Leon Wansleben*

Capitalization and its Legal Friends

https://doi.org/10.1515/ael-2020-0063
Published online August 12, 2020

Abstract: Katharina Pistor's argument in *The Code of Capital* about the constitutive role of legal practice for the creation and distribution of wealth requires contextualization; her claims about the stand-alone role of law in determining the political economy of global capitalism are exaggerated. My first intervention concerns the concept of capital. Capital evidently is not just a legal code, but also constitutes a financial accounting entity that emerges from processes of investment, which are embedded in (economic, social, political) structures that are facilitative of unequal distributions of rewards and risks. Legal coding should be considered as part of such 'capitalization' and as becoming more critical in the contemporary economy, in which capitalization increasingly happens through financial engineering and through capturing rents from 'intangible capital'. Secondly, we can only understand the distributional implications of legal coding if we recognize a) the importance of rent-seeking in secularly stagnating economies and b) the particular class configurations in what Milanovic, B. (2019). *Capitalism, alone*. Cambridge, MA: Harvard University Press calls 'liberal meritocratic capitalism'. The consolidation of a capital-rich *and* hard-working upper class in such a capitalist formation (the extreme case being United States) not just indicates a close alliance or overlap between holders of wealth and the professions (fund managers, legal advisers etc.) that serve them. It also indicates that social class structures – the paths of socialization they reproduce; their in-built social sorting mechanisms; their close association with ideologies of legitimate privilege – play a key role in reproducing economic distributional outcomes.

Keywords: capitalism, inequality, legal codes, rent-seeking

JEL Classification: P16, K10

***Corresponding author: Leon Wansleben,** Max Planck Institute for the Study of Societies, Koeln, Germany, E-mail: lw@mpifg.de

MPIfG Journal Article
Leon Wansleben: Capitalization and its Legal Friends. In: Accounting, Economics, and Law 11(1), 53-64 (2021). De Gruyter
The original publication is available at the publisher's web site: https://doi.org/10.1515/ael-2020-0063

The MPIfG Journal Articles series features articles by MPIfG researchers and visiting scholars published in peer-reviewed journals.
Max Planck Institute for the Study of Societies (MPIfG) Cologne | www.mpifg.de

Table of Contents

1 Introduction
2 What is Capital?
3 Legal Coding and Class Structures
4 Practices of Capital
References

Katharina Pistor's The Code of Capital: A Symposium

1. The Code of Capital: How the Law Creates Wealth and Inequality – Core Themes, by Katharina Pistor, https://doi.org/10.1515/ael-2020-0102.
2. Three Projects in the New Law and Finance, by Dan Awrey, https://doi.org/10.1515/ael-2020-0069.
3. The Laws of Knowledge, Knowledge of Laws: A "Political Epistemology" Perspective on Pistor's *The Code of Capital*, by Lisa Herzog, https://doi.org/10.1515/ael-2020-0064.
4. The Political Economy of Private Law: Comment on 'The code of capital – how the law creates wealth and inequality', by Matthias Thiemann, https://doi.org/10.1515/ael-2020-0077.
5. Capitalization and its Legal Friends, by Leon Wansleben, https://doi.org/10.1515/ael-2020-0063.
6. Theorizing Beyond "The Code of Capital": A Reply, by Katharina Pistor, https://doi.org/10.1515/ael-2020-0101.

1 Introduction

It is a pity that Google has not yet updated its n-gram viewer, whose latest data points are from 2012. For I am confident that this tool could demonstrate the resurgence of the terms *capital* and *capitalism* in public and academic discourse, after their rise to fame in the early 20th century (Chiapello, 2007) and subsequent neglect. What is certain, in any case, is that the most prominent social scientists of our day, including Thomas Piketty and Wolfgang Streeck, have not been shy to use the c-word in titles of their books.[1]

Katherina Pistor's (2019) *Code of Capital* belongs, and at the same time falls out, of this category of recent engagements with what Marx discovered as society's structuring force. For Pistor attempts to reveal the contemporary workings of capital and to spell out its distributional implications. But at the same time, Pistor's work gives us something different from a full-fledged diagnosis of capitalism's

1 The works I am here referring to are: Streeck, Wolfgang 2016. *How will capitalism end?* London: Verso. Piketty, Thomas. 2014. *Capital in the twenty-first century*. Cambridge, Mass. u.a.: Belknap Press of Harvard Univ. Press. Milanovic, Branco. 2019. *Capitalism, alone*. Cambridge, MA: Harvard University Press. Stiglitz, Joseph E. 2019. *People, power, and profits: progressive capitalism for an age of discontent*. New York: W. W. Norton & Company. The fact that there exists a new sub-field in history called the "history of capitalism" should also contribute to the expansion of publications citing the c-word.

contemporary state. She neither has empirical data comparable to Piketty's, nor does she return to a grand history-writing that puts capital at the driving seat, as Streeck does. Her project is of a more heuristic nature, and for that reason, represents a – not yet fully realized – promise. This promise is to decipher contemporary forms of capital and their distributional consequences by studying the legal codifications of capital assets – a process, which rests on strategic effort (pushed by large asset owners), professional work (particularly by Anglo-Saxon law firms), and public vindication (by legislators and courts). This coding happens incrementally and often in obscure domains of private arbitration courts, bankruptcy proceedings, and international treaty negotiations; and it through this incrementalism and obscurity that coding realizes most of its force.

I have strong sympathies with this approach to the study of phenomena usually understood in terms of structural processes and macro-societal effects; phenomena, that is, which we standardly approach with statistics and abstractions derived from economics or Marxist theory (like "value", "productivity", or "class"). Based on this general appreciation, I take up two preliminary issues here that I think will be useful to address in order to contextualize Pistor's project. The first is to define the precise challenge that we face in conceptualizing capital today, and specifically in the context of financialization and the rise of a knowledge economy; and the second is to better identify what are the intersections between the legal coding practices described by Pistor, and the macro-structures of inequality mapped in the works of Piketty, Stiglitz, and others. I return to the promises entailed in Pistor's project in the final part.

2 What is Capital?

Asking "what is capital?" is relevant for different reasons. First, a definition is needed for official and scholarly statistics. Tax authorities need to know what capital is in order to implement a currently inactive, but much needed wealth tax; and economists interested in phenomena such as inequality or an economy's productivity need a defined and measurable unit of capital in order to make these notions calculable. But conceptualization may also result from our attempt to bundle different dimensions of socio-economic reality into a single prism, for the purpose of guiding discoveries. When working on our concepts in the latter sense, we usually do not start with definitions but arrive at them through theoretical, combined with observational work. New measurements, if possible, can then result from such efforts.

Nobody will be surprised to read that, from a measurement as well as theoretical vantage point, conceptualizing capital poses serious challenges. To be sure, Karl Marx bequeathed a sophisticated concept to us. He defined capital as "private

property in the produce of foreign labor" (Marx, 1968[1844]: 483). This definition reflects two seemingly contradictory aspects of capital – as a social relation *and* a material commodity. However, despite his sophistication, Marx was a political economist of his time. He therefore thought that capitalists accumulate capital as private property by continuously reproducing such capital through industrial, labor-intensive production. You could, of course, sell capital on markets and indulge in conspicuous consumption. But that would imply leaving the playing field and quitting the capitalist game.

Marx's notion thus is too narrow because much of today's capital is not directly tied to industrial production. Therefore, in his grand study of *Capital in the 21*st *century*, Thomas Piketty decided to move to the other extreme. For him, capital is wealth, and wealth can literally be "everything owned by the residents and government of a given country at a given point in time, provided that it can be traded on some market" (Piketty, 2014: 16). Piketty's capital thus consists of all kinds of nonfinancial (land, dwellings, commercial inventory, other buildings, machinery, infrastructure, patents, and other directly owned professional assets) as well as financial assets (bank accounts, mutual funds, bonds, stocks, financial investments of all kinds, insurance policies, pension funds, etc.).

This inclusive notion has some important advantages. As a starter, imagine a tax authority going to a wealthy household. It would be futile for that authority to try deciding what belongings participate in, or are excluded from, the process Marxists call "accumulation". A household's corporate stocks surely are capital, but what about the Modigliani painting? Marx would have had difficulties perceiving such painting as capital. But this object surely constitutes a marketable asset for the household that expects to yield substantial pecuniary income when sold. The same would be true for the household's (including owner-occupied) real estate. A corresponding problem appears with regards to credit. There exist good theoretical reasons for distinguishing credit and capital. Banks can create credit out of thin air, by drawing up contracts with debtors and providing these debtors with their own liabilities (deposit money), which are to be repaid in predetermined installments. Credit can thus be considered the monetary medium to *finance* investment assets, but is different from capital itself. But such distinctions are difficult to maintain. Financial actors having loans on their balance sheets count them as assets; they expect a return on these assets; and in today's capitalism, they can marketize these loans (through securitization). The fact that credit is just a contract, not a tangible entity, should not matter because the same holds true for a large 'chunk' of other capital assets too (Pistor, 2019: 115–7).

For Piketty's pragmatic statistical purposes, then, a broad and inclusive notion of capital as wealth makes sense. But this leaves a conceptual void. For when we treat every marketable asset as capital, the concept loses its analytic edge. For

instance, relying on Piketty's definition would imply that we should treat almost all private and public property as capital, since most of it is marketable in *some* form (if not anywhere else, then on *e-bay*). Likewise, taking Piketty's approach to the extreme, we would need to consider (almost) everybody to be a capitalist, albeit to different degrees (everybody owns *some* marketable property). There would be no class distinction inscribed in capital, only gradual differences in the market value of owned property, customarily counted as deciles or percentiles of a distribution (e.g., "the one percent").[2]

If we do not want to limit our conceptual work to an exercise in pragmatic measurement decisions, we thus need to go beyond Piketty and make something out of the fact that, today, a large faction of capital assets constitute something different from what they were in the heydays of industrial capitalism. The two diagnostic concepts motivating such an endeavor are financialization and the rise of the "knowledge economy". Financialization can mean many things, but following Hyman Minsky (1975: 106), we can here depict it as a process of layering, whereby complex financial contracts – derivatives, securitized assets etc. – are added on top of more generic ones (loans, bonds, stocks), thereby increasing the scope, depth, and nature of financial activities vis-à-vis the rest of the economy. One aspect of this layering thus is that entities, activities, and actors that were hitherto excluded from finance can now be made part of it – like homeowners, students, or vehicle buyers, who do not really have the income to support their loans, but who become creditworthy through what Pistor excellently describes as the wizardry of securitization. Relatedly, additional layers of finance transform the institutional structures further down. For instance, banks lose their monopoly in making deposits and providing loans. Depository institutions instead start to "marketize" their balance sheets in order to compete and cooperate with non-bank actors (money market funds; investment banks; market making brokers; loan brokers), who are part of the increasingly prolonged chains of finance.

For the purpose of understanding capital, it is also useful to turn attention to the coming of a quite different post-industrial knowledge economy than the one imagined by Daniel Bell. Knowledge, in that economy, is not controlled by public institutions (universities and government departments), but by corporations or entrepreneurial scientists with venture capital, who capitalize on knowledge to turn it into capital, which is henceforth monopolized through patenting – aptly described by Pistor as a strategy to "capture and monetize expected returns" (2019: 116). Such processes dominate the digital technology industry, big pharma, robotics, and other sectors – and they arguably make a significant contribution to the

2 Admittedly, Piketty himself engages in a class analysis in his latest book, Piketty, Thomas. 2020. *Capital and ideology*. Cambridge, MA: Harvard University Press.

enduring hegemony of the US economy (Schwartz, 2019). Looking at the apex of the United States' income distribution, one can easily discover those entrepreneurs, who have perfected rent-extraction from 'intangible' assets.

When asking what unites financialization and the rise of a knowledge economy, we may thus start to see what capital might mean in the 21st century. In some ways, this 'new' capital is what capital has always been – an asset with a definable monetary value (as recorded in accounting terms, sometimes in market values), which entails the expectation of future monetary rewards. In a capitalist economy, this investment process is privately controlled and works as the primary structuring force, giving capital owners not just economic, but also political power.

But identifying these abstract attributes is not yet enough. Additionally, we must recognize that capital involves extensive work for its creation, its commodification, control, and effective deployment. For instance, strategic effort goes into the definition of what can be capital at all – from which entities and processes can capitalists expect future monetary rewards? No less effort is directed at guiding revenue streams towards those in possession of assets, rather than other actors who participate in the process of generating surplus (as Marx noted, the capitalists, not the workers, acquire ownership in labor's surplus value). Any engagement with capital thus raises the question of how the fruits of collective efforts and resources are channeled into the hands of few.

It is here that I situate Pistor's project. By turning attention to the *legal* coding, she renders visible an important aspect of a broader process of "capitalization" (Levy, 2017). For instance, capital evolves with legal innovations that consist in the creation of new contracts that define new forms of ownership and (control over) revenue streams. Capital also develops with legal work to secure the claims of capital owners while warding off those of other actors. Key variables manipulated by lawyers in this process concern the priority rights associated with claims; their durability; their acceptance by third parties; and the creation of back-ups for claimants, e.g., through collateral or insurance mechanisms (e.g., provided by central banks). In manipulating these variables, according to Pistor, legal experts inscribe new types of capital into law and thereby change law and capitalism itself. Simply put, capitalism could not work if lawyers did not build walls around monetary flows to reliably channel incomes to their clients and shield them from losses.

Interestingly, Pistor does not give her argument a historical index. Rather, by beginning her story with the enclosure of land in England since the 16th century, she describes the role of private attorneys in securing privileges for aristocrats even before large-scale capitalism was born. But there exists a crucial difference here between these historical examples and the role of coding practices today. This difference resides in what the structural context is and who the actors are that drive

coding work. Today, attorneys no longer make their primary contribution by securing the status and possessions of landlords with framing estates – the group despised by Marx, because of its romanticizing attitude towards what in essence was (and is) exploitation. Rather, the major actor has become capitalization itself, albeit in a different sense than implied by Marx. Capitalization is not some transcendent force of history, replacing Hegel's spirit. It consists of a set of dominant, but localized, differentiated, and contingent processes (Levy, 2017) that are not just economic-financial, but are interwoven with political power structures, societal order, as well as cultural-symbolic repertoires that pattern how actors think, feel, and act.

3 Legal Coding and Class Structures

In order to reveal the work and efficacy of coding, Pistor primarily draws on her intimate knowledge of particular empirical cases. For instance, she describes in detail how Lehman Brothers' managers and lawyers exploited the flexible incorporation law in the US state Delaware to create a holding company with many subsidiaries against whose bankruptcy the holding company was shielded with limited liability – a construction that was complemented with credit guarantees for the subsidiaries to provide them with low funding costs and thereby render them profitable. As Pistor recounts, the effect of this construction was that Lehmann shareholders could reap the benefits of a highly risky business model without assuming full responsibility. A similar example Pistor draws on are the derivatives and repo markets, where market participants have designed specific contractual arrangements, so called "close-out netting provisions", which imply that creditors in a derivatives or repo contract can exercise their claims against a failing counterparty before everybody else. The special twist of this case is that law makers in the US and elsewhere have vindicated these "super-priority" rights (Roe, 2011: 545) for these contracts by creating carve outs in bankruptcy law. Lawyers' inventions of new contractual templates thus have ultimately led to changes in public law.

The challenge, I think, is to scale up this argument to establish how rising levels of inequality within highly developed countries result from such legal coding. To fulfill this promise, the discussed examples are too ideosyncratic and often suggest first-order distributional consequences reduced to a limited number of market participants (Lehman's shareholders vs. creditors; secured against unsecured wholesale lenders, etc.). In any case, I do not find it justified, based on these empirical findings, to argue that one can "explain the political economy of capitalism without having to construct class identities" and that the key to "understanding the basis of power and the resulting distribution of wealth lies instead

in the process of bestowing legal protection on select assets and to do so as a matter of private…choice" (2019: 208).

I would therefore suggest that, instead of seeking to single-handedly explain inequality through the practice of legal coding, it would be better to identify complementarities with other research and thereby strengthen book's claims. I am here thinking, first and foremost, of the proliferating works on inequality by Milanovic, Pierson, Stiglitz and others. Two of their findings seem, in my view, particularly suited to contextualize legal coding within broader processes of capitalization that (re-)produce distributional structures. The first concerns explanations of the resurgence of wealth as a ratio of overall income, one of the famous u-shaped curves in Piketty's book (see Piketty, 2014: 32). Economically speaking, growing wealth as a ratio of GDP is only possible, when the return on capital systemically outpaces that on labor, giving rise to the famous formula $r > g$. There have been heated debates in economics as to what explains this trend, whose distinct historical trajectory indicates anything but a natural law. The argument endorsed by most economists is that automation and globalization have allowed companies to produce more efficiently with less work. But as Joseph Stiglitz and others have countered, low productivity growth raises doubts about this explanation. Stiglitz himself therefore advances an alternative view. His focus is on rent-extraction – the capacity of capital owners to increase their share of the cake, against workers, tenants etc. "So overall wealth increases", as Stiglitz writes, "but this does not lead to an increase in the productive capacity of the economy or in the mean marginal productivity or average wage of workers. On the contrary, wages may stagnate or even decrease, because the rise in the share of rents has happened at the expense of wages. The assets which are driving the increase in overall wealth, in fact, are not produced capital goods. In many cases, they are not even 'productive' in the usual sense" (Stiglitz, 2015: 143).

As one can easily see, this argument aligns with Pistor's own claims, and it is a pity that she does not explicitly engage with it. For what Stiglitz makes evident is that legal coding is one critical, but no isolated attempt to engineer a (re)distribution from bottom to top. Complementarily, we must take account of corporate strategies, which have been radicalized towards extracting as much wealth from economic activities as possible (Davis, 2016), made possible and caused by processes of sectoral concentration and growing investor pressures. More importantly still, *political* choices have contributed to weakening workers' bargaining powers, like anti-union or monetary policies. Tax policies and subsidies play another crucial part, as they systemically favor wealth holders and their sources of income over those living from wages alone (Hacker and Pierson, 2010; Milanovic, 2019: 59). Recognizing how coding work by top law firms is very much interrelated with

these other economic, organizational, and political processes would strengthen Pistor's claims.

This brings me to a second finding from the inequality literature that makes me doubt that Pistor can or should try to an offer a political economy of capitalism without class. This finding prominently features in Branco Milanovic's (2019) analysis of what he calls "liberal meritocratic capitalism" – an analysis admittedly published more or less simultaneously with Pistor's book. The term liberal meritocratic capitalism sounds like an endorsement, but what Milanovic means is that, in a capitalist formation best represented by the United States in the 21st century, inequalities have been reinforced by high returns on capital and its concentration in a few hands. But the feature that is of most interest to me concerns Milanovic's observation, that in this formation, "people who are capital-rich now tend also to be labor-rich"; that is, the highly skewed income distribution due to concentration of capital is reinforced, rather than compensated, by changes in the distribution of income from work. As Milanovic reports, "in 1980, only 15% of people in the top decile by capital income were also in the top decile of labor income, and vice versa. This percentage has doubled over the past 37 years" (ibid, 34). Combine this with a trend towards assortative mating (homogamic marriage) and reduced social mobility (transmission of advantages), and you can come to see the contours of a socio-economic elite class that looks quite different from the one described by Marx. The financiers, rentiers, and owners of large industrial holdings of his time have been replaced by highly paid, and extremely hard-working managers, investment bankers, and other elite professionals (Markovits, 2019), who *also* hold most of the wealth.

This matters for Pistor's argument. First, the apparent overlap between high income from capital and particular types of employment supports Pistor's idea that what Marx calls "accumulation" entails an active effort in defining and employing capital – so that the rewards of such capitalization work are not only paid in interest and dividends, but also in salaries to those professionals (investment bankers, fund managers, attorneys etc.) participating in doing the coding. Secondly, the apparent overlap between wealth owners and high-income workers makes the classical distinction between capitalists and workers less salient. But it indicates the formation of new class relations between 'high-performing' and capital-rich professionals (with lots of 'human capital') versus the rest. These class relations are shaped by the distinct dynamics of accumulation in contemporary capitalism that I have tried to capture with the notions of financialization and knowledge economy. But class relations arguably also direct and shape the work of capital. For instance, the fact that the coders of capital – the professionals at *Freshfields* and other top Anglo-Saxon law firms – belong to same social class and share the same values as their clients helps explain why the lawyers' talents and efforts are expended on stretching

the reach of patent rights, devising schemes to 'save' taxes, or securing their clients' priority rights. The sociological argument thus is that, just in any other class formation, financial-monetary processes undergirding distributional structures are embedded in and supported by political, social and cultural relations, reflected in the patterns of socialization amongst class members through particular schools and universities; the positions these elites occupy within social networks, organizations, and associations; and the cultural concepts of achievement and deservingness (Lamont and Pierson, 2019) that give class members a sense of legitimacy and social esteem. One cannot criticize that Pistor has failed to integrate these class-related aspects of highly paid legal work with an analysis of concrete aspects of coding. But *Code of capital* should serve to encourage studies of these new class formations, rather than advising against them.

4 Practices of Capital

In sum, I argue that the legal coding of capital, as analyzed by Pistor, is paradigmatic for broader processes of intensive, reflexive capitalization that we encounter in financialized, knowledge-based economies. Contemporary class structures reflect, sustain, and reinforce these processes as they distinguish a 'meritocratic' (high net-worth *and* hard-working, top income) elite from the rest. They provide the social, political, cultural fabric that supports the reproduction of particular forms of capital – sophisticated financial or "intangible" capital. For the sake of engaging with the lively contemporary debate on capitalism, I would have found it fruitful if Pistor had introduced these contextualizations to her own – and very valid – argument, which I would summarize in the following words: We have long regarded the legal aspects of capitalism as necessary preconditions for economic action and markets while overlooking how law works as an active component of capitalization, contributing to wealth creation and its distribution (Pistor, 2019: 19).

But I also appreciate a more implicit, methodological point made by Pistor. When we approach capitalism empirically, we currently rely on a very limited set of research tools. Economists mainly use national accounts and information on households (tax records, surveys) to capture aggregate and distributional trends. Comparative political economists complement such research by introducing (configurations of) institutions and (collective) actors' strategic engagements with them – motivated by interests and/or ideas. Rarely, sectoral analysis, the study of corporate forms, and international factors inform studies on different national versions of capitalism. Pistor's book entails the promise that we can go beyond this standard choice set by turning our attention to a different kind of entity – namely practices, in her case of legal coding, and the configurations that support their

proliferation (i.e., a global rule system that enshrines the dominance of Anglo-Saxon legal codes).

Studying practices of capitalization is promising for three reasons. First, to generalize the point made by Pistor, our economies are shaped by intentional, reflexive and intensive expert work at defining assets and entitlements, structuring (expected) cash streams, and distributing rights, privileges, and obligations. It is thus worth studying in detail the work being conducted in the financial industry, by actuaries, accountants, lawyers etc. to understand accumulation and distribution. Second, as scholars such as Bourdieu and Giddens have emphasized, there exist recursive relations between socio-economic structures and the practices that (re)produce them. This implies that the actions of lawyers, financial engineers etc. are reflective of, but also contribute to, patterns of distribution. For instance, when Pistor describes how lawyers contribute to the structuring of modern corporations as assemblages of fragmented units, she indicates how coding practices reflect *and* shape the very interests of core actor groups in capitalism – shareholders, managers, creditors, etc. Third, the incrementality of legal coding gives us another argument why current structures are so entrenched. For instance, in her chapter on globalization, Pistor characterizes a situation in which states cannot exercise sovereignty over their own regulations of capital as a result of path-dependent transformations in their own laws (conflict-of-law rules; international investment treaties etc.). This incremental process lowers the need for capture of governments by capitalists at any particular point of decision making while still producing outcomes that, in aggregate, are highly advantageous for large corporations and powerful sectors, like finance and big tech.

To be sure, there already exists much research in sociology on practices in the domains of finance, accounting, and law.[3] But the lively debate on contemporary capitalism, and Pistor's proposal to link such detailed empirical investigations more closely with questions of inequality, should give a new impetus and sense of purpose to such work.

References

Chiapello, E. (2007). Accounting and the birth of the notion of capitalism. *Critical Perspectives on Accounting*, *18*(3), 263–296.

Davis, G. F. (2016). *The vanishing American corporation: Navigating the hazards of a new economy*. Oakland, CA: Berrett-Koehler Publishers Inc.

3 See, for instance, the works of Donald MacKenzie for finance; by Yves Dezalay and Bryant Garth for the legal profession; Michael Power has analyzed the proliferating techniques of auditing and accounting in contemporary capitalism.

Hacker, J. S., & Pierson, P. (2010). *Winner-take-all politics: How Washington made the rich richer – and turned its back on the middle class*. New York: Simon & Schuster.
Lamont, M., & Pierson, P. (2019). Inequality generation and persistence as multidimensional processes: an interdisciplinary agenda. *Daedalus*, *148*(3), 5–18.
Levy, J. (2017). Capital as process and the history of capitalism. *Business History Review*, *91*(3), 483–510.
Markovits, D. (2019). *The meritocracy trap*. New York: Allen Lane.
Marx, K. (1968 [1844]). Ökonomisch-philosophische Manuskripte aus dem Jahre 1844. In K. Marx & F. Engels (Eds.), *Werke, Ergänzungsband: Schriften bis 1844* (pp. 465–588). Berlin: Dietz Verlag.
Milanovic, B. (2019). *Capitalism, alone*. Cambridge, MA: Harvard University Press.
Minsky, H. P. (1975). *John maynard keynes*. London; Basingstoke: Macmillan.
Piketty, T. (2014). *Capital in the twenty-first century*. Cambridge, MA: Belknap Press of Harvard Univ. Press.
Piketty, T. (2020). *Capital and ideology*. Cambridge, MA: Harvard University Press.
Pistor, K. (2019). *The Code of Capital. How the law creates wealth and inequality*. Princeton, NJ: Princeton University Press.
Roe, M. J. (2011). The derivatives market's payment priorities as financial crisis accelerator. *Stanford Law Review*, *63*, 539–589.
Schwartz, H. M. (2019). American hegemony: intellectual property rights, dollar centrality, and infrastructural power. *Review of International Political Economy*, *26*(3), 490–519.
Stiglitz, J. (2015). Inequality and economic growth. *The Political Quarterly*, *86*(1), 134–155.
Streeck, W. (2016). *How will capitalism end?*. London: Verso.