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Sharing Job Resources: Ethical Reflections on the Justification of Basic Income

“Jobs are not just associations with other people. ... they can be viewed as taps fitted on to a pool of external assets to which all have an equal claim.”

Philippe Van Parijs, *Real Freedom for All*, 129

Abstract: Philippe Van Parijs's ethical justification of basic income is based on the argument that job resources must be shared equally. Underlying this idea are two important claims: (1) all individuals in society hold an *ex ante* entitlement in job resources and (2) job resources are tradable. First, I present the real-libertarian argument for sharing job resources. Next, I identify and critically review three different objections against this view: the liability objection, the cooperation objection and the parasitism objection. I believe the parasitism objection poses a serious challenge to basic income, and argue that Van Parijs's most plausible response—based on the idea that job resources are socially owned—is flawed. I provide the outline of an alternative normative basis for grounding a person's *ex ante* entitlement to job resources using an institutionalist approach.

0. Introduction

Philippe Van Parijs is widely acclaimed for re-introducing basic income in social and political thought.¹ For the past decade or so, he has been engaged in producing arguments and counter-arguments in an attempt to convince fellow philosophers, economists, policy analysts and the like to seriously consider, if not wholeheartedly support, introducing a universal basic income. While relying upon a balanced mix of moral and pragmatic claims to further this goal, Van Parijs is primarily credited for designing a complex moral framework which seems to lead *linea recta* to basic income capitalism (Van Parijs 1991; 1992; 1995).²

Van Parijs's ethical justification of basic income is firmly rooted in distinctively liberal premisses or, to be more precise, premisses that belong to the liberal-egalitarian family in contemporary political philosophy.³ As Van Parijs points out on several occasions, his work is inspired by combining two convictions:

¹ While there is some dispute about the historical origins of basic income, it is clear that it is by no means a new idea. The seminal article that introduced basic income on the contemporary scene is Van der Veen/Van Parijs 1986. See Van Parijs (ed.) 1992 and Walter 1989 for a good overview of the debate.

² See Barry 1996 and Van der Veen 1997 on the difference between principled and pragmatic arguments in the justification of basic income.

³ Midtgaard 1998 disputes this claim, arguing that Van Parijs's theory is not defensible on purely liberal principles and that it entails 'hidden' Marxist elements. I believe Midtgaard is mistaken on the first count, and the reader familiar with Van Parijs 1993 should not be surprised to find that his theory is compatible with a properly recycled version of Marxism.

“One: Capitalist societies are replete with unacceptable inequalities.
Two: Freedom is of paramount importance.” (Van Parijs 1995, 1)

Integrating the agonistic values of equality and freedom in one comprehensive philosophical framework is the task Van Parijs sets himself, and his particular institutional solution, basic income, is meant to solve the enduring competition between freedom and equality. The main objective of this enterprise is eloquently captured in the title of his principal work: *Real Freedom for All: What (if Anything) Can Justify Capitalism?*

Job scarcity plays a key role in Van Parijs’s ethical justification of basic income. Especially the view that, in a just society, a particular type of scarce resources— to wit, jobs—must be shared equally is a crucial element in the real-libertarian defense of basic income. This essay concentrates on these aspects of Van Parijs’s theory. How (and why) are people supposed to share these job resources? More precisely, how (and why) is the value of the employment rents that result from appropriating job resources in a non-Walrasian job market to be shared? To answer these questions, Van Parijs advances two central arguments. First, he claims that all individuals in society have an *ex ante* entitlement to job resources; that is, an entitlement which does not require the fulfillment of any additional obligations. Second, the use of employment rents as an appropriate basis to finance the highest sustainable basic income is ultimately dependent on the assumption that job resources are tradable.⁴ Both of these arguments have caused serious consternation, and have consequently met with considerable resistance. This essay explores the issue of sharing and trading job resources, and tries to bring out the strengths and deficiencies in Van Parijs’s position. It is argued that Van Parijs’s conception of job resources and his interpretation of job scarcity cannot be sustained. In the final section, I outline an alternative approach to justifying the idea that people hold *ex ante* claims in the labour market.

1. The Real-Libertarian Justification of Basic Income

Introducing the complexities of the real-libertarian position in a limited space is a task of almost Herculean proportions. In the present section, I briefly point out three key steps in Van Parijs’s ethical defense of basic income, and explicate the importance of sharing job resources.

In a first step Van Parijs borrows, and subsequently develops, two ideas from John Rawls (1972). First, like Rawls, he is committed to a particular notion of *liberal neutrality*, according to which liberals are taken to be primarily concerned with “non-discrimination among conceptions of the good life” (Van Parijs 1991, 102).⁵ On this view, liberal social policy should not make fundamental judgements

⁴ However, as at least one critic rightly observes, “[d]espite the centrality of asset tradability to Van Parijs’s case for basic income, it is notable that the assumption receives relatively little defense” (Williams 1999, 97).

⁵ Van Parijs’s notion of liberal neutrality is criticized and juxtaposed to two alternative conceptions by Arneson 1992b, 507–508.

over the goodness of one's life but broadly concern itself with providing a basic framework of rights that allows people to develop their own lives as they see fit, provided they respect each others' similar rights to do so. An important consequence of adopting liberal neutrality in the present context is that one ought to remain indifferent to a person's choice to toil hard or lead a life of loafing and loitering if that does not infringe upon other people's rights. In order to avoid subsidizing expensive tastes, however, this interpretation must be complemented with the idea, poignantly expressed by Barry (1996, 258), that "a fair distribution of rights cannot be challenged on the ground that it bears more heavily on some than others". In other words, it is not a person being worse off as such that generates a valid ground for complaint, but him or her being denied a basic and well-founded right. In determining what exactly amounts to such basic rights in the sphere of social justice, Van Parijs again follows Rawls in bestowing comparatively more weight on the fate of the worst-off. Theories of justice, Van Parijs insists, must operate under constraints of the *leximin criterion* (a more sophisticated version of Rawls's maximin criterion). Van Parijs's personal interpretation of these two central ideas is crystallized in *real-libertarianism*, a philosophical position which dictates that social justice is secured through

"the leximinning of people's opportunities subject to the protection of their formal freedom, that is, the respect of a structure of rights that incorporates self-ownership." (Van Parijs 1992, 468)⁶

So far all of this is largely compatible with Rawls's two principles of justice. But real-libertarianism differs from the Rawlsian conception of social justice with respect to the nature of the *distribuendum*.

A second step for Van Parijs consists in moving away from Rawls's account of primary goods and endorsing a Dworkinian scheme of *resource egalitarianism* (Dworkin 1981). What really matters from a real-libertarian point of view is the equalization (or leximinning) of external resources up to a level where no person envies⁷ the endowments of another (Van Parijs 1991, 112–117; 1995, 96–102).⁸ The main justification for equalizing people's external resources is predicated upon

⁶ Formally, Van Parijs 1995, 25, stipulates three conditions (in order of lexical priority): "1. There is some well enforced structure of rights (*security*). 2. This structure is such that each person owns herself (*self-ownership*). 3. This structure is such that each person has the greatest possible opportunity to do whatever she might want to do (*leximin opportunity*)".

⁷ Van Parijs 1995, 76, introduces a weaker version of Dworkin's envy test; it only requires that "there be no pair of people such that *all* prefer one person's endowment to the other's".

⁸ Strictly speaking this is incomplete because Van Parijs (like Dworkin) maintains that the equalization of internal resources must also take place for justice to uphold. Because Van Parijs's particular solution to deal with *internal* resources (undominated diversity) differs considerably from his strategy for equalizing *external* job resources, and this essay is primarily concerned with the latter, I will not venture into the complex problem of compensating unequally talented individuals. Moreover, equalizing internal resources operates as a constraint on the highest sustainable level of basic income. See Van Parijs 1990; 1995, ch. 3 for a presentation, and Arneson 1992a; Barry 1996; Fleurbaey 1996; Vallentyne 1997 and Williams 1999 for various criticisms of undominated diversity.

Dworkin's (1981) argument for separating ambitions from endowments.⁹ It also bears significantly on the Rawlsian notion that nobody *a priori* deserves external wealth. For *to the extent that external resources are not created by agents*, they belong to everyone and, perhaps, should be best considered as falling under the heading of 'social ownership' (cf. Vallentyne 1997, 327–328). This particular aspect of Van Parijs's theory can be regarded as an entitlement theory of sorts since it in fact generates an *ex ante* title to a fair share of the resources.

An important question thus far left unanswered is: What sort of things can be said to properly constitute external resources? In Van Parijs's view, external resources comprise

“whatever usable external objects in the broadest sense ... individuals are given access to. They coincide with the external wealth with which people are endowed.” (Van Parijs 1991, 113)

In short, all types of resources that fit the requirement of not being attached to the individual,¹⁰ either directly (as part of the body) or indirectly (through labour expended), constitute the external wealth of society and are up for Dworkin-style equalization. Now, one of the problems Van Parijs faces is that, for various reasons, equalizing external wealth by taxing the use of resources like gifts, inheritances and technology generates only a very moderate pool of funds (Van Parijs 1991, 117–121; 1995, 102–106). How can we boost the financial source of basic income? The third step in Van Parijs's argument is explicitly designed to resolve this problem. It advances the ingenious proposal to regard *jobs as assets*; that is, external resources that fit the conditions for Dworkinian equalization. After all, Van Parijs suggests,

“people's endowment is not exhaustively described by their wealth (in the usual sense) and their skills: the holding of a job constitutes a third type of resources.” (Van Parijs 1991, 123–124)¹¹

Therefore, jobs should really be viewed as “taps fitted on to a pool of external assets to which all have an equal claim” (Van Parijs 1995, 129). Real-libertarians then generally endorse the following idea: if all have an equal claim to external resources, and jobs are external resources in the required sense, it follows that job resources too must be shared equally.

One obvious way to ensure that job resources are shared equally is to simply implement a scheme of compulsory job sharing, as is currently advocated all over Europe. Van Parijs (1995, 109 ff.) strongly objects to this solution. Instead, he proposes to share “the [sizeable] *employment rents* otherwise monopolized by those in employment” (Van Parijs 1995, 108). Employment rents constitute a return to factor scarcity,¹² and are defined with reference to

⁹ But see Barry 1996, 258–262, for an illuminating discussion of the differences between Dworkin and Van Parijs, and the latter's failure to separate ambitions and endowments in *non-welfarist* terms. A similar point has been raised by Arneson 1992b, 505, n. 19.

¹⁰ Recall the lexical priority of self-ownership over leximin opportunity. Vallentyne 1997 discusses Van Parijs's conception of self-ownership in more detail.

¹¹ Compare also Van Parijs 1995, 108.

¹² For a taxonomy of different conceptions of rent, see Mack 1995 and Van Parijs 1996.

“the difference between the income and other advantages the employed derive from their job, and the (lower) income they would need to get if the market were to clear.” (Van Parijs 1995, 108)

As I will argue in the next section, moving from sharing *jobs* to sharing job *rents* is largely made possible because Van Parijs conceives of jobs as tradable resources.¹³

2. Why Sharing Implies Trading

It seems to me that trade is a *necessary* component of Van Parijs’s scheme for at least two reasons. First, trading job resources provides the ethical rationale behind the justification of basic income. Under certain conditions, a basic income is nothing more than the equal (envy eliminating) distribution of the value of external job resources by taxing those who privately appropriate them.¹⁴ Trade establishes a *direct normative link* between a person’s *ex ante* entitlement to an equal share of job resources and the unconditional grant he or she receives. Second, trade plays an important role in setting the *level* of basic income. The level of the grant is ultimately determined by the “per capita competitive value of the available jobs” to which all have an equal claim (Van Parijs 1995, 108). The competitive value of job resources is in turn determined by people’s opportunity costs to appropriate them. It is because job resources can be traded—or, what amounts to an equivalent procedure, auctioned off—in a competitive market that it is possible to resolve the valuation process this way. If trade is not allowed, job resources held by private individuals simply have the value that its ‘owner’ places on it, independently of how others value it.

To the real-libertarian, the last option is unacceptable. From a real-libertarian point of view, there are two straightforward reasons why sharing job resources implies trade. The first has to do with *efficiency*. If individuals with different abilities and preferences are not allowed to trade their resources, and if therefore strict or ‘mathematical’ equality of resources is artificially maintained, the resulting allocation of jobs is suboptimal. Some people will have excess resources and end up not using them, while others cannot fully use their labour power or abilities because of a lack of access to jobs. The second reason relates to the real-libertarian’s concern with *freedom*. If both the hard toiler and the person who enjoys his leisure are better off by trading (part of) the latter’s job resources and voluntarily choose to do so, surely a ban on trade implies an unnecessary restriction of their freedom.

In general, then, real-libertarians hold that, against a background of *ex ante* entitlements to an equal share of resources, trading job resources broadens the range of opportunities and, consequently, choice sets that a given job resource provides access to. In practice, it permits individuals to opt not only for a life of hard-toiling or ‘leisurely spoiling resources’, but also offers them the choice of

¹³ Van Parijs is indeed very explicit about the fact that job resources must be tradable. “Let us give each member of the society concerned a *tradable* entitlement to an equal share of those jobs.” (Van Parijs 1995, 108, italics added)

¹⁴ See Williams 1999 on value equalization and envy elimination in Van Parijs’s theory.

leading a life of leisure combined with moderate wealth by living off the value their job resource commands in a competitive market. A basic income is the institutional realization of this ideal in a constrained environment.

But what if sharing and, particularly, trading job resources does not benefit both parties? What if, instead of a Pareto-improvement in terms of utility or choice, trade actually represents a transfer from one person to another—i.e., the benefits of trading job resources for one person come at the expense of another person? This is an important challenge for basic income advocates, and different versions of this objection have been put to Van Parijs.¹⁵ These critics in general oppose the unconditionality comprised in the real-libertarian justification of basic income.¹⁶ Even when subscribing to the egalitarian view that people should have equal access to the labour market, they still abhor the fact that basic income provides some people with the opportunity to free-ride on other people's productive efforts. And this is exactly where trading job resources enters the scene again. For if a person is permitted to trade his or her equal share of the pool of job resources without any further obligations, it is argued, this amounts to giving him or her *the opportunity to earn a living at the expense of other people's productive efforts*. In the next sections I examine three different versions of this objection.

3. The Liability Objection

Andrew Williams (1999) has recently provided a possible ground for banning the trade of job resources, based on the idea that jobs are *liability-involving*. Unfortunately, right from the start Williams blurs his treatment of the issue by confusing two separate ideas. Consider the following passage:

“a job asset ... is liability-involving since an individual possesses it only if she fulfills certain duties. One does not reap the full benefits of the asset unless one discharges the liabilities, which generally involve forgoing leisure.” (Williams 1999, 90)

In my opinion, each sentence clearly reflects a separate idea. On the one hand, there is the *normative argument* that one is not entitled to the proceeds of job resources unless one fulfills certain duties. On the other hand, there is the *factual claim* that job resources simply do not produce anything valuable unless the relevant duties are effectively discharged.

Frankly, I don't see why the factual claim, taken by itself, should pose a problem for the real-libertarian. It is conceivable to design social rules under which trading job resources involves 'passing on' the relevant liabilities. Thus, while it makes

¹⁵ See e.g. Elster 1986; Arneson 1990; Van Donselaar 1997 and White 1997.

¹⁶ This is quite distinct from the unconditionality of basic income as a *policy instrument*. For in principle one could conceive of 'exploitation theorists' favouring an unconditional basic income over an alternative policy if, overall, basic income performs better in terms of, say, reciprocity than the next-best feasible alternative. See White 1996 for an overview of possible positive reciprocity effects of basic income.

sense to say that one cannot appropriate the value of a job resource unless the job itself is properly exercised (i.e., one cannot get a *wage* unless one works), there is nothing that prohibits original ‘owners’ to exchange their job resources with people who subsequently discharge the relevant duties, and appropriate part of the benefits as a payment for providing them with the opportunity to work. Williams is of course absolutely right in suggesting that one does not reap the *full* benefits of a resource unless one discharges the liabilities. People are generally only interested in a resource to the extent that the benefits outweigh the total costs—which in this case roughly amounts to the liabilities one must discharge in order to obtain its value in combination with the price one needs to pay for the opportunity to do so. But surely this is compatible with Van Parijs’s theory. Real-libertarianism is designed so that all people can decide for themselves whether they want to take up a job or rather live from a basic income that everybody enjoys. In a real-libertarian society, everybody enjoys the same (real) freedom to accept or refuse a job offer, which of course implies the (real) freedom to make a rational choice between taking on or passing on certain liabilities (like forgoing leisure or taking certain job-related risks). Real-libertarianism only insists that *all* pay a price for having the opportunity to exercise this freedom.

But what about the normative claim? Is there anything *morally wrong* with passing on job liabilities to other people? If properly substantiated this might pose a real challenge, but unfortunately Williams does not provide us with sufficiently substantive grounds to adopt this conclusion. He suggests that

“we should characterize jobs by means of the rights and liabilities actually associated with being a job-holder ... [and] ... possession of a job depends on the performance of certain tasks and is inalienable via exchange or donation.” (Williams 1999, 97)

But, as Williams himself admits, this assertion is largely based on an intuitive appeal to the ‘natural’ order of things in current society; it is not grounded in systematic moral argument and carries therefore only limited moral weight. In the absence of a sustained moral argument, I think Williams’s attempt to demolish this aspect of Van Parijs’s theory fails.

4. The Cooperation Objection

A more promising route is to entrench the question of whether people should be allowed to exchange liability-involving job resources within the notion of a *cooperative community*. In a well-known article Stuart White discusses the issue at some length:

“non-natural wealth consists of a diverse range of resources, but they have in common that they are largely products of labour in a cooperative community and may thus be considered ‘economic benefits of social cooperation’. ... [A] major reason for regarding jobs as assets

is precisely that in societies like our own they are the primary means of gaining access, via a wage, to what Mill termed ‘the benefits of combined labour’. In other words, it is sensible to see jobs as assets precisely because of the access they confer to the economic benefits of social cooperation.” (White 1997, 321)

Unlike Williams, White links job resources explicitly to the social and cooperative nature of producing goods and services in society at large. Duties or liabilities are not simply attached to (job) resources; they are intrinsically connected with the cooperative endeavour of building and maintaining social and economic life. To perform work is to be incorporated in such a cooperative venture, in which all reciprocate the received benefits of social production by contributing their fair share. If White is correct, discarding one’s resource-based liabilities by trading them is the equivalent of renouncing one’s obligations to society.

The bulk of White’s normative argument rests on the plausibility of what he calls the reciprocity principle:

“those who willingly enjoy the benefits of social co-operation have a corresponding obligation to make a productive contribution, *if they are able*, to the cooperative community which provides these benefits.” (White 1997, 317, italics added)

To accommodate for the unavoidable differences in people’s capacities to earn the rewards of contribution, White modifies his principle in an important respect. This modified version, *baseline reciprocity* entails the idea that, while all citizens have a general obligation to perform a “decent minimum of contributive activity”, this minimum in fact varies “with degree of productive handicap” (White 1997, 319). In my opinion, by relying upon baseline reciprocity, White seems to provide the real-libertarian with a way out of the cooperation objection.

Suppose for a moment we agree with the formulation of baseline reciprocity, but add to it that deficiencies in external resources—in particular, differential access to the job market—ought to be factored in when calculating the degree of productive handicap. If we accept this, we must of course constantly reassess the corresponding obligation to perform a decent minimum of productive contribution so that it also reflects a person’s productive handicap due to a lack of *external* resources. To me such a reassessment seems no different from one that accommodates for the lack of internal resources, which is of course exactly what White’s concept of baseline reciprocity is meant to secure; both reflect a genuine concern with equal opportunity.¹⁷ If we grant the analogy, somebody who is denied all access to the job market has a principled obligation to contribute, the level of

¹⁷ Here is White’s 1997, 313–314, own definition of opportunity: “[o]ppportunity . . . refers to an individual’s positive ability to pursue a conception of the good”, that is, “an ability conferred by command over resources [which] includes not only commodities but also internal capacities”. The point I want to make is that one’s ‘ability to command resources’ should not be limited to one’s internal capacities, but also must include a measure of external access. See also White 1999, 171–173, for a discussion of the key role of equal opportunity in social-democratic thought.

which in practice equals zero because of his 'productive handicap'. If that person regains part of his or her access to the labour market, the minimal contribution owed to society increases accordingly. But what exactly counts as a reasonable contribution under such circumstances? And how are we to measure a person's access to the labour market anyway? In my opinion, Van Parijs's theory answers both questions: his measure of equally sharing job resources outlines a baseline from which a reasonable comparison between people's relative obligations to contribute becomes possible. It seems to follow, then, that taxing employment rents is a reasonable way to distribute the 'burdens of social production': in return for occupying a proportionally larger part of the job resources, job holders 'reciprocally' share the wealth they are able to secure in the production process.

One could of course object that I simply misconstrue the cooperation objection, since what really matters is whether people are *willing* to engage in the contributory activity that is demanded by the reciprocity principle. White (1997, 319) suggests that people suffering from productive handicaps based on external resources must still satisfy a "reasonable work expectation". There are two problems with this account.¹⁸ The first has to do with the theoretical concept of 'willingness-to-contribute' and its practical implications. Defining what amounts to a reasonable obligation in the complex context of modern society is difficult and invites arbitrariness. I personally think a fair number of the 'reciprocity tests' currently employed to sort out the voluntary from the involuntary unemployed, in fact only do so by putting an unfair burden upon both parties.¹⁹

The second problem is of a different nature. A powerful objection against White's insistence upon a reasonable work expectation is that it contradicts people's *ex ante* entitlements in the job market. Either one is entitled to a compensation because one is denied one's *ex ante* fair share, or one needs to perform certain tasks to secure this entitlement *ex post*. Marrying both proves to be rather difficult. The point could be put this way: if reciprocity theorists really want to secure something like people's equal opportunity to contribute, they must do so at all costs. If this can't be achieved, or the costs are deemed too high, reciprocity theorists find themselves caught in a dilemma: *either* they affirm *ex ante* unconditional compensation *or* they endorse full *ex post* contributive justice, which in fact amounts to treating individuals according to a different standard.²⁰ Depending on

¹⁸ I have provided a more detailed analysis in De Wispelaere 1999.

¹⁹ A key problem seems to be the discretion of bureaucrats to interpret what counts as a 'pass' in such tests. Hence, one argument in favour of basic income is indeed that it is a minimally presumptuous strategy (Goodin 1992). Recently, several economists have disputed the relevance of the voluntary/involuntary distinction with respect to unemployment. Assar Lindbeck 1991, 4, for instance, maintains that, because individuals are rationally assumed to 'voluntarily' do the best they can within existing constraints, we should really turn our attention towards a "comparison of *alternative constraints*". Similarly, Richard Layard, Stephen Nickel and Richard Jackman 1994, 16, 63–66, denounce the distinction because the unemployed are *always involuntarily* jobless in the sense that they cannot get a job at which they are indifferent between work and non-work, but simultaneously *always voluntarily* unemployed because they did not accept any job available. Thus, the normative evaluation of involuntarily unemployment turns on whether we think a given unemployed person had a fair opportunity to take on a job or not.

²⁰ Cf. Van Parijs's 1997, 330, objection against White 1997.

the relative importance one attaches to the values of equal opportunity and contributive fairness, a moral stalemate may be unavoidable (cf. Van der Veen, 1998). For the reasons outlined above, I personally think the cooperation objection has only limited moral force against the real-libertarian position.

5. The Parasitism Objection

A third objection against sharing job resources is that it fosters *parasitic relations*. In several writings, Gijs Van Donselaar (1997; 1998; 1999) examines the concept and moral significance of parasitism. Van Donselaar's approach differs from White's in that it does not rely upon cooperative arrangements to fight basic income. Furthermore, his approach goes to the heart of egalitarian theory since he claims that the very justification for giving people an equal share (whether *ex ante* or subject to *ex post* obligations) depends on whether this allows them to gain advantage by engaging in a parasitical relation with other parties. Van Donselaar proposes that 'pure' equality of resources be replaced with something like *equality of interests-in-resources*.

The defining feature of the parasite is that he or she gains from a particular action or event while others end up worse off. Van Donselaar's starting point is a concern with the moral significance of externalities, an idea taken from David Gauthier.

"The moral significance of externalities is found in the possibility that one person may take advantage of another, either as a free-rider, obtaining some benefit cost free as a spin-off from the other's activities, or as a parasite, transferring the cost of some benefit to the other." (Gauthier 1986, 151–152)²¹

According to Van Donselaar (1997), determining whether an exchange is parasitic must be done by assessing whether the interaction between two people worsens one person's situation and betters another's *relative to a situation in which both people are prohibited from interacting with each other*.

It is easy to understand that the parasitism objection has serious implications for the real-libertarian defense of equally sharing and trading job resources, and thus poses a significant threat to the justification of basic income. If resources can be traded, some individuals are in fact allowed to make others pay for resources for which they themselves have no independent use or interest (other than to trade them).²² The fundamental problem is this: by trading resources a person gains to an extent that would have been impossible if the other party was not

²¹ The distinction between free-riders and parasites is of some importance since, strictly speaking, unlike parasites, free-riders do not necessarily violate the celebrated harm principle—abstracting, of course, from the well-known problems free-riding poses for the stability of cooperative arrangements. For a related view, see Pettit 1986.

²² Or worse even, "if we allow for the marketability of these resources, we will make the actual distributive result reflect everybody's priorities over the various resources and over things that were explicitly excluded from the [Dworkinian] auction: other people's labour and services"

present or the exchange itself prohibited; at the same time, and this is the chief moral problem, the other party loses out on the exchange compared to the relevant background condition of no-interaction.²³ If all are guaranteed an equal share of job resources and trade is effectively prohibited, some people will have no interest in their resources to begin with, and presumably these resources are up for grabs for those who *are* genuinely interested in them. If trade is introduced, however, those who try to appropriate them now have to pay for them, whereas previously they would have remained unused and probably gone to waste.²⁴

To remedy this, Van Donselaar argues, we must discount the equal distribution of resources by a factor that represents the *independent interests* people hold in (job) resources. What we get instead of an equalization of external wealth is a competition in which what Van Parijs on occasion terms ‘expensive tastes for jobs’ dictate the distribution of resources. The implications for the real-libertarian position are devastating. If Van Donselaar’s critique holds, not only must trade be prohibited, but the whole idea that people have an *ex ante* equal claim to external resources is endangered. The parasitism objection at once removes any possibility of taxing people’s differential appropriation of job resources in order to finance a basic income. Institutionalizing basic income turns basic income recipients into parasites because they are better off in a basic income regime by effectively conferring the costs of their maintenance on net contributors.

In my opinion, Van Donselaar’s sustained attack—of which, I hasten to add, I have only presented a basic outline—leaves Van Parijs and those relying upon his theory to defend basic income in serious trouble. Unless real-libertarians find a way to reassert the primacy of resource-based egalitarianism without being susceptible to the parasitism objection, the prospects of ethically justifying basic income are bleak. The weak spot in the real-libertarian position, it seems, is the idea that job resources are tradable. Now, one possible real-libertarian reply to the parasitism objection goes as follows: our concern with parasitism is only of secondary interest

(Van Donselaar 1997, 131). While this version of the parasitism objection is compatible with Van Parijs’s 1995, 137, assertion that “a human being can only be exploited if she performs some work”, Van Donselaar in fact holds that “[p]arasitism may also occur when labour is not at all involved in post auction transactions”. Hence Van Parijs and Van Donselaar entertain contrasting conceptions of parasitism/exploitation. I thank Jeroen Knijff for insistently pointing out my error in a previous draft of this article.

²³ Even if the other party would not lose out on trade (cf. the case of the free-rider), one could argue there is something morally amiss. If a person’s benefit is dependent on the existence of another person, one might suggest this in fact implies that the latter is being treated instrumentally. Neo-Kantians, who insist upon people being used as ends-in-themselves, might have some difficulties with this.

²⁴ In conversation Keith Dowding raised an interesting problem about Van Donselaar’s aversion of trade. It could be argued that Van Donselaar’s theory is incompatible with a neo-classical account of value, in which markets or auctions take central place; and in the absence of a plausible rival theory of value, this would leave his parasitism objection floating in thin air. Having a theory that explains how people go about valuing—or, pricing—goods and resources is one thing. But surely, arguing that the *initial* distribution of resources ought to be based on how people value these goods is an entirely different matter. The point is that an ‘equal distribution’ or an ‘equal-interest distribution’ will shift opportunities, and hence who wins and loses. The question of which is the most appropriate solution is not a matter of rival theories of value, but simply a matter of rival moral baselines—who *ought* to win or lose—, and on what grounds.

given the background of social ownership of job resources. To put it in stronger terms, parasitism is best perceived as an adverse side-effect of people's *ex ante* claims in job resources; these claims themselves, however, cannot be ignored or infringed upon to avoid parasitism. *Because* job resources are socially owned, the argument goes, all individuals *necessarily* have an *equal* claim to them. And this claim is sufficiently strong to override the concern with parasitism. To assess this potentially powerful response, it is important to consider the particular conception of job resources that underpins the real-libertarian position.

6. The Real-Libertarian Conception of Job Resources

We have already encountered Van Parijs's provocative assertion that jobs are in fact "taps fit on to a pool of external assets". The best indication of what Van Parijs really means with this rather cryptic description of job resources is found in the following intriguing citation:

"What is crucial in the case of jobs ... may not be that we are dealing with *productive assets*, but more specifically ... the fact that we are dealing, via jobs, *with external means of production* (capital and technology) that should be distributed equally to all." (Van Parijs 1995, 129, italics added)

Van Parijs draws a crucial distinction between a person's internal job resources in terms of his or her *productive abilities* and the external job resources, that is, the *institutional environment* in which one exercises these abilities. And it is not because jobs are productive assets but rather because they are *external* to the person that they must be equalized.

The relevance of this distinction can be easily appreciated. Van Parijs is eager to avoid the possibility of people becoming enslaved by their personal productive traits.²⁵ If we support the view that job resources are constituted by a person's internal endowments (talents, skills and the like), an equalizing strategy means taxing people's abilities. But according to the self-ownership principle, these abilities and products are the property of that person—taxing them is simply forbidden and real-libertarians are prohibited from directly interfering with productive abilities.²⁶ But this still leaves open the option of taxing the use a person makes of external resources when employing his or her productive abilities. Under the non-Walrasian conditions of contemporary labour markets, Van Parijs argues, the *opportunity to utilize one's productive abilities* is itself a scarce and, above all, external resource. The real-libertarian argument is simply that if all have an *ex ante* equal claim to those external resources, all should have equal access to the

²⁵ Cf. Dworkin 1981, 312, on the 'slavery of the talented' and the story of Lovely and Lonely in Van Parijs 1995, 63–68.

²⁶ As Van Parijs 1995, 184, correctly argues, inalienable (internal) assets "stick too much to the person to lend themselves to redistribution", and moral philosophy therefore must turn towards an indirect strategy and pursue the "neutralization of [their] effect".

'taps' that control them—i.e., all should have equal access to the job market and differential access must be taxed.

Examining Van Parijs's conception of job resources more closely, I think, reveals that he actually mixes two different claims in his account.

1. the *external asset argument*: in modern society (as opposed to societies based on independent producers), a person's productive abilities are intertwined in a network of social relations in which different people, with a variety of skills and preferences, combine their abilities with capital to produce goods; access to this network constitutes a particular type of external resources.
2. the *agent-independency argument*: because job resources are external they are conceived as independent from the agent, which makes them in a relevant sense equivalent to natural resources and confers to them the status of being socially owned.

Are these arguments valid?

I believe the external asset argument is sound. Consider the following widely held view: a job constitutes a productive activity that is regulated by a framework of legally entrenched terms of cooperation (commonly termed the employment contract). A job comes into existence when two parties—typically, an employer and an employee—contract with one another the conditions under which one party exchanges particular abilities or performances that the other desires. In other words, the employment relation in effect consists of matching one party's resources to another party's interests in these resources (Coleman, 1991). However, one's capacity to establish an employment relation is not exhausted by the fact that one's productive abilities manage to effectuate an interest in a potential employer; it also depends critically on the range of productive abilities available to that employer. To quote James Coleman:

"any individual's chances in the job market depend not only upon that individual's own [abilities], but also upon the [abilities] of all others in the job market and upon the available jobs." (Coleman 1991, 4)

Thus, there is a non-trivial sense in which access to the job market is *external*. However, I think it does not follow from this that external access is also agent-independent. By concentrating on employment *relations* (rather than employment as such), I argue, job resources in effect become agent-dependent.

To see this, consider the following argument. If for some reason employer and employee do not enter an employment contract there simply is no such thing as a job. Of course that employer may attract another employee, or this employee contract his or her labour power with another employer, but until an actual contract is established there is actually no such thing as an existing job (at the most, a desire to employ someone or to become employed).²⁷ Many people intuitively

²⁷ Because of the asymmetry in the position of employers and employees (firms can easily replace employees with one another, whereas employers generally have more difficulty to find a different job), there is a derivative sense in which a job pertains to 'exist'. In this view, however, jobs are 'owned' by firms and not by employees (cf. Akerlof 1984a, 121).

object to the idea that all should share in the social product generated through job resources irrespective of whether they actually seek employment or not, precisely because what lies at the origin of job resources is people competing with each other over scarce employment opportunities. Even under the non-Walrasian conditions that play such a crucial role in Van Parijs's justification of basic income, job scarcity is clearly related to the combined efforts of job-seekers. Consider one of the micro-economic theories Van Parijs heavily relies on: the efficiency wage theory of unemployment (Akerlof/Yellen 1986). This theory says that, to boost productivity, firms will pay employees wages that exceed the market-clearing rate. One important component in determining the efficient wage is the general pressure employees experience in the labour market; that is, their prospects of either becoming unemployed or ending up in a worse job. But employees will only feel threatened to lose out if there are indeed people competing for the same job; hence, in the absence of real competition, the logic of efficiency wage theory falters.²⁸ If this is true, it seems that relying on the non-Walrasian model in itself can only morally justify unemployment compensation for the 'involuntarily' unemployed.²⁹ Therefore I conclude the agent-independent argument is not valid.

Given the lexical priority of self-ownership, the agent-independent argument is crucial to the real-libertarian justification of basic income. As said before, it is only because job resources come into existence independently from personal agency that Van Parijs has a valid ground to insist upon people's right to unconditionally share in the proceeds (recall the analogy with natural resources; they are socially owned because they are not created by any agent). Unfortunately, if job resources are more appropriately characterized as agent-dependent, the normative argument for granting people *ex ante* titles in job resources tumbles down.³⁰ After all, how can we maintain that people have an unconditional right to share in job resources that are exclusively 'produced' by people who actively engage in the labour market? Note that I am not arguing that one loses one's entitlement to an external job resource if one doesn't affirm it by taking up a (any?) job that is on offer.³¹ Instead, I propose that one simply has no initial stake in these resources because the resource itself simply does not exist *unless one brings it into existence by actively engaging in an employment relation*.

It seems to follow from all of this that the real-libertarian approach cannot justify taxing people's wages as a proxy for the employment rents they allegedly generate by occupying more than their fair share of job resources. For the basic

²⁸ This is actually not true for the gift relations argument advanced by Akerlof 1984b, but it does seem to hold for the other versions of efficiency wage theory.

²⁹ I am grateful to Brian Barry and Gijs Van Donselaar for independently pointing out the importance of 'real' competition for jobs.

³⁰ Like Stuart White 1997, 320–323, I think Van Parijs's external assets argument in itself cannot do the job he intends it to do. But, contrary to White, my objection is not based on the idea that production of goods implies economic cooperation (which, I have argued, begs the question under what conditions cooperation itself is fair). Rather, it is the employment relation itself that becomes the *locus* of cooperation, and, I think, *this* is the reason the external asset as advanced by Van Parijs's argument does not work.

³¹ Van Parijs 1991, 119–120, discusses and refutes this objection.

income advocate, the task at hand becomes to re-establish people's *ex ante* claims to share in job resources; that is to find something that is really independent of people's personal actions. In the next section I will briefly outline such an argument.

7. An Alternative Approach: Taking Institutions Seriously

Why should people feel compelled to grant their fellow citizens an equal and unconditional claim in job resources? In order to answer this question I believe we must turn to an *institutionalist perspective* on job resources; that is, an approach in which individuals' *ex ante* claims to share in the proceeds of the labour market are grounded in the social institutions that arise from self-interested action. Taking a closer look at the basic income debate, one observes that institutions hardly play any role. Van Parijs and his main critics alike treat institutions as given; they are assumed to be exogenous to the justification of basic income and enter the scene when the normative debate is settled. In this section I present a different approach and argue that labour market institutions play a central role in the justification process.

We must begin by selecting the proper benchmark for comparing people's claims in the labour market. Consider the following argument. Assume first that people live in a social environment in which institutions play no role. Given particular productive abilities and preferences, and taking into account the external constraints of the environment (resource scarcity), individuals are likely to regulate their productive activity so that it maximizes their personal conception of the good life. If external constraints change, a rational person will modify his or her productive activity accordingly in an attempt to retain a relative constant level of personal welfare. Hence, within each *possible production world*, people rank their productive activities in terms of how well they satisfy their overall life-plan. From this we can theoretically derive a person's *preferred production world*: the combination of background conditions and productive activity that best satisfies that person's life-plan.³² The actual choices each person faces in the productive sphere is of course affected by a number of factors, many of which are not under a person's control. It follows that differentials in people's opportunities are at least partially attributable to brute luck.³³

Consider now an important change in the previous situation. Suppose we introduce a social institution in the sphere of production: a structured labour market, consisting of rules and regulations primarily designed to facilitate the matching processes between different actors (Williamson/Wachter/Harris 1986).

³² It reflects the preferred position one reasonably expects to obtain provided certain favourable background conditions are available. Theoretically it is conceivable that people do not only prefer one productive activity over another *within* each economic environment, but also *across* environments. But this complication need not worry us here. Note that in both cases a person's ranking of possible production worlds is independent of the positions other people hold.

³³ Whether the existence of brute luck at this level needs to be compensated as a requirement of egalitarian justice will be left open here.

However, labour markets are not impartial regulators; instead they constitute what I will term *discriminatory regulative institutions*, producing or maintaining barriers that (intentionally or not) affect different people differently. Compared to the previous situation, the employment system now actively 'discriminates' against people's preferred production worlds: in any particular institutional arrangement, some people might end up in a position that is inferior to what they could have ended up with if, *ceteris paribus*, their preferred production world obtained. Thus, one could say that contemporary labour markets in fact produce a distinctive type of resource: *the body of rules and regulations that determine overall access to the labour market*.

But what exactly is the moral problem with institution-based discrimination? If simple resource scarcity generates different levels of opportunity, why not simply consider labour market institutions in a similar vein as the factors determining one's brute luck? For one thing, institutional discrimination clearly differs from the simple brute luck of facing resource scarcity in that it is generated by *collective action*.³⁴ Contrary to environmental resource scarcity, institutions are produced by people through some sort of political mechanism. Of course institutions hardly ever turn up as perfect mirror images of intentional action. Also, at the political level, factions and pressure groups play a large role in framing institutional reform to suit their particular interests. But this really confirms my general point: labour market institutions are significantly different from environmental factors because they come about through collective action and, more importantly, can to a large extent also be altered and even dismantled by collective action. Now, if institutions are the result of our collective action, surely we all bear a (properly weighed) collective responsibility for their design.

The point can be generalized by referring to an argument put forward in a different context by Thomas Nagel. In *Equality and Partiality*, Nagel advances the idea that social institutions produce a collective requirement of *negative responsibility* because there seems no *prima facie* reason why one institution rather than another should be adopted. Consider the following lengthy quotation:

"The acceptance of a serious egalitarian ideal would have to appeal to a notion of negative responsibility, on the part of the society, *for failing to arrange things differently in ways that it could*. ... Every arrangement has to be justified by comparison with every other real possibility, and if egalitarian impartiality has a substantial role in the justification of this kind, then significant arguments on the other side will be needed to defend arrangements which permit large inequalities to develop as a consequence of their unimpeded operation. ... [T]he society itself must consider all systems of allocation *prima facie equally eligible*, since it has no 'life on its own' to lead, apart from the way

³⁴ Note that this does not make this resource agent-independent. While labour market institutions are created; they typically come about irrespective of whether a particular individual contributes to it or not. I think this is quite different from the agent-independence of job resources as conceived by Van Parijs.

it arranges the collective life of its members.” (Nagel 1991, 100–101, italics added)

The notion of negative responsibility, incurred by institutional arrangements interfering with people’s right to choose or pursue a different type of arrangement, is a powerful and neglected conceptual tool for egalitarian political theorists. The basic reasoning underlying negative responsibility is that people do not only fare differently and bring about unequal outcomes because they are differently constituted in terms of talents or internal endowments, or because they make different choices within institutions (like how much effort to expend), but in an important sense people simply fare differently because they face different institutional background conditions or face the same institutional background differently. The point is that these institutional background conditions, unlike ‘endowments’ or ‘choices’, are completely unrelated to the person, which means we need a specific moral justification for adopting one over another.

One possible line of rebuttal, often found in the literature, is that there are good reasons why we want to create and maintain labour market institutions, even if they are discriminatory. At the most general level, institutions arise because they facilitate certain shared objectives. But clearly the core idea behind the present argument is that social institutions should treat people equally.³⁵ It seems reasonable to suggest that people should not be put in a situation in which they suffer from the—intended or unintended—consequences of other individuals or groups installing a particular institution. Fairness writ large demands that the burden of negative externalities be borne by those who initiate them (and presumably benefit from them). To put the point somewhat differently, I can see no moral ground why one set of agents should sacrifice their preferred production world (and the correlative opportunities for fulfilling one’s life-plan) for another set of agents to achieve theirs.

Social institutions like the modern labour market cause widespread frustration in that one can conceive of many situations in which some people would perform better under alternative rules. The existence of such institutions can only be morally justified if those losing out receive some form of compensation.³⁶ At this stage, one obvious argument might be that, given increased efficiency, even those at the bottom of the labour market gain compared to the *status quo ante* of an economic setting without institutions. This of course assumes that all share in the wealth generated by one institutional arrangement compared to another, and one must not be overly optimistic that this is always the case.³⁷ In any event, there is

³⁵ More precisely, the argument is that institutions should treat people equally insofar as they affect them. Here I plausibly assume that labour markets have a wide range of influence.

³⁶ We could also conceive of this ‘compensation’ as a pay-off for not actively frustrating the existing labour market institutions (cf. De Wispelaere 1999).

³⁷ The literature on corporate spending reveals numerous cases of ‘social waste’. Or what to think, for instance, of a top-CEO who regularly flies his dog, listed in the flight manifest as G. Shepperd, in a corporate air-jet across the US (quoted in Frank/Cook 1995, 68). Unfortunately, Van Parijs 1991, 127, seems to succumb to the overly optimistic view that when “employment rents are appropriated by the employer instead of the employee ... the value of society’s capital

a further problem since this argument clearly takes the wrong benchmark of comparison, for what matters is whether those losing out on the present arrangement could plausibly devise an alternative institution which betters their situation (and not whether they have done so, or attempted to do so). An important further problem is that *changing* an institutional setup poses additional problems that are virtually non-existing in merely *adopting* one. Existing institutions tend to increase the costs for replacing them with a better alternative.³⁸ Thus, insofar as one's claim to job resources—that is, the way these rules and regulations favour or restrict one's access to the production process—is somehow frustrated in the relevant sense, I believe there exists a strong case for compensation.

Sharing job resources, I suggest, then amounts to people being compensated for losing out on any given institutional arrangement, as compared to their preferred production world. The present approach is of course far removed from a full-blown moral theory, and does not pretend to generate a solid proposal at the level of policy implementation. However, I hope the previous outline establishes how the real-libertarian case for people holding *ex ante* claims in the labour market can be supplemented by arguments grounded within an institutionalist framework. In my view, the argument presented here generates an *ex ante* claim to the overall organisation of the labour market, which presumably means that part of the wealth secured by some while operating within a favourable institutional environment must be spent on compensating those who end up in an unfavourable position. I think this approach avoids Van Parijs's reliance on trade and banks on the moral significance of externalities, as does Van Donselaar's parasitism objection.

8. Basic Income Justified?

The ethical justification of basic income is a complex undertaking. Van Parijs's real-libertarian approach has generated an immense research agenda and, while facing severe criticism, continues to produce fascinating answers to jumbled puzzles. Real-libertarianism explicitly attempts to provide a principled, first-best justification of basic income. Personally, I am skeptical whether this can be done. In my view, justifying basic income comprises a two-stage project. First, we must justify the claims people have in the labour market. I think establishing this requires a sustained ethical investigation. But ethics in itself cannot justify basic income: there has to be a second argument that explains why distributing grants in a basic income format is preferable over various alternatives. In pursuing this line of thinking, I find myself close to Brian Barry's (1996) view that basic income as a social policy must ultimately be justified in terms of pragmatic arguments.

Is basic income justified? The line of argument I have pursued in this essay

would be substantially increased". No doubt this is true. But this does not get us very far unless all citizens have an equal opportunity to 'tap' this capital. In my view primarily taxing wages as an approximation of employment rents while leaving profits almost untouched seems insufficient, and in fact introduces a serious bias in Van Parijs's theory.

³⁸ This represents an important critique of the so-called Pareto-efficiency of institutions. See Knight 1992, 34–37.

can only substantiate the idea that people have a right to share in the proceeds of organizing the labour market in a certain way. And while this right to share is clearly *ex ante* in the sense that it is independent of any other contribution, it tells only half of the story. Whether we must institutionalize a basic income rather than an alternative system of compensating differential access to the labour market ultimately depends on a number of factors that are not discussed here. In my view, the answer to that question depends on the pragmatic case for advancing basic income as a second-best solution to 'pure' sharing in a constrained policy environment. Thus, while the proposed institutionalist approach cannot justify basic income in the first-best sense supported by Van Parijs, I think it goes some way in outlining certain moral preconditions that need to obtain in order for the pragmatic case to be compatible with justice.³⁹

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³⁹ This paper has had a rather long gestation period. Along the way I learned a lot from Brian Barry, Axel Gosseries, Gijs Van Donselaar and Stuart White, and of course Philippe Van Parijs, who all prompted me to think more seriously about this topic. I particularly want to thank Keith Dowding, Jeroen Knijff, Ken Stewart and Simon Wigley for detailed written comments. I retain the full *ex ante* entitlement to all remaining errors.

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