

## Self-Ownership, Liberal Neutrality and the Realm of Freedom: New Reflections on the Justification of Basic Income

A review of Axel Gosseries and Yannick Vanderborght (eds), *Arguing about Justice: Essays for Philippe Van Parijs* (Presses Universitaires de Louvain, 2011) 422 pp, free at <http://pul.uclouvain.be/en/livre/?GCOI=29303100802400>, ISBN 978-2874632754.

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### INTRODUCTION

To celebrate Philippe Van Parijs' 60th birthday, Axel Gosseries and Yannick Vanderborght decided to ask no fewer than 50 thinkers from all over the world who 'respect his ideas and like him as a person' to advance new ideas, 'taking risks if possible' (35). The volume presents a fine tribute by an impressive line-up of thinkers. Contributors include Bruce Ackerman, John Baker, Samuel Bowles, Paula Casal, Joshua Cohen, Jon Elster, Marc Fleurbaey, Robert Goodin, Claus Offe, Ingrid Robeyns, John Roemer, Hillel Steiner, Adam Swift, Robert van der Veen, and Erik Olin Wright, to mention just a few.

This is not a volume with a clearly defined set of issues or problems as its common core. Instead, we are given a massive firework display of brief essays (ordered alphabetically, based on author name) in celebration of Van Parijs and his contribution, concentrating a great number of arguments and reflections in the book's 422 pages. The common denominator of these essays is, then, that their content reflects issues, theories and traditions examined in Van Parijs' rich work on justice. This means that the ethics of basic income, linguistic justice, the interpretation and

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valuation of Marxian ideas, left-libertarianism, egalitarianism, and environmental sustainability belong to the central themes of the book. The volume is also shaped by Van Parijs' intellectual style, and his commitment to a form of political philosophy that aims to work out clear and precise ideals for our long-term efforts while also speaking to our need for guidance on how to reform existing institutions. As expected, then, the volume is highly interdisciplinary, and consistently focused on the links between normative theory and political practice.

While the editors offer useful directions for navigating central themes in this landscape, the sheer volume and somewhat disparate nature of this work has the inevitable consequence that it can be difficult to discern tensions and connections between contributions on a specific debate and, thus, begin to assess the relative strengths and disadvantages of different views on a specific issue. The following essay offers a modest and highly selective response to that need for synthesis and reflection, in the sense that I will focus exclusively on a set of essays of special relevance to *one* of Van Parijs' interests (which has also been central in my own research), namely the book's contribution to the justification of basic income. More specifically, I will present an introduction and critical examination of arguments presented in a few of the book's essays by examining how they relate to the development of Van Parijs' own arguments on this theme.

This review essay comes in four parts. Part 1 offers a discussion of a number of essays on the Marxian heritage and justifications of basic income (BI), building on core ideas in that tradition. Part 2 addresses left-libertarian ways of responding to key objections against the Marxian case for BI. Part 3 focuses on Van Parijs' later, real-libertarian justification of BI, and some of the book's challenges to that view. The final section reconnects with our starting point by analysing tensions between Marxian and liberal-egalitarian arguments for BI, as illustrated by Van Parijs' own work.

## 1. THE MARXIAN HERITAGE, BASIC INCOME AND THE REALM OF FREEDOM

While Philippe Van Parijs' contributions are diverse, he is strongly associated with two long-lasting commitments, namely his role in the so-called September group (established in 1978, on the initiative of GA Cohen, Jon Elster and John Roemer, and primarily associated with the analytical exploration of Marxian themes), and his influential work on basic income, ie the idea of a universal and unconditional income without any means-test or work requirement. While basic income is not a new idea, Van Parijs played a very central role in sparking the contemporary philosophical debate on this proposal with an early piece (jointly written with Robert van der Veen) called 'A Capitalist Road to Communism' (1986).<sup>1</sup> He has later defended BI on liberal-egalitarian grounds in a number of works, including his comprehensive monograph *Real Freedom for All: What (if Anything) Can Justify Capital-*

<sup>1</sup> Robert van der Veen and Philippe Van Parijs, 'A Capitalist Road to Communism' (1986) 15(5) *Theory and Society* 635, reprinted in (2006) 1(1) *Basic Income Studies*.

ism? (1995).<sup>2</sup> However, as discussed by a number of contributors to *Arguing about Justice*, such as Bill Jordan and Eduardo Suplicy, Van Parijs is also one of the founding members of BIEN (Basic Income Earth Network), which has played a key role in fostering well informed debate on the subject and, judging from Suplicy's piece (discussing the progress of basic income in Brazil), also been crucial in inspiring and facilitating important steps towards the political realisation of this idea.

How, then, are the interests of the September group linked to the justification of basic income? One natural starting point for addressing this theme is provided by Jon Elster's essay on the impact of Freud and Marx. His chapter, an entertaining exercise in counterfactual history, concludes (somewhat surprisingly!) that 'both the world and our understanding of it would have benefited had they [ie Freud and Marx] never been born' (27). He suggests, however, that Marx's 'most valuable contributions to social theory were his critique of alienation and, as the positive counterpart, the conception of the good life as one of self-realization through self-externalization (of which productive labour is one but not the only form)' (223). Unfortunately, these arguments have often been 'hijacked and transformed' by proponents of a false consciousness thesis ('being alienated without knowing it') and the critique of alienation belongs to the themes of the Marxian tradition that would have deserved a far greater impact. As he interprets this idea, the central task of this project consists in 'efforts to change the workplace and to facilitate other vehicles of self-realization' (223).

Van Parijs clearly belongs to those who *have* taken this concern very seriously. Indeed, the vision of non-alienation and self-realisation was at the very core of Van Parijs' early arguments for basic income, which were explicitly anchored in the Marxian distinction between the realm of freedom and the realm of necessity. Considering the Left's disappointment and disillusionment with actually existing forms of socialism, the argument presented by van der Veen and Van Parijs in the mid-1980s suggested that we should stop focusing so much on socialism (ie the collective ownership of the means of production) which—after all—the Marxian tradition only embraced as *a means*. Instead, our attention should be drawn to the ultimate aims that Marx (in the *Critique of the Gotha Programme*) associated with the so-called higher stage of communism, in which we may realise the principle 'from each according to his abilities, to each according to his needs'.

In short, this argument proposed the bold idea that a more promising path forward was to introduce the highest sustainable basic income within the context of a capitalist economy, ie BI as the centrepiece of an alternative (non-socialist) road for realising Marx's emancipatory vision. The idea was essentially to introduce distributive mechanisms that would enable workers to say no to unattractive jobs and help develop productive capacity, working conditions, and access to free time in a direction that would support 'inherently rewarding' work (rather than efforts performed instrumentally, as a necessary evil). On their account of this ideal, we should aim to realise conditions where the needs of all could be adequately met at

<sup>2</sup> Philippe Van Parijs, *Real Freedom for All: What (If Anything) Can Justify Capitalism?* (Oxford University Press, 1995).

the same time that ‘extrinsic rewards ... would be less and less necessary to prompt a sufficient supply of labor’, ie because the attractiveness of work (interpreted broadly) had gradually turned it into (to use Marx’s words) ‘life’s prime want’.<sup>3</sup>

In her contribution to *Arguing about Justice*, Almaz Zelleke revisits this Marxian argument for basic income and asks whether material conditions have now—more than 25 years after the publication of the essay—improved the possibilities for realising this aim. Are we now any closer to a situation where people can access an unconditional basic income and, because of that, are no longer ‘forced to accept unrewarding or unpleasant work out of need’, and where paid work and leisure can be ‘more widely distributed than they are now’ (415)? While progress appears very far from inevitable, Zelleke argues that a number of recent developments may not only help illuminate the possible meaning and implications of such an ideal for contemporary circumstances, but also open up new and surprising possibilities for advancing this overall vision.

As she points out, many professional knowledge workers of today have the kind of bargaining power, independence and resources needed to develop their productive abilities, and to escape the imprisoning aspects of the division of labour. They can have ‘multiple identities and play multiple roles, only some of which are for pay. They can take time for education, for parenting, for social relations and civic activities, and also for unpaid activities that may be little different from their paid employment—blogging, contributing to open source projects, and buying, selling, or trading services or products directly with others, with little or no mediation by traditional for-profit firms’. They are endowed with capacities to do so as they control some of their means of production, namely their knowledge and skills and access to a global communications network enabling both ‘unmediated capitalist exchanges’ and self-organised networks that ‘provide their products for free’ (419). At the same time, however, even such a privileged group is inevitably—and increasingly—sharing a sense of precariousness and vulnerability with less privileged workers as well as the unemployed and the underemployed. Hence, even they have important reasons for embracing a universal basic income and for not denying others the kind of freedom that they themselves may (currently) enjoy.

Zelleke recognises that this possible alignment of interests is no simple thing and likely to face widespread resistance, some of which is based on considerations of justice and exploitation, to which I shall return shortly. There is, however, another important challenge against defending the vision of a basic income in this particular Marxian way and, thus, for giving this notion of ‘the good life’ the revival that Elster and Zelleke may welcome.<sup>4</sup> While the aim of self-fulfilling work will, of course, be appealing to most people, it would also seem dogmatic to assume that this is all that matters, or to deny that people may reasonably want to accept

3 Van der Veen and Van Parijs (n 1) 5. On this argument, see also Robert van der Veen and Philippe Van Parijs, ‘Universal Grants Versus Socialism: Reply to Six Critics’ (1986) 15(5) *Theory and Society* 723; Robert van der Veen and Philippe Van Parijs, ‘A Capitalist Road to Global Justice: Reply to Another Six Critics’ (2006) 1(1) *Basic Income Studies* art 13.

4 However, Elster may have serious objections against BI as the right instrument for supporting this end: see Jon Elster, ‘Comment on Van der Veen and Van Parijs’ (1986) 15(5) *Theory and Society* 709.

less stimulating employment *if* that would help increase opportunities for other things they find important, say forms of consumption to which they ascribe great value. More generally, the division of labour of contemporary capitalism, and the attractiveness of particular tasks (or the mix of activities available to people at any particular time) can be experienced and valued in many different ways.

This indicates why the notion of non-alienation and voluntary work in the form of inherently rewarding activities will, for many people, seem to be an objectionable starting-point *if employed as the foundation of a conception of freedom or justice*. In short, this Marxian form of perfectionism seems to violate an important liberal concern for respecting people's diverse conceptions of the good life, and the fundamental priority of their freedom to identify and pursue options that may differ greatly with respect to the role and importance they ascribe to employment, unpaid work, leisure or consumption). Van Parijs himself belongs to those who have, on such grounds, later rejected non-alienation as an appealing basis for a theory of distributive justice. But he has also pointed out that BI—given its complete unconditionality and the freedom it provides for people to do whatever they prefer to do (ie including activities that are unlikely to realise the ideals of non-alienation)—does not seem to fit very well with such a starting point. As he points out, it appears to be 'an extremely gross tool for anyone concerned to foster a particular conception of the good'.<sup>5</sup>

How, then, may those drawn to BI avoid these difficulties, and identify a non-perfectionist foundation for justifying and guiding their claims? Van Parijs connects his later philosophical justification of BI to a conception of justice that he refers to as 'real freedom for all'. Real freedom incorporates certain aspects of the 'formal freedom' associated with right-libertarianism. As he rightly remarks, however, it is 'easy to think up highly repressive states of affairs perfectly consistent with a full respect of property rights, as construed by libertarians'.<sup>6</sup> Thus, real freedom requires not just a solid protection of fundamental, personal liberties; it also requires equal (or, taking efficiency into account, leximin) access to means necessary to exercise those liberties for whatever purposes one might have. The highest sustainable basic income is thus defended as the best available arrangement for providing people with the real freedom to do whatever they might want to do, whether that means pursuing full-time employment or (as in one of Van Parijs' most widely discussed examples) full-time surfing.

## 2. LIBERTARIAN APPROACHES TO THE JUSTIFICATION OF BASIC INCOME

Even though this type of justification—to which I will return in part 3—may avoid the liberal criticism against linking social justice to any particular conception of the

5 Philippe Van Parijs, 'Competing Justifications of Basic Income' in Philippe Van Parijs (ed), *Arguing for Basic Income: Ethical Foundations for a Radical Reform* (Verso, 1992) 20.

6 Van Parijs (n 2) 4.

good life, it is no less vulnerable to objections about exploitation or seeming lack of reciprocity in the idea of unconditional transfers to individuals who are able to work. Is it not unjust that people should get ‘something for nothing’ even in cases when they are just as capable of supporting themselves as those whose incomes are being taxed to fund this arrangement? Surely, institutionalised transfers from workers to the so-called *voluntarily* unemployed seem exploitative, especially when these categories are assumed to have equal productive capacities?<sup>7</sup>

Several contributions to *Arguing about Justice* provide interesting arguments of relevance to this objection. Are there any resources that may be justly taxed in order to fund the BI? And would the taxation necessary for the funding of this arrangement constitute an (unacceptable) infringement on personal liberties of those whose resources are being taxed? One response is straightforwardly left-libertarian. Full libertarian self-ownership implies ownership of the products of one’s labour and, thus, demands that we do not interfere with inequalities that result from people’s unconstrained exercise of their productive abilities. Even Zelleke’s Marxian line of argument points to the *strategic* difficulties of trying to build the case for BI on taxation of income from work or ‘personally accumulated wealth’, given that privileged knowledge workers are likely to identify these as individual (ie ‘their’ earned income) rather than common resources (421). On Hillel Steiner’s left-libertarian view this resistance against taxing the fruits of people’s labour is, moreover, fully justified. He claims, however, that this does not stand in the way of justified redistribution since there is a set of *natural* resources to which all are equally entitled. As argued in Steiner’s contribution, ‘not being products of anyone’s labour, not being results of anyone’s choices, it is entitlements to ... natural factors that such [starting gate] theories distribute in equal amounts to all persons’. This implies that those having a ‘greater than equal share of those natural factors owe corresponding amounts of compensation to all those who have less than that equal share of them’ (322).

Still, this familiar strategy confronts a serious difficulty, namely the suspicion that this source of taxation (which may, for example, be specified—along the lines of Henry George—as an equal share of the rental value of ‘unimproved’ land, ie excluding the value added by labour) will yield only a very limited volume of resources. Indeed, it is worth recalling Van Parijs’ verdict on this approach, stated almost 20 years before the publication of this festschrift, namely that it would seem to produce ‘an admittedly strong right to a pathetically small grant’.<sup>8</sup> In this new piece, Steiner elaborates on his own, innovative way of avoiding the conclusion that libertarianism would imply very substantial inequality of holdings. Specifically, this egalitarian objection fails to realise that ‘genetic information encoded in our genomes’ plays a crucial role in ‘controlling the construction of our bodies’. Ultimately, that information derives from ‘non-human sources’, implying that pro-

<sup>7</sup> For this objection, see eg Stuart White, *The Civic Minimum: On the Rights and Obligations of Economic Citizenship* (Oxford University Press, 2003); Gijs van Donselaar, *The Right to Exploit: Parasitism, Scarcity, Basic Income* (Oxford University Press, 2009).

<sup>8</sup> Van Parijs (n 5) 15–16.

creators, as appropriators of these resources, will need to compensate others who are thereby 'denied the use of that information'. This conclusion is not blocked by the simple fact that this information is located within self-owned bodies, '[j]ust as a geographic site's being entirely surrounded by owned sites does not entail that it is an owned site' (323).

This may or may not provide a firm libertarian basis for justified taxation. However, I find it less clear why it would also generate a case for universal and unconditional transfers in cash.<sup>9</sup> Steiner's argument in this essay is calling for transfers from parents of the genetically advantaged to parents of the genetically disadvantaged so that this genetic source of children's unequal prospects can be counteracted (323–4). If the central requirement in addressing genetic inequality is—as he presents it—to compensate those of poorer natural resources of this kind with superior 'nurture' ('post-conception input factors'—education, care and other aspects of our upbringing, unrelated to the value of their genome), would not investment in targeted, in-kind assistance (eg resources of education and care) to such categories be a more natural option than equal, unconditional cash transfers that parents (and non-parents) are free to spend as they like?

More broadly, whatever the strategic value of restricting oneself to categories of taxation that do not interfere with Steiner's notion of self-ownership, I find it difficult to reconcile our deepest convictions of equal opportunity with the idea that any justified equalisation must operate within the narrow, moral constraints fixed by the libertarian starting points of his project. To the extent that we value justice, this left-libertarian position still implies that we must allow substantial brute luck inequalities, ie due to circumstances beyond our control, to accumulate over time (and, using Van Parijs' terminology, leave very limited 'real freedom' for some people) whenever it would turn out that such inequalities are mainly traceable to (self-ownership protected) nurture rather than (taxable) nature.<sup>10</sup> Leaving the genetic dimension to one side, we may, for example, plausibly assume that Zelleke's knowledge workers will often invest plenty of energies and accumulated wealth during their lives in ways that will—in the absence of redistribution—have the predictable consequence of giving their own children considerable advantages relative to others.<sup>11</sup> The prospects of children are thus allowed to depend very fundamentally on the (poor) judgements or (non-)efforts of parents instead of institutions

<sup>9</sup> In this essay, Steiner's concern is not the justification of basic income but the rejection of the claim that starting gate theories entail massive inequality. In other discussions of this argument, however, Steiner's claim is that such a libertarian tax on children's genetic information belongs to a set of taxes that may be conceived 'to yield a fund upon which all self-owners have equal claims' and, thus, help fund a universal grant. See Hillel Steiner, 'Three Just Taxes' in Van Parijs (n 5) 89; and, more recently, Hillel Steiner, 'Left Libertarianism and the Ownership of Natural Resources' (2009) 1(1) *Public Reason* 7.

<sup>10</sup> It should, however, be noted that Steiner thinks that bequests (contrary to other gifts) are taxable within this left-libertarian framework.

<sup>11</sup> Steiner has emphasised that while children's abilities are certainly not self-chosen, they are not typically un-chosen. They reflect, along with natural circumstances (subject to justified equalisation), 'the many hard-earned, labour-embodied inputs used [by parents] to construct children's abilities': Steiner, 'Left Libertarianism' (n 9) 7.

guided by principles that aim more consistently to provide equal opportunities for all.

### 3. REAL FREEDOM FOR ALL vs STATUS FREEDOM

Van Parijs has provided a powerful basis for addressing some of these tensions between libertarian and egalitarian convictions. While one of the starting points of *Real Freedom for All* is that the libertarian challenge to egalitarian justice must be taken very seriously, he thinks that we can and should ultimately dissociate our views about liberty from this *strong* notion of self-ownership and the restrictions it will impose on justified redistribution.<sup>12</sup> It is thus important to see that Van Parijs' so-called 'real-libertarian' view is far from left-libertarian in Steiner's sense.<sup>13</sup> While making use of certain libertarian ideas, his non-perfectionist case for the highest sustainable basic income can be accurately described as a 'left-wing Rawlsian' argument, according to which external gifts in a very broad sense, *whether natural or produced*, and *whether inherited or bestowed by current generations*, are subject to yield-maximising taxation.<sup>14</sup> By connecting redistributive aims to the gifts we receive very unequally due to circumstances of brute luck, rather than the outcome of our choices, it remains sensitive to considerations of individual responsibility. And by demanding yield-maximising taxation rather than full equalisation, it also remains sensitive to considerations of efficiency.

The specific nature of Van Parijs' real-libertarian argument and its possible limitations is the subject of a number of contributions in *Arguing about Justice*. The radical implications of Van Parijs' argument, and his assumption that a high level of BI is required by justice, depends importantly on the inclusion of so-called employment rents (that he thinks are incorporated into the wages of privileged jobs of current economies) in the category of resources to which the norm of yield-maximising taxation applies. As discussed in van der Veen's essay, the mechanisms that lead people to access privileged jobs so very unequally are diverse and involve a complex mix of causal factors, such as the fact that we live in a particular part of the world, or that we access a particular slot in the economy because of family connections, valuable networks, or a good fit between our linguistic abilities, skills and available positions etc (356–9). Van Parijs does not, of course, deny that people's choices and efforts affect the kinds of jobs they may be able to seize (and successfully hold on), just as choices may affect the likelihood that people will receive a large inheritance from a relative of theirs. He emphasises, however, that whether or not we are able to benefit from such efforts to obtain a favourable job depends

<sup>12</sup> Van Parijs ascribes priority to the personal liberties associated with a 'weak' notion of self-ownership (which would, for example, ban forced labour but remain fully consistent with the 'absence of any differential reward to talents'): Van Parijs (n 2) 9, 26–27.

<sup>13</sup> For a discussion of this difference see eg Philippe Van Parijs, 'Egalitarian Justice, Left Libertarianism and the Market' in Stephen de Wijze, Matthew H Kramer, and Ian Carter (eds), *Hillel Steiner and the Anatomy of Justice: Themes and Challenges* (Routledge, 2009) 156.

<sup>14</sup> Van Parijs (n 2) 297–8.

on ‘a combination of circumstances most of which are no less arbitrary than the fact that one of our parents happens to have a rich sister’ (quoted by Van der Veen, 358). Hence, for any practical purposes we may sensibly subject both job rents and inherited assets to predictable, revenue-maximising taxation.

While van der Veen finds Van Parijs’ argument for including employment rents in the category of taxable gifts as ‘sound’ (357–8), he also defends—within this framework of gift equalisation—a more differentiated treatment of such resources. Assets that may be sensibly characterised as ‘manna from heaven’, in the sense that they are essentially unrelated to work effort, would provide a basis for unconditional distribution. However, any type of gifts that will typically require intense efforts to arise in the first place (as ‘rewards to gift work’, 359) should ideally be treated differently (and presumably lead us to incorporate at least some work-conditional elements in this scheme). ‘It is reasonable to think that the recipients of redistribution might be asked to perform similar socially useful activities in return for at least part of the benefits to which they are entitled as a matter of justice’ (358–9).

Another line of critique against Van Parijs in *Arguing about Justice* takes issue with the conception of freedom, and its link with BI, defended in *Real Freedom for All*. Like Van Parijs, Karl Widerquist places the justification of BI at the very centre of his project, and links this argument to the value of freedom (387). Another similarity between their positions is that Widerquist also develops his argument in dialogue with left-libertarian thought, and adopts a notion of self-ownership that does not include the full libertarian right to the income that may flow from the exercise of one’s talents. By focusing specifically on the conditions for effectively exercising the *control dimension* of self-ownership (‘freedom as effective control self-ownership’ or, for short, ECSO) he retains an important element of the libertarian agenda while also leaving far greater room for legitimate redistribution in order to universalise access to ECSO.

One of Widerquist’s concerns about Van Parijs’ argument for the ‘highest sustainable’ BI is that it will not necessarily justify a transfer sufficient to cover basic needs, something he thinks BI supporters (rightly) believe it should. While Van Parijs’ ‘real freedom’ is always a matter of degree, Widerquist defends a notion of ‘status freedom’ which has a clear target in mind. In order to enjoy this latter kind of freedom, people must not be forced to serve the interests of others but they should also have the *effective freedom to refuse unwanted cooperation*. This, he argues, requires something more specific than Van Parijs has in mind, namely that people be provided with unconditional access to resources in the form of a ‘sufficient amount of food, water, and air to survive’. They will also need ‘shelter, a place to sleep, a place to stand, and a place to interact with other willing people’ (390). To satisfy ECSO, then, society has a responsibility to establish a BI, sufficient for basic needs. This unconditional payment is necessary in order to provide everyone with an exit option and, thus, for ensuring that the work we do for others is voluntary.

To place this view in perspective, it is instructive to compare it with the positions of Steiner and Van Parijs. Steiner’s account will help ensure *some* action-space

for everyone, primarily by applying egalitarian standards to the value of natural resources. Van Parijs' account provides a more inclusive notion of the set of resources ('gifts' broadly conceived, whether natural or social, and including employment rents) subject to efficiency-sensitive equalisation. Whether we decide to follow the account of Van Parijs or that of van der Veen on how best to treat this latter notion of gift-equalisation, this idea seems bound to justify a higher BI. Yet the structure of Van Parijs' argument still remains similar to that of left-libertarians in important respects. One aspect of this similarity is that the particular ways in which the BI enables people to relate to one another does not play a direct role in the real-libertarian justification of such a reform. The central focus in left-libertarian *and* real-libertarian types of argument is to ensure that people are provided with an equal share of a given set of resources, and that they be free to do what they might want to do with that share, whatever projects or relationships this entails.

In this context, Widerquist's argument for ECSO alerts us to the powerful intuition that exit options matter to the protection of a certain kind of freedom to which we have reasons to ascribe special importance, and that the unconditional provision in support of basic needs (and not just unconditional transfers of any kind, or at any level) matters importantly to this objective. Zelleke stresses that full dependency in relation to employers is often associated with working conditions very far distanced from ideals of non-alienation. But the central problem with such relationships can, perhaps, also be explained more directly (and, arguably, less controversially) by the broader, non-perfectionist concern that these are not conditions people would be likely to accept if they (thanks to something like ECSO) *had a realistic option not to*, ie if they did not face a 'work or starve' situation.

In evaluating these arguments it should be recognised that poor working conditions are only one aspect of the broader concern about fundamental asymmetries of power and relations of exploitable dependency associated with the lack of a realistic exit option. These types of considerations, attaching independent weight to the effective opportunity to exercise basic liberties on an equal and predictable basis, and the kind of protection this requires against vulnerability to oppression and abuse—whether in the family, the workplace or the political sphere—yield an important and attractive argument for BI. It seems, however, that this is also an argument that will eventually lead us beyond the horizons of both left-libertarian and real-libertarian viewpoints. If the theoretical justification for BI would rest entirely on left-libertarian or real-libertarian foundations, it is not clear to me why we should not prefer to distribute people's shares in the form of a basic *capital* (BC) solution, ie fewer and more concentrated payments, rather than a continuous stream of smaller monthly transfers.

The former would, after all, provide much greater flexibility to use one's resources for different purposes, including the freedom to make large investments and risky choices. The fundamental reason why BI *is* (generally speaking) preferable to BC is, I think, based on the need for continuously protecting the bargaining power and status associated with a reliable exit option, and to interact—and be recognised—as equals with a non-subservient self-conception and a lively sense

of self-worth.<sup>15</sup> But this type of argument is not available to libertarians, whose main concern is the freedom to pursue very different projects and to live with the outcome of their choices (even if that implies relations of submissiveness and conditions of exploitable dependency, reflecting the unequal power positions that arise as a predictable consequence of people's exercise of this freedom).<sup>16</sup>

Widerquist's way of addressing the objections about exploitation against BI (and the alleged lack of reciprocity in such a proposal) is strongly linked to the claim that people used to have the exit option required by ECSO in the past, before resources were privatised, and people could still 'hunt or gather with other willing people as they pleased'. According to his view, a BI that serves to support status freedom is conceived as a replacement for 'the direct access to resources that our ancestors enjoyed' (393). Hence BI is a form of 'compensation for the loss of freedom created by the assignment of property rights over natural resources to some individuals and not to others'. The claim for BI can thus be derived from a negative duty ('a duty of forbearance') not to interfere with people's opportunity to provide for themselves (392).

While this contrast may *in some respects* help to empower less vulnerable groups I think it may also have the opposite effect; thus it raises a number of questions about the relationship between such a negative duty and the justification of a compelling account of equal opportunity.<sup>17</sup> Considering disabilities it should, for example, be clear that access to natural resources and non-interference from others may *not* have been sufficient for everyone to 'provide for themselves'. Hence, even in states that offer such categories very limited social rights today, they may not have 'lost' anything relative to such a non-demanding baseline. But surely, it would seem odd, and contrary to moral intuition, to suggest that this has any relevance when we seek to specify the size and nature of the bundles of social rights that persons with special needs may rightly claim under contemporary circumstances.

Another aspect of this concern can be illuminated by considering the situation in which a given structure of property rights is combined with a BI, so that everyone can access the exit option required by ECSO and similar views of status freedom but in which very substantial brute luck inequality of resources, reflecting circumstances fully beyond our control, remains in place above such a universal income

<sup>15</sup> I defend this view in Simon Birnbaum, *Basic Income Reconsidered: Social Justice, Liberalism, and the Demands of Equality* (Palgrave Macmillan, 2012) esp chs 2 and 5.

<sup>16</sup> *Ibid.*, 135–41. Van Parijs tries to avoid this conclusion by offering arguments based on paternalism as to why BI is the preferable way of distributing people's entitlements: see Van Parijs (n 2) 47–48. For the above reasons, however, I find this far-reaching paternalism difficult to reconcile with real-libertarian principles. Related concerns about the limitations of the real-libertarian framework for justifying BI in a way that supports the capacities and relationships we associate with egalitarian ideals are discussed in the essay by Christian Arnsperger and Warren A Johnson in *Arguing about Justice*. While sharing the commitment to BI and not to 'impose a narrow view of the good life', they think that 'Van Parijs' citizens are not nearly critically reflective enough' (68).

<sup>17</sup> These remarks are reflections on Widerquist's brief essay in *Arguing about Justice*. Their implications for his views would, of course, depend strongly on the more specific details of this account of status freedom, and the broader context in which it is placed. Widerquist develops these ideas more fully in a recent monograph: see Karl Widerquist, *Independence, Propertylessness and Basic Income* (Palgrave Macmillan, 2013).

floor. Since there are forceful intuitions in support of the claim that justice cannot be indifferent when confronting such arbitrary inequalities of opportunity (ie even when they have no clear impact on ECSO), it is likely that such a view will, again, be insufficient to accommodate our considered judgments of equal opportunity. This implies, I think, that the broadly luck-egalitarian concerns of Van Parijs—and his case for gift-equalisation of opportunities—should not be abandoned but, instead, supplemented with (and, in case of trade-offs, balanced against) considerations that appeal more directly to arguments about independence, power and self-respect.<sup>18</sup>

Finally, while Widerquist's argument helpfully brings out the need to pay special attention to the conditions for a reliable fall-back position, and the strong link between such a requirement and the case for BI, we should also be careful not to exaggerate the role of BI as a unique or sufficient means for establishing the kind of status freedom that calls for protection. The concrete liberties and opportunities that people enjoy in any particular society are shaped and constrained by a great variety of circumstances, of which many are not related to people's independent access to monetary resources (important as that may be). If we are concerned with establishing and protecting the social and economic bases of people's standing as equals it is, for example, far from obvious that a BI is preferable to the measures of a more traditional welfare state—all things considered—if this will mean that opportunities are still fundamentally structured by the norms, expectations and roles of rigid gender divisions, and/or if many of the tax-funded resource rights associated with the welfare state, such as high-quality education and care, are unavailable or only weakly developed.

#### 4. LIBERAL NEUTRALITY, MATERIAL INCENTIVES AND THE EGALITARIAN ETHOS

Considering the development of the theoretical foundations of Van Parijs' argument for BI, from Marxian perfectionism to an efficiency-sensitive form of liberal-egalitarianism (strongly inspired by Rawls), we have reason to ask what the balance between different forms of motivation for productive effort would look like in this latter account of the BI society. Returning to the Marxian inspiration for the early joint work of van der Veen and Van Parijs, their emphasis was—as we have seen—very strongly placed on the notion of inherently rewarding activities. By contrast, the Rawlsian framework is typically interpreted as giving considerable room for legitimate inequalities based on considerations about economic incentives and the ways in which they can help improve the prospects of the least advantaged.

<sup>18</sup> Interestingly, it seems that Van Parijs' later work may have become more hospitable to such a link between BI and consideration about power, status and self-respect. His recent theory of linguistic justice includes 'parity of esteem' (which he explicitly relates to Rawls's notion of the social bases of self-respect) among the set of concerns that a plausible theory of justice needs to accommodate. In that context he points out that *Real Freedom for All* belongs to the theories that ignore this dimension of justice. See Philippe Van Parijs, *Linguistic Justice for Europe and for the World* (Oxford University Press, 2011) 117, 238.

However, the Marxian formula of contributions ‘according to ability’ also reminds us that radical thinking has not only emphasised the importance of making the content of work more attractive (thereby making pecuniary advantages less important for attracting a given level of work effort). It has also often defended the desirability of a ‘social ethos’ according to which people’s decisions about work effort and occupation should be guided by norms of solidarity, and a firm *sense of duty*. Hence, one important critique against Rawlsian liberalism from the Left is targeted against a strict ‘liberal’ division of labour between the institutions of the *basic structure* (to which liberal egalitarians direct demands of equality, in the form of taxation and social rights), and personal interaction within that structure (in which people are typically assumed to be free to act selfishly, and to maximise their own advantages).<sup>19</sup>

I have argued elsewhere that Van Parijs’ real-libertarian argument for BI reflects a potential conflict between Rawlsian and Marxian orientations in that it seeks to embrace a non-perfectionist, neutrality-based stance in his account of ‘real freedom’ and its institutional demands *while at the same time* accepting—on instrumental grounds—the political need to actively foster a very firm social ethos of work and patriotism. He finds the latter indispensable in that it helps to boost the level of the highest sustainable basic income.<sup>20</sup> But clearly, the real freedom to do whatever one might want to do with one’s resource shares, whether that means full-time surfing, or working hard to maximise one’s opportunities for consumption, will be affected very substantially by adding the demands of a strict work ethos to this structure of resource rights. How much, for example, is gained (relative to the work-tested schemes Van Parijs so emphatically rejects as illiberal) in terms of real freedom for his surfers if they are now entitled to an income *but* if it is impossible for them to actually pursue their surfing-intensive projects without being ostracised as a result of doing so?<sup>21</sup>

While it is important to address such tensions between liberal and egalitarian commitments in the justification of BI, the sensible way to resolve them can hardly be to immunise the individualist social ethos of our societies from justice-based critique. The nature and effects of that ethos are central to John Roemer’s essay in *Arguing about Justice*. Roemer argues that while material incentives *are* important for ordinary workers, in helping to direct people’s choices to the forms of education and occupation that are currently in demand, ‘they are probably the least important for those workers who pay significant taxes in market economies—namely, those whose incomes are high, and have interesting careers’ (300).

19 See GA Cohen, *If You’re an Egalitarian, How Come You’re So Rich?* (Harvard University Press, 2000) and *Rescuing Justice and Equality* (Harvard University Press, 2008).

20 For Van Parijs’ views on this theme, see eg Van Parijs (n 2) 230–3; Philippe Van Parijs, ‘Difference Principles’ in Samuel Freeman (ed), *The Cambridge Companion to Rawls* (Cambridge University Press, 2003) 230–1.

21 I develop this argument in Simon Birnbaum, ‘Should Surfers be Ostracized? Basic Income, Liberal Neutrality and the Work Ethos’ (2011) 10(4) *Politics, Philosophy and Economics* 396 and Birnbaum (n 15).

This is not to say that the materially most advantaged groups do not like their high salaries and bonuses, or that it cannot be competitive to offer such salaries within the existing, economic structure (298). It means, however, that such a structure is inefficient, and associated with very substantial social costs. If Roemer is correct, then, efforts to reduce this type of inequality by way of far-reaching redistribution are unlikely to affect innovation or work effort negatively. Such incentive-based inequalities are unnecessary since ‘power and respect of their peers’ will typically be much more important for motivating these groups than the payment of huge salaries. However, if our considerations about the importance of status freedom (and its connection with people’s sense of self-worth and self-esteem) are correct, Roemer gives us another reason to examine the empirical relationship between very substantial inequalities and the social ethos with which they are associated. He argues that heavy reliance on incentive-based inequality helps nurture an individualistic ethos, which encourages us to ‘worship wealth’ in a way that makes ‘ordinary people lose self-esteem, and do what they can to ape the consumption behaviour of the very wealthy’ (299). Hence, if equal opportunity, status freedom and environmental sustainability are to walk hand in hand, efforts to address the social ethos of our societies seem bound to play a central role in the theory and practice of social justice.