologies in the West, the state can also and any liberal framework must take this into account. The cost comes to the users from any benefits of security or efficiency and the workers. In China, there is forbidden or deterred access to certain foreign sites and even internal private services, and they are constantly observed (or at least they can be quite easily) due to the state's oversight.

Any alternative framework, to avoid the harm to the moral powers, must involve greater participation of the workers in the goals, or at least have a sufficient ability to make a meaningful trade-off, rather than be forced to be dominated. State regulations may struggle alone to meaningfully protect people however, to give too much power to a government over individuals to protect them from technologies can result in a very powerful state which unaccountably dominates its citizens. The intentions put into the design processes will affect the goals and outcomes, however, to ensure it is to the benefit of workers and citizens alike, there must be democratic input, whether or not the companies are state-owned, privately owned, or collectively owned. The economics does influence the goals; however, it is not as simple as entirely attributing everything to private

⁵¹ O'Hara, Kieron, Wendy Hall, and Vinton Cerf. *Four Internets: Data, Geopolitics, and the Governance of Cyberspace*. 1st ed. Oxford University Press, 2021. Ch11

ownership. The issue is the lack of input from workers, and democratic accountability, as a socialist society may equally use artificial intelligence to boost efficiency or invade privacy.

It is important to note that intentions can be changed, and even within current capitalism, AI and automation can have a positive role. Automation was claimed by John Maynard Keynes to free people from labour time.⁵² Additionally, automation of tasks has made some jobs easier and simpler and can free up time for other matters, and some claim that in the enforcement of laws AI can be better suited to uphold justice than a human, as humans can hold prejudices and biases.⁵³ Whether or not that specific example is true, the example illustrates that intention is crucial to the outcome of AI. AI in and of itself comes down to the intentions and the wider society's influence on the designers, and therefore, intentions which serve not just to benefit the owners will likely benefit the workers and the users.

8.3 The Role of AI in a Just Society

In this section I outline the solutions to the issues raised in the previous section, however, first I discuss whether there are benefits to the use of AI. The benefit is that AI can automate undesirable labour, increase worker satisfaction, and increase efficiency on a societal level. I expand the previously mentioned issue that certain criticisms of AI rely on perfectionist notions about what constitutes valuable work, and the efficiency benefits AI technologies can provide. For example, some workers may be willing to sacrifice control or interaction, preferring efficiency and automated task allocation. AI can alleviate the need for menial tasks, and generally allow businesses to increase growth via automating tasks which can be impossible for humans to well, if at all.

I then argue that several things must be done to balance these benefits with the issues. One is that there must be guarantees for worker input within firms to ensure that workers are not dominated via AI. Second, I argue that regulations must be in place to protect users' privacy, as we have seen in real legislation such as GDPR, as well as worker privacy. I argue that there must be a range of workplaces available, so workers are not compelled to work and sign away their rights, and that larger firms should have a guaranteed input of workers, as well as ownership, to ensure that AI

⁵² Keynes, John Maynard, *Essays in Persuasion*, New ed. Basingstoke; New York: Palgrave Macmillan 2010. pp358–74

⁵³ Sparks, Jacob and Jayaram, Athmeya. "Rule by Automation: How Automated Decision Systems Promote Freedom and Equality" *Moral Philosophy and Politics* 9, no. 2 (2022): 201-218. <https://doi.org/10.1515/mopp-2020-0066>.

is wielded in a way that benefits workers. With the regulations to protect users, both workers and users will be protected in terms of domination and privacy. With regards to the issue of polarisation of work, I argue that the fundamental issue to be resolved is not the use of AI, rather, the loss of worker rights, proper contracts, and collective labour voice. In addition, there must be an adequate social minimum and educational opportunities, as well as support for new firms to be established, both private and collective, to ensure that those who work “lower” end jobs receive adequate rights and the means to establish themselves and that those without capital can also establish their own firms. With a strong social minimum, automation will take place in spheres people do not wish to enter, and people will be able to find new employment positions or pursue their own entrepreneurial conception of the good.

8.3.1 Balancing the Benefits and Issues of AI

Despite the issues raised in the last chapter, there are real benefits that AI does, and can, deliver. These must be included in the discussion regarding artificial intelligence, domination, and meaningful work. I outline these key benefits relating to automation and efficiency, before discussing the need to balance worker preferences and desire for trade-offs, before discussing how to balance the benefits and risks of artificial intelligence.

8.3.2 The Benefits of Artificial Intelligence

Generally, the benefit of artificial intelligence is that it can increase efficiency.⁵⁴ It is held up as a solution to various government issues, such as allocating resources, analysing large datasets, overcoming the shortage of experts, predicting scenarios, managing procedural and repetitive tasks, and diverse data aggregation and summarisation.⁵⁵ For customers, simple efforts such as having online software for customers to enter minor complaints or automated switchboards can make it easier for workers to focus on important tasks, and create a better system for the end-user.

⁵⁴ Duberry, Jérôme. *AI to Optimize the Effectiveness and Efficiency of Public Services. Artificial Intelligence and Democracy*. Edward Elgar Publishing, 2022. <https://www.elgaronline.com/view/book/9781788977319/book-part-9781788977319-6.xml>.

⁵⁵ Duberry, Jerome. *Artificial Intelligence and Democracy: Risks and Promises of AI-Mediated Citizen-Government Relations*. Northampton: Edward Elgar Publishing, 2022. p15

Consumers can become happier, healthier, and more efficient as a result of utilizing AI in various spheres, delivering goods quickly and providing more accuracy.⁵⁶

In the private sector and work particularly, workers sometimes feel that AI (and digitisation in general) provide efficiency, flexibility, and space for creativity by removing dull tasks.⁵⁷ This means menial data entry jobs, for example, are automated, reducing the need for humans to take these roles. In addition, while disruptive, AI is seen as a positive factor for economic growth.⁵⁸ The importance of reducing menial tasks and increases of efficiency cannot be discounted in a discussion of AI.

Furthermore, automating certain jobs can remove menial and degrading jobs. While I outlined the issue of polarisation in labour, there are benefits to automating certain jobs. Automation can replace menial and degrading tasks, allowing for the flourishing of more fulfilling jobs. While in actuality there is an increase in lower-paid tasks, the issue is not the automation, rather, the lack of ability to choose from a range of work and a strong social minimum to do so.

8.3.3 Workers' AI Preferences

Worker domination is one issue I have outlined in relation to artificial intelligence, along with alienation. However, considering that some workers feel that automation of certain tasks and the use of AI in this process is beneficial, or it can be at least, should be considered. In a study of delivery app riders, some enjoyed the sense of autonomy in navigating the city, and enjoy cycling in general, even if it is seen as an “illusion” of autonomy according to Herr.⁵⁹ This argument claims that to have true autonomy in the workplace, one cannot be set tasks in the way that delivery drivers who use algorithmic applications to assign tasks do, even if workers feel they are in control. However, in Herr’s study, multiple workers felt a degree of pleasure in their work. I argue to deny this, illustrates

⁵⁶ Puntoni, Stefano, Rebecca Walker Reczek, Markus Giesler, and Simona Botti. “Consumers and Artificial Intelligence: An Experiential Perspective,” *Journal of Marketing* 85, no. 1 (2021): 131–51. <https://doi.org/10.1177/0022242920953847>.

⁵⁷ Malik, Nishtha, Shalini Nath Tripathi, Arpan Kumar Kar, and Shivam Gupta. “Impact of Artificial Intelligence on Employees Working in Industry 4.0 Led Organizations,” *International Journal of Manpower* 43, no. 2 (2021): 334–54. <https://doi.org/10.1108/IJM-03-2021-0173>.

⁵⁸ Szczepanski, Marcin. “Economic Impacts of Artificial Intelligence,” European Parliamentary Research Service, 2019.

⁵⁹ Herr, Benjamin. “Delivering Food on Bikes:” In *Augmented Exploitation: Artificial Intelligence, Automation and Work*, edited by Phoebe V. Moore and Jamie Woodcock, 41–49. Pluto Press, 2021.

a problem with wider concerns of artificial intelligence, where some workers are content to be “dominated” or “alienated” due to the benefits.

The idea that the sense of control is an illusion represents a perfectionist vision of work. In all forms of work, one must follow tasks, even if they do not particularly enjoy all aspects, while meaning and value can still be derived. It is an individual preference in relation to work. That some workers are happy to take jobs in which their labour is controlled via algorithms means that this is a meaningful option for certain workers, or that they are willing to be in a position of domination, or without a particular conception of autonomy, as they enjoy other aspects of the job. To base a political act on one conception of what is valuable in work is to violate anti-perfectionism and the opportunity to define and pursue meaningful work. If the state completely forbids the use of algorithms or freelance work, this would be against certain reasonable persons’ conception of work.

While there are obvious issues of precariousness in these jobs, that is a wider issue of pay regulations or lack of collective worker power. In an ideal society, workers may *prefer* to work in such conditions freely, and it cannot be argued otherwise without appealing to controversial ideas of what constitutes meaningful work. This does not mean that any individual can place themselves into a position of extreme domination, as there ought to be protections, and guarantees of voice in the workplace for example, regulations, and redistribution of wealth, to offset domination and what some could call alienation. My point is that some workers will make their own individual decisions regarding what sort of work they wish to pursue, and a political liberal framework must permit this.

I argue, therefore, that to balance the fact some workers are either unbothered or happy with the role of AI, even if it is technically dominating them or raising issues related to what some may call alienation, indicates that AI is not inherently unjust. What is unjust is the lack of input into the working situation and the broader background conditions. Rather than a specific problem unique to AI, the issue is the lack of voice or choice in labour. For those who take these jobs because they have no alternative, which particularly applies to immigrants who are often seen as typical delivery drivers in western countries, there is structural domination.⁶⁰ However, if a worker chooses to forego agency in decision-making processes, with a sufficient choice, I argue that this is acceptable. In

⁶⁰ Ibid, p46 Popan, Cosmin. “Embodied Precariat and Digital Control in the ‘Gig Economy’: The Mobile Labor of Food Delivery Workers,” *Journal of Urban Technology*, (2021): 1–20. <https://doi.org/10.1080/10630732.2021.2001714>.

addition, the use of AI to allocate tasks is not inherently dominative, on condition that the workers have a degree of agency. Both aspects can be remedied by protecting worker voice in all workplaces, whether contracted or full-time, regardless of method (workplace democracy, union, etc.), and by ensuring that workers can have a real choice in their occupation.

8.4. The Just Approach Towards AI

I outlined the benefits of artificial intelligence. However, much of the issues that surround artificial intelligence can be addressed with sensitivity towards them and a key aspect is to provide a meaningful choice of work options and ensure worker voice. A just political framework must protect the moral powers, and artificial intelligence is an essential threat, but also facilitator, to their development and exercise.

To recap the reasons, the rules of society must be acceptable to all, yet much use of technology, such as artificial intelligence, can be seen to already undermine this concept.⁶¹ If the rules of society are to be acceptable, it is coherent to claim public justification requires that technology does not impose onto persons' lives, which it currently does.⁶² For example, technology is used to allocate resources for the state, and within the justice system, often to the detriment of the worst off.⁶³ Additionally, artificial intelligence violates individuals in various ways through domination but also direct interference, particularly via surveillance or determining work behaviours.⁶⁴ Simultaneously, it can alleviate menial work via automation, increase efficiency, and provide persons with the means to find meaningful work. These directly impact the moral powers. With this consideration, the methods I outlined to balance the benefits and harms to the moral powers assist in outlining what a just political framework would look like. I argue neither of the typical property-owning democratic or liberal socialist models fit. I explain why the property-owning democracy fails, before explaining what issues are present for the liberal socialist model, and conclude with considerations for a better framework.

⁶¹ Gabriel, Iason. "Toward a Theory of Justice for Artificial Intelligence," *Daedalus* 151, no. 2 (2022): 218–31. p220

⁶² *Ibid*, p228

⁶³ *Ibid*, p220; Eubanks, Virginia. *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor*. First Edition. New York, NY: St. Martin's Press, 2017.

⁶⁴ Vredenburg, "Freedom at Work," section 4; Bales and Stone, "The Invisible Web at Work"

I outline each of the demands of justice in relation to AI, and assess the compatibility with a property-owning democracy model and the liberal socialist model. To reiterate, the features are: protection of privacy in users via regulations, protection of worker voice, ensuring a range of privately and collectively owned workplaces are available, and a strong social minimum. I argue, property-owning democracy is, in its typical interpretation, incompatible with some of these demands.

8.4.1 Privacy, Regulations, and Worker and User Input

The demand for user regulations is completely compatible with any political framework aside from a society wherein there are no rules, laws, or regulations. Theoretically, even Tomasi's Market Democracy could accommodate regulations to protect self-authorship, as regulations are acceptable if they help persons pursue their life plans, and arguably, privacy is key in doing so, even if Tomasi does not claim as such.⁶⁵ The rule to protect privacy is arguably directly applicable to the moral powers and would be acceptable to all reasonable persons, under liberty of the person, in order to protect personal life from judgment of others.⁶⁶ The only novel implication is that considerations of privacy, which Rawls did not make as explicit, may require expansion to include protections against surveillance and of user data in the contemporary technological context and with the awareness that these violations can be instigated by not just agents of the state, but corporate interests. This is compatible with either the property-owning democracy model or the liberal socialist model. While if liberal socialism involved a radically decentralised state, there would be a constitution and institutions to enforce some rules of privacy, even if it was handled on a local level, as it is a just use of political power.

Many companies acquire user data, which is the valuable product for many large tech firms. This requires two solutions. One is regulations. GDPR and other regulations have prioritised user rights, meaning that they are not forced to give up their rights, and that aside from the services themselves, data cannot be given to third parties.⁶⁷ This regulation protects user rights and must be

⁶⁵ Tomasi, *Free Market Fairness*, p116, p249

⁶⁶ Melenovsky, "The Implicit Argument for the Basic Liberties," pp449-450

⁶⁷ Laybats, Claire, and John Davies. "GDPR: Implementing the Regulations," *Business Information Review* 35, no. 2 (2018): 81–83. 10.1177/0266382118777808.

implemented in a just society. This indicates that regulations can serve a valuable role and can balance the efficiencies of AI, as customisation and AI can provide beneficial services to users.

The other solution is to ensure that workers have more say in the process of these companies, including via shared ownership. Workers will often vote for their interests, such as protecting their privacy, although doing so may not as clearly align with users, as profit may be more important. However, by dividing ownership, the degree of control of large firms over large user bases is dispersed. In addition, this could give space for more societal input into the decision-making processes. Workers who own their shares are also users of the products, and have an interest in balancing the profits of their company with ensuring users continue to consume their product. They will have a financial interest in benefitting society's preference for privacy.

8.4.2 Social Minimum and Polarisation

I argued a social minimum must be strong to ensure against labour polarisation. Rawls himself outlined a strong social minimum as a requirement for a property-owning democracy, which appears, at first inspection, to be compatible with this claim.⁶⁸ However, the nature of this social minimum may be different, or potentially at odds with Rawls' understanding and a typical property-owning democracy.

A social minimum relates to the barriers to entry with capital necessary to establish a business in a post-knowledge economy. A policy such as UBI can increase entrepreneurship, for example, with evidence that more generous payments increased people establishing businesses in Alaska.⁶⁹ However, the automation of labour in and of itself is not something that should be seen as an inherent threat to justice. The issue is what tasks are automated, and how those who lose their labour can readjust to the new economy.

With a more fluid economy and loss of middle level jobs due to automation and the "post-knowledge economy", the stability of jobs in the past is less prevalent, policies such as a basic income

⁶⁸ Rawls, *Justice as Fairness: A Restatement*, p120

⁶⁹ Feinberg, Robert M., and Daniel Kuehn. "Does a Guaranteed Basic Income Encourage Entrepreneurship? Evidence from Alaska," *Review of Industrial Organization* 57, no. 3 (2020): 607–26. <https://doi.org/10.1007/s11151-020-09786-8>.

may be necessary.⁷⁰ Rawls was hesitant about a basic income, arguing against the free riders and those who would want to do nothing but “surf”.⁷¹ However, if we are considering how to move towards a just society in more non-ideal conditions, the present realities of contemporary capitalism pose different affairs to that of the time of Rawls’ writing.

The different features are that the middle-level jobs are diminished in developed economies, and labour is more fluid, as outlined in the previous section. I accept that other features of the property-owning democracy would work to offset this to an extent. For example, having the state as an employer of last resort would provide some middle-level jobs, and more stability. In addition, the regulations and protections of workers under a property-owning democracy, and more progressive taxation, may stabilise the labour market to an extent. However, this would be limited. The reality would be that as private property ownership is permissible, automation and the use of AI would continue, and many jobs would be obsolete. The profit motive would not entirely disappear, and owners of capital would aim at efficiency, even if they were profit-sharing or based on collective models of ownership, leading to further automation of tasks. This can increase domination, the issues raised in the discussion of alienation, undermine the opportunity to define and pursue meaningful work, meaning, that a property-owning democracy, in its typical form, is not sufficient to address the challenges raised by artificial intelligence.

Rather than offsetting automation and risking inefficiency, I argue that a form of basic income would alleviate many of the concerns. This form of basic income could be a direct payment of money acquired via taxation, which is the typical model. It is important to note that it could conceivably be in other forms, such as income that can only be used for certain purposes such as education, investment, establishing a business, rather than directly given, similar to educational grants.⁷² These latter approaches would not be an income, but forms of welfare payment that are unconditionally given to all citizens. The approach can vary, while the core concept can remain the same. There may

⁷⁰ Walker, Mark. “BIG and Technological Unemployment: Chicken Litter Versus the Economists,” *Journal of Evolution and Technology* 24, no. 1 (2014): 5–25.

⁷¹ Van Parijs, Philippe. “Why Surfers Should Be Fed: The Liberal Case for an Unconditional Basic Income,” *Philosophy & Public Affairs* 20, no. 2 (1991): 101–31.

⁷² Van Parijs, Philippe. “Basic Income: A Simple and Powerful Idea for the Twenty-First Century,” *Politics & Society* 32, no. 1 (March 1, 2004): 7–39. <https://doi.org/10.1177/0032329203261095>.

be other reasonable alternatives, however, the conditional welfare model may be unsuitable to the growing changes in technology.

A basic income would allow workers to embrace the fluid job market without risk of poverty or degradation, structural or internal workplace domination whether at the hands of bosses, managers, or machines. Technology has always made jobs obsolete, which are no longer sought after once rendered so i.e., hand weaving. However, a basic income would make this transition less painful. Workers would be able to negotiate conditions, retrain, and change roles as any technological development automates certain job forms. They can use the income to retrain and acquire skills to adapt to a new economy and pursue meaningful work, without dependence on the state or an employer. In addition, those who have dreams of business ownership, with a basic income, would be able to invest in their businesses and pursue their conception of the good. One of the issues with the current system is the barrier of capital, and a basic income can offset this, to an extent at least.

There is a concern for free riders, however, I reject this premise. Most evidence regarding a basic income is that employment was not affected, and, the recipients' wellbeing increased.⁷³ On a larger scale than in previous experiments, the desire to work may continue and there is little reason to suspect otherwise. With a more typical welfare model or other social minimum only for those who work, the destabilising effects would be pronounced due to artificial intelligence. A basic income can overcome the 'limitations and contradictions of existing welfare'.⁷⁴ While a POD's welfare system would be more generous than current ones, due to the increasingly fluid job markets, where one may acquire a job and lose a job relatively fast, or work freelance, the means-tested welfare models may struggle to suitably assist. A property-owning democracy, in its typical form, cannot accommodate the social minimum required unless there is more generous, unconditional support.

⁷³ Lassander, Maarit, and Signe Jauhiainen. "Financial Well-Being in Basic Income Experiment," In *Experimenting with Unconditional Basic Income: Lessons from the Finnish BI Experiment*, edited by Olli Kangas, 89–105. Edward Elgar Publishing, 2021. pp55–70; Ferdosi, Mohammad, and Tom McDowell. "More than Welfare: The Experiences of Employed and Unemployed Ontario Basic Income Recipients," *Basic Income Studies* 15, no. 2 (2020). <https://doi.org/10.1515/bis-2020-0005>

⁷⁴ Martinelli, Luke, and Nick Pearce. "Basic Income in the UK: Assessing Prospects for Reform in an Age of Austerity," *Social Policy and Society* 18, no. 2 (April 2019): 265–75. <https://doi.org/10.1017/S147474641800026X>.

There is less clarity regarding a liberal socialist model. As Rawls rejected a basic income, most likely a typical liberal socialist model would also be modified to incorporate such an approach. A typical liberal socialist model, however, would not have space for private ownership of property at all. This means that the economy would arguably be less fluid, and there would be less need for an expansive, unconditional, social minimum. However, this then runs into other problems regarding the ownership of productive property. I argue that there needs to be a balance of private and public ownership. If we can accept my claim that liberal socialism does not need to be so strict regarding public ownership of productive property, there is a different state of affairs. Presuming that many companies are publicly or collectively owned by workers, yet there is space for private ownership of a degree of businesses, an unconditional social minimum could be less necessary. I argue it would be necessary, precisely because both the private owners and collective owners may still be motivated by profit, and to restrict the ability of persons to pursue this conception of the good would be perfectionistic. In addition, and more fundamentally, technological progress may occur even under a significantly socialistic system, meaning that workers have to constantly retrain and adapt to a fluid market as tasks are automated. This still requires a social minimum and a basic income is a way to ensure this. The basic income would also enable workers to acquire property collectively, if they wish, and also privately. This could allow for a relatively laissez-faire approach to ensure worker-owned property is achievable without coercion in the economic sphere.

8.4.3 Worker Voice and Rights

I already outlined the lack of full protection for worker voice in a property-owning democracy. The protection of worker voice must be implemented into a just society, in a way which can balance efficiency and a range of workplaces in accordance with different work-based conceptions of the good. This requires; therefore, a guarantee of voice, without a strict implementation regarding how this is to be done. This is a departure from both the typical property-owning democracy model and the liberal socialist model. The former, because there is no strict protection, and the latter because a liberal socialist model has primarily a stronger protection of workplace democracy, and workplaces are entirely collectively owned.

One of the shared characteristics of many people who are dominated by AI algorithms, particularly delivery drivers, is the lack of worker rights. They are often hired as self-employed

contractors, rather than full-time employees with rights.⁷⁵ This is not explicitly an issue of artificial intelligence, but rather the role of workers, their rights to voice, and also the lack of a social minimum, giving them the ability to make meaningful choices in their work. Therefore, a solution is rooted in the matter of worker voice and structural justice rather than purely in relation to artificial intelligence and automation. In a sense, the issue is not a new one, it is the newest version of workplace domination, which has the same solution: increased voice.

I previously explained that property alone is insufficient to address the issue of intention. Worker voice goes further than regulations, or even property ownership. A worker-owned industry could still have the intention of profit. Intention is a major factor in capitalism, and even in a society that is not capitalist, they may intend to acquire more wealth for a collective effort. Overall, there are multiple factors worth considering. One is that they will be constrained in any just society which has ensured worker voice, regulations protecting users, and more. With the profit motivation, in a society where their powers are restrained, they would have an interest in ensuring that they do not violate the privacy and preferences of their potential users. To do so could lead to less profit. These companies make a profit now because of the model, despite regulations making an impact on their models.⁷⁶ This indicates that changes can take place even within a capitalist system at least regarding user rights.

With regard to artificial intelligence, workers must be able to have input into the automated processes that govern them.⁷⁷ The legal protection of voice must consider this and allow further input on these processes, to ensure that humans have input. This matter was not fleshed out in either of the typical models by Rawls due to the time of his writing, however, this consideration must be factored into any protection of voice. This could be done via typical workplace democracy, collective negotiations, unions, and the right to attest. Even within a collectively owned workplace, workers should have the same right to voice to prevent the tyranny of the majority from wielding

⁷⁵ Popan, "Embodied Precariat and Digital Control in the "Gig Economy""

⁷⁶ Congiu, Raffaele, Lorian Sabatino, and Geza Sapi. "The Impact of Privacy Regulation on Web Traffic: Evidence From the GDPR," *Information Economics and Policy* 61 (2022): 101003. <https://doi.org/10.1016/j.infoecopol.2022.101003>.

⁷⁷ Klengel, Ernesto, and Johanna Wenckebach. "Artificial Intelligence, Work, Power Imbalance and Democracy – Why Co-Determination Is Essential," *Italian Labour Law E-Journal* 14, no. 2 (2021): 157–71.

<https://doi.org/10.6092/issn.1561-8048/14099>.

technology in a dominative way. The implementation of a stronger protection of voice does push towards a liberal socialist model, as a property-owning democracy makes no clear reference to the protection of worker voice.

8.4.4 Range of Economic Ownership Models and Choice in Labour

I argue that workers should be able to acquire property collectively and that private ownership should be permissible. The protection of the former runs at odds with the property-owning democracy model, and the latter with the liberal socialist model. The justification for this protection is to ensure a range of conceptions of the good, but also to offset the widespread use of technological innovations for profit at the expense of workers and to ensure that they can be used for efficiency. Purely collectively owned property would undermine efficiency and enforce a conception of the good on workers who are content to work for others.

AI can be used in ways to enhance a worker's sense of autonomy or harm it, but the decisions as to this are only individual judgements, not appropriate judgements of the state. Therefore, there must be a range of economic options available, as in, workplaces that utilise AI in various ways, whether in hierarchical or collective workplaces. Workers who wish to be in hierarchical workplaces, and who have no interest in co-ownership, are having a decision made for them if they wish to enforce *only* collective workplaces. If one wishes to claim that socialism is necessary because worker autonomy is undermined by AI in capitalism, a perfectionist position is contained within this view which is incompatible with political liberalism. To reiterate an example previously discussed, those who claim that delivery drivers do not possess autonomy as they accept orders from a machine, despite workers *feeling* autonomy, are making a perfectionist judgment as to what constitutes meaningful work. This cannot be a basis for the use of the state or its use of power, and options must be available to them. Therefore, economic options, and options in the nature of workplaces and jobs, must be available. While only being able to choose from hierarchical firms, where one has no collective power or voice, is harmful to the moral powers, denying choice is also harmful and rests on perfectionist ideas of what constitutes the good.

Attempting to harmonise the benefits, while protecting and ensuring that a range of options is available, will ensure that technology's benefits of efficiency are present, without forcing workers to be subjugated by technological progress and automating labour resulting in wider poverty and a

lack of social mobility. With a range of options available, workers can choose their ideal workplace, and pursue their conceptions for the good. Technology will be used differently in different industries, and there would be less chance of monopolisation if there is a range of types of workplaces. The state has a duty to ensure a range of options are available and monopolies of tech firms can run against this, meaning the state has a justification for protecting this.

In the case of a property-owning democracy, many companies, being privately owned, may utilise artificial intelligence for their own benefit alone, and without the input of joint owners, in addition to workers in general with the lack of voice. This can facilitate domination within the workplace at least, and potentially for users. This is unacceptable. However, within liberal socialism, property will be all collectively owned. Only if the workers have voice can the artificial intelligence be meaningfully used in a way that benefits workers, users, and owners, as otherwise, it may be used still to benefit the property owners. Furthermore, because there will be a lack of meaningful choice in property-ownership or workplaces, workers will be unable to determine their conception of meaningful work from a range of options, but in the context of artificial intelligence, artificial intelligence may not be utilised to automate menial tasks, or workers cannot make their own individual trade-offs in favour of efficiency. This would essentially be making a decision on behalf of workers. To summarise, neither framework, in its “pure” conceptions, adequately can address the issue of artificial intelligence, particularly in relation to ensuring a range of options for work.

8.5 Conclusion

In this chapter I explained the threats to the moral powers from artificial intelligence, namely domination, issues some relate to alienation which I argued can be taken seriously, the loss of privacy, and the polarisation of labour. I explained, that there are tangible benefits for artificial intelligence and automation. I developed a suitable approach to artificial intelligence that works alongside the anti-perfectionist position in general, particularly, though not exclusively, regarding my conception of meaningful work. This approach emphasises the importance of worker voice, a range of work options in terms of property ownership, protection of certain worker and user rights while accepting the efficiency benefits of artificial intelligence.

All of these issues and benefits raised relate to the role of economic liberty and property ownership. This is because the role of artificial intelligence is inevitably affected by the economic

ownership model and relations between worker and employer. If threats of artificial intelligence towards the development and exercise of the moral powers exist within systems with strong protection of private property ownership exist, which I have identified, then solutions to ensure that these new technologies can benefit, rather than harm, requires a consideration of the models of property ownership and economic liberty. Tomasi's and Rawls' typical frameworks fail to adequately address the challenges of AI in relation to the moral powers, precisely because of their approach to ownership and worker voice, and their inability to address domination and weaknesses in ensuring a range of real options regarding conceptions of the good, based around one's conception of meaningful work.

I discussed in the introduction for this chapter that this discussion identifies key principles which ought to be considered for any challenges that arise from future technologies, which ought to be incorporated into any ideal framework to remain relevant regardless of technological realities. These principles are that the opportunity for meaningful work must be ensured, workers must not be subject to alienation or domination, and polarisation must be addressed via some form of social minimum, although I accept this form can and will change over time. In addition, a reasonable range of different ideas of meaningful work, with the permissibility of trade-offs, must be ensured. All of these principles are essential for securing conditions for the development and exercise of the moral powers, and any ideal framework's position on economic liberty, property ownership, and work, must uphold these concerns. The typical Rawlsian positions, as well as Tomasi's market democracy, are quite insufficient, and adjustments must be made to uphold these principles.

With regards the discussion of how this relates to the Rawlsian frameworks, we can see issues with both frameworks. As a result, both the property-owning democracy and liberal socialist models, in their typical form, fail to ensure the conditions for the development and exercise of the moral powers. The POD because it fails to provide voice or the means to collectively own property, and the liberal socialist model because it *only* permits collectively owned property. This runs simultaneously with the previous discussion regarding the property-owning democracy model, which is unclear regarding worker voice. However, this further adds to concerns regarding liberal socialism that it may be overly perfectionist in its justification or goals, harming individuals who may wish to privately own property. An approach that not only permits but ensures both, is necessary, in order to ensure that there is a real range of options that are available to all conceptions of the good, and workers

can simultaneously avoid domination and benefit from the use of AI. This requires us to move beyond the typical Rawlsian models. In the final chapter, I now make a case for the proper role of economic liberty and property ownership to best ensure the conditions for the development and exercise of the moral powers.

Chapter 9: What Framework Can Best Develop the Moral Powers? Developing an Alternative Liberal Socialist Model.

9.0 Introduction

In this chapter, I argue for a considerably modified form of liberal socialism, on the basis that it overcomes the issues present in a property-owning democracy, and therefore, best provides conditions for the development and exercise of the moral powers. The modification is significant to overcome particular challenges that liberal socialism faces, particularly in relation to the ability to own property privately. Previously, I explained that a political framework closer to a form of liberal socialism may in fact be preferable to a property-owning democracy, to offset domination and prevent inequalities in the workplace, structurally, and in relation to artificial intelligence. However, I noted some significant issues, particularly with the charge of illiberalism, against the typical liberal socialist model. I explain these issues in more detail and then develop a suitable alternative. This allows us to understand the proper role of property ownership and economic liberty to secure the conditions for the development and exercise of the moral powers, particularly, though not exclusively, in relation to the opportunity for meaningful work and offsetting domination. My position is that while economic liberty, particularly regarding market mechanism and ability to privately own productive property is permissible to a degree, and I've established thick economic liberties should not be basic, it should be constrained in certain ways that go beyond property-owning democracy, while more permissive than typical liberal socialism. Effectively, economic liberties can be and are important for the moral powers, however, other rights need to be balanced, and this requires a thin conception of economic liberty to permit these constraints.

The necessity of this discussion is based on the same issues found in Tomasi's market democratic framework. Tomasi's framework is overly protective of thick economic liberty, however, the correct role of economic freedom must be assessed. Tomasi's framework protected it to such a strong degree that it was harmful to the moral powers by undermining the pursuit of meaningful work, facilitating domination, and preferring particular life plans over others. However, property-owning democracy, and as I will explain further here, liberal socialism also prefers particular conceptions of the good, not deliberately, but via undermining a suitable range of workplace arrangements, and by failing to secure conditions conducive to the development of the moral

powers, particularly in relation to the pursuit of meaningful work. This chapter goes furthest from the abstract discussion in the earlier parts of my argument, following Tomasi's argument structure, by considering what sort of political acts and framework will best secure the conditions for the development and exercise of the moral powers.

Firstly, I outline some potential challenges to liberal socialism, which is that it may struggle to satisfy the political liberal demands of neutrality towards all conceptions of the good similar to a market democracy. As a result of the criticism, I expand upon this argument to outline what a desirable political framework must aim to do to overcome these challenges, and guarantee the conditions for the development and exercise of the moral powers. I then argue we need a form of liberal socialism; however, it must permit some forms of private property and market mechanisms. I explain that the distinction between different firms is essential, and that firms, depending on both their size and function, can be privately owned, with some caveats. I also add that to ensure sensitivity to all conceptions of the good while upholding the demands of justice the model I advocate for would incorporate an ethos of justice that will stabilise society and ensure that persons respect the demands of justice and others' conception of the good, however, this ethos must not be enforced in a perfectionist manner. I then explain that the ethos does not have to be a state effort, rather, it would develop as a result of the economic arrangements in society, especially if there are market mechanisms. Finally, I outline how the matter of artificial intelligence-related issues would be addressed, which closes the argument for my preferred political framework. The chapter concludes with an outlining of different models that can best secure the conditions for the development of the moral powers.

9.1 The Challenges to Liberal Socialism

I have shown that a property-owning democracy is insufficient to uphold the principles of justice, provide the conditions to pursue meaningful work, and prevent domination, all of which harm the development and exercise of the moral powers. Rawls proposed liberal socialism as another acceptable alternative, and it is a valid option to consider, however, it itself has some significant challenges in its typical form. The main potential objection is that liberal socialism would violate the neutrality requirement regarding conceptions of the good.

To outline the issue, if a market democracy is not sufficient at developing the moral powers for all persons and promotes an ownership-based conception of the good over others, at odds with the anti-perfectionist and neutralist requirements of political liberalism, liberal socialism may do the same by undermining ownership-based conceptions of the good. Enforcing all workplaces to be collectively owned, for example, could be a violation of this commitment. To use Tomasi's example of Amy, she may have worked hard to accumulate the capital to establish her dog grooming business, yet if the state forbids her from owning said property, instead preferring that only a collective group can own the business, her business-based conception of the good is undermined. Either effort has to be shown that any idea of business ownership is unreasonable, which seems a strong task as the conception does not inherently reject any other conception of the good, and it can be combined with the principles of justice by ensuring redistribution of wealth and providing worker rights, or embrace a form of perfectionism to deter this conception of the good.

There is also a concern that it is impractical to assign all workers, in every workplace, an equal voice to owners who share more risks and responsibilities, as well as I discussed it could lead to inefficiency. Workers in constant meetings can interrupt the efficiency that is required for a private business to operate in some instances. While modern technologies can enhance the efficiency of democratic processes, with virtual discussion and other tools available, there may still be a risk that some businesses, especially those which require specialist knowledge to make certain decisions, could struggle. However, this is less significant than the other challenge regarding conceptions of the good.

It is important to identify that both workplace democracy and shared ownership present challenges to the liberal socialist model. Enforcing a workplace democracy can also violate an individual's conception of the good of business ownership, being unable to utilise their business as they wish, or a worker who would prefer a simple job without democratic processes in favour of higher income. Both of these challenges relate to providing all reasonable persons with the ability to pursue and amend their conception of the good. I explain these issues relating to conceptions of the good in more depth.

In essence, depending on how liberal socialism is understood, it can suffer from a mirror issue of market democracy. It similarly promotes a narrow conception of work and protects collective

ownership at the expense of private ownership. As there is no private ownership within typical liberal socialism, liberal socialism would therefore forbid private ownership at any level, and this is enforced by coercion. This is harmful to those who have conceptions of the good involving business ownership. Amy would be unable to set up her pup-in-a-tub business if there is no capacity for private ownership. Therefore, it is unclear how it could be justifiable without appealing to wider comprehensive claims because liberal socialism would actively forbid conceptions of the good which are reasonable. It may be the case that, as the state and its policies must be justifiable, the demands of socialism are too strong and the arguments fail as a result. This is a similar argument to Gaus' claim that the demands of justice in general are unacceptable for liberals as they cannot be justifiable to all persons.¹ Even if one accepts that justice is acceptable and that those who reject it are unreasonable, it is conceivable to think people will reject the demands of liberal socialism. Therefore, liberal socialism, at least how Rawls described or interpreted it, is not an option to best develop and exercise the moral powers, and cannot be justifiable to political liberals.

The total abolishment of all private property would also dominate people, via imperium, as the state, or some collective, may control all economic activity. Individuals would be unable to orient their economic lives without reference to the state and be at risk of arbitrary interference, and generally, this would risk violating other freedoms and the moral powers development without a range of economic options to choose from. This indicates that regardless of one's position on domination, it is not a permissible framework. Liberal socialism can take different forms, including state ownership, with or without leasing of property to workers, or the means of production are commonly owned by workers.² It is not a fully centrally planned economy.³ However, to ensure that private property cannot emerge, it is unclear how this can be enforced, if not by a state. This would mean that the state must enforce coercive measures against anyone who wishes to own a business. In addition, models which emphasise state ownership, albeit modified to provide worker control of resources, still ultimately put power in the state's decisions and it is unclear how this can be accountable to its citizens; thus, the state would dominate them.

¹ Gaus, *Justificatory Liberalism*; Gaus, "Coercion, Ownership, and the Redistributive State"; Fowler and Stemplowska, "The Asymmetry Objection Rides Again"

² O'Neill, "Social Justice and Economic Systems"

³ Rawls, *Justice as Fairness: A Restatement*, p139

There is a similar concern regarding workplace democracy. If enforced, it may again interfere with certain conceptions of the good. If a person owns a business, they have invested time and resources, and a business which is privately owned bestows responsibility onto the owner. They make the decisions as they have invested resources and time into the business, and thus, if it fails, they lose more. A worker conversely, while they may lose a job, has less responsibility and consequences. Therefore, compulsory workplace democracy may give power to unreasonable actors to harm their capacity to run their business and develop their conception of the good. This would be in part because workers may not necessarily have the full information, or skills, to make accurate and effective decisions regarding the operating of a business; so, while they may not even consider their actions unreasonable, it could be harmful long term. Workplace voice is valuable, yet it needs to be balanced, particularly in instances of smaller businesses, to protect the owner's conception of the good. This is because the ratio of workers to owners and the burdens that fall on the owners is significant, and communication channels are smaller and easier to utilise in a smaller business. This potential issue illustrates that while voice is valuable in offsetting domination, how it is protected may become unacceptable to all reasonable conceptions of the good.

Simultaneously, if there is shared ownership, but *not* democracy, then groups of workers may sideline minority groups of workers within the workplace.⁴ Workplace democracy must be ensured, even if it must be balanced. Common ownership alone cannot fully overcome domination in all instances. Conversely, workplace democracy without any means to commonly acquire property, as previously discussed, undermines the ability to choose from a range of work models and can also facilitate domination, particularly on a structural level. This highlights that the demands of common ownership and workplace democracy must be taken together, and seriously, to avoid unresolvable issues. However, as emphasised, there must be sensitivity towards reasonable conceptions of business ownership, to avoid the mirror issue found in Tomasi's market democracy.

A different issue that may arise from compulsory common ownership is that it may undermine consumers and those who have conceptions of the good based around the goods and services they purchase. Within a capitalist system, there are many ways individuals can express themselves via consumption, which can heavily factor or even be one's conception of the good. For

⁴ Hsieh, "Work, Ownership, and Productive Enfranchisement," p152

example, the clothes people wear, artistic creations, food, drinks, decorations, technologies etc. can all be very important to individuals, as is the pursuit of them. While mass consumerism can have negative affects on, for example, waste, or exploitation of workers etc. the core motivation is not unreasonable, a life of consuming goods does not harm another conception of the good inherently. Therefore, it must be viable. It may not be possible to pursue some consumerism within a degree, and a full collectively owned economy could undermine this, via inefficiencies and the lack of motivation. In addition, people may have less leisure time if they constantly involved in decisions regarding either shares or even just workplace democratic procedures.

There are effectively, therefore, two issues. One is that collective ownership, when compulsory, can violate certain conceptions of the good, be unjustifiable, and lead to domination, and the second is that there needs to be a way to balance the owners' use of property with the demands of workplace democracy. However, both the ability to collectively acquire property and have voice in the workplace are valuable to ensure not only justice, but to provide a range of conceptions of the good and prevent domination, internally and structurally. Therefore, there needs to be a balance between these two competing realities.

9.1.1 Balancing Worker Voice, Common Ownership, and Reasonable Conceptions of Private Ownership

First, workplace voice, though not necessarily democracy, can be justified in relation to liberal neutrality. However, it could be argued that with or without common ownership, workplace democracy may be enforced in a way that violates neutrality. This appears to be a problem and I outline this issue.

I accept that not all workers will want a workplace that gives them voice. Some will prefer to trade this in favour of a traditional workplace in return for more income, or they may merely have no interest in taking any responsibility, as they are effectively happy to be alienated from these decisions in return for higher wages.⁵ This point can be used to argue that workplace democracy cannot be justifiable in its enforcement as it goes against individual preferences.

⁵ Tomasi, *Free Market Fairness*, p191

A response would be that it is inherently good to engage in democratic procedures and they must be enforced and neutrality cannot be sustained with the need for democracy, as liberal neutrality cannot incorporate republican demands of self-governance.⁶ On this basis, there is no reason to be concerned so much about neutrality, rather, democracy should be prioritised. This counterargument is a highly perfectionist one as it presumes there is a preferable conception of the good involving democracy and it abandons the concept of neutrality to conceptions of the good. If we accept the political liberal framework and wish to maintain some protection of workplace voice or democracy, this cannot be a suitable response.

Nonetheless, with regards to the ability to have voice in the workplace, we can find a neutral justification. The criticism that democracy is incompatible with liberal neutrality is falsely working on the idea that neutrality demands neutrality of effect, rather than justification.⁷ The argument is that providing voice to workers would affect different persons differently, as democratic decisions would be made in accordance with certain individuals' and groups' interests, generally at the expense of owners' wishes. Just as the state, when democratic, will inevitably prefer certain conceptions of the good with its policies. Therefore, democracy, including workplace democracy or workplace voice itself, is not compatible with neutrality towards conceptions of the good as they will be affected differently. In the instance of workplace democracy, the demands would potentially be limiting those with conceptions of the good based on unfettered business ownership as workers would have voice. As a result, even if we accepted unfettered business ownership as a reasonable conception of the good, the argument fails.

The argument fails because we can find a *justification* which is acceptable to all conceptions of the good, as it is inherently based on the demands of justice, ensuring the development and exercise of the moral powers of citizens.⁸ I explicitly rejected neutrality of outcome previously, arguing for neutrality of justification, as in, justifications for policy must be acceptable to all, but the outcomes will affect different groups differently. The justification is that all persons have a right to voice when there are those with power over them. This makes no reference to the conception of the

⁶ Sandel, Michael J. *Democracy's Discontent: America in Search of a Public Philosophy*. Cambridge, Mass: Belknap Press of Harvard University Press, 1996. pp25-26

⁷ White, Stuart. "Property-Owning Democracy and Republican Citizenship," In *Property-Owning Democracy*, edited by Martin O'Neill and Thad Williamson, 1st ed., 129–46. Wiley, 2012. p132

⁸ Ibid, p132

good or even whether it is a state or individual private agent. In addition, we can claim that the right to have voice is something that cannot be traded. Just as one cannot trade their democratic decision-making capacity towards the state, they cannot trade it with regards workplaces. The law is valuable in and of itself, providing voice to workers is valuable to provide people with capacity for autonomy, influencing decisions, and overcoming domination. Therefore, there is a justification for ensuring that democratic procedure is protected in all workplaces.

I do not demand that voice must be protected by direct workplace democracy alone. This allows us to better defend the conception that there is a value to protect voice regardless of its outcome, however, full workplace democracies run into further issues. These issues are that workplace democracy is more demanding on the owners and operators of a business, and enforcing full workplace democracy, where each worker has a direct vote on all matters for example, would be at odds with the conception of the good revolving around business ownership, as they are more constrained to an extent that goes beyond the demands of justice and ensuring democracy. For example, we can accept that unfettered business ownership is unreasonable, and workers should have a say in the process, however, to demand all workplaces be entirely democratic may not only be inefficient, but it may interfere with worker's own preferences, and render the concept of business ownership less achievable. Providing worker voice alone, however, can be demanded on these grounds that it is a protection for workers from domination, without unjustly violating reasonable degrees of business ownership.

There is a range of solutions to ensure voice is protected, as discussed previously. These are: providing sufficient background conditions to protect the ability to exit, a right to exit, a right to contest, worker unions, collective bargaining, and potentially others. These can be adjusted as necessary depending on the nature and size of the business; however, we can claim that workers should have a non-basic right to voice in the workplace. This means workers are perfectly able to make their own choices and preferences, and define, and pursue, their conception of meaningful work, without being dominated. However, business owners are not enforced to ensure their business is a complete worker democracy. While some may argue that workplace democracy is the norm to protect workers from domination, or because democracy is valuable, I reject this because it can violate reasonable conceptions of the good, and these arguments have perfectionist

foundations. We can accept the importance of democracy, without enforcing a particular ideal of it onto individuals, so they can make their own individual considerations regarding the good.

To elaborate, I do accept that a small business may not have to ensure the same demands of workplace democracy, because the owner is as much in a precarious position as a worker. However, I need to address this distinction of firm size. Generally, we can understand business sizes as follows: microbusinesses are less than 10 employees, small are 10-49, medium are 50-249, and large are 250 or more.⁹ Giant firms can be understood as either those with over 10,000 employees, such as Amazon which have over a million employees, or tech firms such as Twitter or Facebook due to their significance, profits, and power.¹⁰ We can effectively make a case that larger businesses must ensure voice in more direct ways, because there is a larger degree of power in those who have ownership of the property, yet smaller businesses do not have to provide the same degree of workplace democracy as there is a distinctly different power dynamic. Larger companies provide more power to owners and managers over the staff, who are easily replaced and under more bureaucratic procedures, rules, and regulations, and thus, they should have a voice in these processes which govern them. Smaller companies, by the nature of their size, allow for easier exchanges of views among staff, managers, and owners due to the nature of direct communication within them.

It is more difficult with common ownership, as the ability to own at least some property is a reasonable conception of the good. I previously claimed unfettered business ownership is not necessarily reasonable. To explain, a person who wishes to have unconstrained control over others is not acting reasonably. However, to prevent a person from owning property at all is not justifiable on liberal grounds. While we can accept Amy and her pup-in-a-tub business has no right to dictate all the terms of their employees' life or exploit them, to demand she cannot own the property at all seems to unjustly coerce her and prevent her from actualising her conception of the good. It is reasonable as it does not, by itself, harm any other conception of the good inherently any more than collective ownership of property does. Property ownership may exclude other persons' from said ownership, however, this applies to *all* models of ownership. The issues of private property in

⁹ "Enterprises by Business Size," OECD. Accessed March 28, 2023. <https://doi.org/10.1787/31d5eeaf-en>.

¹⁰ Macrotrends. "Amazon: Number of Employees 2010-2022 | AMZN," *Macrotrends*, 2022.2

<https://www.macrotrends.net/stocks/charts/AMZN/amazon/number-of-employees>; Gersbach, "Democratizing Tech Giants! A Roadmap"

relation to other conceptions of the good arise when there is insufficient voice, a lack of a range of options, or redistributive measures. The same can be said of common ownership as *only* having common ownership would deny individuals the capacity to own property and collective owners can also violate voice of the workers. However, if measures were taken to ensure a range of choices and voice, then it is equally viable.

Regarding common ownership, it could be accepted that such a system is not a liberal one and common ownership is inherently good despite objections of neutrality.¹¹ If these demands cannot be compatible, and models such as market democracy and property-owning democracy are flawed, it may render the discussion regarding what economic arrangements can realistically achieve the principles of justice, offset domination, and protect the moral powers, without violating neutrality, irresolvable. This would mean that there is no suitable demand for justice, at least in relation to property ownership, that is compatible with political liberalism.

There is another issue. A capitalist utopia, when articulated on the idea that all persons would be individual contractors, free to pursue whatever ends they wish and acquire what goods they wish in accordance to preferences, without risk of domination and poverty, can sound as appealing, if not more for some, than a socialist utopia.¹² This is, I accept, because there is a value to both market exchanges and a degree of property ownership. However, the fundamental problem is that it is strictly a utopian vision, and in present-day capitalism, further capitalist reforms have made this utopia seem less likely. The idea is that utopian thinkers dismiss capitalism, on the basis that it is not possible, yet, there is no reason to think otherwise, as we can also see issues in real socialism as we do in real capitalism.¹³ However, the mistake Brennan makes is that while we may accept a capitalist utopia could exist just as a socialist utopia could exist, the protection of property as in the utopia, would exacerbate the problems of present-day capitalism. Further inequality, poverty, and domination, which would come about from the strong protection of thick economic liberties are not conducive to creating a utopia of equal traders and would undermine the moral powers, as I have

¹¹ This is analogous to the Athenian republican position which rejects liberal neutrality in favour of autonomy as found in Breen, Keith. "Freedom, Republicanism, and Workplace Democracy," *Critical Review of International Social and Political Philosophy* 18, no. 4 (July 4, 2015): 470–85. <https://doi.org/10.1080/13698230.2015.1033857>.

¹² Brennan, J. *Why Not Capitalism*

¹³ *Ibid*, ch4

shown. This utopia only works if everyone has an initially equal starting point with no previous injustice, however, due to the current concentration of wealth and power, there will be no way to offset this with further protection of thick economic liberties. This issue I have illustrated throughout my project, and urges us to consider an alternative, however, I accept there is some value in *some* of the aspects of a capitalist or libertarian utopia.

I argue, therefore, that the things of value within a capitalist utopia, the ability to start a business, and the ability to trade in exchanges, are desirable to reasonable conceptions of the good. However, these concepts are perfectly compatible with the demand to ensure worker voice and provide a social minimum. Taxation, worker rights, do not interfere with the idea of market exchange of goods, or the ability to acquire private property, if they are not thick basic rights at least, and a person, such as Amy, can own her business, but the workers she hires, can also find a meaningful existence under her, without the threat of domination. This can be balanced with the need to ensure worker voice, and that workers *can* acquire property collectively, to offset domination and ensure a range of options to determine and pursue one's conception of meaningful work and the good life in general. They are not incompatible, and any ideal framework must factor in this.

I argue that therefore liberal socialism, as a core concept should not have to be a strict political program, rather, an ideal framework to aim towards. There is no inherent reason it cannot be flexible to ensure that both Amy can achieve her dream of ownership and workers for her when her business grows, are suitably protected, and can pursue their own goals or have their collective rights suitably protected. This is precisely what I aim to elaborate on now.

One may reasonably argue that this concession is a definitive shift *away* from liberal socialism. This is because it is as major a shift as the demands to shift from property-owning democracy by better securing the options to acquire property collectively, or market democracy by not protecting economic liberties as basic. However, to explain why this isn't correct, I will elaborate on the features of this liberal socialism, which will highlight its shared features with the typical conception of liberal socialism.

9.2 How Liberal Socialism Could Work

There is a range of ideas as to how liberal socialism could manifest which can be still categorised as a form of liberal socialism. It can include mass societal ownership of the means of production, by the state or communities, wherein all persons share ownership and can dictate the use of the power via a democratic state, or direct control.¹⁴ It could also require all productive property to be owned by the workers. Rawls expected productive property not to be privately owned at all.¹⁵ I accept that models which totally rule out any private ownership are unacceptable as they promote a comprehensive conception of the good and undermine the ability of those, such as Amy with her dream of property ownership, to pursue this dream. If this were the model of liberal socialism, I accept that there would be the challenge of perfectionism present, and it could not be a viable option to fulfil the anti-perfectionist principles I outlined. Therefore, we need to understand a model of liberal socialism that is sensitive to the neutrality principle while overcoming domination and ensuring the principles of justice. This is still fundamentally protecting a thin conception of economic liberty; however, more economic liberty is permissible than under a typical liberal socialist model.

The main issue is that the socialist criticisms of private ownership of property fail to distinguish different sizes and forms of productive property. The failure risks not taking the threat giant firms pose to even a property-owning democracy and also, I argue, undermines a more nuanced position to accommodate small scale ownership alongside common ownership.¹⁶ Many criticisms and concerns of capitalism are directed at private ownership of large firms and their monopolisation of resources, as they are the firms that facilitate the concentration of wealth, establish the emergence of an elite, and regularly produce domination within the workplace by affording power to the managers and owners and structural domination by allowing for private monopolies and subversion of political norms.¹⁷ However, there is a marked difference in the power of different-sized firms. A giant firm has a wider influence on society, unlike even medium or large firms, and a much higher degree of persons dependent on them. Firms may grow even within a

¹⁴ O'Neill, "Social Justice and Economic Systems"

¹⁵ Rawls, *Justice as Fairness: A Restatement*, p139

¹⁶ Wilesmith, "Why Size Matters"

¹⁷ Piketty, Thomas. *Capital in the Twenty-First Century*. Cambridge Massachusetts: The Belknap Press of Harvard University Press, 2014., pp. 257–60.

liberal socialist system, and as they do so, they will be placed under stricter rules and regulations to ensure against domination.

I also stress that there are differences in the kind of productive property. Often the idea of “productive property” is reduced to any and all forms of business, however, this fails to recognise that different types of business and different sizes are a significant factor, and can have more or less harm towards the development of the moral powers via domination. For example, a large-scale oil company that owns and controls a necessity for people to consume, has a monopoly, an influence on government, and undermines competition, is considerably different from a popular mobile video game application that provides a luxury good yet generally does not *necessarily* have negative affects by simply existing. While in potentially any business there is the issue of internal domination that needs suitably addressing, and a society must ensure a range of options are available, I accept that the argument to co-own all firms, even large ones, fails to make this distinction.

There are certain demands that a liberal socialist political framework must follow to ensure against domination and fulfil the principles of justice. It must suitably address internal domination, this is done by providing sufficient opportunity to exercise voice, but this must be done without enforcing voice in a small business where the staff will quickly outnumber the owners and will not have the same degree of stake in the company, nor the costs. One way to address this is to provide a right to voice in the workplace, which has additional sub-rights that are contingent on various factors. This could be done by providing all workers with a right to unionise and strike as a minimum, and in larger companies, where there are more decisions that can be passed on from people workers do not engage with directly, a right to representation on the board or additionally a right to contest. Small industries would only need to protect the right to unionise, as there are often more direct interactions between employees and employers. This would prevent workers, who wish to use their voice as a spoiler, from enacting unreasonable decisions. In larger companies, there is less of a concern, as the majority of workers using their voice would be reasonable enough to undermine those unreasonable few. Simultaneously, the workers’ rights and freedom are better protected. What can be considered is that workers have certain rights, however, companies may implement policies to best satisfy them in various ways. Some larger companies may include representatives on the board of workers, whereas others will give every worker a vote in every decision, or the ability to refuse or contest decisions. The workers can choose what arrangement they prefer in accordance

with their own conception of the good. However, if they feel a company does not sufficiently provide them with means to use their voice, they are protected by the constitution, and companies may face penalties.

A liberal socialist system that I advocate for would regulate large companies by ensuring that shares are distributed in some manner in many, though not all, large-scale industries, with an incentive for all large-scale companies to do so. This would prevent internal domination on behalf of private shareholders and also offset structural domination by ensuring that workers have a range of choices to choose from and are not forced into undesirable workplaces out of necessity. Rather than forcing all businesses to be collectively owned, it prevents larger-scale industries, which affords greater wealth and power to the owners, from abusing their positions and further entrenching inequalities that are unacceptable and dominating other persons, within their workplace and structurally, by reducing the range of options to persons to choose from.

Providing a range of work options ensures the opportunity to define and pursue meaningful work is achieved. This demand means that non-hierarchical workplaces and co-owned productive property are not just permissible but protected and a meaningful option to all persons. There are other policies that can be utilised such as a social minimum, providing adequate training to workers, and taking the ‘insurance’ approach by providing benefits not just to certain workers, for example, those who are displaced via automation. This means that workers preference for the good is not interfered with; however, they are protected from economic and technological changes such as automation.¹⁸ This can permit the benefits of automation, artificial intelligence, algorithms, machine learning, etc. while still protecting individual’s capacity to pursue their conceptions of meaningful work and the good life in general. Combining these approaches, workers may choose to go to hierarchical and privately owned industries, but they would not *have to* in the name of mere survival, rather, they would actively be choosing to do so. Market democracy fails to provide a range of workplaces, and a typical socialist model, even liberal socialist model, may also fail to do so. The liberal socialist model I am suggesting, which regulates some, but not all, productive property strikes a finer balance. Liberal socialism must be less focused on total collective ownership of productive

¹⁸ Parr, Tom. “Automation, Unemployment, and Insurance,” *Ethics and Information Technology* 24, no. 3 (2022): 1–11. <https://doi.org/10.1007/s10676-022-09639-w>.

property and, rather, sufficiently distinguish between small, medium, and large firms, and also the nature of the types of industry in question for what they provide. Large firms must be collectively owned, medium firms must have guaranteed workplace democracy, and small firms can be privately owned. I justify the reasons for each of these aspects.

9.2.1 Why Some Firms and Not Others?

I need to further explain why large firms must be more strongly regulated or be more likely to be under a degree of co-ownership, and why I do not apply this to small and medium firms. Ownership of productive property on a small and medium scale is not inherently unreasonable, nor does it violate the concept of reciprocity. I accept that workers being unable to have the ability to work in more cooperative or regulated workplaces is unacceptable as it can only be justified with perfectionist arguments towards private ownership.¹⁹ The reverse is also true, because workers may be willing to exchange a stake in the workplace shares in return for higher wages, for example. The state cannot enter these questions without violating the core commitment towards neutrality to conceptions of the good. The state can justifiably constrain economic ownership in order to best guarantee the conditions for the development and exercise of the moral powers. For example, by protecting workers from domination, reducing structural domination, and to provide real opportunity to define and pursue meaningful work. However, it cannot justifiably prevent all private ownership without appealing to a comprehensive doctrine and perfectionist concepts behind what sort of life plan is preferable. The issue with market democracy is mirrored, in that the only justification for the thick economic liberties to be basic can be perfectionist, but the same applies to enforcing collective ownership as a basic liberty or to completely rule out private ownership.

Large firms, as established, when privately owned and motivated by profit maximisation cause issues of inequality and domination. Regarding domination, they grant greater internal power to the owners leading to domination, by implementing policies that control the workers through strict regulations and demands as already discussed.²⁰ Giant and large firms can negatively impede market competition due to their size, and also through influence in politics via lobbying.²¹ They can

¹⁹ Clayton and Stevens, "Is the Free Market Acceptable to Everyone?" p381

²⁰ Anderson, *Private Government*

²¹ Lamoreaux, Naomi R. "The Problem of Bigness: From Standard Oil to Google," *The Journal of Economic Perspectives* 33, no. 3 (2019): 94–117.

also negatively affect society as a whole, by selling data and having undue influence in many aspects of life such as in politics.²² The proliferation of disinformation on tech giant platforms such as Facebook has been a major issue in many countries with threats to the democratic process and from external states.²³ Additionally, in developing countries such as Myanmar, they are treated synonymously with the Internet, which means that there is a major dependence on these companies.²⁴ Furthermore, these firms can and do use their large profits to conduct lobbying and, as they operate as a sort of public square, arguably dominate users in a ‘novel way’, as they have no say on the policies and the companies can effectively control speech.²⁵ Large firms that own natural resources can be said to lead to generational domination, as the owners deplete the stock availability for the younger generation and degrade the environment in the process, making life worse off for future generations, and the worst off.²⁶ As evident, there are many notable examples of harmful policies by large firms and this urges us to consider sharing ownership, undermining the profit motive, alleviating domination, and reducing their influence in society.

However, I do accept that not all large firms are the same. A company producing simple software, applications, or food products, for example, has considerable differences from a financial institution or oil company in terms of impact, necessity, and power in society. With this consideration in mind, I argue that all large firms must have workplace democracy, provision of shares to all workers to prevent any concentration of power, and be more stringently regulated. This is because

²² Gersbach, “Democratizing Tech Giants! A Roadmap”

²³ Hajli, Nick, Usman Saeed, Mina Tajvidi, and Farid Shirazi. “Social Bots and the Spread of Disinformation in Social Media: The Challenges of Artificial Intelligence,” *British Journal of Management* 33, no. 3 (2022): 1238–53. <https://doi.org/10.1111/1467-8551.12554>; Gottlieb, Michael, and Sean Dyer. “Information and Disinformation: Social Media in the COVID-19 Crisis,” *Academic Emergency Medicine* 27, no. 7 (2020): 640–41. <https://doi.org/10.1111/acem.14036>.

²⁴ Leong, Lorian. “Domesticating Algorithms: An Exploratory Study of Facebook Users in Myanmar,” *The Information Society* 36, no. 2 (2020): 97–108. <https://doi.org/10.1080/01972243.2019.1709930>; Crouch, Erik. “Myanmar Was off the Grid for Decades – Now It’s Catching up Fast,” *Tech in Asia*, 2016. <https://www.techinasia.com/myanmar-internet-revolution-startups>.

²⁵ Aytac, Ugur. “Digital Domination: Social Media and Contestatory Democracy,” *Political Studies*, (2022). <https://doi.org/10.1177/00323217221096564>; Lamoreaux, “The Problem of Bigness: From Standard Oil to Google,” p113

²⁶ Skillington, Tracey. “Natural Resource Inequities, Domination and the Rise of Youth Communicative Power: Changing the Normative Relevance of Ecological Wrongdoing,” *Distinktion: Journal of Social Theory* 22, no. 1 (2021): 23–43. <https://doi.org/10.1080/1600910X.2020.1775669>.

there is a large degree of power afforded to owners and managers in large firms, and workers can be arbitrarily interfered with less recourse to direct engagement in decision-making processes than at smaller firms. However, not all large firms must be collectively owned, as it is imposing a comprehensive doctrine regarding work and ownership, and it is additionally impractical in application. The motivation to restrain certain industries must be acceptable to all, and the protection from domination and the prevention of elite concentration of power and wealth are acceptable, yet it is not clear if each and every large firm being collectively owned can be justifiable on such grounds. Additionally, the impact of large firms on others outside of their business will vary depending on the nature of the firm. Those which can hold greater influence in society, such as resource owners, can better be justified to be collectively owned in some manner, as the power that would be afforded to a few individuals would necessitate not only domination within the industry but in society. Oil companies for example can have significant power in society as society depends on the use of such a resource, for example, yet if it is dispersed among workers, this better prevents domination within society.

There may be an apparent contradiction. I claimed that private ownership of property can inherently be harmful to the moral powers while I argued it should be permissible to a degree. However, within a liberal socialist society, there are multiple differences that will affect the actions of private owners, more so than within a property-owning democracy. The profit motive will inevitably exist for a private industry as it must pursue profits to survive within a capitalist society. However, within liberal socialism, due to other general background conditions, there will be less incentive toward *full profit maximisation*. The distinction here is whether a company wants to grow at a reasonable rate, or at the maximum level, the latter of which is prominent in capitalism. The profit motive can lead to efficiency and new inventions, but also, I have outlined multiple issues with profit maximisation. The general ethos of a liberal socialist society would ultimately influence the attitudes of owners of business, who are pursuing business ownership not necessarily because they want to just be rich but because the ownership in and of itself will be valuable to them. It can be claimed that this only works in ideal conditions, however, importantly, those that do purely pursue profit, which is likely in non-ideal conditions, will be considerably constrained within a liberal socialist system, as workers have more voice and once an industry grows large and influential there will be processes to democratise the ownership model, ensuring against domination. The ones which can

be privately owned will not have the significant degree of power or influence as those in present-day capitalism or property-owning democracy. This point needs expansion.

Within a property-owning democracy, a large firm may be able to undermine processes to work in its favour.²⁷ For example, within a large firm, even if shares are distributed to an extent, those most motivated by profit maximisation will have a greater incentive to engage in democratic procedures than those without any incentive. This can still lead to domination of the higher-ups within the workplace. Large firms also can compete with citizens on certain issues, for example, they may oppose bans on heavy traffic through a town, and the owners can band together against the town's small and large businesses, merely due to its size.²⁸ The issue may well apply to liberal socialism, as workers who co-share the property, or "lease" the property, will also have a degree of power afforded to them.²⁹ There are two responses to this issue. One is that the aim should be to prevent giant and large firms from forming, at least in certain economic areas. This would generally prevent unacceptable inequalities and power dynamics, and this can come from a range of policies to ensure a real diverse choice of businesses, rather than concentrated monopolies.³⁰ The second point is that liberal socialism would be better able to regulate the power of firms in decisions that go beyond their business. While a giant firm may want a new road built in a town at the expense of small business, just because it is bigger, does not mean the workers or shareholders or co-owners have more voice *outside* of its firm, as regulations can be implemented on an acceptable basis to curtail activities of businesses, regardless of ownership.

Essentially, firm sizes *and* their nature must be distinguished before we can demand collective ownership and/or workplace democracy. A liberal socialist system, with its emphasis away from profit maximisation and widespread share private ownership, would effectively prevent even any permissible large firms from having such influence on society, whether privately owned, state owned, or collectively owned by the workers. There is one crucial factor within my form of liberal socialism which makes it fundamentally liberal socialist, as opposed to another framework, and able

²⁷ Wilesmith, "Why Size Matters"

²⁸ Ibid, pp235-242

²⁹ Ibid, p242

³⁰ Ibid, pp250-251

to address challenges of private property even within some larger firms, and that is ethos, which I explain now.

9.2.2 The Requirements for Potential Collective-Ownership

It is important to clarify the criteria as to what large and giant businesses should come under a form of co-ownership. They are not exhaustive, and there can be exceptions, but the criteria serves as a general approach that illustrates the core argument's ramifications in terms of policy.

- Firms that have monopolies on natural resources
- Firms that have monopolies on entire resource acquisition and distribution - Resource ownership must be collectively owned when a monopoly, to ensure that it is run in accordance with wider principles than pure profit motivation for an individual, to prevent domination of a few individuals, and because it may discourage monopolisation.
- Firms that have impact politically - These will be firms that directly attempt or do influence the behaviour of the state, as they affect the political liberties, and must adhere to democratic procedures to ensure that the principles of justice are upheld as a result of their impact on the state.
- Firms that *directly* affect other liberties and the moral powers in a negative manner - These could be instances of social media providers who control and influence public debate by harming expression of reasonable conceptions of the good, those which routinely discriminate and deny opportunity, those which violate privacy, and other conceivable examples.
- Firms that are routinely contracted or integrated with state services
- Firms that provide public goods not provided elsewhere

To illustrate, a small tech firm that grows does not automatically have to become collectively owned. However, if this firm were to be contracted by the state to provide one service on a permanent basis, as it is now adhering to the norms of public duty and accountability, it must be collectively owned to ensure that it does operate purely on the basis of private owner's whims. To an extent, the barometer for collective ownership is based on externalities and the capacity for the service to provide domination to large firms. Larger firms that have thousands or millions of workers

must also share ownership with the workers in an equal and inalienable manner. In addition, there should be preventative measures against large firms, such as preventing state subsidy of large corporations, having progressive tax rates, antitrust measures, and other policies. Reducing giant companies and distributing ownership within larger firms prevents employer and manager domination over the workers but also of society.

Collective ownership could be done via a form of nationalisation of shares, which are divided among society meaning people can determine the activities of the industry, or community-based management and sharing on local levels. The use and nature of the good being provided will affect this. There is the challenge of whether or not the profit motive will still apply, the application of such a system in a present-day reality may inform this. For example, the use of natural resources in liberal socialism may be provided for free. However, if there are profits made by the sale and use of the goods, the profits must be divided not only among workers but society as a whole. The same consideration applies to those who sell data of users, as the cost-benefit must favour the users and society as a whole. The sale of data negatively harms persons, and if collectively owned then there is no concern for privacy and the sale of private data to other companies. While there will be regulations to protect privacy, there may still be cases of this practice taking place. Any industry that does collect data and sell it must be considerably restricted, but the profits must be shared with the users and those users provided a share in the company. Workers cannot trade their shares if allocated them, as it can undermine the very core commitment to preventing domination. While this may appear to be perfectionist, by coercing behaviour, the justification is that a large firm inherently, when privately owned with no democracy, leads to domination. Just as a person cannot sell themselves into slavery legally, nor sell their voting rights, they cannot exchange their right to co-ownership of large firms.

Other examples of how to manage collective ownership could be via a Wage Earner Fund, similar to that of Sweden in the 20th century. This was an approach to encourage economic democracy, wherein companies' profits would be taxed and put into a fund that could buy shares *collectively* for the workers.³¹ This would be sensitive to liberalism, and does not require dramatic or

³¹ Bengt Furåker, 'The Swedish Wage-Earner Funds and Economic Democracy: Is There Anything to Be Learned from Them?', *Transfer: European Review of Labour and Research* 22, no. 1 (February 2016): 121–32, <https://doi.org/10.1177/1024258915619310>.

state enforced collectivisation, rather, over time allows for the purchase of companies collectively by its own workers. There are many conceivable forms of managing collective ownership.

There is a reasonable concern encouraging collective ownership will undermine market incentives for large industries that can provide beneficial goods. However, there is no inherent limit to earning more income, as an industry will share its profits, but on an entirely equal basis. Workers and management will have a shared collective interest in increasing profits, but unlike in a property-owning democracy, there is no concentration of wealth to the owners, as it is collectively owned by the workers or society. Those large firms that have no tangible negative effects on others by the provision of their service can potentially have less strictness, with an unequal distribution of shares amongst workers only, for example. This way society does not regulate their acts but rather the workers, and there is space for trade-offs between workers. While all workers in large firms *must* be co-owners, how equal the distribution is depends on the nature of the firm. The restrictions on large firms prevent structural domination, as workers have a range of choices to choose from, and they are not forced to sell their labour only for income, as they can be co-owners of large industries. It also prevents domination of an elite in society by preventing concentration of wealth and power, as all profits are shared on a wider level and control and voice is distributed.

Medium firms, for example small franchises, businesses that have between 100 and 249 workers, are permitted to be privately owned, but must ensure worker voice is protected. This could be done via direct voting, or incorporating worker representatives onto boards to ensure a balance of worker, owner, and management interests. This ensures against worker domination; however, it allows workers to choose to engage in privately owned workplaces where they can earn high wages in exchange for workplace ownership. This ensures that there is opportunity for meaningful work, alongside a protection from workplace domination. Workers can acquire shares but it is not compulsory that any medium firm be co-owned. However, liberal socialism must provide a better-protected ability for workers to establish collective ownership and organise collectively within the workplace. In current existing capitalism there are many legal barriers to this, and a lack of institutional support, such as bank-based funding. With shared ownership of financial institutions and a guarantee to receive funding for collective ownership, this will not be an issue. Additionally, a

constitutionally protected right to collectively organise and have representation, whether done on the board or as a union, will assist in providing workers with the means to overcome domination,

Small and micro industries can be privately owned. This allows Amy to own her pup in a tub business and all those who consider ownership as part of their conception of the good. While workers who are in these small businesses are not guaranteed shares in the business, nor are they guaranteed voice, their legal right to join unions is protected, and will have various other worker rights, to prevent domination. Often, small industries can be quite ineffective and unable to realistically fulfil their obligations, failing to provide breaks, and are without the checks and balances that larger firms have even in present day capitalism. However, within a liberal socialist model, there will be proper guarantees of just background conditions, and the small businesses will be in a better financial position, allowing them to hire the correct number of workers to allocate proper breaks, holidays, and other legal requirements. Small industries may receive financial support from society, and they will not have to compete with the large-scale firms in the same manner in a liberal socialist system. Additionally, as workers now have a range of workplace arrangements to choose from, they are not indirectly coerced into accepting conditions they do not want in their workplace and can easily withdraw their labour.

9.2.4 Ethos

To ensure that persons act accordingly with the demands of justice, especially if private property is permissible, an ethos can act as a stabilising force. This is a key factor in distinguishing my framework as a form of liberal socialism, despite its considerable modifications. I argue that a key distinguishing feature and strength of liberal socialism, especially one that permits a degree of private ownership, is that it will be guided by a more egalitarian ethos than a property-owning democracy or market democracy. In addition, market mechanisms and private property can enhance an egalitarian ethos, rather than harm it. This in turn can ensure stability and the adherence of the principles of justice. I argue that while some claim that to ensure justice a stringent ethos must be fostered and followed, a society that has robust market mechanism actually will better foster an ethos of reciprocity, cooperation, and mutual interest. This is counter to the typical egalitarian view. I then claim that if we consider this alongside a society that provides real opportunity for meaningful work, and protects rather than mandates workers' voice and their ability to co-own property, a truly

egalitarian ethos will emerge. This ethos can ensure stability within society and ensure against overt self-interest, however, unlike the typical egalitarian view, does not require the enforcement of an ethos, and unlike Rawls' view, recognises the importance of a 'fuller' ethos.

I define ethos as a set of values and guiding principles, which filter down into the society at large, providing a set of principles that motivates individuals.³² Cohen developed the conception of an ethos, arguing that within a Rawlsian system, to overcome inequalities, there would need to be a more demanding ethos to guide persons that would interfere with individual lives.³³ I reject this view, arguing that it would undermine the core demand of anti-perfectionism. However, I accept that an ethos is a set of principles that a person will be motivated by, incorporated into their conception of the good, and an ethos is a product of a just society. I accept that Cohen is correct to say that an ethos is important and an aspect of stability, however, I reject both positions that the state must promote such an ethos, and/or that a strictly socialist framework, Cohen's preferred model, is necessary to foster such an egalitarian ethos.

It is important to stress that the principles of justice, and an ethos that guide society, are not equivalent to principles that apply to individuals. Rawls claims that

The principles of justice for institutions must not be confused with the principles which apply to individuals and their actions in particular circumstances. These two kinds of principles apply to different subjects and must be discussed separately.³⁴

An individual may act in accordance with the difference principle; however, the difference principle is regarding society's structure.³⁵ Persons are motivated by and act in accordance to the principles of justice because of the reciprocity and the sense of justice.³⁶ On this Rawls claims:

³² Titelbaum, Michael G. "What Would a Rawlsian Ethos of Justice Look Like?" *Philosophy & Public Affairs* 36, no. 3 (2008): 289–322. <https://doi.org/10.1111/j.1088-4963.2008.00140.x>. p304

³³ Cohen, G. A. *Rescuing Justice and Equality*. Cambridge, Mass: Harvard University Press, 2008.

³⁴ Rawls, *Theory of Justice*, p47

³⁵ Titelbaum, "What Would a Rawlsian Ethos of Justice Look Like," p293

³⁶ Jenkins, David. "An Ethos for (In)Justice," *Social Theory and Practice* 41, no. 2 (2015): 185–206. p188

First, we are to comply with and to do our share in just institutions when they exist and apply to us; and second, we are to assist in the establishment of just arrangements when they do not exist, at least when this can be done with little cost to ourselves.³⁷

A person first complies with the principles of justice, and then they assist within society to ensure just arrangements.³⁸ This can be understood as incorporating what we can describe as resembling an ethos, however, it is not purely because of the principles of justice, rather it is from the sense of justice. From Rawls' position, an ethos is not essential. Persons will not want to improve their material wellbeing at the expense of others, because in a just system, in accordance with the difference principle, persons will act accordingly with the principles of justice. Rawls claims:

The difference principle[...]does seem to correspond to a natural meaning of fraternity: namely, to the idea of not wanting to have greater advantages unless this is to the benefit of others who are less well off. The family, in its ideal conception and often in practice, is one place where the principle of maximizing the sum of advantages is rejected. Members of a family commonly do not wish to gain unless they can do so in ways that further the interests of the rest. Now wanting to act on the difference principle has precisely this consequence. Those better circumstanced are willing to have their greater advantages only under a scheme in which this works out for the benefit of the less fortunate.³⁹

Rawls envisions the just society fostering this sense of fraternity, and in this case, the state need not enforce an ethos, rather, as I argue, it will naturally develop. Just as persons affirm the basic liberties on the basis that they provide the conditions that guarantee the development and exercise of the moral powers, citizens will affirm the liberal socialist model and the form it takes to ensure the development and exercise of the moral powers.⁴⁰ A person will choose the liberty of conscience behind the veil of ignorance, because it affords them the ability to develop their own conception of the good, and will respect another's freedom to do so, even if they disagree with their conception

³⁷ Rawls, *Theory of Justice*, pp293-294

³⁸ Jenkins, "An Ethos for (In)Justice," p188

³⁹ Rawls, *Justice as Fairness: A Restatement*, p90

⁴⁰ *Ibid*, p156

of the good. Likewise, a person will affirm the core aspects of liberal socialism, precisely because they allow for the development and exercise of the moral powers.

Rawls believes that citizens would operate under the principles of justice, but it could be the case that the demands for adhering this are stronger than Rawls recognised, with more egalitarian wages, for example.⁴¹ For the people to actively make decisions not based on self-interest, but that of society, they would perhaps need a stronger ethos to guide them than is found in Rawls. Or, as Cohen claims, would demand a much more radically egalitarian society.⁴² This would raise a tension between the demand of protecting the private lives of the citizens and ensuring people operate with reciprocity and a general sense of justice.

It may reasonably be claimed that a citizen will merely not adhere to such an ethos, they may well benefit from the society but have no interest in maintaining it, especially in non-ideal conditions. However, just as citizens affirm the principles of justice on the basis of reciprocity, they will affirm the broader economic arrangements of the society they are in on this basis. A person has an interest in the principles of justice being adhered to and assisting with them, as it affords them the ability to pursue and revise their conception of the good. Those who do reject this and do not adhere to the principles may exist, however, this can be understood as being “unreasonable”. It may be replied that in non-ideal conditions, it may be understood as “rational” to reject these demands. A person may have to put their interest first merely to survive or provide for their family. A person may have no time to contribute to a just society, and make decisions with the principles of justice in mind, for example. This could require more state enforcement of an ethos or, a more socialistic society without the inequalities that Rawls permits, where it is no longer rational to reject the demands of justice.

It can be argued that for a Rawlsian framework to work, with these considerations taken into account, it must endorse a *full* individual ethos to ensure stability and reciprocity.⁴³ A full individual ethos would be an ethos that a person incorporates fully into their life, and guides all their decisions. This full ethos is needed because, from one perspective, liberalism does not demand that citizens

⁴¹ Holt, Justin, P. “The Limits of an Egalitarian Ethos: G. A. Cohen’s Critique of Rawlsian Liberalism,” *Science & Society* 75, no. 2 (2011): 236–61. p244

⁴² Cohen, *Rescuing Justice and Equality*

⁴³ Titelbaum, “What Would a Rawlsian Ethos of Justice Look Like,” p295

affirm an egalitarian ethos in their lives, but rather submit to the institutions, which is insufficient to ensure justice.⁴⁴ This may reveal a tension between the ensuring egalitarianism with the principles of justice, in that it effectively demands that the state interferes with conceptions of the good by enforcing a full ethos.⁴⁵ The tension can be understood as follows. Either, an ethos is not required to ensure that persons act in accordance with justice, this is the typical Rawlsian position, however, persons may not act in a manner which upholds justice and equality, or a strong ethos may be required to ensure that persons act in accordance with the demands of justice, potentially interfering with a person's conception of the good. I reject this dichotomy. I argue that an ethos, fuller than what Rawls discusses, is important, however, it will develop if, and only if, we ensure that there are strong market mechanisms within a just system, along with just institutions and protection of worker's ability to participate in the workplace and own property. I explain why now.

Socialists such as Cohen presume that within a socialist utopia, people will act in accordance with a more egalitarian ethos.⁴⁶ This makes the assumption that within capitalism people are selfish, putting themselves above others, and that a capitalist society will therefore promote this. This will also happen under a Rawlsian system, as we 'can't expect an ethos of egalitarianism to arise when the fundamental social relations do not', meaning with inequalities, people will not act in accordance with justice.⁴⁷ It is on this basis that he rejects the Rawlsian view and proposes an ethos, and claims the inequalities within Rawls are too much, which would lead to instability, at least unless people adopt a stronger ethos. I reject this view because in reality, market-based systems have actually fostered more egalitarian and stabilising values than socialist or communitarian societies. In various studies, when people were given thought experiments to judge people's ability to consider the interests of others, market-based economies actually scored higher on people making the decisions that benefitted others.⁴⁸ Other studies indicate market economies lead to more trusting societies as well.⁴⁹ This is because, in a market exchange, the transactions are inherently aimed at benefiting

⁴⁴ Holt, "The Limits of an Egalitarian Ethos," p246, Cohen, *Rescuing Justice and Equality*

⁴⁵ Titelbaum, "What Would a Rawlsian Ethos of Justice Look Like," pp315-316

⁴⁶ Cohen, G. A. *If You're an Egalitarian, How Come You're so Rich?* Cambridge, Mass: Harvard University Press, 2000. ch8; Cohen, G. A. *Why Not Socialism?* Princeton: Princeton University Press, 2009.

⁴⁷ Holt, "The Limits of an Egalitarian Ethos," p252

⁴⁸ Zak, Paul J., ed. *Moral Markets: The Critical Role of Values in the Economy*. Princeton: Princeton University Press, 2008.

⁴⁹ Zak, Paul J., and Stephen Knack. "Trust and Growth," *The Economic Journal* 111, no. 470 (2001): 295–321. <https://doi.org/10.1111/1468-0297.00609>.

others.⁵⁰ One does not make a trade if neither party benefits, for the most part. Arguably, we see transactions where people have no choice, and this is not to claim that all transactions with capitalism are just, as many can arguably be exploitative, be out of necessity, etc. However, it is reasonable to identify that market economies can, both theoretically and in reality, better foster egalitarian attitudes.

It is important to clarify, this is not a defence of currently existing capitalism nor an ideal capitalism with little to no regulations or economic interference. The emphasis is that market exchanges of goods lead to stronger support for mutually beneficial exchanges. This does not inherently support much more than market mechanisms, and a permissiveness for a degree of private ownership of property. The latter is on the basis that in order to have a vibrant market, there would need to be a range of options regarding ownership and outputs of goods. The stronger case for private ownership I have already made is that it ensures a range of options of ownership-based conceptions of the good and opportunity for meaningful work. There is nothing inherently incompatible with supporting worker voice, a strong social minimum, and co-ownership within market exchanges.

If market economies foster egalitarian attitudes and an egalitarian ethos, Cohen's argument fails. We can accept an ethos is necessary to be upheld by individuals, in order to ensure the stability of society. However, I reject the view that having market exchanges and inequalities means that the ethos must be full. Rather, I argue that if a political framework ensures a degree of respect for property rights to a limited extent, and more importantly protects market allocations of goods, the society will better foster an egalitarian ethos. The role of the state or society to promote a full ethos on those who live "unreasonably" or wish to pursue wealth or ownership is not necessary, rather, it would harm the egalitarian ethos. This is not a significant departure from Rawls who claimed that people will accept the principle of publicity, in that they will affirm the principles of justice in their conception of the good, because it offers them the ability to pursue their conception of the good and creates stability.

⁵⁰ Brennan, *Why Not Capitalism*, ch3

9.2.5 Summary of the Case for Modified Liberal Socialism

I have advocated that a property-owning democracy is insufficient to achieve justice. I argued instead that a form of liberal socialism would be better equipped to do so. This may appear to contradict the claim that markets and property are *beneficial* for stability and egalitarianism. However, there is no contradiction. I have consistently argued that mandating workplace democracy or common ownership would violate neutrality and anti-perfectionist principles. It is due to this, as well as the justification of an ethos, that an ideal framework must leave room for market mechanisms and private ownership of *some* property. Additionally, because the framework I have advocated for, a modified version of liberal socialism, will better equip workers to establish co-owned property, and ensure their voice in society is protected, they also will develop a respect for others' conceptions of the good, as they have a full range of options, and will feel self-respect in their choice of meaningful work. In turn persons will better develop a stronger sense of ethos which stabilises society. Any person can feel that their potential life plan is achievable, and works for the benefit of others, whether via market transactions or from solidarity among fellow workers. As the society would value the worker's right to collectively bargain, and to collectively own property, they will find a common interest with their workers. Those who own property, or wish to, operate with the intention of mutual benefit. Rather than enabling stark inequalities and rational self-interest, the just society would encourage persons to act in accordance with justice, regardless of the nature of their work. Both the market mechanisms and the institutional support for worker's collective rights, would foster a sense of ethos that may go beyond what Rawls expected, without the need for a political framework as advocated by Cohen.

9.3 The Role of Economic Liberty and Property Ownership in Modified Liberal Socialism

I have been discussing the issues related to economic liberty, particularly in relation to property ownership, and here I outline their proper role within the form of modified liberal socialism I have argued for. Fundamentally, economic ownership is not a basic liberty, in either form. Meaning, workers collectively own certain property, but private property is permissible, yet private owners are restricted to ensure worker voice and capacity to collectively own in certain instances. In addition, this means that owners will pay taxes to pay for a social minimum, and will encounter regulations.

The core aspect of this framework is that private and collective ownership are permissible, although they face certain requirements and restrictions, as well as efforts to promote individuals pursuing their work and ownership-based conceptions of the good. The liberal socialist model I advocate for includes market allocation of goods, and that the conception of the good to own smaller industries relatively unimpeded is acceptable; however, it is not equivalent for large industries. This puts more restrictions on larger industries and more demands towards worker ownership and voice.

There must be a strong market mechanism, however. Market exchanges are mutually beneficial, and this means trade on a global level should be encouraged. Individuals can be private contractors if they wish, however, there should be a range of options for them to choose from. Without such a range their ability to determine and pursue meaningful work is undermined, and they can enter positions of structural domination. This could open up possibilities for companies to hire contractors, however, larger scale companies will still face restrictions on concentrated ownership and ensure voice to their hired permanent workers.

In essence, my ideal version of liberal socialism offers more flexibility than Rawls and recognises the intrinsic value of those who wish to own property as a reasonable conception of the good. There are also tangible economic benefits from such a society. Nonetheless, unlike a market democracy, or property-owning democracy, there is institutional support for co-ownership, worker voice, and limits on concentrations of wealth for certain companies. The society must develop its own interpretation of this principle to best satisfy the principles of justice, provide the opportunity for meaningful work, and to offset domination, both within the workplace and structurally.

9.3.1 Is the AI Question Resolved?

The main challenge for AI was that profit motive tends towards dominative and alienating use of artificial intelligence, or effectively capitalism.⁵¹ In a property-owning democracy, I argued that the widespread private ownership of productive property would not sufficiently address the matter and people would still be dominated and alienated by AI. However, in the liberal socialist model by restraining large firms, and providing a more robust range of options, and a social

⁵¹ Morozov, Evgeny. "Digital Socialism?" *New Left Review*, no. 116/117 (May 24, 2019): 33–67. p66

minimum, the issue is better addressed. In the previous chapter, I outlined that there must be regulations to protect user privacy, real choice in workplaces, and worker input into the use of artificial intelligence. Each of these would be part of any just framework that I outlined.

Any firm that was to use AI with the motivation of profit would only be entered into voluntarily, because the background conditions are suitably just, and there is a range of choice to choose from, so it is not out of necessity. The benefit of this is that any trade-off in the name of higher profit is fully chosen by the worker, not a choice enforced upon them. Rather than workers taking jobs in companies where AI can spy on them, or alienate them from their labour, just in order to have any job, workers have a range of options and would actively want such employment.

Importantly, the large firms would be motivated by the interests of their workers and society at large. This is because either the firms are themselves co-owned, or, because of the guiding ethos within liberal socialism would motivate them on the basis of justice, not on profit. While I permit some companies may exist and be privately owned, the influence of the workers and society through sharing ownership and voice will constrain their capacity to alienate and dominate. Workers would have a say in key processes in firms, so no one group or individuals, whether owners or workers, can implement the use of AI or other tech for their own benefit in large firms. This means that even with the permission of some private ownership of property, because of the constitutional and institutional protection of workers and collective rights, unlike in a property-owning democracy, the use of AI is not as prevalent. Giant tech firms, would either not exist, would be co-owned, and could have the input of society, particularly in instances such as data acquisition and in matters of freedom of speech, as the firms are unaccountable and powerful if privately owned and unchecked, and have a notable effect on others.

To reiterate claims from the previous chapter, regulations would be encouraged to prevent user data privacy violations, and any which have externalities regarding user data, would have to redistribute profits via taxation. This would reduce the capacity to violate privacy, and provide compensation. This would be present in any model, as outlined in the previous chapter. Additionally, with the range of economic choices available, workers would only enter dominative positions if they prefer. They are not compelled to enter into dominative workplaces. This can allow for the use of technologies for efficiency and other benefits, without the risk of structural domination. In addition,

every framework has a generous social minimum, to ensure against labour polarisation and starker inequalities, while allowing for the use of AI to harness its benefits.

These points relate to the idea of ethos. I explained that within my preferred framework of modified liberal socialism, there would be an egalitarian ethos that develops as a result of its institutions and the market economy. This will be internalised and persons will, to an extent, be motivated to respect the workers and society at large, and because the market mechanisms would encourage trusting and mutually beneficial attitudes. If workers generally have a say and/or shares in a workplace, their interests may still be profit, however, there will be less use of technology to alienate and dominate the workers as the workers will have to agree to such a use of technology. The intentions would be generally different than in present-day capitalism, as while efficiency and productivity are important, the elevation of workers and society over shareholders and profits alone would change the intentions.

Effectively, if AI is associated with the society at large, the economic system, and the intentions of the designer, a society that better satisfies justice, and encourages an egalitarian ethos, will encourage AI not to be used for profit, but rather, for the good of fellow citizens. Designers are motivated better by an egalitarian ethos, even with the market mechanisms, and the economic background of a broadly socialist system which does not prioritise private owners of capital and the profit motive. Any small and medium industry which is motivated by profit is still constrained in scale, so they cannot undermine the core principle of justice within liberal socialism, in general, but also via the use of AI. Workers can leave if they feel dominated or alienated and they have choices in terms of the work arrangement they desire.

9.4 Models of Modified Liberal Socialism

I outlined the importance of large firm shared ownership within liberal socialism but accepted there may be variation as to how this is achieved. I also accept other policies may be necessary to provide just background conditions, acceptable inequalities, and protection of basic rights and liberties. I now outline different potential models which will vary on certain aspects, particularly how co-ownership and workplace democracy will manifest, and the extent of the shared ownership.

One model I call libertarian market socialism. This society would not have a central state and would focus on grassroots, communal and worker-led ownership and governance. Societies would collectively determine certain productive property's use, while the distribution will work on a market basis. Workers own other industries collectively, almost exclusively, and only small individual enterprises would most likely be privately owned if at all. Wealth sharing would work through the ownership of the means of production, and wealth would not concentrate. This can be understood as drawing from Mill's firm sharing ideals within a market society, and also from the market anarchist school of thought as espoused by Benjamin Tucker, as there is a minimal state but also a thoroughly egalitarian economy.⁵²

This is possibly the least realistic model in current circumstances, as it is unclear how likely it would be to transform to such a society without strong state action to redistribute the property of medium and large firms to the workers. However, there is a reasonable method which would not violate liberal principle in that society members could be given the means to collectively purchase property, with laws on ownership amounts, and workers are given shares in their industries, similar to Wage Earner Funds. This would then reduce the need for the state to manage the economic arrangement, and allow for more spontaneity. However, unlike in a typical libertarian minimal state arrangement, the society would aim to ensure against monopolies as all parties have a collective say and it would not be in their self-interest, nor that of the principles of justice. The benefit of such a system is that it alleviates both imperium, as there is no central state, but also dominium as no elite can emerge, and it would also allow for free market exchanges to take place between equals.

Another approach I call property-sharing democracy. This is the closest to a property-owning democracy or certain forms of social democracy, but with stronger mandates in favour of co-ownership and workplace democracy. This is reminiscent of Schweickart's Property-Owning Democracy plus, or Hussain's model of Property-Owning Democracy, where there is greater involvement of workers and owners in society.⁵³ There is a state which owns certain natural resources, and shares wealth via taxation. People can vote on the use of those owned industries via

⁵² Mill, *Principles of Political Economy*; Madison, Charles A., ed. *Critics and Crusaders: Political Economy and The American Quest for Freedom*. 1st ed. Routledge, 2018. pp193–212.

⁵³ Schweickart, "Property-Owning Democracy or Economic Democracy?"; Hussain, Waheed. "Nurturing the Sense of Justice: The Rawlsian Argument for Democratic Corporatism," In *Property-Owning Democracy*, edited by Martin O'Neill and Thad Williamson, 1st ed., 180–200. Wiley, 2012.

shares. Other industries are co-owned via allocation of shares to the workers and in cases of industries with externalities, society. Workers also have a right to unionise and representation, but they can use it as they choose. Other industries are not mandated to be collectively owned, but they are financially backed if they choose to do so, and privately owned businesses have to share a higher proportion of profits with their workers and medium-sized ones have to ensure some representation is established, but this can be on the board like in the German model. Shares in industries still have to be more evenly distributed than in present day capitalism, with constraints on percentages, to allocate widespread and even ownership. There is a strong welfare state to provide certain goods and a basic income could be an option to provide workers with the right to exit and contest and not be subjugated to structural domination. It is the most statist and closes to capitalism of the models.

The biggest challenge of this model is that it may appear to face the same issues a property-owning democracy can, in that there are still some private industries, and a state to regulate matters of exchange, leading to more authoritarianism. However, unlike a property-owning democracy, there are stringent legal constraints on the private ownership, and it will work alongside other egalitarian demands such as predistribution, welfare, and worker voice, which ensures an institutional and constitutional protection from domination. The state, while regulating economic matters, does not have to manage each and every exchange, as the rules regarding what is justifiably owned privately or collectively are clear and effective. A property-owning democracy has to manage each transaction to ensure that it does not violate the principles of justice, but the industries are privately owned. Because there is clear guidance on private or collectively owned industries at the initial stage, the state does not have to regulate to the same degree, rather, it is merely impossible for individuals to unjustly acquire property. The main benefit of such a system is that from the present-day situation, it is most the achievable transition, as there is no need to entirely abolish a central state nor private firms, rather an institutionalisation of share ownership, workplace democracy, and redistribution, policies of this kind have existed even in flawed social democratic and capitalist countries.

A different approach is what I will refer to as left libertarian welfare state. This closely resembles the left-libertarianism of Steiner, Vallentyne and Van Parijs.⁵⁴ Natural resources cannot be privately owned, nor can other areas which have detrimental effects on others. Income from work is redistributed via a strong basic income, which in turn ensures against structural and inter-work domination. To also alleviate domination, workers in medium and large firms have a right to contest, a right to unionise and collectively bargain and more. As they have a basic income their secure right to exit is protected, and people can form collective-owned businesses without the threat of profitability, as a basic income provides enough to cover all needs for them. Other industries can be privately owned, but they will be taxed considerably for their profits.

The biggest concern in this framework is that it may lead to a form of state domination, as members of society are dependent on the basic income, however, they are still free to pursue additional economic ventures and engage in unpaid labour for other benefits. There is also the issue of the free rider problem. People may decide not to engage in labour, preferring to surf all day, or to sit at home, instead of contributing to society in any form. However, because there are the guiding principles of justice within society citizens should reciprocate and respect one another. This may not necessarily come in the form of paid labour, yet they may contribute in other forms of work, which I argued are not equivalent concepts. This is because they will recognise the society which affords them freedom and support to live in accordance with their conception of the good is one which requires some reciprocal act. Therefore, they will be motivated to help others in some capacity. Humans always engage in forms of work and the basic income rewards this labour which is not typically paid in a capitalist system. This may permit them to volunteer, take care of relatives, and contribute with creativity, so they are not necessarily free riders. Effectively, Rawls is concerned with the free rider problem, without recognising that while some may wish to surf all day, with an excess amount of leisure, others who wish not to work may engage in domestic labour, volunteering, caring, or other pursuits, and receive support from the state to do so, which contributes positively towards society.⁵⁵ The basic income does not have to be *entirely* unconditional, as those recipients may need

⁵⁴ Vallentyne, Peter, and Hillel Steiner, eds. *Left-Libertarianism and Its Critics: The Contemporary Debate*. Basingstoke: Palgrave, 2000.

⁵⁵ Van Parijs, *Why Surfers Should be Fed*

to declare what they contribute. This can be similar to the use of land in Israel to prevent land being vacant. Persons must contribute in some form; it just may not be paid labour.

These three models are not concrete proposals, and different aspects can be incorporated within each other, or certain aspects abandoned to work within the realistic applicability of such a framework. However, it indicates that liberal socialism can be implemented in a way that is sensitive to the demands of those who wish to own property while ensuring against domination and that there may be different approaches with their own challenges or benefits. Each of these models provides a solution to balance the demands of justice, ensure the ability to pursue meaningful work, and offset domination in all its forms, all while respecting a range of conceptions of the good. Effectively, each can assist in ensuring the development and exercise of the moral powers more so than Tomasi or Rawls' typical frameworks.

9.4.1 Why Not Capitalism?

Could there be a space for a less socialist model to fulfil justice? I accept this is possible. I develop now a model I call Social Market Democracy, which is more enthusiastic in its embrace of capitalism, while still retaining commitments to overcome the issues of both a market democracy and property-owning democracy.

This would be a firmly marketised economy, with a degree of respect for worker rights and the ability to co-own property, with less firm mandates, to allow for a flourishing of markets and private property rights. This could be justifiable on the basis of the potential utopian benefits of market exchanges and private property. What would render it a form of liberal socialism, however, is that there would still be some dispersal of property in certain firms with major externalities. For example, oil companies would have to provide each person or each worker with a share, so that every individual can be an entrepreneur. These shares can be exchanged for other shares, based on the decisions of preference, while there would be limits on concentrated ownership. However, companies with fewer externalities would face fewer restrictions than in other models regarding ownership. Large firms would still have to ensure voice to the workers, so that major decisions which impact them and society are not made merely by shareholders or executives, to ensure that they are in the interests of society. In addition, a portion of shares in large companies would be

mandatorily shared (though not necessarily all) to ensure against excessive inequalities as found within welfare state capitalism. Workers who wish to co-own property can receive government loans, however, private industries would still flourish more so than others. The main difference between this and any usual capitalist model is that there are still conditions to offset domination and preventing excessive inequality. A basic income would be provided to all from high taxation, to ensure workers can comfortably exit industries and roles, and establish themselves as private traders. Essentially, this is a system that permits private trade, markets, and essentially capitalism, while providing workers with a voice in larger companies, and distributing ownership to all in larger companies, which cannot be exchanged totally, to ensure that they are sufficiently democratically controlled.

There would be challenges to such a model, namely how to prevent unacceptable inequalities if growth is more wide scale. However, I reiterate, these are ideal frameworks to aim towards, as opposed to complete exclusive lists of policies. All of which better suited, even based on non-ideal conditions, than property-owning democracy and market democracy. In ideal conditions, this could be achievable and be part of the way to achieve a capitalist utopia that Brennan advocates for.⁵⁶ It merely ensures the workers' ability to develop and exercise the moral powers is protected. In some sense, it is very realistic as a program to pursue from present-day capitalism, as governments will demand shares be allocated from larger companies to workers and/or society. There would be established rules to provide loans to workers, and union rights and democratic procedures, which were once norms in many capitalist economies, are to be re-established and emboldened in relation to the present-day conditions.

9.5 Conclusion

I have established that a significantly modified liberal socialism could be sensitive to the demands of anti-perfectionism and neutrality and ensure the development and exercise the development of the moral powers. Within this model, a thin conception of economic liberty is protected wherein private property ownership is permissible alongside strong protections of worker's voice and a protected ability to co-own property to offset all forms of domination and to

⁵⁶ Brennan, *Why Not Capitalism*

provide real opportunity for meaningful work. It can also ensure against unacceptable inequalities better than a property-owning democracy. Liberal socialism must be adapted and developed to account for a wide range of competing conceptions of the good, and I have aimed to do so with my discussion of the importance of distinguishing between different forms of property, arguing the importance of collective input in large firms, and allowing for the private ownership of medium and small firms, while still ensuring that worker voice is protected on an institutional level.

I have developed a form of liberal socialism that is accommodating of a range of conceptions of the good, while overcoming many of the issues that a property-owning democracy can face. It is a departure from the typical Rawlsian understanding of liberal socialism, but I consider it a development of the thought updated for the current economic realities, and a more necessary, and achievable, framework than a property-owning democracy. It better offsets the issues found in Tomasi's market democracy, and present-day capitalism, which also threaten property-owning democracy, by providing a range of conceptions of the good, protecting the opportunity for meaningful work, preventing domination whether in the workplace, via the state, structurally, or through artificial intelligence and generally is most conducive to ensuring the development and exercise of the moral powers. I depart from the typical liberal socialist models by permitting private ownership of some property and by encouraging market allocation of goods more so. However, every model still maintains a firmly egalitarian characteristic in protecting workers from excessive inequalities and domination and the framework will also encourage an ethos of egalitarianism.

This conclusion for a significantly modified form of liberal socialism allows us to understand the proper role of economic liberty and property ownership in relation to the moral powers. Essentially, property ownership should be permissible with certain guarantees and institutional support for worker voice and capacity to collectively acquire property. In addition, larger companies and certain resources may not be permissibly privately owned, as it can facilitate inequality, structural domination, and internal domination. This effectively shows that Tomasi's position, and the typical Rawlsian positions, both fail to ensure the development of the moral powers with their approach to property ownership, and an alternative that I developed may be more sufficient. Private property ownership can benefit the moral powers, as can *some* economic liberty, however, private property ownership can harm the moral powers due to the restrictions on the capacity to define and pursue meaningful work, and by facilitating domination internally and structurally, because it

undermines worker voice and capacity to own property collectively, which are likewise crucial for the capacity to not only define meaningful work but also to pursue one's conception of the good. To ensure people can pursue their own conceptions of the good, a real range of options *must* be available, and neither Rawls' nor Tomasi secure this range of options. This warrants a thin conception of economic liberty, which is "thicker" than a typical liberal socialist model, in order to best secure the conditions for the development of the moral powers.

Chapter 10 — Conclusion

To conclude the fundamental question that my thesis engages with, as in the proper role of economic liberty, the answer is that private ownership of productive property should not be basic, but there is some space for some private ownership and thin economic liberty in order to best secure the conditions that develop the moral powers. However, this private ownership must be balanced with the capacity to collectively own property and to ensure against domination via the protection of worker voice, in addition to a strong social minimum. These balances can ensure that all reasonable persons can accept the justifications, have adequate opportunity, work without domination, develop and pursue their own conception of meaningful work, and ultimately, develop and exercise the moral powers.

When we examine the argument to make the thick economic liberties basic, as in, to provide a strong protection of the ownership and use of private property, removing collective negotiations, limiting taxation and redistribution via welfare or other means, and deregulating, it is apparent that it fails. It fails due to the harm it would cause to the development and exercise of the moral powers, and because it would not be acceptable to all reasonable persons as a result, meaning, it fails the requirements of political liberalism and the moral powers test. It harms the moral powers by preferring a narrow range of conceptions of the good, at the expense of many others, namely, non-business ownership related conceptions of the good. It undermines workers' capacity to find meaningful work, opportunity by limiting welfare, and places workers into a position of domination, from employers, management, and their use of new technologies, and also on a structural level. In addition, inequalities will proliferate, as will work polarisation due to new technologies, harming the other crucial basic liberties and opportunity in general. The protection of the thick economic liberties would not be acceptable to all, due to the harm inflicted on the capacity to pursue one's conception of both meaningful work and the good life.

However, I have argued that the problems with the justification to include the thick economic liberties in the scheme of basic liberties raises particular concerns with the standard Rawlsian position. The issues are that Rawls' promotes an overly narrow conception of meaningful work, which also would not be acceptable to all reasonable persons, and that the typical Rawlsian frameworks of property-owning democracy and liberal socialism fail to be acceptable to all. The

former allows for domination and inequality, and the latter would forbid those who wish to pursue private business ownership, even on a small scale.

Regarding meaningful work, both Tomasi and Rawls fail to recognise that all individuals will develop their own conception of meaningful work, which factors into their conception of the good. A political framework must be neutral regarding meaningful work's definition, and a just society must ensure persons can define their conception of meaningful work and pursue it. To do so, this society must ensure a range of work and ownership options are available. In addition, they must not be in positions of domination, whether they come from employers, managers, new technologies such as artificial intelligence, or structurally. I do, however, accept the necessity of permitting trade-offs, so long as there are real options to ensure workers are not dominated, as some workers may prefer traditionally hierarchical workplaces and "menial" labour.

The property-owning democracy framework especially fails to address the concerns regarding domination, by permitting private property while failing to adequately protect worker voice and common ownership. It also fails to offset precariousness which will result from the polarisation of labour which occurs with the proliferation of automation and new technologies. However, the liberal socialist model also fails to provide a range of options available to all persons in their pursuit of meaningful work and the good.

I therefore concluded that a just society is one in which private property ownership is permissible with particular caveats, and market distribution is the norm. These caveats are that small scale business ownership is permissible, and even medium and large scale depending upon the nature of the business. However, privately owned medium and larger scale businesses must ensure worker voice, though how it does so may vary. Other industries ought to be collectively owned or workplace democracies at least, depending on their size and nature. Collective ownership and workplace democracies should be encouraged by institutions, to ensure a range of choices in work are available. An egalitarian ethos will also develop in such a framework which simultaneously protects worker owned property and worker voice, while promoting market mechanisms and exchange, which leads to more egalitarian attitudes among society.

The discussion of just property ownership, worker voice, and what sort of role a state must play in a just society is longstanding and will continue. However, what I offered to the discussion is

a thoroughly political liberal response to the broadly libertarian position that the strong protection of private property ownership is conducive to the ability for people to pursue their ends which differs from the typical position of political liberals, by drawing simultaneously from a republican and socialist defence of worker voice and co-ownership, but also a sympathy to the conception of owning private property. I have illustrated that the protection of thick economic liberties is actively harmful to the moral powers' development, and while that argument is not unique, I incorporated concerns for meaningful work and domination in relation to the moral powers, which has been an overlooked link. I also offered a more consistently political liberal response to the Rawlsian frameworks and conceptualisation of meaningful work. I brought in a critique of Rawls' idea of meaningful work which has not been established from an anti-perfectionist position, and this allowed me to develop an alternative type of framework adhering to the political liberal principles. Furthermore, by illustrating issues of work, especially in relation to artificial intelligence, I demonstrated novel issues facing anyone concerned with justice and freedom within the workplace, and wider capitalist, and non-capitalist, economies. I utilised disparate issues: property ownership, worker voice, economic justice, meaningful work, domination, and artificial intelligence, together in relation to the moral powers. This allowed me to develop the sort of frameworks that political liberals, though also arguably republicans, socialists, and even some libertarians, should develop and support, in order to find a framework that is actually acceptable to all reasonable conceptions of the good and secures a real range of choices in relation work and conceptions of the good. This requires a distinct approach to property ownership and economic liberty from both the 'bleeding heart libertarian' position of Tomasi and the typical Rawlsian view, which permits a degree of economic liberty with an acceptance of private property ownership and recognises its value to conceptions of the good while recognising that the capacity for both collective ownership and worker voice, both of which can conflict with private ownership, are also crucial to ensure that people can pursue their conception of the good. Economic liberty must be thin, to best develop the moral powers, but still present, although workers must have rights to voice, to co-own property, and wealth redistributed, to ensure that all individuals can pursue their own conception not only of meaningful work but of the good life.

Tomasi called his framework 'social justice, American style', as it supposedly achieves social justice with a respect for economic freedom.¹ My framework advocates for a strong degree of welfare and worker rights, alongside markets, to ensure people can pursue their own ends, which can be understood as freedom. I call my framework economic freedom, European style.

¹ Tomasi, *Free Market Fairness*, p272

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