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## Exploitation, Labor, and Basic Income

*Abstract:* Proposals for a universal basic income have reemerged in public discourse for a variety of reasons. Marx's critique of exploitation suggests two apparently opposed positions on a basic income. On the one hand, a basic income funded from taxes on labor would appear to be exploitative of workers. On the other hand, a basic income liberates everyone from the vulnerable condition in which one is forced to sell one's labor in order to survive, and so seems to be one way of abolishing exploitation at its root. This paper will develop a conception of exploitation that resolves the conflict in favor of basic income. The conception of exploitation is grounded in a liberal egalitarian conception of justice rather than in Marx's labor theory of value or an exclusive focus on the worker-capitalist relation. This position is not premised on an acceptance of the basic institutions of capitalism, but rather is a standpoint from which to evaluate them. It is not necessary to downsize our ideas of freedom and equality. But it is less obvious than it appeared in classic Marxist formulations that socialism is necessary for social justice. To quote the title of a famous article, there could be a 'capitalist road to communism', if a substantial basic income is feasible in a capitalist society.

“Labour is *not the source* of all wealth. *Nature* is just as much the source of use values (and it is surely of such that material wealth consists!) as labour [...].” Karl Marx (1875, *Critique of the Gotha Program*)

### 1. Introduction

Before turning to the main argument of this paper, I will say a few words about the theme of this issue, the normative turn away from Marxism. There has been a shift from 'scientific' analysis of capitalism to normative evaluation, reframed in terms of liberal theories of justice such as those of Rawls (1971) and Dworkin (2000). However, this shift does not exclude from consideration the constitutive elements of capitalism: private property, wage labor, competitive markets in labor, land, and capital, and, some might add, unrestricted accumulation of capital and growing inequalities. In earlier work, I have defended, within the framework

of Rawls's theory of justice, a form of worker-managed market socialism, with a basic income (Howard 2000). While my model included a market economy in consumer goods, I defended socially owned property, cooperative management of enterprises, and the substitution of decentralized democratically controlled state banks for private capital investment, and I argued that this model would be considerably more egalitarian than capitalism, and less driven toward unlimited growth of capital. While I favored competitive markets over central planning, this feature is not determined by the framework of the theory of justice, but by more empirical considerations of relative efficiency, based on the historical experience with planning and markets in both capitalist and socialist contexts.

Thus, I think the normative turn away from Marxism does not represent resignation to the inevitability of capitalism. Rather, it represents an effort to make explicit and systematic the normative commitments and arguments implicit in Marx's critique of capitalism. The outcome of this effort may have exposed certain weak points in the case for socialism, which, together with transformations of capitalism itself (the rise of the welfare state, globalization, etc.), may have resulted in a turn by some theorists from socialism to some sort of reformed capitalism (Van Parijs 1995). But other theorists have used the new vocabulary and conceptual tools to reformulate normative arguments for varieties of socialism suitable to our current situation (Howard 2000; Schweickart 1994; Roemer 1994).

The defense of a substantial unconditional basic income might be thought to be a retreat from the aspirations of Marxism. In Van Parijs's pivotal work, *Real Freedom for All* (1995; hereafter RFA), basic income capitalism is, in the final analysis, defended as superior to socialism. However, even in Van Parijs's argument, capitalism is not taken for granted. The subtitle of his book is 'what, if anything, can justify capitalism?' The standard against which economic systems are judged is that of real freedom, enabling each person to achieve the maximum of resources for whatever she might want to do. This is not the formal liberty of classical liberalism, which always has existed side by side with economic and social inequality. Rather, it is a demanding egalitarian standard. Inequality of real freedom is permissible only if it enhances the real freedom of the least advantaged. The question remains open whether real freedom is best attained by capitalism or socialism.

Van Parijs argues that capitalism might make real freedom for all more economically feasible, if it is more efficient than the most efficient available socialism, so that the resources made available to the least advantaged by capitalism exceeded those made available by socialism. On the other hand, socialism might make real freedom more politically feasible than it could be under capitalism, by reducing the political inequality that has generally accompanied capitalist ownership of the means of production. RFA is thus not decisively a defense of capitalism. But the case for socialism would have to be made in terms that themselves leave open the possibility that basic income capitalism might be preferable to any feasible kind of socialism that we can now envision. Indeed, some have argued that the basic income goal will require 'something like socialism' (Wright 1986; 2006; cf. Carens 1986). Basic income can tip the balance of class conflict

toward workers, partially decommodify labor, and facilitate the formation of the social economy which satisfies “needs not subject to the discipline of profit maximization or state-technocratic rationality”, all of which are recognizably part of a socialist project (Wright 2006, 8–9).

In my own work, I have accepted the desirability and inevitability of markets in consumer goods, and with this comes at least a strong structural tendency toward alienation and commodity fetishism. I have argued that the corresponding psychological tendencies are not inevitable, if they can be countered by ‘socializing’ markets and countering the market with political organization, a ‘Hegelian’ rather than a Marxist solution to alienation (Howard 2000, chs. 4 and 5; 2005a; 2005b). I will not address alienation and the Marxist aspiration to community in this article, but will instead focus on exploitation. For more on the market see Cohen (2009) and (Ollman (ed.) 1998).

## 2. UBI Back on the Agenda

Universal basic income (UBI) is back on the agenda. The idea had currency earlier in the twentieth century, across the political spectrum. Bertrand Russell (1918) proposed a basic income. A ‘demogrant’ was featured in the US presidential campaign of George McGovern in 1972, and the closely related minimum income policy, a negative income tax, was defended by libertarian economist Milton Friedman (1962). Negative income tax pilot projects were launched in Canada and the United States in the 1970s (Forget 2011; Levine et al. 2005). The concept has been endorsed by other Nobel laureates in economics, including James Meade, James Tobin, Herbert Simon, Friedrich Hayek, Jan Tinbergen, and Robert Solow (Yap 2014). After a hiatus, interest in UBI reemerged, first with the founding of the Basic Income European Network in 1986 (‘European’ has since been replaced with ‘Earth’, to reflect the widening interest), then through serious political debates in South Africa, Namibia (where an important pilot project was launched, Haarman 2012), Canada, Brazil (where the state is committed to the eventual implementation of UBI), Switzerland (where citizens will vote on UBI in a referendum in 2015, Widerquist 2013b), and India (site of another pilot project, Davala et al. 2014), to name a few places. BIEN now has affiliates in 20 countries on every inhabited continent. Quite a few political parties, mostly Greens, have adopted UBI in their platforms (Upton 2014).

Interest in UBI is based on a variety of concerns. Some, such as Bertrand Russell, and more recently Philippe Van Parijs (1995), see basic income as crucial to human freedom. Others emphasize UBI as a better way to eliminate poverty. Georgists and left libertarians see UBI as a means of sharing commonly owned wealth (Steiner 1996). Others emphasize the problem of technological unemployment, and see UBI as a way to partially de-couple income from work, as it becomes increasingly difficult to guarantee everyone a full-time regular job. Greens often are drawn to UBI as part of an effort to reorient our economies away from environmentally destructive growth (Fitzpatrick 2013; Van Parijs 2013).

Marxists share most of these concerns, and one might expect that they would welcome UBI, because, at a level sufficient for basic needs, it enables workers to say no to onerous wage-labor contracts, and thus enhances their bargaining power, perhaps to the point that they could begin to transform capitalism into something else, such as a society of worker cooperatives. But some Marxists object to UBI on the grounds that it is exploitative (e.g., Elster 1986).

The following from Rosa Luxemburg is illustrative:

“In order that everyone in society can enjoy prosperity, everybody must work. Only somebody who performs some useful work for the public at large, whether by hand or by brain, can be entitled to receive from society the means for satisfying his needs. A life of leisure like most of the rich exploiters currently lead must come to an end. A general requirement to work for all who are able to do so, from which small children, the aged and sick are exempted, is a matter of course in a socialist economy.” (quoted in White 2003, 155-6)

If a Marxist conception of justice requires incomes, apart from the noted exceptions, to be conditional on a contribution, UBI violates the principle by transferring earned income from workers to able-bodied non-workers, who simply refuse employment. And the objection, as the Luxemburg quote suggests, is akin to the objection to capitalist exploitation. As we shall see, without abandoning Marx’s radical critique, there are good reasons not to require incomes to be proportional to work, and consequently to reject the charge that a UBI would be unjust because exploitative.

### 3. Marx on Justice

Evaluating basic income in the context of Marx’s critical theory is complicated by the fact that Marx never explicitly articulated a conception of justice. In some places he is contemptuous of the concept of justice (*Critique of the Gotha Program*, 1875), yet in others he is clearly employing normative concepts—notably exploitation—that seem to imply a conception of justice. Even in the latter case, he appears to use different conceptions of justice in different contexts, with reference to capitalist society, for example, or different models of socialism (Lukes 1985). I will not attempt here to summarize the complex debate on Marx and justice. Instead, I will somewhat arbitrarily refer to a few of the most influential texts, particularly the *Economic and Philosophic Manuscripts*, the *Critique of the Gotha Program* and a passage from Volume III of *Capital*, as reference points for both criticism and support of UBI from within the Marxist tradition.

The most obvious support for a UBI is to be found in the principle that Marx says will characterize the “higher phase of communism” (Marx 1875): “from each according to ability, to each according to need” (the ‘ability-needs principle’). Whether one takes this as a principle of justice or a description of a society ‘beyond justice’, this clearly de-couples income distribution from contribution to

production. While it need not take the form of a UBI—basic needs such as health care, education, transportation, housing, and food could all be provided free in kind for all—the complexity of modern society would favor the distribution of cash for at least some of these needs, and for anything beyond basic needs where people’s needs and preferences diverge.

The decoupling of income from work is entailed in Marx’s sketch of the ‘realm of freedom’ in Volume III of *Capital*.

“The actual wealth of society, and the possibility of constantly expanding its reproduction process, therefore, do not depend upon the duration of surplus labour, but upon its productivity and the more or less copious conditions of production under which it is performed. In fact, the realm of freedom actually begins only where labour which is determined by necessity and mundane considerations ceases; thus in the very nature of things it lies beyond the sphere of actual material production. Just as the savage must wrestle with Nature to satisfy his wants, to maintain and reproduce life, so must civilized man, and he must do so in all social formations and under all possible modes of production. With his development this realm of physical necessity expands as a result of his wants; but, at the same time, the forces of production which satisfy these wants also increase. Freedom in this field can only consist in socialised man, the associated producers, rationally regulating their interchange with Nature, bringing it under their common control, instead of being ruled by it as by the blind forces of Nature; and achieving this with the least expenditure of energy and under conditions most favourable to, and worthy of, their human nature. But it nonetheless still remains a realm of necessity. Beyond it begins that development of human energy which is an end in itself, the true realm of freedom, which, however, can blossom forth only with this realm of necessity as its basis. The shortening of the working-day is its basic prerequisite.” (Marx 1894, 496–7)

It is clear in this passage that the long-term goal in Marx’s emancipatory theory is not just freedom from the domination of other people—master, landlord, or serf—but also emancipation from the necessity to labor. Once the working day has been sufficiently reduced, people will spend their time in freely chosen activity. Their income and consumption will not be constrained by the necessity to perform necessary labor, or such labor will be so reduced as to be a small part of daily activity, which can be expected as a social duty, and enforced by peer pressure and conscience.

People often cite the egalitarianism of Marx, but ignore this liberatory element, which is present in his thinking from beginning to end. Marx, in the 1844 manuscripts, is contemptuous of those who aspire only to higher or more equal incomes:

“The equality of wages that Proudhon demands only changes the relationship of the contemporary worker to his labour into that of all

men to labour. Society is then conceived of as an abstract capitalist [...]. An enforced increase of wages [...] would only mean a better payment of slaves and would not give this human meaning and worth either to the worker or to his labour.” (Marx 1844, 85)

Marx says about communism understood as the universalization of private property:

“The community merely means a community of work and equality of wages that the communal capital, the community as general capitalist, pays out. Both sides of the relationship are raised to a sham universality, labour being the defining characteristic applied to each man, while capital is the universality and power of society [...] crude communism, is thus only the form in which appears the ignominy of private property that wishes to establish itself as the positive essence of the community.” (Marx 1844, 88)

And again, in *Gotha*:

“It was made clear that the wage worker has permission to work for his own subsistence—that is, *to live*, only insofar as he works for a certain time gratis for the capitalist (and hence also for the latter’s co-consumers of surplus value); that the whole capitalist system of production turns on the increase of this gratis labor by extending the working day, or by developing the productivity—that is, increasing the intensity of labor power, etc.; that, consequently, the system of wage labor is a system of slavery, and indeed of a slavery which becomes more severe in proportion as the social productive forces of labor develop, whether the worker receives better or worse payment.” (Marx 1875)

Thus, from the standpoint of the higher phase of communism, the goal is the abolition of the necessity to work for a wage, whether for a capitalist, or for the ‘community as universal capitalist.’ One obvious problem with citing the ability-needs principle in support of a UBI is that, for Marx, it clearly applies only to a remote society of the future. In *Gotha*, he identifies the conditions that must be met before that principle can come into play:

“In a higher phase of communist society, after the enslaving subordination of the individual to the division of labor, and therewith also the antithesis between mental and physical labor, has vanished; after labor has become not only a means of life but life’s prime want; after the productive forces have also increased with the all-around development of the individual, and all the springs of co-operative wealth flow more abundantly—only then can the narrow horizon of bourgeois right be crossed in its entirety and society inscribe on its banners: From each according to his ability, to each according to his needs!” (Marx 1875)

If the overcoming of material scarcity, the transformation of work, or the socialization of individuals have not been accomplished, then more stringent principles of justice still must prevail. In particular, the 'lower phase' of communism, now more often called 'socialism', operates on the principle of to each according to work. Marx envisions a society without capitalists, so instead of capitalists appropriating a surplus, the value created by labor is returned to labor in the form of certificates corresponding to the labor time expended. It is important to note that Marx repudiates, both for socialism, and as a demand of workers under capitalism, the Lasallean idea of returning to workers the full value of their product. Any society must set aside part of the value of production to cover depreciation of capital, insurance, support for the elderly and disabled, and for public goods such as education. But what remains, Marx posits, should be distributed according to work.

"He receives a certificate from society that he has furnished such-and-such an amount of labor (after deducting his labor for the common funds); and with this certificate, he draws from the social stock of means of consumption as much as the same amount of labor cost."  
(Marx 1875)

(Because work is an abstract standard that focuses only on one dimension of a person, neglecting different abilities and needs, he characterizes this principle as another version of 'bourgeois right'. And he suggests that what I have called the 'ability-needs principle' is not a principle of justice at all, but rather a description of a society that has gone beyond justice, beyond bourgeois right.)

This principle would seem to rule out a UBI, since a UBI would require a tax on the certificates otherwise going to workers.

In any society emerging from capitalism, people will be acculturated to expect material rewards for their labor. The hours of labor will still be long enough, and the character of much labor unattractive enough, that people cannot reasonably be expected to perform it freely without reward. Freedom with reference to work in such a society can only be the freedom to participate democratically in determining the conditions of work. But this participatory freedom, Marx acknowledges, is not yet the realm of freedom that becomes possible once the working day has been shortened enough that people can do as they wish.

But note how inconclusive all this is with respect to contemporary UBI proposals. There is no contemporary proposal completely to decouple all income from labor. Even Van Parijs's proposal for a maximum sustainable UBI leaves ample room for income proportional to labor, on top of the UBI. This is compatible with the socialist principle of income according to work, at least on a loose interpretation. Those who work more will receive more income, enough to induce them to perform the necessary social labor, until such time as the reduction of working hours, the transformation of work into interesting activity, and the socialization of people makes it possible to dispense with material incentives.

As Van Parijs and van der Veen (1986) have shown, it is possible to anticipate the ability-needs principle within capitalism, as parts of our social contribution are made without clear reward (through voluntary care work and civic participa-

tion), and some of our needs are met unconditionally. We are already doing this in most capitalist societies with in-kind goods such as education and health care. Some aspects of income distribution are also unconditional. Pensions for seniors in some countries are not conditional on having contributed through work. And child benefits are not conditional on work or, in some countries, on a means test. A UBI is only an extension of this principle, to each according to need, to everyone, with respect to basic income security. It can be seen, in relation to Marx's long-term goal, as an anticipation of the emancipation from coerced labor, to the extent that this is institutionally feasible, even within capitalist society.

One can also make an 'historical materialist' argument for this phasing in of UBI. In *Gotha*, Marx claims that every distribution principle is determined by the mode of production.

“Any distribution whatever of the means of consumption is only a consequence of the distribution of the conditions of production themselves. The latter distribution, however, is a feature of the mode of production itself. The capitalist mode of production, for example, rests on the fact that the material conditions of production are in the hands of non-workers in the form of property in capital and land, while the masses are only owners of the personal condition of production, of labor power. If the elements of production are so distributed, then the present-day distribution of the means of consumption results automatically. If the material conditions of production are the co-operative property of the workers themselves, then there likewise results a distribution of the means of consumption different from the present one.” (Marx 1875)

One may challenge Marx's claim, because it does not leave room for fairly wide normative variability within a given mode of production. Capitalism is compatible with libertarian, welfare-state, or 'predistributive' schemes, and a range of tax policies that allow or constrain income and wealth inequality. But setting this aside, we may note that contemporary 'globalized' capitalism has created distinctive conditions in the mode of production, that vitiate principles of justice that made more sense 50 years ago. In particular, it is becoming increasingly difficult to guarantee full employment, in full-time, regular, jobs. Employment is increasingly part-time, and temporary. In the United States “almost 30 percent of workers are in 'non-standard' employment” (McFate 2001, 99; Reich 2015). For many people, life-time careers have given way to periodic career changes. Increasing numbers of workers belong not to the proletariat but to what Guy Standing (2011, 10) calls the precariat, characterized by the lack of security in several dimensions.

In this mode of production a UBI is a way of sharing the risk of unemployment and income insecurity, establishing a decent floor below which no one falls. On top of this floor, people can earn income through work, and most will seek more than the minimum, but no one will be required to pass a means test, nor will it be necessary to impose a work requirement that is increasingly difficult to

formalize and enforce in a socially useful and respectful manner. By the time the norms are codified, the economy often has changed. Make-work schemes make a fetish out of employment without being socially useful. Wage subsidies (as advocated by Phelps 2001) empower employers to control workers for low wages. And work requirements compel people into kinds of employment out of synch with their training and career goals, and block efforts to re-tool through re-education. UBI in this context is a pragmatic alternative to a welfare state that fails to achieve its own objectives with respect to employment and poverty reduction.

The challenge to this happy synthesis of the socialist principle and the ability-needs principle is the charge that, in a society where much work is still onerous and inducements are needed to get it done, a UBI will be unfair to those who work. The exploitation objection is that those who are able to work but refuse, and live off the UBI are exploiting those who work. Before examining this charge, it is necessary to review Marx's theory of capitalist exploitation. If, as G.A. Cohen has argued, Marx's account is inadequate, and better replaced by a liberal egalitarian conception of justice, then the same might apply to the Marxist critique of basic income. The whole issue of whether UBI is exploitative would need to be worked out on the terrain of the liberal egalitarian theory, where, as we shall see, there is a reasonable defense of UBI.

#### 4. Exploitation and Justice

In his summary of G. A. Cohen's analysis of Marx's theory of exploitation, Will Kymlicka articulates the challenge that Marxists make for liberal theories of justice:

“The paradigm of injustice for Marxists is exploitation [...] liberal justice [...] licenses the continuation of this exploitation, since it licenses the buying and selling of labour.”

Whether this charge is true depends on how we understand ‘exploitation’. The everyday understanding of exploitation is “taking unfair advantage of someone” (Kymlicka 2002, 177). The Marxist technical definition of exploitation is:

“The capitalist extracting more value from the worker's labour (in the form of produced goods) than is paid back to the worker in return for the labour (in the form of wages).” (Kymlicka 2002, 178)

The question is whether this technical definition is intended to be merely descriptive, or normative, i.e., to claim that the extraction of value by the capitalist is taking *unfair* advantage. The argument for the latter is (Cohen 1988, 214):

1. “Labour and labour alone creates value.
2. The capitalist receives some of the value of the product. Therefore:

3. The labourer receives less value than he creates.
4. The capitalist receives some of the value the labourer creates.  
Therefore:
5. The labourer is exploited by the capitalist.” (Kymlicka 2002, 178)

One problem with this formulation is that premise 1 is contradicted by the labour theory of value, according to which the value of an object “is determined by the amount of labour *currently* required to produce it, not how much labour was actually involved in producing it”.

“What matters, morally speaking, is not that the workers create value, but that ‘they create what has value [...]. What raises the charge of exploitation is [...] that [the capitalist] appropriates some of the value of what the worker produces.’ (Cohen 1988, 226–7).” (Kymlicka 2002, 179)

So the above argument needs to be modified thusly:

1. “The labourer is the only person who creates *the product*, that which has value.
2. The capitalist receives some of the value of the product. Therefore:
  - (a) The labourer receives less value than *the value of what* he creates.
  - (b) The capitalist receives some of the value *of what* the labourer creates. Therefore:
  - (c) The labourer is exploited by the capitalist.” (Kymlicka 2002, 179; my emphasis)

This, Kymlicka says, “yields the argument that wage relationships are inherently exploitative”, but, crucially, “it is not clear that the exploitation involved here is an injustice” (179). Labor that is volunteered would then count as ‘exploitative’, but surely is not unjust. So one modification often made is to stipulate that the labor must be coerced, at least by force of circumstance. This would indeed capture the situation of most workers in capitalist societies today.

However, as Kymlicka says, defining exploitation as the forced transfer of surplus value is “both too weak and too strong” (179). It is too weak because we would want to consider some unforced wage labor as also exploitative. A guaranteed minimum income would enable the worker to say no to wage labor contracts and still survive. But to attain a ‘decent standard of living’, something above a minimum, the worker might have no choice but to work for a capitalist, and if the capitalist has greater bargaining power (which is almost always the case), the outcome of the contract might still be something we would want to consider exploitative.

The standard is too strong because

“there are many legitimate instances of forced transfer of surplus value, for example, apprentices who earn less than they create in the early phase of their careers, but over the course of a lifetime get a fair share” (180). “To insist that it is exploitative to forcibly transfer surplus value regardless of how this fits into a larger pattern of distributive justice, guts the charge of exploitation of all its moral force [...] [and] manifests a kind of fetishism about owning one’s labour [...] a libertarian concern with self-ownership.” (Kymlicka 2002, 180; see also Howard 2003)

An unfortunate implication of this standard is that “compulsory taxation to support children or the infirm also counts as exploitation”.

As I have noted already, Marx himself in *Gotha* rejects a similar standard, advanced by the Lasalleans, that workers should receive the full value of their product. Marx points out that it is necessary in any society (and just?) that part of what workers produce should be appropriated for depreciation, insurance, new investment, for public goods, and for the support of those unable to work.

The theory is not salvaged by shifting from transfer of value to need. On this emendation (181), “the capitalist exploits the worker because his need is not the basis on which he receives part of the value of what the worker produces.” But then it is the needy who are unjustly treated, and these may include others besides, or instead of, the worker. And workers are exploiters, if they appropriate more than they need at the expense of a needy child. And capitalists, if they need the surplus, are not exploiting. A plausible example of this might be endowing “the infirm with capital from which they can derive a steady stream of financial support” (181). Crucially, “it all depends on how the particular transaction fits into a larger pattern of distributive justice”.

The theory of exploitation also is too narrowly focused on the exploitation of wage labor. Household labor, typically performed by women, is not included in the concept. The problem is not that women are subjected to forced extraction of surplus value, but that they have been “forced *not* to sell their labour” (181). The same can be said of the involuntarily unemployed (182).

The upshot of this critique is “that there is a deeper injustice underlying exploitation—namely, unequal access to the means of production. Disenfranchised women, the unemployed, and wage-workers in our society all suffer from this injustice, while capitalists benefit from it.” (182) The exploitation of labor is just a special, even if the principal, case of unequal access to resources.

John Roemer’s theory of exploitation (Roemer 1982; discussed in Kymlicka 2002) is designed to address this deeper injustice, shifting the focus from transfer of surplus to unequal access to the means of production. The worker is capitalistically exploited on Roemer’s view if she would be better off withdrawing from society with her per capita share of external resources and the capitalist would be worse off (182). This theory overcomes many of the difficulties mentioned. But it still neglects inequalities related to internal assets, i.e., differences in talents. Roemer tries to include these by distinguishing different kinds of exploitation,

related to different modes of production (capitalist exploitation concerns external assets, whereas socialist exploitation is about the inequality that remains because of differences in skills), but as Kymlicka notes “To say that all forms of injustice are forms of exploitation is not to gain an insight but to lose a word” (Kymlicka 2002, 184).

If the Marxist critique of exploitation is best understood as a special case of injustice, which is better articulated by a liberal egalitarian theory of distributive justice such as that of Rawls or Dworkin, then the possibility opens up that there could be just forms of capitalism. Kymlicka indicates two ‘clean routes’ to wage labour.

“First [...] endowing the infirm with ownership of capital can compensate for unequal natural talents, and so bring us closer to an endowment-insensitive distribution. Secondly, differential ownership of the means of production can arise amongst people with equal endowments, if they have different preferences concerning investment or risk.” (185)

This is not to say that contemporary capitalism is fair, far from it. Capital is not put at the disposal of the infirm. Citizens do not receive equal endowments, and their inequalities are compounded over generations through inheritance. Different preferences and choices account for only a fraction of the inequalities of wealth and income. But the solution is not necessarily socialization of the means of production. This too could be exploitative, if a majority consistently favors income over leisure, and a minority the reverse. The latter will be taken advantage of by the former,

“if the minority are not allowed to convert their socialist right of equal access to the social resources into a liberal entitlement of equal individual resources (e.g., by selling their share of the firm)” (Kymlicka 2002, 186).

Socialism might still be on the agenda, but it would be so not because capitalism is inherently unjust, but rather for more contingent empirical reasons such as that (some forms of) social ownership are more efficient than capitalist alternatives, or because there are public goods that social ownership can make possible that private ownership cannot, or because social ownership facilitates a more durable and sustainable egalitarian distribution of wealth, income and power, not only in the economic sphere, but in politics (Roemer 1994).

If capitalism is not inherently unjust, then the analogous argument against basic income also fails. If the case against capitalism is that it involves a forced transfer of the surplus of labor from those who work to those who do not, disadvantaging the former, and advantaging the latter, then it would appear that a UBI is exploitative, since it transfers part of the surplus from workers to able individuals who refuse to work. (Recall that, in Marx’s view, the relevant part of the surplus for distribution is not the whole product, but rather that part that remains after discounting for depreciation, insurance, support for the disabled, etc.).

However, if the critique of capitalism is better framed as a critique of inequality of resources, then there can be no principled objection to endowing everyone with a basic income, as part of an institutional scheme that is endowment insensitive and choice sensitive. There is no reason to establish as a prior principle that all the proceeds of labor (after the necessary deductions) should go to the workers. Rather, one can make a good contractual argument for a principle of priority for the least well off, and this might well favor a basic income. But the case is not straightforward, as we shall see.

## 5. Rawls's Difference Principle

Rawls's difference principle stipulates that inequalities of income, wealth, and power must maximize the minimum of those primary goods for the least advantaged. When it was pointed out that this would appear to entitle people (like Malibu surfers) to a minimum income without any work requirement, Rawls's response was to add leisure to the list of primary goods, defining leisure as "twenty four hours less a standard working day". Those opting not to work would then be taking the minimum to which the difference principle entitled them in the form of extra leisure, and "would not be entitled to public funds" (Rawls 1999, 253).

Does it follow that maximizing the minimum requires some conditional form of income supplement, such as wage subsidies, rather than an unconditional income such as a negative income tax (NIT) or UBI? Not at all. Precisely because leisure is included on the list of primary goods,

"the strong presumption in favour of employment subsidies collapses [. . .]. For whereas the expected income of the representative incumbent of the worst social position can safely be expected to be higher under the most suitable form of employment subsidies [because of the increased production from the incentives to work], her expected leisure can equally safely be expected to be more extensive under the most suitable form of guaranteed income." (Van Parijs 2003a, 219)

Whether the difference principle favors a conditional or unconditional minimum will depend on

"the differential impact of the two sorts of schemes on overall productivity and hence on the lifetime level of income-leisure bundles and wealth to be sustainably expected by the worst off" (Van Parijs 2003a, 219).

This indeterminate outcome cannot be easily resolved by factoring in the other primary goods, power and prerogatives and the bases of self-respect, because these can support either scheme in different ways (Van Parijs 2003a, 220–2). Work can be a source of self-respect and power, but this is less the case with low-skilled work, stigmatized by social subsidy. And an unconditional income

empowers the worker in bargaining situations, whereas a wage subsidy empowers the employer. Work can be a source of community, but also a site of domination, and there are forms of community available outside work that can sustain one's self-respect better than low-skill employment, that an unconditional income might better facilitate.

Two further considerations may tip the argument *in favor* of UBI.

(a) *Outmoded model of careers*: Rawls's way of identifying the least well off, for purposes of distribution, is with reference to representative social positions and the expectations of a typical occupant of that position over the course of a lifetime, the lowest being that of the unskilled worker. However, this model no longer fits the global economy, with ever more rapid downsizing, labor market flexibility, increasingly precarious employment, chronic high unemployment and underemployment, lots of movement from one position to the other, etc. Some still hope to bring about full employment, but that goal is hard to sustain without a high cost in efficiency. If we characterize the least advantaged not in terms of a place in an imagined stable structure of full-time jobs and careers, but rather in terms of expected resources available over a lifetime, then a UBI is a more dependable way to maximize the minimum.

(b) *Limited conception of work*: Rawls assumes that activity can be neatly dichotomized as paid employment and leisure. This suggests that when one is not engaged in paid employment one is enjoying free time. But this neglects the necessary but unpaid work that roughly half the adult population, usually women, do when they take care of children or the elderly, or maintain a household. Political engagement is another form of work that is often initiated not as a pleasant leisurely pursuit but as a necessary response to injustices. UBI is a way of supporting people engaged in these pursuits, without subjecting them to supervision and monitoring, inconsistent with the principle of love in the family, and freedom of association.

## 6. Equality of Resources and Basic Income

The most developed argument for a UBI on the basis of equality of resources is Van Parijs's *Real Freedom for All* (1995). I will not attempt to summarize the argument here, but only note a few key points relevant to the exploitation objection. Going back to Rawls's response to the surfer challenge, Van Parijs maintains that, in his effort to address a bias toward the Malibu surfer, or 'Lazy', he 'swings all the way and introduces the opposite bias' toward the preferences of the hardworking 'Crazy' (90).

“What the proposal (and beyond it the whole idea of adding leisure to the list of primary goods) amounts to is a prescription to share out among the sole workers, and as a function of their working time (somehow measured), the whole of the production surplus—that is, of whatever is left of the product after taking away what is needed to feed and motivate the workers—whatever the source of the surplus.”

The increased surplus might result, for example, from an unexpected discovery of a valuable natural resource.

“No such proposal could possibly be justified by a non-discriminatory concern with the real freedom of the least-advantaged. From a pro-Lazy bias, we have swung all the way to a pro-Crazy bias, that could be vindicated only on perfectionist premises.” (98)

“Crazy wants a higher income and is therefore prepared to work more. If for this purpose she uses no more than an equal share of society’s scarce resources—say, land—she should not be taxed one penny to help feed Lazy. But she may also want to use more than her share. In that case, those who get less than their share will be entitled to the competitive value of what they give up. If you accept this [...] you will realize that you have accepted the justice of a basic income at the level of the per capita value of society’s external endowments.” (90)

The relevant endowments include not only land, but also natural resources, inherited wealth, and socially inherited assets such as technology that no one living produced. Some think that these assets can yield a fairly substantial basic income, at least in some states (Widerquist 2012b; Flomenhaft 2012). But Van Parijs is skeptical that these sources alone could yield a basic income even at subsistence, once due consideration is given to the behavioral effects of taxation and inheritance. Thus he calls our attention to another external endowment often overlooked, jobs as assets. The key idea is that “as long as jobs are scarce, those who hold them appropriate a rent which can legitimately be taxed away so as substantially to boost the legitimate level of basic income” (Van Parijs 1995, 90). While one could try to eliminate job scarcity through wage subsidies (Phelps 2001) or job guarantees (Harvey 2005; cf. Howard 2005c), such approaches “amount to using scarce resources in a discriminatory way, with a bias toward those with a stronger preference for being employed” (Van Parijs 1995, 91).

Once jobs have been recognized as scarce assets, basic income can be funded through income tax. (Many left libertarians consider income taxes to be illegitimate violations of self-ownership, e.g., Steiner 1996). Van Parijs argues that if the income tax rates are set to maximize the tax yield, this will not capture all of the job rents, but it will not catch more than the rents (Van Parijs 1995, 91). The intuitive idea is that people in scarce jobs receive wages or salaries in excess of the market-clearing wage (for a variety of possible reasons). They would still take the job at a lower wage, so the difference between their actual wage and the wage at which they would cease to have an incentive to take the job is a measure of the rent, and if this rent is taxed there will be no loss of efficiency, the tax yield will be maximized, and the situation of the less advantaged will be improved, by means of the UBI. There is no advantage to means testing if the UBI of upper income recipients is clawed back in taxes.

However the debate over jobs as assets is resolved, the main point is that equality of resources should first be addressed, to assure endowment insensitivity,

and then concerns about reciprocity and choice sensitivity can be addressed on top of that.

“The modest income afforded to the voluntary unemployed by the taxation of employment rents is therefore no more [...] stolen income than that derived from natural rents. What justifies either is not solidarity but fairness. Fairness is not a substitute for solidarity. But it must shape the ‘basic structure’ against the background of which cooperative ventures governed by reciprocity and solidarity can meaningfully operate.” (Van Parijs 2003b, 208)

## 7. Challenge to Equality of Resources

Gijs van Donselaar (2009) revives the exploitation objection by rejecting Van Parijs’s assumption of equality of resources. He claims that a UBI would be exploitative because it would, in Locke’s phrase, allow some to benefit from others’ pains. To illustrate his argument, he asks us to imagine the familiar figures of Crazy and Lazy on their island. Crazy has a strong preference for work and the wealth that it brings, whereas Lazy prefers to work less or not at all, and is content with less wealth. Suppose that the island is divided into 4 parcels of equally valuable land, and Lazy can survive on one. Crazy would like to make use of 3 parcels. If the land is divided equally, as suggested by Van Parijs, guided by Dworkin’s principle of equality of resources, then Crazy will owe Lazy rent for the 3<sup>rd</sup> parcel. Van Donselaar’s critique is much in the spirit of Locke’s statement that although God gave the earth to people in common, “He gave it to the use of the industrious and rational (and labour was to be his title to it); not to the fancy or covetousness of the quarrelsome and contentious” (Locke 1690, Ch. 5, para 33). One has a title to a share of the land, but only if one has an interest in working on it.

If Lazy actually wanted the third parcel, even in the absence of Crazy, then the deal struck between them would be just, since each is free not to deal, and both benefit from the bargain. But according to van Donselaar, because Lazy has no independent interest in the third parcel, and only demands a rent because he can extract it from Crazy, his behavior is parasitic. He benefits from the labor of Crazy, and at a cost to Crazy since Crazy would use the parcel even in Lazy’s absence.

The reply to van Donselaar challenges the idea that Lazy has no independent interest in the land that Crazy wants. Karl Widerquist (2006) shows that there are interests other than working with the resource that van Donselaar ignores. He asks us to imagine Hippie, who shares Lazy’s aversion to work, but has in addition an interest in wilderness. He wants as much of the island undeveloped as possible. Thus it is a cost to him that Crazy uses more than one plot of land. And if the cost is great enough, Crazy is actually exploiting Hippie in van Donselaar’s sense of the word: The extra leisure that Crazy affords Hippie (when Crazy works all the land and pays Lazy a rent) is less valuable to Hippie

than would be the extra wilderness. So Hippie is worse off, even after the trade, than he would be if Crazy were not there (Widerquist 2006, 457).

More generally, van Donselaar fails to recognize passive contributions to the system of social cooperation:

“The loss of access to the non-commercial use of assets is a passive contribution. That is, it is a sacrifice that benefits the system of social cooperation that requires no action on the part of the contributor. Passive contributions also include acceptance of law, of a smaller share of social wealth and of lost opportunity to work outside of the prevailing social and economic structure.” (Widerquist 2006, 445)

The Crazy-Lazy example has limited applicability, even if one accepts that it exemplifies exploitation. The assumption that Lazy

“has access to all the external assets he wants [...] does not hold for most of the net recipients of UBI that Lazy is supposed to represent. A model in which the poor have all the resources they want and use government transfers to get more has extremely limited applicability to a society in which people own nothing until they satisfy an obligation to work for others.” (Widerquist 2006, 451)

Once we recognize this, UBI appears more as a protection against exploitation than a means of exploitation:

“UBI partially compensates people for the passive contributions they have made to the existing system of social cooperation, and it creates at least some opportunity for people to pursue their own views of the good life that may differ from the particular employment opportunities offered by the dominant group. In that sense, UBI is a limit to society’s ability to exploit individuals, for the majority to exploit minorities and for the strong to exploit the weak.” (460)

Thus, even if we abandon equality of resources, it does not follow that UBI is exploitative.

## **8. Challenge to Liberal Neutrality: Participation Income?**

Van Parijs’s case for basic income rests on liberal neutrality, the idea that in the distribution of resources there should not be a bias toward one particular conception of the good life. Liberal neutrality is a principle shared by Rawls, Dworkin, Kymlicka, and most other liberal theorists (an important exception is Arneson 2003). One could argue that these theories take for granted the preferences that people have, as formed by capitalist society itself, which incline many people to prefer private consumption, and to be resigned to domination in the workplace. In a society with social ownership, greater equality, and worker

control over production, preferences themselves would presumably change and favor socialism over capitalism.

Such a line of defense, however, must explain why such hypothetical preferences in the future should trump the actual preferences that people have now, acknowledging that they are adaptive preferences. And the perfectionism implied by such criticism must be defended against the evident plurality of conceptions of the good life that are likely to persist in any complex society, whether capitalist or socialist.<sup>1</sup>

Van Parijs interprets liberal neutrality to include the proposition that there should not be a bias toward those who have a strong preference for work, accumulation, and consumption, nor should there be a bias toward those who have a preference for leisure. Neutrality is not satisfied by Rawls's proposal for adding leisure to the list of primary goods, and then denying anyone a basic income unless they are willing to work, as we have seen. In addition to the arguments already considered above, Van Parijs adds that Rawls's solution is inefficient, and raises conceptual problems about how to measure work (1995, 97–8). But most importantly, as we have seen, such a principle neglects the contribution to wealth that comes from nature and other external assets, and by allotting all of these assets to the workers it reflects a bias toward those with a preference for employment.

Neutrality could be satisfied by giving each equal plots of land, but if these are not tradable, the allocation will be suboptimal for each. Allowing trade, each will benefit, and Lazy will be entitled to “a non-arbitrary and generally positive legitimate level of basic income that is determined by the per capita value of society's external assets” (99).<sup>2</sup>

Another challenge arises from those who would reject neutrality, or perhaps say that in this case, it is trumped by a norm of reciprocity. Stuart White (2003) argues that a minimum income must be conditional on a willingness to work, although he understands ‘work’ broadly to include personal care work, volunteerism and other activity that could be approved as a contribution to society. If we were to accept the conclusion that a UBI is exploitative in the sense that it violates reciprocity, then a ‘participation income’ (PI) is one alternative. However a PI is either hopelessly bureaucratic and arbitrary (who will judge which artist is making a valuable contribution, and which is untalented and self-indulgent?), or the criteria will be so lax that the idea of participation will become a bitter joke and lead to the discrediting of the PI (Howard 2005a; 2005b; cf. Barry 2001; DeWispelaere/Stirton 2007). It would be better to promote a

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<sup>1</sup> See, for example Kymlicka's critique of a bias toward work by appeal to the theory of alienation, as perfectionist, Kymlicka 2002, 190–5.

<sup>2</sup> Here Van Donselaar may have a stronger case against jobs as assets than in the original Crazy-Lazy case involving land. What possible interest could Lazy have in a job, other than to work in it? Then his only claim on the asset is the parasitic one of wanting it solely in order to extract a benefit, that in the absence of Crazy, Lazy would have no interest in. But just as Hippy can have an interest in land, without wanting to work on it, so he might want a position in order not to have the work done. He would prefer the space on the island to be undeveloped. And he would prefer that no one be digging, pounding, and drilling. Putting up with work is a cost, and Hippy deserves compensation.

UBI, and accept that there will be a few ‘parasites,’ than to try to eliminate them in this way. If, as most advocates of UBI believe, there will be relatively few people who receive a UBI but do nothing useful with their lives, then the cost of preventing their sloth is not worth the benefits lost from a UBI, which include putting an end to poverty, empowering workers to say no to onerous labor contracts, and so on (Barry 2001). And a better way to deal with a slacker is through shaming and moral persuasion. But if we are going to be hard on the slackers, we need to be even-handed.

The principle that no one who has not contributed should receive an income entails a consequence that at least some proponents might not welcome, at least in the context of capitalist society. It is not only the recipients of a UBI who would be violating this norm of reciprocity. Every capitalist who does not labor but lives entirely from profits on investments, every landlord who does not work but lives entirely from rent, everyone with enough financial assets that she can live entirely on the interest is receiving income without working, and so are violating the norm of reciprocity (Noguera 2007; Widerquist 2014). Unless we are to put an end to all these forms of rent-taking, it is imposing a double standard to object to a modest unconditional income for the least advantaged, while allowing it for the propertied. If we are going to allow income from rent, then all the rents should be acknowledged, and the income shared equitably, through a system of taxation and transfer, or through a distribution of the assets promising a fair share of incomes. For further discussion of the exploitation objection, see Birnbaum (2012).

## **9. Abolition of Rents?**

This brings us full circle to Marx, who would not be flummoxed by the implications of the previous paragraph. For as the passage from Luxemburg that I quoted earlier suggests, the aim of socialism is to get rid of all rent-taking, not to share the rents. But is that a desirable aim? The classic theory of exploitation, as we have seen, focuses too narrowly on injustice at the point of production, ignoring other forms of injustice that are grounded, as is work exploitation, in unequal access to resources. Once we recognize this, then the starting point should be equality of resources, and payments for work should be on top of a basis of resource equality. One might invoke a perfectionist ideal of a society in which everyone achieves fulfillment through paid employment, but we have already seen how scathingly Marx himself rejected that ideal as a long-range objective. Should we not then in the near term do our best to respect a greater plurality of conceptions of the good life, and find a place for payment according to work in a larger context of equality of resources, in kind and also in cash?

## 10. The Appearance of Exploitation

Even if my defense of UBI against the charge of exploitation is sound, it may be difficult politically to overcome the appearance of exploitation. This is partly due to what Nagel and Murphy call ‘everyday libertarianism’, the tendency to regard the pre-tax distribution of income resulting from market exchanges as natural and just, and consequently any taxation beyond that necessary for a minimal state as a kind of theft (Nagel/Murphy 2002, 15). Everyday libertarians oppose not only basic income but also many other normal expenditures of the modern welfare state.

Apart from unreflective libertarians, some advocates of a reciprocity principle are unlikely to be persuaded that passive contributions are significant enough to count as contributing to society’s wealth on a par with employment or the more obvious kinds of social participation (Birnbaum 2012, 106–7). Imagine the worker whose hard-earned labor income is being taxed to support his neighbor’s UBI, and who thinks the neighbor is a parasite, being asked to accept that the neighbor deserves compensation just for obeying the law; or imagine the worker being told that the voluntarily idle neighbor is doing him a favor because the neighbor’s absence from the labor market decreases the supply of labor and therefore probably increases the worker’s wage (McKinnon 2014, 119–20). And even if they can be persuaded, these forms of contribution will always remain relatively invisible, so that the *appearance* of a lack of reciprocity will remain for the wider public.

That is an obstacle to the political implementation of a UBI, that should lead UBI supporters to give serious consideration to ‘back door’ strategies (Vanderborcht 2005), a less than full UBI, a UBI that is funded solely through dividends on publicly shared assets (Widerquist/Howard 2012a; 2012b), more targeted steps toward a UBI such as universal child benefits, or policies such as participation income that have softer conditionalities and a more universal reach (White 2003). It is also a reason to try to package UBI, even when not limited to external resources, in the form of property rights, as is done in Widerquist’s Citizens’ Capital Accounts, which might be set up with a wealth tax independently justifiable in response to burgeoning inequality (Widerquist 2012a; Piketty 2014; Howard 2012; Anderson 2001).

## 11. Conclusion

From the standpoint of a suitably comprehensive theory of justice, a UBI is not exploitative. It is a reform that can be introduced, by degrees, into capitalist societies, and could also be an abiding feature of a socialist society and facilitate steps toward socialism. For those inspired by Marx’s utopian vision of the higher phase of communism, a UBI is a policy that can begin to move in that direction, by partially decoupling income from paid employment. Whether a UBI is a reform that will take us beyond capitalism is less important than whether it will

move us closer to realizing the equality and freedom from servitude that were at the core of Marx's emancipatory vision.

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