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When surfers should be fed

A new appreciation of ‘justice as fairness’, liberal neutrality and the unconditional guaranteed income

Jip Stam

Master’s Thesis
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Student

J. (Jip) Stam BSc
Student number: 1123866
Nieuwe Rijn 66
2312 JJ Leiden
Tel.: +31624197187
E-mail: jipstam1993@gmail.com
or j.stam@umail.leidenuniv.nl

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Supervisor: Dr. F. De Zwart
Second reader: Prof. dr. P. Nieuwenburg
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Introduction

At the end of 2015, the Finnish government announced that it will conduct a large-scale experiment on the social and economic effects of an unconditional guaranteed income. Unlike any other research from the past, this experiment is led by a total of eight universities and others research institutes, and it is designed to include about 100.000 participants on which four variants of a 'guaranteed income' will be tested (Kela 2015). In other European countries, such as the Netherlands, the interest in this idea has already resulted in a number of smaller experiments. The population of Switzerland has even been able to vote on this issue in a nationwide referendum.¹ Although the outcome of the vote was negative, it has undoubtedly triggered politicians, scientists and journalists to extensively discuss both the practical and normative implications of the introduction of an unconditional guaranteed income.

Even though the idea has been comprehensively ignored since the end of the 1970s, the renewed interest in the subject is not surprising. On the contrary, it perfectly fits the increasingly heard warning that the rapid development of automation and information technology 'might someday truly transform the job market and ultimately demand fundamental changes to both our economic system and the social contract' (Ford 2015, 257). Though the empirical evidence for such claims is still inconclusive, a number of statistical and historical analyses indicate that in the most advanced and industrialized economies the overall level of wages stagnates and the job growth seems to hold off (Block & Manza 1997, 480-481; Ford 2015, 34-52). The ultimate result of these developments could be that the 'traditional relationship between jobs and incomes is being broken', which could lead to increasing pressure on social security mechanisms (Ad Hoc Committee 1964, 5; Centraal Bureau voor de Statistiek 2015).

In response, an increasing number of social and political philosophers have over the last five decades presented various arguments in favor of an unconditional guaranteed income (Friedman 1962; Dahrendorf 1988; Van Parijs 1991, 1995; Byrne 1993; McKinnon 2003; Zamulinski 2005; Birnbaum 2010; Zwolinski 2015). Although their normative footing differs in a number of ways, the contributions of these authors have in common that they all criticize the conditional and bureaucratic nature of existing welfare policies. They argue that, instead of requiring citizens to obtain a job and perform productive activity, all should be granted with a publicly financed income floor on an unconditional basis. In this way, not only the problem of an

¹ See Deckmann, F., "Was ein Mensch zum Leben bracht soll er bekommen". *Der Spiegel Online*. 28 January, 2016. www.spiegel.de/wirtschaft/soziales/grundeinkommen-in-der-schweiz-die-revolution-faellt-aus-keine-sorge-a-1073985-druck.html and Marica, O., "Sighing for paradise to come". *The Economist*. 4 June, 2016.

ever growing welfare state bureaucracy could be solved, all citizens would also be secured with a minimum level of individual freedom.

The last point has been underscored by Phillippe van Parijs, who's central contention is that 'a defensible liberal theory of justice, that is, one that is truly committed to an equal concern for all and to nondiscrimination between conceptions of the good life, does justify a substantial unconditional basic income' (Van Parijs 1991, 102). In other words, because the state is to be completely neutral towards all citizens, their plans in life, and their respective conceptions of the good life, all should be provided with the all-purpose means necessary to promote their 'real freedom', in the form of an unconditional guaranteed income (UBI).

Van Parijs's argument challenges the kind of liberal neutrality adopted by the influential political philosopher John Rawls (1921-2002). This is because Rawls's well-known conception of distributive justice is committed to a conception of liberal neutrality that cannot ensure complete non-discrimination between conceptions of the good (Rawls 1993, 193-196; Raz 1986, 117-120). Therefore, it is plausible to infer that Rawls would have opposed Van Parijs's argument for the introduction of a UBI.

Nevertheless, Rawls clearly stated in *A Theory of Justice* (1971) – which remains to be one of the most influential contributions to modern political theory – that his notion of 'justice as fairness' and its derivative distributive principles could best be realized if one would introduce a so called 'negative income tax'. Remarkably, this is a specific form of an unconditional guaranteed income, for it is designed to provide public monetary support (a negative tax) to people with an income below a certain threshold on an unconditional basis (Friedman 1967; Allen 2012). As such, one could hold that Rawls was a proponent of an unconditional guaranteed income after all, though in a different guise than Van Parijs.

Yet this conclusion seems to be premature against the background of a few of Rawls's remarks in a number of his later publications. In *Political Liberalism* (1993), for example, he noted that 'those who surf all day off Malibu must find a way to support themselves and would not be entitled to public funds' (Rawls 1993, 182, footnote 9). This statement seems to suggest that Rawls was not in favor of providing unconditional transfers to those who willingly refuse to obtain a job. Does it follow, therefore, that Rawls ultimately objected to any form of an unconditional guaranteed income?

According to a number of Rawls's more recent commentators, this is not necessarily the case. They maintain that – despite his remarks on the 'Malibu surfers' – Rawls's notion of 'justice as fairness' could still form the basis for the introduction of an unconditional guaranteed income (Byrne 1993; McKinnon 2003; Birnbaum 2010). Contrarily, other scholars have noted that simply

all kinds of unconditional monetary transfers violate Rawls's conception of liberal neutrality (Torisky Jr. 1993; White 1997, 2003; Heath & Panitch 2010). They base their argument on the principle of reciprocity, which holds that all civil or economic benefits imply reciprocal duties to society in return. Although Rawls has never literally embraced this principle, one could indeed find traces of it throughout his works (Rawls 1971, 201, 499; 1993, 81, 86).

Hence, it remains unclear whether the idea of an unconditional guaranteed income is compatible with Rawls's notion of liberal neutrality. Therefore, the central question of this thesis is formulated as follows: 'Is any form of an unconditional guaranteed income ensured to all citizens compatible with the principle of liberal neutrality, as perceived by John Rawls in his political conception of liberalism?' Throughout this thesis, it is my aim to demonstrate that the answer to this question is positive, though on the strict condition that there are not enough reasonable opportunities for citizens to get employed.

In order to theoretically underpin this contention, I will first explore the origins of the uncertainty about Rawls's theory of distributive justice as a device for an unconditional guaranteed income. Here, I will also elaborate on Rawls's conception of liberal neutrality (chapter one). In chapter two, a number of differing justifications of an unconditional guaranteed income will be explicated and critically analyzed on the basis of Rawls's conception of neutrality. Subsequently, I will construe that this conception must be committed to the principle of reciprocity. Chapter three will address the problematic combination between this principle and the idea of an unconditional guaranteed income. I will infer that Rawls can only be interpreted as a proponent of an unconditional guaranteed income against the background of *job scarcity*. In other words, 'surfers' should only be fed when they have no reasonable choice but to be among the least-advantaged member of society.

Chapter one

John Rawls: In favor or against?

John Rawls is undoubtedly one of the central figures in contemporary political philosophy. His groundwork, *A Theory of Justice* (1971), has for a long time defined the agenda of Anglo-American political theory and has triggered a wave of commentary from scholars all over the world (Freeman 2003, 1). As became clear from the introduction, there is no reason to believe that this ‘wave’ is over, for Rawls’s ideas seem to play an important – though confusing – role in the revived debate on the idea of an unconditional guaranteed income. Within this debate, a number of scholars interpret that Rawls is a proponent of this idea. Others have argued the opposite, by pointing towards the conditional nature of Rawls’s conception of neutrality. Before it is possible to adequately qualify these differing contentions, it is necessary to explore the origins of the uncertainty about Rawls’s stance on the unconditional guaranteed income. This is the primary objective of the first chapter.

Justice as fairness’ and redistribution

Although Rawls is regarded as a *liberal* political theorist, *A Theory of Justice* has been embraced in other than liberal academic and political spheres as well. According to Mark van de Velde (2011, 69), this broad interest in Rawls’s work is due to the multi-interpretable definition of ‘justice as fairness’ and, more specifically, the ‘difference principle’. On the one hand, Rawls stresses the fundamental importance of individual rights and liberties, while, on the other, he emphasizes the responsibility of society to redress undeserved inequalities as much as possible and to provide equality of opportunity for all. And if any inequality would subsist, it should be to the advantage of each and every member of society, including the least well-off (Rawls 1993, 5-6).

Unsurprisingly, the combination between Rawls’s emphasis on both basic rights and liberties and the importance of redistribution, attracted the interest of political philosophers as well as politicians on both sides of the political spectrum. However, the ambiguous definition of ‘justice as fairness’ also raised doubt among about whether this theoretical concept could really fit many different conceptions of liberty, equality and social justice at the same time. Understanding the origins of this uncertainty is relevant in measuring any argument for redistribution of income and wealth in general, but also for any form of an unconditional guaranteed income. Therefore, the basic elements of Rawls’s controversial notion of ‘justice as fairness’ as a device for the redistribution of wealth will first be explored.

The crucial assumption Rawls makes about 'justice as fairness' is that it ensures the circumstances in which the members of a society are able to regulate the terms of social cooperation in a fair and just way (Rawls 1971, 11-12). The resourceful theoretical concept Rawls used to postulate these circumstances is the so called 'original position'. In this hypothetical situation, all members of society are placed under a 'veil of ignorance' that deprives them of their knowledge about their social status, class position, and natural endowments, such as talents, intelligence, and strength (18-19). Further, all individuals are deprived of their knowledge on their psychological propensities and conceptions of the good (12). The only thing the individuals behind the 'veil of ignorance' do know is that they are rational and self-interested persons with a tendency towards realizing their plans of life and their conception of the good, whatever these may be. Hence, the 'original position' postulates all individuals as free and equal and their judgment as both objective and rational. According to Rawls (1971, 14), these features create the preconditions for a 'fair' deliberative process in the 'original position' about the basic structure of society.

The second important assumption postulated by Rawls is that the rational and self-interested individuals under the 'veil of ignorance' are not only concerned with the distribution of material possessions and natural endowments, but at least as (and presumably even more) concerned with their basic rights and liberties, such as the freedom of thought and the capacity to advance their own conception of the good (Rawls 1971, 14). Consequently, the conditions of social cooperation that are to be set by the individuals in the 'original position' should mark the importance of both the aspects of the social system that define the basic rights and liberties and those that define and establish social and economic inequalities (Rawls 1971, 61).

Accordingly, Rawls came up with two 'principles of justice' that would be agreed upon in the 'original position'. They read:

1. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all. (Rawls 1971, 302).
2. Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged [...] and (b) attached to offices and positions open to all under conditions of fair equality of opportunity. (ibidem)

So defined, the first principle has to ensure that all citizens are *formally* treated as equals in terms of their rights and liberties. The second principle involves the other part of the social structure, namely the distribution of social and economic advantages. Its purpose is to redress inequalities that are underserved and therefore arbitrary from a moral perspective. These are inequalities that

could radically influence one's chances and opportunities in life, such as inequalities of social class or natural endowment (Rawls 1971, 100). Although the established distribution of social and economic advantages need not (or: cannot) be equal, any existing inequalities must be to the advantage of all members – including the least well-off – of society (61). This compensatory element of the second principle is famously called the 'difference principle'.

Importantly, the two principles of justice should, according to Rawls, be lexically ordered, with a priority given to the first (Rawls 1971, 62-63). This means that the requirements stated by the first principle are more substantive than those stated by the second. Accordingly, Rawls argued that the elements of the first principle may not be foregone in order to gain more social and economic advantages (ibidem). Therefore, the *formal* equality that is established by the first principle is inalienable. Notwithstanding the prioritization of equal rights and liberties, Rawls's extraordinary argument is that the first principle can only be fully satisfied if the demands of the second principle are fulfilled as well (ibidem). Hence, in order for the equal opportunity principle and the 'difference principle' to be complementary with the insurance of basic rights and liberties, a minimum of so called 'primary goods' – the whole set of rights, liberties and social and economic advantages that everyone is presumed to want – should be ensured to each and every citizen. Rawls refers to this minimum guarantee of primary goods as the 'social minimum' (Rawls 1971, 275).

In *A Theory of Justice*, Rawls stated that 'the government guarantees a social minimum either by family allowances and special payments of sickness and employment, or more systematically by such devices as a graded income supplement (a so-called negative income tax)' (Rawls 1971, 275). Note that a negative income tax, which will be further discussed in the subsequent chapters, is a specific form of an unconditional guaranteed income. At this point, it therefore seems adequate to regard Rawls as a proponent of an unconditional guaranteed income.

'The right to be lazy'

According to a number of Rawls's critics, however, the structure of the argument for the social minimum (as defined in *A Theory of Justice*) is prone to a serious objection. This objection was first raised by Richard Musgrave (1910-2007), who pointed out that Rawls's argument for redistribution 'favors those with a high preference for leisure' (Musgrave 1974, 632). In other words: the 'difference principle', with its aim to compensate the least-advantaged of society, is biased towards those who *choose* to be in miserable circumstances by refusing to engage in social cooperation. Other prominent thinkers concurred with Musgrave's points. Will Kymlicka (2002,

73-74) strikingly pointed out that ‘when inequalities in income are the result of choices, not circumstances, the difference principle creates, rather than removes, unfairness’.

In the article *Priority of Right and Ideas of the Good* (1988) and later in *Political Liberalism* (1993), Rawls responded to the criticism raised by Musgrave and others. He decided to avoid the ‘leisure bias’ of the difference principle by allowing ‘leisure time’ on the standard list of *primary goods*:

[T]hose who are unwilling to work where there is work that needs to be done (I assume that positions and jobs are not scarce or rationed) would have extra leisure stipulated as equal to the index of the least advantaged. So those who surf all day off Malibu must find a way to support themselves and would not be entitled to public funds. (Rawls 1993, 182, footnote 9)

In this way, Rawls excluded the possibility that individuals could belong to the least well-off in society due to their own *choices* and *preferences*. With ‘leisure’ added to the list of primary goods, a ‘lazy’ citizen that willingly enjoys leisure time without contributing to social cooperation would not be entitled to additional compensation for his poor economic circumstances. As such, Rawls seems to have made the *right* to the ‘social minimum’ entirely dependent on individual choices and preferences.

According to large a number his commentators, Rawls’s adjustment is crucial, for it would have significantly narrowed down the scope of ‘justice as fairness’ as a theoretical basis for the unconditional provision of the ‘social minimum’ to all citizens (Van Parijs 1991, 108; 2003, 217; Torisky Jr. 1993, 293; White 2003, 58-59; Howard 2005, 616; Tondani 2009, 252; Birnbaum 2010, 499). Indeed, allowing leisure time on the list of primary goods could support the presumption that Rawls is, after all, not in favor of unconditional transfers. Nevertheless, one should be careful with such an interpretation. Although Rawls’s definition of liberal neutrality is indeed conditional, this does not necessarily exclude the unconditional provision of a ‘social minimum’. In the next section, this ambiguity will be further explained.

‘Priority of right’ as ‘neutral political concern’

In the book *Political Liberalism* (1993), Rawls placed ‘justice as fairness’ and its two principles of justice in the context of his political conception of justice. As a result, his distributive theory is constrained by – what Rawls refers to as – the ‘priority of right over ideas of the good’ (Rawls 1993, 173-174). Rawls concisely described this notion in the following phrase: ‘While justice draws the limits, and the good the point, justice cannot draw the limit too narrowly’ (174). This

phrase perfectly captures that, on the one hand, Rawls argues that liberal neutrality requires the state to leave its citizens ‘at liberty to take charge of their lives’ and to ‘form and cultivate their final ends and preferences’, while, on the other, the state should not be completely indifferent towards all plans of life and conceptions of the good held by individual citizens (Rawls 1993, 189, 186, 194). These two propositions might seem contradictory, but according to Rawls, this is not the case.

In order to understand this two-sided definition of liberal neutrality, consider the following arguments presented by Rawls about political liberalism. Firstly, Rawls supposes that social unity and stability cannot be secured against the background of the existence of a wide range of different moral, religious and philosophical doctrines, nor can it ‘provide the content of public reason on fundamental political questions’ (Rawls 1993, 134). Therefore, the different *comprehensive* doctrines adhered to by the members (and groups) of society should seek to find ‘common ground’ on their differing ideals and conceptions of the good. In this way, they can establish a political conception of justice (*ibidem*). The outcome of this process is what Rawls refers to as the ‘overlapping consensus of reasonable doctrines’ (Rawls 1993, 134, 192).

In general, Rawls postulates three preconditions for realizing the ‘overlapping consensus’. The first is that all members of society accept the fact of ‘reasonable pluralism’. This means that all concur with the assumption that there are many comprehensive doctrines that could ‘be understood so as to be either congruent with, or supportive of, or else not in conflict with, the values appropriate to the special domain of the political’ (Rawls 1993, 140). Hence, ‘reasonable pluralism’ implies that *not all* of the existing comprehensive doctrines are suitable for the ‘overlapping consensus’: ‘they must respect the limits of, and serve a role within, the political conception of justice and do not violate its two main principles’ (Rawls 1993, 176).

The second precondition for reaching the ‘overlapping consensus’ is that all citizens are able to actively participate in public debate. In order to ensure this, ‘justice as fairness’ needs to provide ‘for all citizens the adequate development and full exercise of their [...] moral powers and a fair share of the all-purpose means essential for advancing their determinate (permissible) conceptions of the good’ (Rawls 1993, 187). This is, though in a slightly different form, the ‘social minimum’ that has already been explicated above.

The third precondition Rawls postulated is that the state refrains from taking any steps that make it more likely that individual citizens accept any particular comprehensive doctrine or conception of the good. This is what Rawls’ refers to as ‘neutrality of aim’ (Rawls 1993, 193). As the name of this concept suggests, it *aims* at being neutral towards all reasonable conceptions of the good by providing the all-purpose means (in the form of the social minimum) for their

advancement. As such, ‘neutrality of aim’ cannot influence which comprehensive doctrines will gain support and adherence over time (Rawls 1993, 193). For this reason, Rawls’s conception of neutrality is not neutral in its *effects* and *influences*.

In the book *The Morality of Freedom* (1986), Joseph Raz refers to this Rawlsian conception of neutrality as ‘neutral political concern’ and distinguishes it from another conception, namely ‘the exclusion of ideals’. Although both forms of liberal neutrality depart from the anti-perfectionist claim that ‘that implementation and promotion of ideals of the good life [...] are not a legitimate matter of governmental action’, Raz (1986, 134-135) emphasizes that there is also an important difference between the two. ‘Neutral political concern’, as advocated by Rawls, holds that each and every individual is to be provided with the ‘equal ability to pursue ideals of the good’ (Raz 1986, 117). Advocates of ‘the exclusion of ideals’ approach, such as the classical libertarian thinker Robert Nozick, oppose to this line of reasoning. Instead, they argue that the state may not undertake any political action that enables individuals to pursue an ideal of the good, for if it does, it must take non-neutral actions at the expense of other individuals (Raz 1986, 114, 117).

As will be demonstrated in the next chapter, the discrepancy between the two conceptions of liberal neutrality (as defined by Raz) plays an important role in determining the compatibility of various proposals for an unconditional guaranteed income with Rawls’s notion of liberal neutrality. At this point, it is important to conclude that Rawls’s conception of liberal neutrality is *conditional* and therefore not necessarily at odds with the decision to allow ‘leisure’ on the list of primary goods. Nonetheless, the question remains whether this adjustment implies that one has to be willing to contribute to social cooperation in order to be eligible for receiving the ‘social minimum’. In the next chapter, I will demonstrate why this is not necessarily the case.

Chapter two

Unconditional neutrality, reciprocity and the content of citizenship

Chapter one ended with the question whether Rawls's conditional notion of neutrality implies that one has to be willing to contribute to social cooperation in order to have a legitimate *claim* to its benefits. In this chapter, a first attempt will be made to answer this question by discussing two different kinds of justifications for an unconditional guaranteed income against the background of Rawls conception of neutrality. First, Phillippe Van Parijs's advocacy for 'real freedom for all' as the basis for an unconditional basic income (UBI) will be explored. After demonstrating that this idea is irreconcilable with 'neutral political concern', the perspective of two other authors, namely Catriona McKinnon and Simon Birnbaum, will be discussed. Their approaches seek to justify an unconditional guaranteed income on the basis of Rawls's own definition of citizenship and his argument for equal opportunity to self-respect and non-subservience. The central question is therefore: Which approaches of the idea of an unconditional guaranteed income can abide by Rawls's conditional notion of neutrality, and on what specific theoretical grounds would this be possible?

'Real freedom' and 'the exclusion of ideals'

One of the reasons why the research question of this thesis refers to the general concept of an 'unconditional guaranteed income' instead of one specific scheme is that there are different ways in which this idea could be implemented and theoretically justified. The most relevant distinction is that between *selective* and *universal* schemes (Tondani 2009, 254). A negative income tax, as proposed by Rawls in *A Theory of Justice*, is a prominent example of a selective scheme, for it is directed at individuals with low incomes only (247-248). *Universal* schemes are designed to provide all citizens, regardless of their socio-economic situation, with the same level of guaranteed income. Although the distributive effects of both types of schemes could be the similar, the normative justifications behind them – including their relation to liberal neutrality – are different (*ibidem*).

A useful way of grasping this difference is to discuss Phillippe Van Parijs's proposal for an unconditional basic income (UBI), which is the textbook example of a universal scheme. This well-known though controversial argument was first presented in the article *Why Surfers should be Fed: A liberal case for an Unconditional Basic Income* (1991). As its title suggests, this article argues against Rawls's idea that 'those who surf all day off Malibu must find a way to support themselves'. More specifically, Van Parijs (1991, 111) holds that Rawls's solution to the 'leisure bias' raised by R.A. Musgrave is purely artificial and would probably only worsen the relative

position of the worst off. Elsewhere he stated that Rawls's 'embarrassment at the possibility that his difference principle would end up subsidizing Malibu surfers' made him to restrict the 'social minimum' to full-time workers (Van Parijs 2003, 217). According to Van Parijs (1991, 112), this decision did not at all solve theoretical inconsistency, but instead only displaced the bias from the 'Malibu surfers' to those individuals with full-time employment.

Alternatively, Van Parijs aims to demonstrate that 'real-libertarianism provides a defensible conception of the just society and justifies the introduction of an unconditional basic income at the highest sustainable level' (Van Parijs 1995, 2). By a 'real-libertarian' conception of justice, he means a conception that maximizes the 'real freedom' of all citizens and leave them to pursue and realize any conception of the good life they freely affirm (Van Parijs 1991, 103-104). In order to achieve this 'real freedom', Van Parijs postulates that the UBI should 1) be provided to all on an equal basis and 2) should involve neither a willingness-to-work-requirement nor a means-test. As such, the UBI proposal would not require a large state bureaucracy that infringes on people's 'real freedom' (Van Parijs 1995, 35-36).

As it is committed to the liberal principle of 'non-discrimination between conceptions of the good', Van Parijs's proposal seems to appeal to the second conception of liberal neutrality described by Raz (in the previous chapter): 'the exclusion of ideals'. Remember that this conception holds that 'no political action may be undertaken or justified on the ground that it promotes or that it enables individuals to pursue an ideal of the good' (Raz 1986, 114). One could, of course, object that the provision of the UBI actively *enables* all individuals to 'pursue ideals of the good' and is therefore – in terms of Raz' categorization – not 'neutral' in the strict libertarian sense of the word. However, Van Parijs's justification of the UBI is based on the left-libertarian conception of 'original appropriation'; the presumption that all citizens are given back their 'fair and equal entitlement' in the process of original appropriation and cultivation (Van Parijs 1995, 28). As such, the UBI proposal fits the meaning of 'the exclusion of ideals' approach to neutrality in that 'it merely forbids governments to act for certain reasons' (Raz 1986,135).

This is a relevant finding, since Van Parijs's proposal thereby clearly opposes the Rawlsian notion of liberal neutrality, characterized by Raz as 'neutral political concern'. As pointed out in chapter one, the central characteristic of this notion is that it cannot guarantee complete 'exclusion of ideals', for it regards the disqualification of unreasonable comprehensive doctrines and their respective conceptions of the good as a precondition for reaching an 'overlapping consensus' against the background of reasonable pluralism (Rawls 1993, 203). Therefore, 'neutral political concern' is not compatible with Van Parijs's argument for absolute non-discrimination between conceptions of the good.

In addition, note that Rawls regarded the ‘difference principle’ strictly as a compensatory mechanism that is designed to redress arbitrary inequalities and to ‘improve the long-term expectation of the least favored’ (Rawls 1971, 101). Van Parijs’s proposal for a universal scheme completely ignores this focus on the compensation of unequal material and natural endowment (Hunyadi & Mänz 1998, 15-16). Instead, it grants all individuals a substantial UBI, regardless of any specific arbitrary inequalities. From this perspective, the ideas of Van Parijs not only seem irreconcilable with Rawls’s conception of liberal neutrality, it also opposes to ‘justice as fairness’ as a compensatory and selective mechanism.

The principle of reciprocity

A number of Van Parijs’s commentators have pointed out that the universal character of his proposal not only violates ‘neutral political concern’, but also ignores the idea that being a member of a political society – in the Rawlsian sense of the word – comes with certain ‘civil’ obligations. On this issue, Eugene Torisky Jr. notes:

[A] liberal society is certainly committed to maximal neutrality on conceptions of the good life, but a conception which depends on receiving the benefits of citizenship while only feigning the role of a citizen is invasive, and so itself is not properly neutral to other citizens’ ability to live out their conception of the good. [...] Thus Van Parijs’s substantial UBI cannot rest on a Rawlsian conception of liberal neutrality. (Torisky Jr. 1993, 295)

What follows from this argument is that because citizenship has its benefits – such as being able to freely pursue a conception of the good – every citizen should be willing to contribute to the insurance of the same ‘civil’ benefits for others. Torisky Jr. seems to imply that if this willingness cannot somehow be checked, ‘neutral political concern’ would seem to be meaningless. Stuart White, another critical commentator of Van Parijs, agrees. He holds that ‘while Van Parijs is right to argue on equal opportunity grounds that certain forms of wealth should be redistributed, the specific mode of redistribution he envisages is, in general, inappropriate because of its incompatibility with the reciprocity principle’ (White 1997, 325).

Alternatively, White maintains that Rawls’s theory of distributive justice is committed to the ‘contribution ethic that features in the writings of many egalitarian thinkers’, namely the principle of *economic reciprocity*. In his book *The Civic Minimum* (2003), White defines this principle as follows:

[W]here the institutions governing economic life are otherwise sufficiently just, e.g. in terms of the availability of opportunities for productive participation and the rewards

attached to these opportunities, those who claim the generous share of the social product [...] have an obligation to a decent productive contribution, suitably proportioned and fitting to ability and circumstances, to the community in return. (White 2003, 59)

A quick look at Rawls's statements about reciprocity provides for a strong presumption in favor of White's interpretation. For example, in his response to Musgrave's criticism on the 'difference principle', Rawls noted that 'those who are unwilling to work under conditions where there is much work that needs to be done must find a way to support themselves' (Rawls 1993, 182, footnote 9). Another good example is Rawls's maintenance that citizens 'have the requisite capacities and abilities to be normal and cooperating members of society over a complete life' and that 'they are ready and willing to do their part, provided that they have reasonable insurance that others will also do their part' (Rawls 1993, 81, 86). What these statements seem to indicate is that Rawls is committed to at least some form of reciprocity regarding citizen's participation in social cooperation.

If this interpretation of Rawls is correct, it seems questionable whether there is any room left for of a 'Rawlsian' justification of an unconditional guaranteed income. For if reciprocity requires that each citizen should (be willing to) contribute to social cooperation, the 'unconditional' character of an unconditional guaranteed income cannot be sustained. However, there are good reasons to presume that Rawls's (assumed) commitment to the principle of economic reciprocity does not necessarily rule out all justifications for the unconditional provision of public funds. In order to demonstrate why this could be the case, the next section will further explore the Rawlsian definition of citizenship.

Citizenship and self-respect

It has now become clear that Rawls's conception of liberal neutrality seems to connect citizenship to some form of economic reciprocity. But does this finding exclude the possibility of justifying an unconditional guaranteed income on 'Rawlsian' grounds? Does the value and content of citizenship depend on one's (willingness of) contribution to social cooperation? On the face of it, Rawls's answer seems to indicate that this is not the case:

[T]here must be legislation to [...] assure that the basic needs of all citizens can be met so that they take part in political and social life. [...] The constitutional essence here is that below a certain level of material and social-well-being, and of training and education, people simply cannot take part in society as citizens, much less as equal citizens. [...] It is what is required to give due weight to the idea of society as a fair system of cooperation between free and equal citizens. (Rawls 1993, 166)

According to the above phrasing, all members of society need to be educated, trained, and ensured with a minimum level of well-being that enables them to cooperate with other ‘free and equal citizens’.²

Rawls further explains this point by using the example of children’s education, which ‘should prepare them to be fully cooperating members of society and enable them to be self-supporting’ (Rawls 1993, 199). Hence, before the stage of contributing to social cooperation is at stake, society has a responsibility to ensure ‘free and equal citizenship’ for all. In other words, before a member of society can be held responsible for its reciprocal duties to others, it needs to be provided with the equal means and opportunities to learn and understand the requisites and capabilities that come with being a citizen. Adam Swift (2014, 100) refers to this as the ‘minimum or threshold level of goods that are relevant to the proper performance of the role of citizen’.

According to Catriona McKinnon (2003, 144), Rawls’s list of primary goods contains a concept that fits these preconditions of free and equal citizenship, namely ‘self-respect’. In *A Theory of Justice*, Rawls defined this concept as follows:

Self-respect is a person’s sense of his own value, his secure conviction that his conception of the good, his plan of life, is worth carrying out. And second, self-respect implies a confidence in one’s ability, so far as it is within one’s power, to fulfil one’s intentions. [...] The parties in the original position would wish to avoid at almost any cost the social conditions that undermine self-respect. (Rawls 1971, 440)

McKinnon (2003, 146) claims that this formulation of self-respect is strongly connected to the idea of non-subservience. A person is non-subservient if he can fully understand and justify the actions he takes for himself and for other people. So, a self-respecting person ‘conceives of herself as having, and being deserving of, a certain status among her fellow citizens’ (McKinnon 2003, 146). This seems to be in line with Rawls, who noted that ‘self-respect is secured by the public affirmation of the status of equal citizenship for all’ (Rawls 1971, 545).

In order to demonstrate how self-respect is connected to the idea of an unconditional guaranteed income, McKinnon postulates that the ‘social basis’ of self-respect could be divided up into two elements: a ‘recognitional basis’ and a ‘resource basis’ (McKinnon 2003, 147). The content of the former is simply the public affirmation one gets from fellow citizens, while the latter could take the form of all-purpose means necessary for any individual to pursue his plans in

² Note that Rawls underlines that the provision of these advantages is not directed at satisfying people’s desires and wants – which seemed to be the case in Van Parijs’s UBI proposal – but solely at providing the preconditions for successful citizenship.

life and to maintain his non-subservience. According to McKinnon, both the ‘recognitional’ as the ‘resource basis’ are crucial in ensuring and maintaining a person’s value as a citizen and its independence from others (ibidem).

In terms of the resource basis, McKinnon (2003, 148) holds that the provision of an unconditional income ensured to every member of society is a suitable distributive mechanism, for ‘it brings opportunity in self-respect in virtue of freedom and time it can buy, and how it can serve as an all-purpose means granting access to associational life’. Without it, citizens would have no – in Rawls’s words – ‘freedom of movement and free choice of occupation’³ (the ‘freedom benefit’) and they would lack the opportunity to get involved in associations with other people (the ‘leisure benefit’) (McKinnon 2003, 147-148).

Simon Birnbaum, another advocate of a ‘Rawlsian’ unconditional guaranteed income, concurs with the arguments presented by McKinnon. In addition, he stresses that in order to ensure and maintain every citizen’s self-respect and non-subservience, one should avoid any distributive system that would classify them as ‘inferior’ or ‘failed’ citizens (Birnbaum 2010, 502). In order to underpin his argument, he refers to Rawls’s statement that ‘no one need be servility dependent on others and made to choose between monotonous and routine occupations’ (Rawls 1971, 529). Birnbaum thereby accentuates McKinnon’s argument that the principle of non-subservience requires citizens to be free to refuse a job if there are no reasonable alternatives to choose from, which resembles Rawls’s position that each is to have ‘free choice of occupation against the background of diverse opportunities’ (Rawls 193, 191).

Taking these statements made by Rawls into account, it seems that both McKinnon and Birnbaum have convincingly presented a ‘Rawlsian’ case for an unconditional guaranteed income. In short, they demonstrated that 1) free and equal citizenship implies that that all members of society have a legitimate *claim* to the basic educational and other socializing opportunities necessary for the public affirmation of their status as citizens (recognitional basis of self-respect) and that 2) the equal opportunity to self-respect implies the *right* to all-purpose means necessary for maintaining each person’s non-subservience, freedom of movement and free choice occupation (resource basis of self-respect). In order to ensure both, society would need to ensure all of its members an unconditional guaranteed income, so goes the argument.

This inference could bring us to the conclusion that there is a convincing way of justifying an unconditional guaranteed income on Rawlsian grounds, without having to deal with the sphere of social cooperation and the reciprocity principle. From this perspective, Rawls conception of free and equal citizens could be interpreted as to reaffirm Ralf Dahrendorf’s (1929-2009) position

³ I refer to the ‘standard list’ of primary goods that can be found in Rawls, J. 1993. *Political Liberalism*: 181

that the 'general rights of citizenship should not be made dependent on people entering into private relations of employment' (Dahrendorf 1988, 33-34). Nevertheless, there seem to be good reasons to presume that this is only partially true in the context of 'justice as fairness' and Rawls's conception of liberal neutrality. This issue will be the main subject of the next chapter.

Chapter three

Work ethos, productivity and participation

As has been demonstrated throughout the previous chapter, the establishment of free and equal citizenship and the equal opportunity to self-respect could form a solid theoretical basis for providing unconditional public funds to all members of society. These funds are directed at providing to all the equal opportunity to become a self-respecting, non-subservient, fully cooperating and self-supporting member of society. From this point of view, both ‘neutral political concern’ (*id est* the priority of right) and the reciprocity principle seem to be satisfied. However, if equal opportunity to self-respect and non-subservience require – as Catriona McKinnon seems to suggest – that each individual should have the freedom to refuse any job that is offered to him if it does not advance his self-respect, it seems that the domain of social cooperation and the principle of economic reciprocity is at stake after all. Accordingly, one could ask whether the ‘Rawlsian’ justifications presented above are solid enough to abide by both ‘neutral political concern’ and the reciprocity principle.

The burden of productivity

In order to grasp why the right to equal opportunity to self-respect and non-subservience might still be exposed to the limitations of ‘neutral political concern’ and reciprocity principle, consider the following argument. Assume that in a given society there is job abundance and a considerable unemployment rate. Further assume – as has already been explicated in the previous chapter – that ‘justice as fairness’ implies a *right* of all citizens to a minimum of primary goods, including 1) ‘the social basis of self-respect’ and 2) the ‘free choice of occupation against a background of diverse opportunities’ (Rawls 1993, 181).

Remember from the previous chapter that a number of Rawls’s commentators interpret the provision of these primary goods as to require that no person can be forced to accept a job if it does not advance his self-respect. All unemployed citizens would, in this hypothetical situation, be at liberty to reject all jobs offered to them, so that they are not forced to choose a certain job or to be made dependent on other citizens. Logically, the ultimate consequence hereof is that unemployed people have the possibility to remain unemployed, despite the abundance of jobs. Notwithstanding their assumed *right* to do so, this hypothetical situation could pose a serious threat to the economic sustainability of society, and as such, to the affordability of both a guaranteed income in the first place.

In order to forestall such an economic catastrophe, a number of thinkers have argued that an unconditional income should be sustained by fostering an ethos of solidarity among the

affluent and employed members of society through state institutions. Phillippe Van Parijs, for example, has – in one of his more recent contributions – interpreted Rawls’s ‘difference principle’ as requiring the promotion of a strong work ethic among the skilled and affluent members of society, not ‘because of the intrinsic goodness of a life inspired by such an ethos, but because of its crucial instrumental value in the service of boosting the lifelong prospects of the incumbents of society’s worst position’ (Van Parijs 2003, 231).

Simon Birnbaum, already mentioned in the previous chapter, objected to this argument, by stating that such ‘solidaristic patriotism’ would violate liberal neutrality, for it forces a specific group of people to hold a certain conception of the good on purely instrumental grounds (Birnbaum 2011, 401-402). As such, it clearly reduces the individual members of these groups to the means to an end, instead of an end in themselves.⁴ Furthermore, an enforced work ethic imposed on the affluent and employed members of society undoubtedly makes the worst off group dependent on others, which could easily cause them to become ostracized as ‘inferior’ or second class citizens (Birnbaum 2011, 401-402). Thence, enforcing a work ethos on a specific group is morally objectionable, from the perspective of both the worst off and the skilled and affluent members of society.

Rawls would probably have concurred with this inference, as it seems to be precisely the reason why he argued for (equal opportunity to) self-respect as ‘perhaps the most important primary good’ in the first place (Rawls 1971, 440). Instead of enforcing a work ethos on a specific group, the provision of a ‘social minimum’ should, in accordance with Rawls’s arguments, be designed to advance the interests of all citizens – rich or poor, talented or unfortunate – and prevent them from either feeling ‘inferior’ or ‘enslaved’ by other members of society. Notwithstanding, the question remains whether the provision of an unconditional guaranteed income could be financially secured without enforcing a work ethos on any specific group of society and without violating either the restrictions of ‘neutral political concern’ or the principle of economic reciprocity.

An obligation to participate

A straightforward answer to this question could be that the burden of productivity should be divided equally over all the members of society, so that all would have the equal (though proportional) obligation to produce a given amount of economic output. Although this appears to be a viable solution to the issue outlined above, it would also imply the return to the classic

⁴ This argument is presented by White, S. 1997. “Liberal equality, exploitation, and the case for an unconditional basic income.” 317-318. See also Rawls, J. 1971. *A Theory of Justice*. 179-180 for Rawls’s own adoption of Kant’s categorical imperative to the ‘difference principle’.

idea of *welfare contractualism*, with its inherent practice of work-testing and work-enforcement.⁵ At this point, I will not discuss it any further, because the primary objective of this section is to find a viable way of justifying a Rawlsian case for unconditional guaranteed income that 1) does not impose an obligation to perform productive activity to specific (groups of) individuals and 2) satisfies the demands of ‘neutral political concern’ and the principle of reciprocity.

An option that is actually worth considering would be to replace *productive activity*, which puts an emphasis on paid work, with *contributive activity*, which contains a wider range of socially useful activities. With this broad definition of contribution, the provision of a guaranteed income is not dependent on the recipients’ economic output, and, therefore, does not involve specific willingness-to(-paid)-work requirement. It only requires the recipient to perform a socially useful activity that suffices his very own principle of reciprocity.⁶ This idea, comprehensively explicated by Stuart White under the name ‘participation income’, is designed to prevent *free-riding* by leisure-oriented individuals at the cost of those with a work-oriented conception of the good (White 1997, 320).

From a Rawlsian perspective, the ‘participation income’ has three important theoretical advantages. Firstly, it gratifies the reciprocity principle as presented (by Stuart White) in chapter two. Remember also that in *Political Liberalism*, Rawls stated that citizens ‘are ready and willing to do their part [...] provided that they have reasonable insurance that others will also do their part’ (Rawls 1993, 81, 86). Since ‘doing their part’ is not any further described by Rawls, it is plausible that he would be in favor of providing ‘Malibu surfers’ with a modest ‘participation income’ if they would put forth socially useful activities next to their leisure-oriented lives at the beach. From this perspective, Rawls’s conception of reciprocity could be satisfied by White’s proposal.

The second attractiveness of the ‘participation income’ is that it leaves more room for deviating conceptions of the good than a strictly conditional conception found in *welfare contractualism*, for it uses a broader scope of permissible activities and does not involve a specific willingness-to-work requirement. As such, it seems to fit the Rawlsian idea that citizens ‘are to be at liberty to take charge of their lives’ and be free to pursue any reasonable conception of the good (Rawls 1993, 187).

⁵ Here, I use Stuart White’s definition of ‘welfare contractualism’, which reads: ‘Making eligibility for welfare benefits more tightly conditional on employment-related activity, such as job search, training or work itself’. This can be found in White, S. 2003. *The Civic Minimum*. 130

⁶ One could refer to White’s definition as presented in chapter two (page 16), but it is probably more useful to use the following definition from the article White, S. (1997). ‘Liberal Equality, Exploitation, and the Case for an Unconditional Basic Income’. *Political Studies*. XLV. 312-326., which puts slightly more emphasis on the idea of *contributive activity*: ‘Each person is entitled to a share of the economic benefits of social cooperation conferring equal opportunity [...] in return for the performance of an equal handicap-weighted quantum of contributive activity (hours of socially useful work, let us say, weighted by labour intensity)’

Thirdly, the ‘participation income’ is dependent on the assumption that ‘the individual must have at least some minimum threshold level of marketable talent in order to acquire obligations under the principle of baseline reciprocity’ (White 1997, 319). This resembles Rawls’s argument that ‘below a certain level of material and social-well-being, and of training and education, people simply cannot take part in society as citizens, much less as equal citizens’ (Rawls 1993, 166). Hence, the interpretation of Rawls’s notion of liberal neutrality as requiring a minimum level of wealth suited for the training and education towards the status of free, equal and fully cooperating members of society, seems to fit the preconditions of the ‘participation income’ presented by White.

Notwithstanding these positive notes, there are at least two serious and probably decisive objections to the idea of a ‘participation income’. Given the Rawlsian assumption of ‘plurality of reasonable thought’ it is highly unlikely that any political society based on Rawls’s conception of neutrality would be able to enact laws that specify the admissible and non-admissible occupations and activities for the provision of the ‘participation income’ (McKinnon 2003, 155). And even if one could, at the legislative stage, agree on the precise content of these laws, their execution would require an extremely complex and profound state bureaucracy financed from taxes, which would of course be imposed on citizens themselves (Howard 2005, 620). As Bryan Barry (1996, 245) strikingly noted, the idea requires ‘a large and expensive bureaucratic apparatus to target a relatively small number of people’.

In addition, targeting and checking individual citizens, as is the case with *welfare contractarianism*, is likely to increase rather than reduce dependency of citizens on state institutions (McKinnon 2003, 155). In terms of self-respect and non-subservience, the idea is prone to the criticism that it does not foster – in Rawls’s words – people’s ‘confidence in one’s ability, so far as it is within one’s power, to fulfill one’s intentions’, but instead, imposes a complex barrier of multi-interpretable conditions on citizens’ activities. From this points of view, the removal of a means-test and willingness-to-work-requirement do not seem to outweigh the newly introduced infringements on the personal domain of citizens’ lives that is erected by the ‘participation income’.

The second, and probably more decisive objection against White’s idea is that it is, in the end, not unconditional. Although the ‘participation income’ does not apply strict conditionality as found in the classic idea of *welfare contractualism*, it still requires a ‘willingness-to-contribute’ requirement that sets certain limits (and imposes certain standards) on the activities of the recipients of the guaranteed income. For this reason, the ‘participation income’ – even though it is compatible with the reciprocity principle and reaffirms the necessity of ensuring the

preconditions of free and equal citizenship – does not pose an adequate answer to the central research question of this thesis.

Does it follow that there is – apart from the unconditional guarantee of free and equal citizenship – no valid and morally sound Rawlsian justification for an unconditional guaranteed income that 1) does not impose an obligation to productive activity on anyone (or any group) specifically and 2) could satisfy both ‘neutral political concern’ and the principle of reciprocity? Apparently, the answer to this question is affirmative, at least if one assumes that ‘there is much work needs to be’ and as long as the ‘Malibu surfers’ of society have sufficient ‘freedom of occupation against the background of diverse opportunities’. In other words, if a person willingly *chooses* to be part of the least-advantaged group while there is a reasonable opportunity to for him to contribute to social cooperation and be a fully cooperative and self-supporting member of society, neither the ‘priority of right’ nor the principle of reciprocity (to which it is committed) leave any room for a (more substantial) unconditional guaranteed income.

As such, one could infer that Rawls ultimately abides by the idea of *welfare contractualism*. This inference underlines Rawls’s emphasis on redressing arbitrary inequalities that are the result of unfortunate circumstances rather than individual choices and preferences. However, this raises the question how Rawls would have appreciated situations in which the members of the least-advantaged group have no *choice* but to be part of that group, for example, due to a shortage of employment opportunities. This question marks the beginning of my contention that an unconditional guaranteed income based on Rawls is only possible – if not: morally required – against the background of *job scarcity*.

Chapter four

Reinventing Rawls

In the previous chapter, it has been concluded that there is no solid Rawlsian justification for an unconditional guaranteed income that satisfies both Rawls's conception of liberal neutrality and the principle of reciprocity. At least, not against the background of job abundance. In this final chapter, I will argue that this conclusion is not applicable to all economic circumstances. For if positions and jobs are – in Rawls's own words – 'scarce or rationed', the moral appreciation of the position of the unemployed must be viewed in a different light. As there are good reasons to assume that, in the near future, job scarcity is likely to become the 'normal' economic circumstance, it seems essential to address this yet unexplored possibility.

The threat of job scarcity

In 1964, a group of prominent academics, technologists and journalists called the *Ad Hoc Committee on the Triple Revolution*, published a paper in which they warned for – what they referred to as – 'the cybernation revolution'. In general, the paper stressed two important social and economic developments. Firstly, the forthcoming 'cybernation' (or: automation) revolution would displace humans from the labor market, for the output produced by machines and robots is far greater and their 'labor' costs are much lower. As a result, the 'traditional link between jobs and incomes is being broken' (Ad Hoc Committee 1964, 5). Secondly, the Ad Hoc Committee stressed that the takeover of labor by machines (and computers) will make them 'absorb an increasing proportion of resources' at the cost of humans. Hence, the value of human capital in production and services is likely recede due to profound technological developments.

According to Martin Ford, writer of the book *The Rise of the Robots: Technology and the Threat of Mass Unemployment* (2015), 'the irony of all the automation worries in the postwar period was that the economy offered very little in the way of evidence to support such concern' (Ford 2015, 33). Therefore, political leaders of advanced and industrialized nations have long refrained from seriously considering any specific counteracting policies Ford maintains that this sentiment is presently changing (Ford 2015, 32-33).

Based on the historical record of the United States job market, Ford argues that the 'automation revolution' described by the Ad Hoc Committee has been a relatively slow process compared to the 'explosion of robotics' and rapid development of information technology (Ford 2015, 6-8, 66). As these technologies rapidly march forward, is it likely that an ever increasing number of people in industrialized and advanced nations will lose their jobs, while the growth of new jobs holds off and the overall level of wages stagnates (Ford 2015, 34-52). Even though his

findings are based on the context of the United States, Fords argument seems to represent the socio-economic context of other developed and industrialized nations as well. A striking example is the increase of the number of citizens on long-term public aid programs in The Netherlands, despite the country's recovery from the economic crisis of 2007-2008 and its slowly declining unemployment rate (Centraal Bureau voor de Statistiek 2015).

Admittedly, it is still disputed how fast the advancement of robot and information technology will proceed and what will be the exact impact of this development on advanced and industrialized economies. Nevertheless, both historical analysis and statistics strongly suggest that the number of citizens that is able to obtain a job that could provide them with the means necessary to be self-supporting will sharply decline due to the declining total number of employment opportunities. Against this background, it becomes ever more necessary to discuss and weight the idea of an unconditional guaranteed income, for it could form both a viable and – from a Rawlsian perspective – morally acceptable solution to the problem *job scarcity*.

Since Rawls, and many of his commentators, never comprehensively addressed this subject, it is useful to discuss the insights brought in by other schools of thought. Perhaps surprisingly, the contribution of the libertarian thinker Bryan Zamulinski seems to fill the gap.⁷ In his article *Nozick's Anachronistic Libertarianism* (2005), he argues that unemployment is one of the preconditions of a well-functioning market economy, and that in order for unemployment to be useful to society the unemployed need to be able to participate in social cooperation (Zamulinski 2005, 213). Further, he assumes that unemployment practically denies individuals the opportunity to be independent and self-supporting members of society, and if there is no chance that they can be reintegrated into the labor market due to the scarcity of jobs, they are undeniably made worse off by the free market system. Because their inactivity is not their own *choice*, but simply the unfortunate circumstance of the economy, they have a *right* to some form of compensation that protects them against subservience (214-217).

As many existing welfare provisions 'typically involve a lack of proper respect for people who have a claim *right* to a public income', Zamulinski (2005, 220) argues that one should opt for an unconditional guaranteed income. However, this income should only be paid to individuals that are actually made worse off by the scarcity of jobs and are in need for compensation. For this reason, Zamulinski (220-221) holds that the negative income tax, as proposed by Milton Friedman⁸, is the most proper way to implement the public income

⁷ Similar (left-)libertarian arguments have been presented by Peter Vallentyne (2011) and Matt Zwolinski (2011, 2015).

⁸ For a concise overview of Friedman's arguments for the negative income tax, see Friedman, M. 1967. "The Case for the Negative Income Tax". *National Review*. March: 239-241

Back to an original idea

Remarkably, the line of reasoning presented by Zamulinski (and others) seems to be congruent with both Rawls's conception of neutrality and the principle of reciprocity in at least four ways. First of all, the negative income tax is a selective program that is paid only to citizens with a low income or without an income at all. As such, it fits the idea of the 'difference principle' as a compensatory mechanism that redresses arbitrary inequalities and aims to improve 'the long-term expectation of the least favored' (Rawls 1971, 101).

Secondly, given the assumed condition of job scarcity, the recipients of the negative income tax cannot be held responsible for their unfortunate situation, for they do not have a 'free occupational choice against the background of diverse opportunities'. Forcing people to get a job would therefore be morally objectionable, not only because getting employed would be a 'mission impossible', but also because this would violate the right to equal opportunity to self-respect and non-subservience. For this reason, the provision of an unconditional guaranteed income to the unemployed members of society (during times of job scarcity) does not violate the principle of reciprocity.

The third advantage of a negative income tax is that it does not involve a willingness-to-work requirement or a means-test. Although the system might have, according to Milton Friedman (1967, 239), a number of administrative disadvantages, such as the monitoring of every citizen's income on a regular basis, it could also replace a number of existing measures, such as conditional welfare programs, subsidies and special tax cuts. Hence, the administrative burden of the negative income tax seems to be smaller and more efficient than with any conditional form of welfare provision. Furthermore, compared to the idea of the 'participation income' presented in the previous chapter, the negative income tax makes citizens less dependent on government interference in terms of their specific non-work related (social) activities. As such, the idea better suits the Rawlsian demands of equal opportunity to self-respect and the right to non-subservience.

Fourthly, the negative income tax also satisfies Rawls's conception of liberal neutrality as 'neutral political concern', for it secures for all citizens – both employed and unemployed – 'the adequate development and full exercise of their [...] moral powers and a fair share of the all-purpose means essential for advancing their determinate (permissible) conceptions of the good' (Rawls 1993, 187). Although the unemployed receive an extra benefit in order to compensate for their undeserved social and economic position, the 'social minimum' is ultimately ensured to all on a fair and equal basis.

Notwithstanding, there are at least two powerful objections to this line of reasoning that are worth of discussion at this point. Firstly, one could object that the affordability of the negative income tax solely depends on the contributions of the employed and affluent members of society, and that they are, as a result, morally burdened with the performance of productive activity in order to pay for the unconditional incomes of non-contributors. This classical reciprocity objection would be perfectly valid if the non-contributors (*id est* the unemployed) would wantonly reject any job offered to them against the background of diverse opportunities. This, however, is not the case if one assumes that there is job scarcity (instead of job abundance). For this reason, the recipients of the negative tax have *no choice* but to be unemployed, as they have been made worse off due to indomitable economic circumstances.

The second objection that could be raised is that the unconditional nature of the negative income tax entails that its recipients have the ‘real freedom’ to do with it whatever they want at the expense of others, just as in Van Parijs’s proposal for a UBI. In Rawlsian terms, this objection might hold that the ‘Malibu surfers’ would still get their leisure time without being held responsible for their individual *choice* to waive their responsibility to contribute to social cooperation. Accordingly, Torisky Jr. (1993, 295) illustratively argued that instead of ‘feigning their role of a citizen’ the ‘surfers should help keep the beaches clean of litter or serve as lifeguards or as part-time rangers’. Why leave the them at liberty to excuse themselves of their reciprocal duties to the other members of society?

Despite this powerful objection, the clear – though morally imperfect – counterargument is that society has to pay a price for providing all its members the ‘freedom of movement and choice of occupation against a background of diverse opportunities’ (Rawls 1993, 181). Although the negative income tax is specifically designed to redress the arbitrary inequalities caused by job scarcity on the labor market, it seems to be inevitable that a small number of people that is not intrinsically willing to contribute to social cooperation misuses the freedom granted to them. But this group of obstinate ‘surfers’ is likely to be very small, as none of the negative income tax experiments conducted so far have presented any evidence that the introduction of such a system would cause a specific groups of individuals to withdraw from the labor force in order to be eligible for public funds (Widerquist 2005,68; Moffit 2004, 3-4).

In addition, is it crucial to emphasize that the negative income tax scheme is designed to provide only a minimum level of income support. Therefore, if properly implemented, this scheme secures no more than the all-purpose means necessary for the maintenance of the recipient’s self-respect, freedom of movement and non-subservience, which is likely to result in a relatively modest grant. Furthermore, the negative income tax is a graded system, which means

that it is designed to stimulate its recipients to increase their income out of other sources (Moffitt 2004, 2-3). In this way, getting a part-time job remains an attractive option to all, without the risk of suddenly losing the entire income guarantee.

Conclusion

'Provided due precautions are taken, we can, if need be, expand the list of primary goods to include others goods, for example, leisure time' (Rawls 1993, 181). These are the exact words John Rawls used in *Political Liberalism* in his response to the 'leisure bias' of the 'difference principle'. Remarkably, his observation seems to fit the most important conclusion of this thesis, which is that the validity of any Rawlsian justification of an unconditional guaranteed income is dependent on the economic circumstances of a given society. 'Surfers' should be fed when there is *not* 'much work that needs to be done'. For if they have no choice but to 'surf all day off Malibu' due to the scarcity of jobs, it is morally unjust to withhold them a fair share of the product of social cooperation. Rawls's initial idea to introduce a negative income tax could fit this requirement.

This, however, does not mean that the original formulation of 'justice as fairness' in *A Theory of Justice* is fully congruent with Rawls's conception of liberal neutrality, as stated in *Political Liberalism*. Indeed, placing 'justice as fairness' under the constraints of 'the priority of right' (*id est* 'neutral political concern') has had a profound impact on the theoretical operation of his distributive principles. This is particularly relevant against the background of the idea of an unconditional guaranteed income.

One of the findings of the foregoing analysis that underlines this impact is the articulation of Rawls's commitment to the principle of reciprocity. As became clear from the discussion of Phillippe Van Parijs's argument for a substantial UBI, 'neutral political concern' cannot guarantee complete nondiscrimination between conceptions of the good, because it depends on the ability to exclude unreasonable comprehensive doctrines and impermissible 'ideas of the good'. This is not only an important precondition for reaching an 'overlapping consensus' on the basic structure of a society, but it is also closely connected to the reciprocal nature of Rawls's conception of citizenship.

Nevertheless, the Rawlsian conception of citizenship is also heavily dependent on the redistributive demand of the 'difference principle' to secure a 'social minimum' for all. A number of authors have accentuated this dependency, by referring to Rawls's emphasis on the importance of the primary good *social bases of self-respect*. The main function of this primary good is that it secures the public affirmation of a person's value as a self-supporting, non-subservient and fully recognized citizen with meaningful plans in life. Society should therefore provide all members of society with the all-purpose means necessary to ensure and maintain their self-respect, which

includes the ‘freedom of movement and free choice of occupation against the background of diverse opportunities’.

In chapter three, the implications of this inference have been problematized, for it seems to be both economically and morally objectionable to grant each unemployed (or otherwise disadvantaged) citizen the possibility to freely decide *if* and *when* to reintegrate into the sphere of social cooperation against the background of job abundance. Despite the *right* of citizens to refuse jobs that would not advance their self-respect, complete relinquishment of society’s control over this process would not only violate the principle of reciprocity, but could also pose a threat to a society’s economic stability. In this instance, Rawls seems to abide by the idea of *welfare contractualism*.

Nevertheless, in chapter four it has been argued that the economic circumstance of job scarcity requires a wholly different approach. If there are not enough jobs available for all citizens, and there is no ‘free choice of occupation against the background of diverse opportunities’, the implementation of an unconditional guaranteed income seems to be justified – if not: demanded – by Rawls’s conception of liberal neutrality. I have argued that a negative income tax scheme would be best suited for this situation, for it fits the idea of the ‘difference principle’ as a compensatory mechanism that redresses arbitrary inequalities.

Notwithstanding, there are a number of critical issues that have not been (fully) addressed in the course of this thesis or have been left unanswered. Firstly, one could question the soundness of the argument that a negative income tax is the scheme that is most suited to the condition of job scarcity. After all, the recipients of the grant might be ‘stigmatized’ due to their unproductivity. Another critical remark could be made about the practical implications of the present conclusion. When exactly should the negative income be implemented, and what should be done if job abundance suddenly returns and the unconditional guaranteed income becomes obsolete? Further, one could ask whether a negative income tax would actually be economically feasible and resistant enough to fraud and deception.

Although these are important questions that require further commentary and research, one thing is for certain: The ideas of John Rawls’s on distributive justice and political liberalism represent an indispensable theoretical ‘toolbox’ for the ongoing societal discussion about the unconditional guaranteed income. As Martin van Hees (2015, 258-259) strikingly noted, there seems to be a growing ‘overlapping consensus’ on this issue among scholars of political philosophy. If the foregoing analysis is right, it seems to be only a matter of time before such a consensus is possible in the political realm as well.

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