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Who Is the Caregiver in Kant's Theory of Labour? Examining Social Domination in Classical German Philosophy

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Abstract

This article addresses Kant's account of domestic labour from the standpoint of social philosophy. First, I examine the case of the domestic household servant as a paradigm of the legal legitimization of social domination in Kant's legal philosophy. Second, I explore the intersectionality of gender, race, and class in the outsourcing of care tasks available to wealthy European women in Kant's theory of labour. Third, I bring Kant's theory into a critical dialogue with some contemporary challenges of a democratic and equal society. Finally, I draw some conclusions about concrete forms of intersectional domination and exploitation underpinning Kant's republicanism, before proposing that they are clearly inconsistent, insofar as they exclude large groups of people from the republican demos, even if they essentially contribute to its social reproduction.

Keywords: Kant; labour relations; republicanism; domestic servant; citizenship; social oppression; domination; intersectionality

1. Introduction¹

As an emergent line of Kant's interpreters increasingly stresses (Pascoe 2022 and 2024a, Basevich 2022, and Williams 2024),² to endeavour a systematic approach to Kant's theory of labour, we need to integrate historical exploration with the analysis of the processes through which domination and disadvantage are iterated and legitimated in a concrete commonwealth (Collins and Bilge 2016, Crenshaw 2014). Such an approach will reveal, for instance, the role that social class, gender, and race played in the maintenance of wealthy families in Kant's time, as racialized people,³ lower-class men and women, and European peasantry were charged with care tasks allowing the head of the household to partake as an active agent in the commonwealth (Pascoe 2015: 347). Moreover, an intersectional standpoint will also spotlight other key features of social domination and exploitation that stemmed from the supply-and-demand dynamics of the workforce in 18th-century Prussia. In the wake of the rebuke that Marx (1843/1978), Mills (2017), and Du Bois (2007) addressed

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towards the allegedly neutral and liberal *demos*, Kant's linking of work performance with civil status should be highlighted and criticized from the standpoint of a democratic theory of politics. In this light, Kant's toleration of the social division of the population into subjects endowed with civil self-sufficiency and people unable to meet this condition due to their gender, age, or lack of property ownership (see *RL* §46) entails blatant analogies with the structural exclusion of some biological, cultural, or ethnic groups (women, Jews, Blacks, etc.) from the recognition of basic rights in past and contemporary societies.

Furthermore, I consider that the enlargement of civil participation that the above-mentioned authors – Marx, Mills, Du Bois – advocate to foster social emancipation is helpful for reframing some of the normative claims of Kant's legal and political philosophy. Thus, this article aims to determine whether Kant's theory of labour, as a historical source of the intertwining of labour performance and civil position, can still inspire a contemporary philosophy of work, making us more attentive to the burden of a conceptual framework that still ballasts a contemporary democratic account of labour relations, insofar as it assigns very different values to reproductive labour, which is considered unproductive, and to tasks considered productive as a source of wealth. In this way, I underscore in a post-Marxist light some blind spots underpinning Kant's notion of republican justice,⁴ which leaves unanswered for instance the question of the public and social assistance that the domestic labourer might receive for advancing to the status of independent labour, as well as the hypocritical acceptance of social dependence shown by the commonwealth with regard to domestic servants and other dependent workers.⁵ Addressing this last question will especially reveal the difficulties of Kant's republicanism for viewing reproductive and caregiving tasks as valuable work in both the private and public spheres.

It is also important to note that Kant's theory of labour tends to display equal legal bonds relationships that in effect entail essential inequalities between employers and employees. For example, potential workers cannot force employers to hire them, while employers may sack a worker if they are unsatisfied with his or her performance or productivity (Williams 2024 and Pascoe 2024a). Although, according to Kant's account of the job market, people unable to generate a product of their own and civil servants are expected to hire out their forces to perform activities under the command of a boss, the vulnerability of those individuals is in dramatic contrast with the entitlement of the employer to choose the most productive worker. Although, as I will explain, domestic servants require in Kant's view a special labour contract as they contribute to the social reproduction of the household, which is considered an essential goal of the commonwealth, by contrast with other forms of dependent labour, domestic labour entails the full delivery of a person (including body and mind) to meet the basic needs for shaping the social reproduction of somebody else. This recommends the construction of a specific and new type of labour contract to protect them from potential abuses. Yet the subjection legitimated by private right in this case is also echoed in at least the temporary contracts of all dependent workers in Kant's account. The very distinction between the private and the public use of reason in *What is Enlightenment?* (*WiA*, 8: 37) also casts light on the fact that even independent workers (doctors and civil officers, for instance) must obey the authorities ruling their performance. But here I will focus specifically on domestic service as a type of necessary work embedded in a social domination that would

reverberate in other forms of dependent labour, both in Kant's time and in the allegedly democratic workplaces of the contemporary world.⁶

In Section 2, I critically examine the specific traits of domestic labour as requiring, in Kant's view, a new legal form, embodied in 'the right to a person akin to the right to a thing'. In Section 3, I explore the intersectionality of gender, citizenship status, race, and work performance in Kant's view of the household, focusing on the outsourcing of care tasks available to wealthy women in Kant's time. Here, I highlight the advantages of applying an intersectional approach (gender, class, race) in addressing the topic of labour in Kant's writings. In section 4, I further examine the case of the domestic servant in order to cast light on some non-ideal features of Kant's theory of right⁷ that legitimate social oppression, taking into account some recent interpretations of his theory of labour, as well as Anderson's criticism of 'private government' in the labour market. Here, I also bring Kant's theory of labour into a critical dialogue with some feminist challenges of a democratic society that authors such as Fraser (2022) have raised in recent publications under the inspiration of Marxist critical theory, as well as with Basevich (2022), Huseyinzadegan (2022), and Pascoe (2022), under the lens of Mills' and Du Bois' non-ideal criticism of various restrictive conceptual patterns in European philosophy. In drawing upon materialist and non-ideal sources such as these, I aim to enrich this feminist line of Kantian interpretation with an original account of the intertwining of basic reproductive and caregiving needs with the empirical establishment of a republican civil order. Finally, in section 5, I claim that Kant's tenet of civil self-sufficiency should be guaranteed as a universal condition from the standpoint of a republican philosophy of labour, as the social reproduction of life is a public burden that should be assumed by the state, rather than an issue to be dealt with individually.

2. The case of domestic servants in Kant's theory of labour relations: the household as a source of social domination

Kant's account of the lawful hiring of domestic servants implies a legal legitimization of social subalternity. Even if throughout history domestic service has been a helpful professional goal for the maintenance of large groups of population, the very fact that domestic servants always occupied lower social class positions than their employers confirms that such a labour bond entails some sort of domination of worst-off classes by others relatively more well-off.⁸ As is well known, Kant's republicanism is intended to oppose any form of social and political domination. Thus, a refined awareness of the forms of such domination should help to update the transformative aims of his political theory. Moreover, his account of the household showcases it as a 'society of unequals' (*RL*, 6: 283), where the head of the household commands, his wife eventually 'dominates' the domestic economy (*Anth*, 6: 306-11), insofar as she tends to spend money on luxury goods – characterizing the lifestyle of a privileged social class – and their domestic servants simply do what they are told (Pascoe 2015: 345-6 and 2017: 603-4).

The extensive research which has been done on the intertwining of feudalism and capitalism in the rise of domestic employment in Enlightenment-era Prussia should have a deep impact on the philosophical interpretation of Kant's account of the type of work that the welfare of the household motivates. His suggestions for

improving the work conditions of domestic servants seem to reflect awareness that the landed nobility in Prussia – the Prussian Junkers – had enslaved their domestic servants as part of a primarily agrarian economy and thus that the peasant workforce needed legal protection (Pascoe 2024a).⁹ Moreover, Kant attempts to put an end to this abuse through the legal innovation of the ‘rights to persons akin to right to things’, as it endeavours to stop the blatant breach of human dignity that results from the lack of legal protection regarding such essential workers. In fact, they were considered part of the Junker’s property and faced countless difficulties in obtaining their freedom, including the payment of large amounts of money.¹⁰ Yet this protective attitude did not call into question the oppression that domestic labour meant for Prussian servants, and Kant’s efforts to furnish a legal refuge for especially vulnerable working people, such as the potential domestic servants of affluent families in both rural and urban areas, did not help them to become emancipated from their employers’ domination. As mentioned, *de facto* the combination of history and anthropology sheds some light on the development of this type of labour exploitation. In this vein, it should be noted that Kant’s legal criticism of colonialism, in either *Perpetual Peace* or the *Doctrine of Right*, did not carry a condemnation of its concrete manifestation in the extended use of racialized people as domestic servants in 18th-century Europe. Moreover, Kant’s criticism of labour abuses generally applies to the inhuman exploitation of indigenous people in the colonies, but not on the European continent, even if the Old World tolerated overt human abuses in spheres of work.

Aristocratic and bourgeois households give rise in the *Doctrine of Right* to a theory of contracts governing domestic labour, which motivates a sort of innovation of private, acquired right which is embodied in ‘the right to a person akin to the right to a thing’ (RL §22, 6: 276). This type of labour contract extends to household servants, whom the contract binds to ‘do whatever is permissible for the welfare of the household’ (RL, 6: 360-1), a revealing formula for the demanding caregiving that the worker is expected to provide to the members of the family under the authority of the head of the household.¹¹ Thus, ideal theory appears helpless to counteract the effects of classist and racist cultural biases, for neither does right remove the structures of domination ensuing from social prejudices, nor can the doctrine of virtue claim any capacity of coercion to substantially change the relationships of dependency that impede the entry of some individuals into the civil space as equal to others. However, it is interesting to note that Kant views the contracts governing domestic labour as ‘a strange type of right which has recently been added to the doctrine of natural law, although it has always been tacitly in use’ (6: 361). By adding this nuance, he attempts to conceptualize practices that were widespread in the society of his time (Pascoe 2024a). Thus, Kant’s aim seems to have focused on the legal protection of *domestic servants* from the abuses committed throughout Western cultural history. Hereby, Kant attempts to reframe the historical status of *slave* for protecting the servant from work abuse.

Nevertheless, signing a contract to provide someone 24/7 care for a specified period of time sounds in itself like a legal authorization of abusive work schedules.¹² Moreover, caregiving and reproductive tasks are distinguished from other dependent jobs by the fact that the labour is not limited to a specific temporal span. Thus, Kant considers that the domestic servant has to live with her employer to better perform

her job. But thereby, he carves out a conceptual puzzle that aims to supersede a deep-rooted form of domination burdening the most vulnerable subjects of society with caregiving and reproductive tasks by means of an allegedly legal agreement that binds a human being to care for others without an established timetable and with an unlimited delivery of energy. Thus, while Kant sees that this sort of labour underpins the civil order as a material condition, he does not consider that a republican state should distribute the burden of human basic needs equally, as in our times ideas such as that of ‘mandatory public service’ (Satz 2022) suggest. Indeed, one might affirm that an updated form of slavery has replaced an outdated one, insofar as §30 of the *Doctrine of Right* pledges that the master of these domestic servants should not behave as if he owned them, as *dominus servi* (6: 283), while at the same time allowing him to ‘bring them back in his control by his unilateral choice’ (ibid.) if they should run away. While Kant recognizes that renouncing one’s own ‘freedom for the other’s advantage would be self-contradictory’, he stresses the fact that the domestic employer retains his servants ‘for an unspecified time’ (ibid.), albeit not for life, as was the case of slaveowners in Europe and in the colonies. Yet the difference between the unspecified time that domestic servants were hired to serve according to the law and lifelong slavery was quite blurred in 18th-century Prussian society, which conflated the mentioned traits of both feudalism and capitalism. In a clarifying *Appendix*, written in response to Friedrich Bouterwek’s review of the *Doctrine of Right*, Kant offers the following account of the legal bond between the head of a household and his domestic servants:

[T]he servant agrees to do whatever is permissible for the welfare of the household, instead of being commissioned for a specifically determined job, whereas someone who is hired for a specific job (an artisan or day labourer) does not give himself up as part of the other’s belongings and so is not a member of the household. – Since he is not in the rightful possession of another who puts him under obligation to perform certain services, even if he lives in the other’s house (*inquilinus*), the head of the house cannot take possession of him as a thing (*via facti*); he must instead insist upon the labourer’s doing what he promised in terms of a right against a person, as something he can command by rightful proceedings (*via iuris*). (RL 6: 361).

It must be mentioned that Kant himself worked for some years as a private tutor for affluent families in Prussia, a task related to the caregiving that domestic servants provided to those households. It is worth examining the extent to which the dynamics of government rooted in the households of the 18th and 19th centuries vanished as workplaces such as factories and workshops became predominant. Yet, as the workplace democracy theorist Elizabeth Anderson affirms, the expected emancipation of workers from household exploitation did not entail a transformation of the workplace. On the contrary, the demands of the great dedication and availability required from domestic servants in Kant’s time were to spread to other supposedly ‘productive’ sectors such as the contemporary service industry and the more precarious gig economy in our own time, blurring the boundaries between private and professional space. What is more, the emerging Fordist post-Kantian work culture would confirm that ‘industrial employers retained their legal entitlement to govern

their employees' domestic lives' (Anderson 2017: 49), often displaying an exorbitant amount of control over the private lives of labourers. Such an evolution indicates that, far from banning forms of domination linked to domestic service in the workplace, the contemporary labour framework has eagerly adopted patterns of exploitation from the past, importing forms of domination of domestic work into factory and managerial work (Williams 2024: 12).

As this section has highlighted, Kant considers the legal recognition of domestic servants a great step forward in recognizing their rights as labourers and thus protecting them from the capricious decisions of their masters. Some of his contemporaries, such as the forerunner of feminism, the British philosopher Mary Wollstonecraft, would make more emotional claims regarding the harsh living conditions of European servants, which share with Kant the assumption that domestic servants fulfil essential tasks for guaranteeing household reproduction. Wollstonecraft simply recommends trusting in the force of love to improve the quality of life for these labourers:

The treatment of servants in most countries, I grant, is very unjust, and in England, that boasted land of freedom, it is often extremely tyrannical. I have frequently, with indignation, heard gentlemen declare that they would never allow a servant to answer them; and ladies of the most exquisite sensibility, who were continually exclaiming against the cruelty of the vulgar to the brute creation, have in my presence forgot that their attendants had human feelings as well as forms. I do not know a more agreeable sight than to see servants part of a family. By taking an interest, generally speaking, in their concerns you inspire them with one for yours. We must love our servants, or we shall never be sufficiently attentive to their happiness. (Wollstonecraft 1796: 28)¹³

This excerpt allows us to grasp the ideological patterns that led 18th-century thinkers to view the household as a closed and settled entity, without challenging the unfair structures that might explain the unequal positions of employers and employees in the domestic realm. Nonetheless, Kant had the insight to realize that domestic labour is an activity worthy of legal shelter, one which puts limits on the abuse of servants, as he understands that the rule of law always provides more reliable outcomes than mere good intentions for promoting their happiness. Such an account, however, does not take issue with the injustices undergirding the hierarchical composition of the household that Kant views as the primary unit of economic life (Brosch 2024).

3. Domestic work, gender, race, and social class: the outsourcing of care in the 18th century

The private right governing the domestic sphere appears in Kant's legal philosophy as an attempt to improve the working conditions of the usually undervalued reproductive and care workers, which he considers as a feature of daily life that wealthy families should be able to outsource. Thus, male or female servants coming from the peasantry – a source of domestic service more usual in 18th-century Prussia than in the colonies – could take the place of a wealthy woman in performing the care tasks attributed to her gender. In any case, someone in the social sphere had to take

charge of caregiving and thus a dark and silent condition with regard to human autonomy resulted, counterbalancing the allegedly universal emancipatory aims of Kant's notion of republican order.

Nancy Fraser has described in a recent essay the tensions and contradictions spawned by capitalism throughout its historical evolution in terms of social reproduction.¹⁴ She denounces the global subalternity of work triggered by the privatization of care tasks¹⁵ in a passage that suggests we have not experienced much progress in this matter since Kant's time:

Typically, it is racialized, often rural women from poor regions who take on the reproductive and caring labour previously performed by more privileged women. But to do this, the migrants must transfer their own familial and community responsibilities to other, still-poorer caregivers, who must in turn do the same—and on and on, in ever-longer global care chains. Far from filling the care gap, the net effect is to displace it—from richer to poorer families, from the Global North to the Global South. (Fraser 2022: 70)

It is a matter of fact that when caregiving and reproductive tasks wane as a public issue, they become a burden that socially privileged subjects hand over to more vulnerable ones. I also agree with Pascoe's view that reproductive labour was a hidden flipside of the republican goal of citizenship, since 'the patterns of outsourcing domestic labour force us to consider how intersecting forms of oppression organize [the] right to "work one's way up"' (Pascoe 2022: 61). The fact that the theory of right should include a special right to protect domestic servants from abuse by the head of the household confirms that Kant assumes their social contribution to be completely necessary. This is also shown by the fact that in Kant's view the women of wealthy families can avoid care tasks by hiring external servants by virtue of their class privileges. In contrast to this 'emancipatory path', one only accessible to well-off women, a clear division of work by gender is displayed in the rest of society, where women in poor households assume all the care and domestic tasks while men engage in agricultural work, for example, outside the home. In slightly different terms, as no active citizen can disregard this feature of life, household servants appear in Kant's legal and political writings as key supporters of the welfare of 'active citizens', i.e. as surrogates for the domestic labour expected from the wives of affluent 'lords of the household'.¹⁶ Thus, a systematically structured theory of the republican order opens the door to a legally authorized social domination and labour exploitation.

As Pascoe (2022) has attentively examined, opening a trailblazing avenue of research in Kantian studies, some of Kant's lectures on anthropology yield telling examples of natural passive subjects, as were women in the ethical and civil order of the 18th century, whose wealth enabled them to surrogate to others the tasks assigned to them by gender.¹⁷ In other words, economic power would be a boon for the wives of wealthy husbands, based on what was seen as a natural subalternity. As Kant's writings on anthropology hint, wealthy Europeans outsourced to hired workers the tasks that would normally fall to the women of the household due to their gender. Thus, Kant's *Drafts for the Metaphysics of Morals* claim that women are the natural providers of the domestic labour required to maintain the household, unless the woman has a wealthy husband and 'can make use of others for this purpose' and not

be 'troubled to assist with matters of domestic well-being' (VAMS, 20: 465). Kant comes to praise as a symptom of civil progress the fact that human mothers might overcome their natural attachment to their children and outsource the tasks of breeding and nurturing so as to dedicate themselves to activities governed not by natural drives, but by reason:

[I]t is barbaric to rob animals of their young, [when animals] have a great attachment to them. But with human beings the natural drives can be suppressed, and in their place others can be invented by reason; for example a Parisian woman would gladly be relieved of bearing a child, and let another woman bear the child for her for money, if it would work, just as also in Paris upwards of 8,000 children are handed over for their upbringing abroad. (V-Anth/Fried, 25: 585)

This passage from the anthropology lecture *Friedländer* shows an incredible timeliness. It describes a caregiving and even breeding outsourcing affordable for well-off women that may back the contemporary feminist denouncement – as we saw in Fraser in the previous section – of the ongoing exploitation of racialized women from the Global South to perform tasks that women from the Global North sought to outsource for more free time. The fact that Kant views the trend in French high society of outsourcing these female matters – including the upbringing of children – as a case of superseding blind drives by way of rational purposes reveals some key features in his understanding of how the social realm is constructed.¹⁸ In effect, the type of child-rearing he refers to pertains to a patriarchal image of the sexual division of work, which invests the husband with the duty of sustaining his one-earner household and the woman with the right to flaunt the patrimony and properties amassed by her husband:

The feminine sex acquires work for itself in the domestic state, but the man in the civil [state]. As citizen, the man must be a master with regard to his household, he must earn [a living], but with regard to the use of what the man has earned, the wife must have sovereignty. (V-Anth/Fried, 25: 703)

In accordance with the ethical order ruling marriage and the foundation of a household, Kant assigns a sort of emotional domination to the wife, while the husband remains the only authorized ruler of the domestic space, even if he is pragmatically urged to disguise his ethical and epistemic superiority so as not to arouse any resentment in his wife. Kant claims a sexual division of domination, insofar as women display it not head-on, but *indirectly*, through sexual attraction – the advantage of *charm* – that they produce in the 'male sex'. Such an account of the *alleged reciprocity* of the sexes in the household conceals a *patriarchal sexist domination*, as women are meant only to yearn to dominate their men at the level of inclination (Anth, 6: 283), and not of judgement and reason.

Two observations can be made here: first, that Kant's anthropological remarks are focused on a particular model of the family, selecting the bourgeois domestic tradition as the standard form of household; and second, that he views the role played by women in such a household as one influenced by whimsical emotions.¹⁹ This

standpoint, therefore, does not offer a universal view of domestic lifestyles and biases women's history according to religious and intellectual prejudices. In effect, the material conditions of bourgeois domestic welfare conceal the exploitation of the people needed to sustain the one-earner household, breaching the universal respect for every human being that Kant's ethics claim as a key commandment. Indeed, his interpreters have been too prone to view the social violence entailed by dependent work as being forestalled by the moral authority of the commandment to treat every human being as sacred simply for the sake of his or her humanity. Yet, apart from condemning the platforms of exploitation that European colonialism promoted in the modern era, Kant does not correctly gauge the damaging consequences of subaltern jobs for the subjects performing them. In this context, the so-called peaceful bourgeois household may in fact present a character of risk for the human and civil development of other social layers. The following passage, also taken from the previously quoted lecture on anthropology, gives a sketch of this biased image of the roles gender and sex play in the domestic space:

[The husband] must know his income, his scale, his expenditure, and he must have the law in his head according to which he is to rule, so that one agrees with the other. If therefore the wife wants to use something for decoration, amusement and sociability, then he must not immediately simply deny the wife such, but try to persuade her to [see] this point through representations, since she cannot well tolerate [his] commanding. He can say, that will indeed do, yet this would still be better. He must therefore rule, but the wife must dominate. (*V-Anth/Fried* 25: 717-8)

As the text suggests, the women of wealthy households are wont to display the estate accrued by their husbands as 'decoration, amusement and sociability', an attitude that often leads to excess and irresponsibility. Meanwhile, the head of the household is urged to water down the content of his words so as not to appear despotic and thus arouse the outrage of his wife.²⁰ The reader might infer that Kant is painting a picture of the emotional bonds and rituals that shaped domestic life in 18th-century Prussia, one similar to the oppressive landscapes for women detailed in the novels of Jane Austen. Such an account of gender denies women the power of understanding by attributing to them an irrepressible tendency to dominate that seems to be socially embedded, as only upper-class women are expected to adopt such an attitude towards their role in the household. In contrast, working-class women are not viewed as having developed all of their capacities and potential, and Kant seems to view them as 'domestic animals', which he considers to be the status of women in 'barbarous' societies (*ApH*, 7: 304). Yet no rejoinder or criticism of such a picture of the domestic order is raised in the pages of the *Lectures on Anthropology* or in the published course, *Anthropology from a Pragmatic Standpoint* (1798), which invites the consideration that Kant is focusing on an image of the household that he views as a civilized and universal pattern, one that should inspire imitation among the underdeveloped social classes and allegedly savage peoples. Yet, if lower-class and racialized people would stop performing the caregiving and nurturing tasks necessary to undergird the social reproduction of wealthy one-earner households, Kant's social and economic order would collapse. Therefore, according to Kant's account of social dependence, domestic

workers who safeguard the welfare of affluent families could not become independent and hire their own domestic servants without, on account of an obvious economic inequality, weakening the civil framework.

4. Kant's theory of domestic labour from a non-ideal standpoint: a contemporary account

The previous sections of this article explored Kant's theory of domestic labour as a considerable historical source of the intertwinement of labour performance, gender, race, social class, and civil status in Western modern philosophy. In my view, Kant's account of labour as a key activity for the social condition of the human being might thereby help to shed light on the regrettable vestiges of oppressive labour relations typical of the past that still exist in the contemporary labour market (Anderson 2017: 48–61). Indeed, the assumption that the market distinguishes between waged labour and undervalued labour has largely triggered social suffering throughout history. As Anderson formulates it, this vision of the labour market seems to suffer from a sort of 'hemianosia':

Like those patients who cannot perceive one-half of their bodies, a large class of libertarian-leaning thinkers and politicians, with considerable public following, cannot perceive half of the economy: they cannot perceive the half that takes place beyond the market, after the employment contract is accepted. (Anderson 2017: 58)

An overly ideal account of labour relations in the capitalist market ignores the inequality and domination that workers may suffer at the hands of their employers. It should also be noted that even 19th-century socialist workers' movements did not sufficiently stress the racial and gender injustice that labour oppression entails. Thus, these blind spots underpinning Kant's notion of republican justice only reinforce the claim that the state should not upgrade the dependent labourer to the same status as the independent labourer, at least unless he finally falls into the condition of beggar, which becomes only a source of concern for Kant in the case of extreme poverty (RL 6: 326). Moreover, Kant's civil order seems to assume a 'domination contract'²¹ (Pateman and Mills 2007: 87) that condemns some social groups – 18th-century domestic servants and dependent workers – to subalternity, disregarding this stain on the making of the modern European state.²² In my view, this acceptance of the labour precarity afflicting some social groups helps us also to understand Kant's reluctance to relieve economic inequality (Sánchez Madrid 2018 and 2019). In other words, while Kant acknowledges that the economic order and social reproduction must depend on subaltern labour to meet the reproductive and caregiving needs of the commonwealth, he does not provide for civil recognition of the corresponding network of tasks that involve structural domination and *a priori* exclusion from an active role in the civil community. Kant recognizes that dependent workers perform a crucial task for sustaining households, institutions, and states, yet he does not point out the political consequences of the structural inequality that his account authorizes, nor does he note that racialized human beings, and others of the most vulnerable of Europe's social agents, are the usual targets of labour exploitation by colonial European countries.

Naturally, this view makes Kant's theory of republicanism incompatible with a democratic account of social reproduction. However, the non-ideal traits of this account of the republican order do at least indicate the political agenda needed to gear up a civil equality without concessions. In this sense, an interpreter committed to revealing the ideological burden of Kant's political philosophy such as Basevich claims that public power ought to guarantee the 'background structural conditions of civic equality' (Basevich 2022: 12; see also Vrousalis 2019). In a nutshell, she urges an updating of Kant's theory of republican citizenship, which would require a profound transformation of, for example, property, housing, and welfare rights. She has also argued for a critical review of the classic emblems of republicanism – freedom, equality, and self-sufficiency – aware of the institutional transformation that Kant's ideals might inspire for undertaking a democratic transformation of republican normativity in today's society as well:

Pace Kant, we cannot condone the existence of 'underlings' whose socially necessary labour makes possible the existence of modern society but who have no say in the political destiny of the community. Instead, we have to rethink the organization of productive labouring activities that position labourers in a role consistent with their self-mastery as civic agents. (Basevich 2022: 13).

I move from this suggestive excerpt to recall the fact that racialized human beings have traditionally dealt with the caregiving and survival needs of their own families by becoming dependent workers who provided care for others, often the children of wealthy families.²³ Put differently, the legitimization of domestic servants in private right entails key consequences at the level of public right, as they cannot claim a right to active citizenship, and also at the level of cosmopolitan right, as many of the domestic servants in Kant's time stemmed from colonial trade. History thus reveals the structures of domination that enabled the daily maintenance of the bourgeois civil order, exposing the 'original accumulation' that caused the caregiving needs of the more privileged social layers to be seen as more valuable than the social reproduction of 'the rabble'. Naturally, an ideology of domination stealthily favours this shift, assigning disparate cultural and civil values to the independent and dependent members of a society. In this way, ideology conceals the challenges that republican normativity should actually face in order to achieve its goals. Fraser has steadily stressed the mistake of considering waged work as the central element of economic and social dynamics, as it is only the iceberg activity of a realm that encompasses many other generally unpaid tasks:

Neither the waged work that is deemed productive nor the surplus value extracted from it could exist in the absence of carework. It is only thanks to housework, child-rearing, schooling, affective care, and a host of related activities that capital can obtain a workforce suitable in quality and quantity to its needs. Social reproduction is an indispensable precondition for economic production in a capitalist society. (Fraser 2022: 56)²⁴

Considering the central role that social reproduction plays in human history, a fruitful reading of Kant's writings on labour and citizenship might urge a redressing of

the structures governing the bonds between men and women, household owners and domestic servants, wealthy women and racialized servants, so as to bring the social community into accordance with the commitments of innate right and civil republican principles as universal goals. If the interpreter considers Kant's description of the economic and social inequality in his time as prejudices that do not impair the core of ideal political normativity, there is a risk of agreeing with the unfair social structures that burden certain groups with common reproductive tasks. The fact that a scholarly hermeneutic of the legacy of a classical thinker does not address the non-ideal features of his ideas and doctrines, thus concealing the ideological frameworks that bias an understanding of justice, citizenship, and political participation, hinges on the same shortcoming. A reading from the perspective of contemporary social philosophy would instead question Kant's assumption that peasants and racialized human beings should always be at the disposal of wealthy households, and denounce the fact that such an account dooms human groups to the renunciation of full civil membership. Indeed, as life is seen in the central position it has within social reproduction, a radical revolution in labour recognition follows. Moreover, tasks related to caregiving and nurturing become essential, as we were all able to confirm during the COVID-19 crisis, highlighting the domination scheme which underpins non-democratic workspaces.

It is obvious that Kant did not understand the civil order as a horizontal space. Yet, as some interpreters have suggested (Vrousalis 2019 and 2022), the ideal of self-sufficiency as a universal condition should encourage a deep transformation of labour relations in order to promote dependent workers to the status of civil independence and enable them to reject inhuman and degrading jobs. In this context, contemporary measures such as a universal basic income (Pinzani 2023 and Sticker 2024) may be helpful for further developing a social agenda that Kant's notion of state tends to consider as paternalistic and intrusive with regard to the private affairs of citizens. In my view, contemporary social science and social philosophy have much to say for separating Kant's ideal political normativity from the non-ideal features attaching to it, which still burden the construction of a democratic society, one which is aware of the structural injustices it harbours in the workplace and beyond.

Even if Kant's account of labour offers a historically contextualized landscape of hierarchies, interpreters should value the fact that he chose to put labour at the centre of his theory of private right, viewing it as a condition for accessing full citizenship. As the social philosopher Axel Honneth pointed out in his last book, Kant may not have satisfactorily addressed our own contemporary challenges regarding work, as our time was not his;²⁵ yet he contributed decisively to the idea that due appreciation of labour relations will lessen abuse in the same way that understanding of public right casts light on the area of private right. Despite the cultural distance that separates us from this classical German thinker, a democratic fulfilment of labour relations should indeed be considered a regulative ideal of republican freedom. Thus, underscoring the non-ideal features of the Kantian political ideal may serve to promote the universal achievement of full citizenship rights, rather than its being relegated to a matter for censure targeting past philosophers who, after all, did not share our own social and political experiences.

5. Reevaluating Kant's republican order: the civil recognition of domestic labour

I have addressed some of the non-ideal features embedded in Kant's citizenship requirements which help to perpetuate the traditional social domination of vulnerable workers, especially racialized subjects, women, and peasants. I also considered that Kant intends to establish a sort of legal shelter for domestic servants with the concept of rights to persons being akin to rights to things, thus condemning labour bondage, albeit nonetheless legitimating outsourced social reproduction tasks carried out by household servants, often racialized subjects and peasants, as guarantors of the daily life of affluent families. In my view, this neglected flipside of German Enlightenment republicanism overlooks the traditionally despised and unrecognized work upon which the material conditions of social reproduction depend. Yet modern social philosophy opens up a hopeful path for reevaluating Kant's republican order, giving it assistance toward effectively materializing the principles of an inclusive theory of citizenship. In other words, I claim that Kant's normative legal and political theory might well inspire another account of social domination that does not match Kant's own liberal approach to social relations, which he often assumed to be the product of empirical causes from which no *a priori* or metaphysical recourse could be available.²⁶

The conceptual framework that Kant establishes to shed light on the legal bonds underpinning private labour relations (Pascoe 2017: 601-3) – private property, labour contracts, and domestic labour – leads to deficiency in the social and civil recognition of domestic labour,²⁷ as well as concealing the unequal status of employers and employees in the labour market (Williams 2024: 11-12). Kant's approach to private right viewed the household as a substantial instance of the commonwealth, which merely fulfils its essential purpose through the maintenance of vertical bonds between the head of the household and the dependent agents composing this unequal community – wife, children, and domestic servants – and which entails an unequal distribution of the burden of caregiving and domestic work. As this article has attempted to show, Kant's theory of republicanism retains a meaningful emancipatory potential, capable of providing due support to claims of civil self-sufficiency for all the members of the commonwealth. Yet such a goal requires substantial reconsideration of the social meaning of labour, one able to grasp that being charged with caregiving and related domestic tasks should not jeopardize the active civil membership of the workers in question. Thus, granting civil recognition to the social reproduction of life might inspire Kant-inspired public policies intended to relieve the exclusion of vulnerable social groups from the promise of lawful freedom and civil rights. To draw such a conclusion from a contemporary reading of Kant's legal philosophy should not, however, entail a paternalistic agenda, which Kant openly condemned. On the contrary, it would help to view the goal of guaranteeing the welfare of the commonwealth as a shared universal end, whose fulfilment should not exclude any ethnic, social, or gender group from partaking in political lawgiving.²⁸ Naturally, such a standpoint deeply transforms some features of Kant's account of the ties between private and public right, but with the aim of attuning his legal and political views to the demands of a democratic society.

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Notes

1 Throughout this article, I refer to Kant's writings according to the *Akademieausgabe* volume order and pagination, using the abbreviations of the Mainz *Kant Forschungsstelle* (<https://www.philosophie.fb05.uni-mainz.de/kant-forschungsstelle-hinweise-fuer-autoren/>). My quotes follow the Cambridge editions of Kant's works, which contain the *Akademie* pagination: Kant 1996, 2006a, 2006b, 2012, 2016.

2 As a social philosopher, my own account specifically relies on previous critical proposals suggested by a group of Kant's interpreters inspired by critical theory, materialist Marxism, and intersectional approaches to social and political justice. The critical sources I mention throughout this article give some indication of this group of scholars. I am thankful to one of the anonymous reviewers for helping me to avow that my own interpretation mostly relies on this non-ideal, materialist reading of Kant.

3 It is true that Kant did not take race into account as a key element for improving the working conditions of domestic servants, as Prussia was not a colonial power in his time, as were Great Britain, Portugal, and Spain, which deeply influenced the racial identity of domestic servants in those territories. Yet Kant expresses openly racist attitudes towards the working capacities of races other than European whites, suggesting for instance that Indian and black African subjects do not possess any productive culture of work and fall easily into laziness and complacency (see *V-Anth/Mroni*, 25: 407, and *V-Anth/Fried*: 580). In his writings that touch on the subject of race, Kant claims that black slaves or freedmen and native Americans are either unwilling to work or are shown to be 'too weak for hard labour' (*GTP*, 8: 176). He thus gives a racialized account of the cultural framework of labour, which he assumes without any criticism (see Lu-Adler 2022). In other words, for Kant, racial status is a serious drawback for subjects aiming to 'work their way up' from passive to active citizenship, confirming the low hopes he shows for the potential of racialized subjects to build a productive relationship to labour. I thank one of the anonymous reviewers of this paper for suggesting that I add these remarks about the role of race in Kant's account of labour. A more complex and nuanced account of Kant's treatment of race in relation with gender and social class is developed in the discussion between Varden (2024) and Pascoe (2024b).

4 Post-structural Marxist critical theory tends to find a source of inspiration in Kant's political philosophy, insofar as the tenets of the republican state challenge the belief that economic inequality should entail civil inequality as well (see *TP*, 8: 292-4). My account is closer to approaches ensuing from intersectional critical theory, which also focus on the structural exclusions (for instance, of women) that Marxist theory did not initially address. From this critical standpoint, I consider that the 'blind spots' of Kant's republicanism hint at the fact that social reproductive labour is left outside the republican bargaining of duties and rights, i.e. domestic servants could hardly 'work their way up' to active citizenship, as they settle through their bodies and minds a universal need that the republican state would feel legitimated not to address as a public task. Anyway, Kant is not alone in this epistemic blindness toward the political traits of domestic labour, as Marx also showed such limitation in book I of *Capital* and in the *Grundrisse* (see footnote 5). I am thankful to Helga Varden for suggesting that I develop this point of my paper.

5 Nevertheless, it is worth noting that Kant and Marx expressed similar opinions with regard to the problems arising from the entry of women into the job market. See Pascoe (2017: 605-6): 'As women enter factories, domestic labour must be outsourced, and as it enters the market domain, it becomes, for the first time in *Capital*, visible.'

6 As bearing on the inequalities underpinning Kant's account of labour relations, I highly recommend Garrath Williams' 'Employment as a Kantian status relation: comments on Jordan Pascoe, *Kant's Theory of Labour*' (Williams 2024), in which Williams claims that the employee-employer relation is *per se* an unequal one, suggesting its conceptualization as a 'status relation' more than an alleged formally equal legal tie.

7 Throughout this article, I understand the distinction between ideal and non-ideal features as a conceptual opposition that does not match Kant's own complementary view of normative (*a priori*, metaphysical) principles and empirical features related to their application. In my account, following interpreters such as Pascoe (2022) and Basevich (2022), addressing Kant's political principles as ideal allows us to determine which parts of them express an unfair view of the civil body. Moreover, non-ideal traits in Kant's legal and political philosophy pop up when approaching his theory of the republican order from the point of view of the social groups that it excludes and marginalizes.

8 I am indebted to Helga Varden for making me attentive to the need to base my position on a more historically contextualized account.

9 This is a hypothesis I draw from Kant's interest in improving the life of domestic servants in his time, which I consider should be linked to the knowledge he had of the legal (and illegal) practices of most landlords in 18th-century Prussia, who Kant did not view as the most promising civil group, but rather as a remnant of a despotic authority. I am thankful to one of the anonymous reviewers and Helga Varden for suggesting that I better explain my position here.

10 For instance, Ford (1919: 361) stresses the mandatory character of domestic service for the offspring of the Prussian peasantry in Kant's time, as these labourers usually came from peasant families and were considered by the Junkers to belong to the land they possessed: 'The forced domestic service for minor peasant children selected by the lord was similar to his rights over the peasant parents and their labour. The great mass of the peasantry in Brandenburg-Prussia were in a condition of hereditary subjection.' On the history of serfdom and social reforms in the Prussia of the Enlightenment, see Eddie (2013).

11 I do not intend to condemn any caregiving work as illegitimate, but to stress that it should not be left in the hands of the individual subjects, as it would facilitate the employer dominating the employee. Part of the tasks that Kant views as domestic service have been assumed in many contemporary societies by the members of the household. Yet illness and old age still lead families to depend on caregiving services that the public authority should help to pay, in addition to controlling the working timetable of caregivers for prevention of abuses. I am aware of the complexity of such a contemporary social dependence on the part of caregiving workers, which challenges the public policies of most democratic societies. Thanks to Helga Varden for suggesting that I make this clarification.

12 See the following excerpt from the *Metaphysics of Morals*, where Kant hints at the abuse that the masters make of enslaved Black workers in contrast to the legal improvement that a labour contract provides for dependent workers (RL, 6: 330): '[I]f the master is authorized to use the powers of [a] subject as he pleases, he can also exhaust them until his subject dies or is driven to despair (as with the Negroes on the sugar islands); his subject will in fact have given himself away, as property, to his master, which is impossible. — Someone can therefore hire himself out only for work that is determined as to its kind and its amount, either as a day labourer or as a subject living on his master's property. In the latter case he can make a contract, for a time or indefinitely, to perform services by working on his master's land in exchange for the use of it instead of receiving wages as a day labourer, or to pay rent (a tax) specified by a lease in return of his own use of it, without thereby making himself a *serf* (*glebus adscriptus*) by which he would forfeit his personality.'

13 I thank Charles E. Emmer for sparking my interest in these remarks by Mary Wollstonecraft about domestic servants.

14 Other authors working in contemporary feminist critical theory who have denounced the domination structures embedded in the social view of care as a private issue include Federici (2019) and Gago (2020).

15 See also on this issue Sarvasy/Longo (2004) and Pascoe (2015: 351-2).

16 See Pascoe (2022: 23-5): 'Kant's "right to a person akin to the right to a thing" provides a crucial dimension missing in Marx's analyses of labour, identifying the economic role of household labour at a critical historical moment, as the bourgeois household coalesces as a necessary site of unwaged labour to support the reproduction of the burgeoning global capitalist market.'

17 In previous articles, Pascoe (2015: 346) observes that Prussian laws in the early 19th century – especially after Karl Freiherr von Stein's reform in 1808 – recognized unmarried women with high incomes – basically, widows and daughters of deceased 'heads of the household' – as potential applicants for full citizenship, which Kant openly condemns as a sheer legal inconsistency. Gray (2000) delivers key

historical data regarding this limited transformation in Prussia after Kant's death, revealing an intensive public discussion about the civil recognition of women. Theodor von Hippel, mayor of Königsberg and one of Kant's regular dinner guests, authored a plea for the civil promotion of women, 'On Improving the Status of Women' (1792), that exemplifies this debate. It did not, however, have any impact on Kant's own writings.

18 The contrast between Kant's account of outsourcing care work, which he views as a privilege reserved for the women of well-off families, and the negative view of wet nurses in the intellectual space of the 19th century is here worth noting. On this issue, see Brace (2002: 341): 'The virtuous intrepidity of the maternal nurse was carefully contrasted with the self-interest of those middle-class mothers who chose not to breastfeed. Employing a wet nurse was regarded as a contract that emphasized pleasure over passion and tenderness over virtue. It suggested imprudence, a lack of discipline. The bourgeois woman who employed a wet nurse replaced her real, natural, maternal duties with frivolous amusements.' On the lack of conceptual tools for grasping the scope of reproductive labour in Marxist theory, see Pascoe (2017: 609-12).

19 Varden (2020) unfolds a systematic account of gender and sex in Kant's philosophy, where she claims that for instance the diversity of human ways of loving might be valued according to Kant's practical normativity. On Kant's account of the role that gender should fulfil in enlightenment see also Sabourin (2021).

20 As textual evidence of Kant's depiction of sexual roles in the household, see V-Anth/Fried, 25: 717-8: 'Domination in the home is the wife's affair, but the rule [is] the man's [affair]. Domination can occur in accordance with mood, but rule in accordance with law. . . . A woman can sooner rule an entire kingdom than a household, for in the land she does not rule, but only dominates, and the ministers rule. But if there is no one in the household who rules, then she cannot rule the household alone. The woman dominates the man, but the man rules the woman, for inclination dominates and the understanding rules. Inclination provides the purposes, but the understanding restricts them to the purpose which agrees with the well-being [of the household]; it directs and judges it according to its rules.' Cf. Anth, 6: 308-9.

21 By 'domination contract' I mean contracts reflecting social inequalities that have an impact in the sort of labour relationships that a large number of individuals enter into with their employers. I claim that Kant's normative theory falls into some inconsistencies as it renounces the eradication of the economic and social inequalities from the social realm that reduce some subjects to subaltern, privately-bonded workers or servants. Beyond the inequalities that capitalist labour relations might generate, my view is that Kant's legal theory does not consider as one of its inalienable aims the transformation of the unequal social positions that underpin and thus determine the interaction of agents in the liberal market that authors such as Adam Smith had analysed.

22 Basevich makes a stimulating use of the idea of a 'domination contract' to reveal hidden sides of Kant's ideal political normativity. See Basevich (2022: 2): 'The domination contract, instead, captures *unjustifiable* inequalities in social and institutional practices that shape the history of modernity. The domination contract does not identify ideal terms for the establishment of states, but reveals the nonideal *de facto* terms of a modern state's historical development.'

23 In the wake of Mills' 'Black Radical Kantianism', Huseyinzaidegan (2022: 655-7) has pointed out the role that the non-ideal distinction between 'humans' and 'subhumans' plays in Kant's legal and political philosophy. Kant's writings on geography, anthropology, and history display the scope of the 'white supremacy' underpinning his republicanism. On the political invisibility of domestic workers see also Pascoe (2015: 349).

24 See claims bearing on the same point in Scott (1987). Pascoe has also highlighted the limitations of a Kantian-inspired feminist theory, as keeping women in a subaltern position is part of Kant's conceptualization of the domestic and civil order. See Pascoe (2017: 611-12): 'The Kantian feminist vision is a squarely bourgeois one, in which individual women may achieve independence through entry into the workforce and the outsourcing of domestic labour both within the household and within a service economy. But, without a framework for radically rethinking the structure of domestic labour and the ideal of independence, the Kantian vision offers no pathway for the liberation of women as a class, since the independence of some women can only be achieved on the backs of other women.'

25 See Honneth 2023: 323: 'Kant, who after all was not dumb, was aware that someone who works in extreme dependence, who is subjugated by their superior or foreman, by an entrepreneur or direct superior in the domestic sphere, and who is not granted their own opinion, cannot be a citizen. That was Kant's belief. And that – insofar as we are speaking of political practices and not of a formal status – is not completely wrong. The problem is that everyone at the time drew the wrong consequences from this. They limited suffrage and took the right to vote from those who they considered incapable of adequate

participation. Instead, they could have said: we must change the constraining conditions of work. This would have been consistent with their own theory of democracy.' Garrath Williams has pointed me to the fact that some of Kant's contemporaries made different claims regarding the legal regulation of labour. 26 Brosch (2024: 302-5), in his illuminating study of economic dynamics in Kant's philosophy, also claims that this thinker viewed the labour and exchange market as an empirical reality whose pathologies should be combatted through the guidance of morals.

27 Pascoe insightfully parses out this subtle shift in Kant's social philosophy. See Pascoe (2015: 347): 'The independence of the head of the household in the public sphere is dependent on the invisibility of the labor of care within the household. To meet the concrete requirements of independence Kant lays out, the ways in which the householder is dependent on others – on his wife, on his servants, on those who socially reproduce him each day – must be invisible, enclosed within the domestic sphere.'

28 It would be interesting to challenge Kant's view of domestic labour from the perspective of the suggestions about housework as a public burden made by Angela Davis (1981: 222-4). I will explore in another article how the 'shared ends' within the household in Kant's terms ought to be enlarged to cast light on the 'shared ends' of the social commonwealth as a whole.

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