

Philippe Van Parijs

Real Freedom, the Market and the Family

*A Reply to Seven Critics**

Abstract: The conception of social justice presented and defended in Philippe Van Parijs' *Real Freedom for All* entails, among other implications, the justification of an unconditional basic income. It was the subject of seven critical comments that forms issue 22(2) and part of 23(1) of *Analyse & Kritik*. In this article a comprehensive reply is offered.

0. Introduction

In *Real Freedom for All* (Van Parijs 1995, henceforth RFA), I attempted to do something that was far too hard for me to do alone: to spell out a conception of social justice that would articulate to our satisfaction the importance we attach to freedom, equality and efficiency and would provide concrete guidance for progressive policy-making as we enter the new century. In this endeavour, I was building upon earlier work by elder fellow thinkers such as John Rawls, Amartya Sen, Ronald Dworkin, Bruce Ackerman, G. A. Cohen and John Roemer. I was also hoping that younger fellow thinkers would soon join in to critically appropriate and improve upon my own attempt. I am therefore delighted by this rich collection of critical essays, and grateful to their authors and especially their editor for their contributions to our common task, from each of which I gained new insights. As a further step in this joint effort, I shall briefly respond to what I understand to be the main criticisms, without making any claim to do full justice to any of the papers.

1. Is *RFA* Economicist?

According to Heiner Michel's characterisation, the axiological mistake of economicism is shared by "whoever promotes economic growth for its own sake, whoever can only conceive of rationality as selfish utility calculations in the style of homo oeconomicus, whoever understands uncritically economic markets

* This reply discusses the articles by A. Krebs, H. Michel, R. Sturn and R. Dujmovits, S. F. Midtgaard, J. De Wispelaere and U. Steinvorth in *Analyse & Kritik* 22(2) and by I. Robeyns in this issue of *Analyse & Kritik*.

as the guarantee of a successful life, whoever gears his life to the accumulation of sheer pecuniary wealth or whoever, like Van Parijs, would like to measure the good life, understood as real freedom, in terms of money." (182f.) Not all, but several versions of economicism so characterised, he attributes to me. Should I plead guilty?

Let me first make clear that I do not believe there can be any plausible and workable conception of social justice that can dispense with the measurement of some quantities. This is obviously the case for any egalitarian theory, whether of the monistic type (like welfare or resource egalitarianism) or of the pluralistic type (like Rawls's, Sen's or Walzer's), whether of the strict egalitarian or the maximin variety. Only pure entitlement conceptions based on a first-come-first-served principle of original appropriation and extremely weak egalitarianisms that reduce to something like undominated diversity can hope to dispense with all measurement. But for reasons familiar to my readers, such conceptions are so inequalitarian in their implications that they have no chance of commanding my or my critics' allegiance.

What about the far more congenial 'humanistic conception' of justice sketched by Angelika Krebs in the spirit of Elizabeth Arneson, Avishai Margalit and others? Could not justice plausibly consist in guaranteeing to all the conditions of a *menschenwürdiges Leben*, of a life worthy of human beings? Universality is then the real concern, and greater equality along some dimensions only an unimportant by-product of getting closer to the ideal of a worthy life for all (161f.). However, most of the relevant conditions are evidently achievable to *unequal* extents, and even if one supposes that the conditions for a worthy life are in principle fully achievable for all, it is clear that for many people they are currently achieved only to some extent and that—unless one reduces a worthy life to sheer subsistence—this will remain the case far beyond our lifetimes. Under such circumstances, I am sure Krebs will agree that a humanistic conception will need measurement no less than an egalitarian one: how poorly a person scores in terms of the various conditions for leading a worthy life may not matter because of the distance that separates her fate from that of others, but it should matter greatly in terms of how great a priority she should enjoy in the allocation of scarce resources.¹

Heiner Michel, however, does not seem to object to quantities as such but to monetary quantities. And there is no doubt that my conception of the just distribution of external endowments gives a key role to market prices. 'Economicism' in this sense is not self-evident, and several of my critics rightly question it. But before turning to the issues they raise, let me emphasise that this 'economicism' does not entail the other 'axiological mistakes' featuring in Michel's list.

In particular, it should be clear that my regarding money prices as the ap-

¹ Against 'fortune egalitarians' (such as Dworkin, Sen or me), Krebs argues that "if a man suffers from hunger or sickness, one must help him, because hunger and illness are terrible situations for any human being, not because others are better off than him" (Krebs, 162). This makes her a prioritarian type of egalitarian, rather than a strict egalitarian, in terms of Parfit's (1991) distinction. But many 'fortune egalitarians', myself included, are unambiguously on her side on this issue, as entailed by my option for leximin rather than the strict maximin.

appropriate metric for a fair distribution of the means for successful lives does not make the different dimensions of a successful life reducible to money (Michel, 188) or “invert the relationship between economic categories and the successful life” by “elevating economic categories into an aim in themselves” (Michel, 182). Quite the contrary, even the perplexing potential extension of the price metric to personal relationships, such as having a partner, is precisely motivated by the concern that there are many important things in life that do not reduce to market success. Moreover, as noted by Sturn and Dujmovits (199), a conception of justice such as mine, which relies so crucially on the market, is paradoxically also one which ends up justifying an institutional setup that grants to a maximal extent “the real freedom to say no to market interaction as far as factor markets are concerned”.

A maximum unconditional basic income (henceforth UBI) is very different, in this respect, from a setup that maximises the minimum income through appropriate incentives for everyone to take up full-time employment, precisely because it does not focus exclusively on purchasing power, or the real freedom to consume, but cares no less about people’s real freedom to spend their time as they wish, whether in jobs they fancy doing (be it for a low pay) or on activities that totally escape the hold of the market. I therefore see no reason to plead guilty to economicism in this sense, nor for that matter to concede to Ulrich Steinworth that a UBI reflects “an orientation towards consumption” (260) or to expect, as he apparently does, that “the introduction of a basic income [will] drive the majority of people into the role of pure consumers” (259), except in the far-fetched sense that there will be, for more people, a ‘consumption’ side to their work activities, as less of them are forced by sheer need to settle for thankless jobs.

This should also go a long way towards explaining why the conception I defend cannot be ‘economicist’ either in the further sense that it overemphasises the importance of material wealth (Michel, 188 ff.) or reflects a one-dimensional orientation towards the expansion of productivity (Steinworth, 258). The very fact that people can use their UBI to subsidise their unproductive or poorly productive activities should be sufficient to put such worries to rest. Of course, the real freedom of the worst off and therefore the absolute level of the UBI must be maximised (under some constraints), which demands that due attention be paid to productivity and, more generally, to efficiency considerations. But from this there follows no general presumption in favour of indefinite material growth. On the contrary, as explained in *RFA* (§2.3), the transgenerational maximin of real freedom commands that there should be no net saving, except as a by-product of a prudent attitude towards risk. *RFA* is therefore in no danger of promoting growth for its own sake.

2. Are Competitive Market Prices Arbitrary?

If there is any strong ground for an accusation of economicism, it must therefore lie exclusively in my having joined Ronald Dworkin (1981)—and our common

forerunner François Huet (1853)—in asserting that appropriately defined equilibrium market prices provide the right metric for assessing the fairness of the distribution of external endowments, and/or in making things worse by extending the relevance of this metric to jobs.

Let me concede at once that a consistent application of this metric is no recipe for maximal autonomy, if the latter is understood as the possibility of choosing among a wide range of meaningful options. I agree with Michel (192) that some meaningful options may disappear under the pressure of market demand, even though I do not believe (see *RFA* §1.2) that collective decisions by a democratic majority (Michel, 193f.) can offer a safer guarantee, and insist (in *RFA* §2.4) that the adoption of the price metric does not require the privatisation of everything, including public beaches and streets (see Michel, 192). In the same vein, Sturn and Dujmovits (220) are disturbed by the implications of a fictitious story in which the opportunity cost metric would turn high-minded poets into mercenary push-pinders: “a more attractive policy [than maximising the minimum income for the sake of securing real freedom to all] seems to imply to give push-pin lovers the real chance to participate in the peculiar benefits and sublime beauties of poetry.” But would it make any sense, as a matter of justice, to try to keep every option, or as many options as possible, open for everyone? Options can be endlessly added and subdivided, and such a criterion would therefore provide no guidance as to how many resources need to be allocated to keeping any particular option alive. The opportunity cost metric provides precisely a workable and plausible way of arbitrating among possible allocations of scarce resources to countless possible options, and thereby an attractive interpretation of what should count as a fair distribution of real freedom. As a result of using such a metric, some options, no doubt, will die out—possibly including, as in Sturn and Dujmovits’s example, the vodka-intensive writing of sublime poetry. This may be sad, but would be fair.

However, convenient as it may be, is such a metric of equilibrium prices not plagued by arbitrariness, as it is affected both by normative constraints (such as the protection of basic rights and the internalisation of externalities) and by contingent facts (those which underlie supply and demand)? Heiner Michel (184 f.) thinks so. Along the same line, Søren Midtgaard points out that the opportunity costs of various resources, which equilibrium prices are meant to reflect, depend on the background structure of rights. For example, if no drilling is allowed on *RFA*’s (§4.1) Crazy-Lazy island, Lazy’s share of the island is less valuable to Crazy, and its equilibrium price will be lower. The fact that Crazy cannot drill is then not part of the opportunity cost of Lazy’s having it, but a consequence of background property rights. The choice between alternative background structures of rights is therefore of crucial importance. Neither Dworkin nor I have ever doubted that this was the case. In a paper cited by Midtgaard (230), Dworkin explained why the revelation of ‘true’ opportunity costs required maximum ‘abstraction’, i.e. a maximum divisibility of the rights over resources that are to be distributed fairly. And it is obvious enough that how valuable different resources are will depend, for example, on whether or not slavery exists. Michel and Midtgaard are therefore right when asserting that

normative considerations affect the price metric. Moreover, once the normative background is chosen, countless contingent facts concerning tastes and resources undoubtedly come in. Michel is right on this too. But this bothers neither Dworkin nor me. There is a huge difference between the ambitious 'fortune-egalitarian' ideal of abolishing brute luck and the extravagant aim (hinted at by Michel, 185) of getting rid of all contingencies.

More embarrassing, according to Midtgaard, is the more specific fact that the relevant auction must incorporate "two types of information, both relating to people's intentions, necessary to ensure that it succeeds in identifying and reflecting true opportunity costs" (231). He admits that "the importance of supplementing the simple auction with intentions is implicitly recognised by Van Parijs's discussion of *Crazies* and *Lazies*" (231). Indeed, I cannot imagine how the auction could lead to equilibrium price without each bidder having intentions about how to use the resources and anticipating the other bidders' intentions. Nonetheless, Midtgaard believes that there are two ways in which the relevance of intentions should unsettle my conception of the fair distribution of external endowments.

One of them, illustrated by the 'techno raves', concerns other people's intentions to produce externalities: "the social opportunity costs of a person's appropriation of a given external asset depends on his plans" (231), for example to use the asset for the purpose of producing noise. This is correct, but I cannot see why proponents of a price metric should be worried about this. The 'maximum abstraction' required to reveal true opportunity costs implies chopping up rights related, for example, to bits of land, including the right to produce externalities. What bundle of rights defines ownership of a plot of land must be carefully specified and its equilibrium value will legitimately depend on probabilities of various uses of these rights by others. For example, if there is no sound amplification technology or if we are in a society in which no one likes loud music, the right to produce noise in a particular space will not catch a high price. This way of taking intentions relating to externalities into account therefore creates no conceptual problem. Moreover, in our *Crazy-Lazy* world, the likely effect of doing so is that people with a low-consumption-and-production profile will end up better off than would otherwise have been the case. Irrespective of whether property rights are structured in such a way that pollution rights of all sorts are initially vested in the potential polluter or the potentially polluted, not only will *Lazy* be entitled to compensation for giving up his share of land, but also for giving up his right to immunity from pollution by producers and high-consumers.

The second way in which intentions affect the outcomes of the auction in a way Midtgaard thinks I should find embarrassing is illustrated by the story of *Adrian*, who intends using the land to grow tomatoes, while *Bruce* intends using it to play tennis. "In terms of social opportunity costs, *Adrian's* plan is inexpensive, indeed he contributes positively to society's resources, whereas *Lazy's* (alias *Bruce's*) plan is expensive in the sense that it would exclude many activities more beneficial to society." (Midtgaard, 232) Surely, he argues on this basis, "crazies producing goods that others want may appropriate more than

an equal, in the flat sense of the term, share of external assets [i.e. a basic income] than Lazies which do not intend to produce anything of similar value, or anything at all.” (232) This is correct, but fully taken into account in the way in which Dworkin or I set up the auction. The benefit to tomato eaters and the anticipated gain from it are precisely what enables Crazy to bid as high as she does. This is why she will necessarily have a higher net income than Lazy. This is why she will be allocated a greater plot, possibly even the whole land. This is even why, owing to maximin considerations, she may be given a greater *net* share of external resources than Lazy. In these various senses, it is right to say, as Heiner Michel (187) does, that being lazy is an ‘expensive taste’, which is in no need of being compensated. But this cannot possibly be a reason for depriving Lazy of an income corresponding to the opportunity cost, in Midtgaard’s full sense, of what he is giving up, i.e. a basic income reflecting the per capita share of the value of the scarce external resources thus unequally allocated.²

3. Are Expensive Consumption Tastes Unjustly Sanctioned?

Yet, might the way in which *RFA* deals with expensive tastes not be tricky in a context of abrupt changes in relative scarcities? Sturn and Dujmovits (§III) argue that it is. They point out that a conception of equality using such a metric “presupposes a moral responsibility to adjust tastes in the sense that the individual ‘should’ get rid of tastes which under the new circumstances overnight may have become expensive (or else has to face the consequences, i.e., a perhaps sizeable welfare loss)” (201). The problem has two variants. First, “at least for the transition process when UBI is introduced the idea of responsibility for one’s own tastes seems to be questionable (...)”. Even under conditions which permit unique, well-defined equilibria, the price vector at the start will generally differ from the ‘ideal’ price vector which obtains under a just distribution of endowments, with possibly some drastic consequences for the welfare of some individuals (Sturn/Dujmovits, 208). This is true and was not emphasised in *RFA*. However, this effect on people’s welfare that results from changes in relative prices, themselves induced by changes in the distribution of net incomes, is most likely to be small compared to an effect of people’s welfare whose problematic nature *RFA* did stress (e.g. 91), namely the direct effect of the change in the distribution of net income itself. The sudden introduction of the highest sustainable basic income and the corresponding taxation opens the possibility of negative employment rents. It does not follow that the status quo should not be altered, but that reform should be gradual. Hence, the treatment of tastes that suddenly become more expensive in the transition to a just system does not raise any serious problem.

However, there is a second and more general problem, by no means restricted

² If equality of internal endowments were understood in the same way as equality of external endowments, the lack of indulgence for a particularly talented Lazy’s ‘expensive taste’ for his own leisure (particularly valuable to society) would not only be reflected in his ending up with a more restricted access to resources and a lower income than Crazy. The lump sum tax to which his talents would be subjected would be likely to make his laziness unaffordable.

to this transition, which Sturn and Dujmovits characterise in terms of an “asymmetrical responsibility concerning tastes and productive capabilities” in the face of abrupt exogenous changes of whatever source (210). The introduction of a new technology, for example, can have all sorts of effects on the relative scarcity of different factors, and hence on the earning power associated with a person’s skills and/or on the cost of a person’s habitual consumption bundle. “Scarcity is a general equilibrium property of a social system which means that its incidence may depend on many factors which are beyond the control and knowledge of individuals.” (209) However, the resource-egalitarian approach I take over from Dworkin treats this incidence asymmetrically: “Under UBI, individuals are no longer ‘held responsible’ for the adjustment of their portfolio of assets and of their pattern of economic activities according to the changes in relative scarcities, but they remain responsible for the adjustment of their ‘portfolio’ of preferences.” (201) Put differently, “UBI provides insurance against what—after some changes in relative prices—turns out as bad choice of production technologies or educational choices—but not so with respect to consumption technologies.” (210)

I recognise that there is an important asymmetry. It is not one between consumption tastes and production skills, it is less sharp than Sturn and Dujmovits suggest, and it is justified. But it does point to a problematic side of *RFA*. Let me explain. It is true that a UBI would have the effect of reducing the fluctuations in income that would otherwise result from exogenous events that affect the existence and/or the reward of the jobs which our talents, education, connections and other circumstances give us access to. This reduction is the effect of a process that has two components: the equalisation of employment rents across individuals (up to the putative maximin point) and the spreading of these rents over one’s lifetime. A UBI funded out of employment rents is insurance against turning out to have the wrong sort of productive skills in the same sense as a UBI funded by the maximin taxation of gifts and bequests provides insurance against turning out not to be in a position to inherit anything in a particular period. If instead of a UBI we had only the first component of the process (maximin equalisation across individuals in the form of a universal basic endowment), this insurance effect would be far weaker. But if we had only the second component (evening out of the expected gifts through one’s lifetime, without any equalisation across individuals), it would be far stronger. This is simply the reflection of the trivial fact that social justice is distinct from income security, even though one necessary consequence of implementing a conception of justice that is not content with equalisation ‘at the start’ (for the reasons presented in *RFA* §2.5) is a major reduction of income insecurity.

Now, one’s material welfare is affected not only by one’s income, but also by how much of what one wants one’s income enable unchanged one to buy. For example, an exogenous change in relative scarcities can depress your material welfare by the same amount either by reducing the income you earn with your job or by increasing the price you pay for the commodities you like to consume. UBI, Sturn and Dujmovits say, dampens the fall of your income, but does nothing to

dampen the rise of the prices you face, and hence treats very differently these two determinants of material welfare.

Note, first of all, that UBI is far from fully shielding workers against falls in earning power, and would remain far from doing so even if all employment rents were taxed away. Even the (willing) incumbent of a job that is not scarce and hence contains no rent would generally undergo a significant income and welfare loss if she were suddenly to have to content herself with the UBI. Various institutions (of a Pareto-improving rather than redistributive nature) have developed to provide a protection against fluctuations in income. Unemployment insurance, fixed wages (as opposed to a pay system that gives each worker a proportion of the firm's fluctuating value added) and guaranteed agricultural prices are standard examples, and would not be made redundant by the introduction of a UBI.

Analogously, other insurance institutions exist to protect one against some of our tastes suddenly becoming more expensive to satisfy. In most cases, the flexibility of a cash income is sufficient protection: the price of my daily muesli might rocket because of oat flakes being used as organically grown computer chips, but I shall then gladly settle for my kids' choco-pops. But if the house I live in and am emotionally attached to suddenly gets stuck in the middle of what has become the most sought-after neighbourhood in the country, I may well want to protect myself against my wanting to keep living there having suddenly become an expensive taste. Real estate tax adjustments that operate slowly, or only when property is transferred, and long-term rental contracts with blocked rents can be viewed as insurance mechanisms that cater for this risk. Hence, there is no deep asymmetry between production and consumption at this level. In a just society there need not be a statutory protection against the job we like to do becoming more expensive (in the sense of being paid a lower wage) any more than there is a protection against the house we like to live in becoming more expensive (in the sense of costing a higher rent or estate tax). But it may be wise and efficient to have security-enhancing mechanisms that provide buffers against such fluctuations.

Thus, there is no principled asymmetry between the treatment of consumption and production tastes, but there is of course one, which I share with all other 'fortune-egalitarians', between preferences (for which one can and should be held responsible) and circumstances (for which one should not), and hence between expensive tastes and handicaps. On this background, if some circumstances beyond our control suddenly make some of our tastes more expensive to satisfy than before, it may be legitimate for an insurance mechanism to be triggered off, but no injustice needs to be involved in the way in which it would be if circumstances shrunk a person's endowment. The underlying intuition is always the same: a fair distribution rests on an assessment of how valuable each person's heterogeneous endowment is, given the plans of all the others who have the same claim on these resources as herself.

4. Is Non-Price Exclusion Neglected?

Might not the asymmetry that bothers Sturn and Dujmovits rather be located at the level of *RFA*'s treatment of inequalities in production versus consumption skills? Both the capacity to earn and the capacity to turn a given level of earnings into useful consumption vary from person to person. Inequalities in earning power have no doubt attracted more attention than inequalities in ability to consume. But as consumption becomes more sophisticated, owing to e-commerce and the increasing potential for the consumer actively specifying the characteristics of what she buys, the latter category may well become a growing part of the inequalities we need to care about. The criterion of undominated diversity treats both sorts of skills symmetrically, by requiring compensation in case of inequality obtaining in a very demanding sense.

Yet, it is true that the equalisation of external resources, as extended to jobs, makes it possible to reduce inequalities in productive abilities (and other contingencies that affect access to jobs) in a way that has no parallel in the case of consumption abilities (and other contingencies that affect access to goods with a given income). This asymmetry is closely linked to the widespread possibility of 'non-price exclusion' from consumption that rightly concerns Sturn and Dujmovits (§IV), i.e. the fact that a person's purchasing power is only a plausible index of her access to valuable goods under rather special circumstances.

Three considerations, already present, be it implicitly, in *RFA*, should go some way towards alleviating this concern. Firstly, measures that fight discrimination, whether formal or informal, whether 'intrinsic' or 'statistical', against specific categories of consumers of private or public goods (including the renting and purchasing of houses, access to public transport, etc.) are mandated in *RFA* by the concern that the satisfaction of the condition of undominated diversity should constrain as little as possible the maximisation of the UBI. The more ethnic, sexual, or other discrimination there is—not only in access to consumption, but also in access to education, credit or employment, the more likely it is that some people's internal endowment will be dominated by that of others, and the more of society's resources will therefore need to be targeted to specific categories, rather than used to maximise UBI. Secondly, systematic non-price exclusion does not reduce to discrimination: "one particularly simple informal exclusion mechanism is geographical distance" (Sturn/Dujmovits, 211). Though open to the general public, a lovely park, for example, may de facto only benefit the inhabitants of the exclusive neighbourhood that surrounds it. But the value of such a public good differentially accessible as a function of geographical distance should correspondingly affect the price of real estate, thereby reflecting the higher opportunity cost of living in the neighbourhood of a well-kept park. Thirdly, the efficient spreading of information that makes prices converge and reflect true opportunity costs is evidently indispensable if a cash UBI is to make anything like a plausible claim to giving all its beneficiaries access to equally valuable resources.

These three factors reduce inequalities in real access to goods out of a given income, and thereby the potential for (sudden and less sudden) fluctuations in

such access, just as the existence of a basic income reduces inequalities in access to an income and thereby the potential for fluctuations in this income. But there is admittedly no procedure for correcting the inequality of 'gifts' in consumption good markets (whether owing to purchasing skills or to other contingencies) as comprehensive and powerful as the payment of universal basic income is for correcting inequality on the labour market. This is not due to any fundamental ethical difference in the nature of the 'gifts' distributed by the two types of markets. It simply stems from the fact that these 'gifts' can safely be assumed to be both incomparably larger and much easier to (partially) capture in the case of jobs (*RFA*, 106–107).

To the extent that there is an asymmetry in the treatment of production and consumption, it is to be justified on this basis. This justification is different from the one Sturn and Dujmovits (210) find most promising, namely by reference to "the fact that changes in the production sphere are less predictable because the individual is part of a huge system of co-operation and division of labour whereas with respect to consumption dependence on others is much less pervasive". I doubt predictability differs so much in the two domains, but the alternative justification I offer is no less pragmatic, no less dependent on an empirical contingency, than theirs is.

5. Does the Family Unjustly Escape Taxation?

The pragmatic justification just offered leads me on to a distinct but related challenge, which Sturn and Dujmovits also formulate and which I would like to rephrase in the form of a trilemma. They observe that, given the same external endowments, the freedom of different individuals may vary not only with internal endowments, but "also may depend on the way in which their different life-styles are embedded in the market mechanism and on whether priced resources are in the core or at the fringe of what contributes to 'the good' in a particular way of life" (215). To put it simply and roughly: benefits enjoyed in firms are priced and taxed, whereas benefits enjoyed in households (and other contexts of non-market cooperation such as, say, a group of surfers) are not. How can this further asymmetry be justified?

A first possible type of argument appeals to the alleged fact that non-market cooperation is freely accessible and hence generates no rent (Sturn/Dujmovits, 215). But it is very hard to see why 'gifts' should be neatly restricted to market cooperation. I agree that this is untenable.

A second type of argument might appeal to the fact that personal relations are intrinsically unsuitable for a market framework, that a pecuniary evaluation would degrade them. As Sturn and Dujmovits put it, some institutions (firms) but not others (families) seem to lend themselves to a translation into a scarcity framework (both conceptually and in terms of suitability as a tax base), and "different comprehensive concepts of 'the good' are linked to different views about the appropriate scope of markets and, hence, to a different scope and depth of the price mechanism in the mediation of social interdependencies"

(215). “Hence the degree of inclusiveness of the equalisandum is stricken by arbitrariness.” (215) Arbitrary perhaps not. But I agree that this response would need to rely on a substantive conception which is at odds with *RFA*’s resolutely liberal commitment.

A third type of argument appeals to the sheer fact that, because of the availability of market prices, capitalist cooperation “*can* be treated differently” from cooperation within the family (214). Since ‘ought implies can’, family and other personal relations therefore escape taxation, not because of some deep ethical unsuitability, but for purely pragmatic reasons. Consistently with *RFA*’s controversial discussion of the status of personal partnerships (§4.8), I have no option but to use this third argument, or at least some variant of it: I am not claiming that an identical treatment of non-market cooperation is impossible, but that it would come at a cost that everyone would agree (under appropriate conditions) is not worth paying. There follows an important empirical contingency in *RFA*’s justification of a market-income-funded UBI, a contingency which I have never denied but which is worth spelling out.

If enjoying the privilege of being in an attractive employment relationship is counted as part of a person’s external endowment, why not also enjoying the privilege of being in an attractive marital relationship? My (somewhat perplexed) conclusion was that, as far as justice goes, there was no reason to draw a sharp line. The best way of formulating the criterion for exempting some relations from just taxation is then analogous to the type of argument used for justifying a basic income (partly) in kind rather than in cash (*RFA* §2.4). Just as everyone would gain (owing to lower administrative costs and fewer awkward constraints), even those who consume least air, from making air freely available rather giving a higher cash grant and making people purchase the air they breathe, similarly everyone may gain (owing again to lower administrative costs and fewer annoying constraints), even those with the ‘least favourable family endowment’, from leaving personal relationships untaxed and unmeddled with—apart from a firm protection of self-ownership, in particular the right of exit.

However, that everyone should gain from such an exemption cannot be taken for granted as a universal truth. Sturn and Dujmovits point out that “the existence of non-money-mediated obligations and duties within these [non-market] institutions [...] might be seen as an equivalent to taxation” (214 f.). “Hence one would expect that the attractivity of a scheme such as UBI is not independent of the extent to which such institutions prevail and perform their functions [allocational and distributional] in a stable manner.” (220) A fair distribution of burdens and benefits within households is not quite the equivalent of taxation, since the latter obviously performs a society-wide redistribution task across households. Nonetheless, it is correct and important to say that whether or not family relations can legitimately be exempted from justice-minded redistribution, using the criterion mentioned above, depends on the distribution of burdens and benefits that actually obtains within families.

Changing directly the rules that define the distribution of benefits and burdens within households is in principle possible. But it does not only involve the

cost of intrusion into intimacy. It also runs a risk of 'pricing' the least 'attractive' (or otherwise least lucky) partners out of a relationship in the same way that legislation imposing a minimum wage (or particular working conditions) runs the risk of pricing the least 'productive' (or otherwise least lucky) workers out of a job. This consideration is by no means a knockdown argument against any legislation that tries to guarantee, on grounds of fairness, minimum standards in either the firm or the household. But it supports a *prima facie* presumption in favour of working on the internal distribution of benefits and burdens through the strengthening of the real freedom of exit from any sort of relationship—which is achieved in the most comprehensive workable way through a UBI funded out of market income. Consequently, the strength of the pragmatic justification for exempting the family, and more generally non-market interaction, from redistributive taxation and the shadow pricing exercise it presupposes, is dependent on the existence of a sufficiently high UBI, itself funded by the yield-maximising taxation of market income. Only in a society in which the market already plays a central role can this reasonably be expected. In societies whose economy still works to a large extent in a non-market way, this non-market sector could not be legitimately exempted from redistributive concerns. This could arguably still take the form of shadow-pricing to reflect opportunity costs and relative scarcities, but does not entail turning over the whole sector to the market.

In this light, I can agree with Sturz and Dujmovits's conclusion that, in a sense, the 'first best policy' recommended by justice as real freedom for all is not a UBI, but rather access to any form of cooperation for all without arbitrary discrimination (214, 220). But let us be careful about what we mean by 'first best'. If we lived in a world in which all had identical talents, were equally favoured by our upbringing, equally connected, equally lucky, etc., an effective ban on discrimination is arguably enough to achieve perfect justice. But this is not at all the sort of world we live in and will never be. The world which is relevant for mankind now, and for as long as it will live, is one in which the spontaneous course of things distributes 'gifts' very unequally among people, as a function of their talents, social origins, family connections or sheer random luck. It is in this world, which might generously be labelled 'second best', that a market-income-financed UBI surfaces as a simple and powerful candidate for the most effective implementation of real-freedom-for-all. The candidate only emerges as clearly the best, however, if this world is also one in which much of the economy is governed by market exchange. But this too is now a feature on which we can safely bank in all plausible scenarios—even though a substantial UBI would help save from destruction ways of life that are not geared to market success. Yes, surfers and mothers should be fed out of market earnings rather than taxed in turn for the benefits they must be getting on the beach or in the home (as long as they are not forced to be there), but only because their world is not a surfers' and mothers' world, but one largely dominated by the market.

6. Must One Redistribute Employment Rents in Egalitarian Fashion?

Jürgen De Wispelaere has a different reason for questioning the feeding of surfers out of earnings. He agrees that jobs can be viewed as scarce external resources, and remains unimpressed by Stuart White's (1996) and Andrew Williams's (1999) earlier attempts to block the analogy between jobs and other external assets. But he is unsettled by a distinct objection to UBI inspired by David Gauthier and developed by Gijs van Donselaar (1998). *Free riding* consists in (unfairly) enjoying a benefit without contributing to its cost. *Parasitism* involves in addition imposing a cost on the producer of the benefit, and is therefore even worse than free riding. Surely, Lazy's enjoyment of a UBI is parasitism, since Crazy would be better off if Lazy did not exist, while Lazy would be worse off if Crazy did not exist.

This objection can only be met, De Wispelaere reckons, if there is a strong prior claim to ex ante equal shares of job resources (248f.). This claim, in turn, cannot be established unless job resources are external—which he grants—but also agent-independent: “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” (250). The task, for a real-libertarian, is therefore “to find something that is really independent of people's personal actions” (ibid.).

No, it is not. *RFA*'s conception of justice is not an entitlement conception of the conventional libertarian sort (240). I never say, for example, that natural resources “are socially owned because they are not created by any agent” (ibid. 250). Indeed, I never speak about ‘social ownership’ of various types of resources, but rather about the fair distribution of the gifts to which we have an (extremely) unequal access. ‘Agent-independence’ has therefore never appealed to me as a condition to be met by whatever is up for fair distribution. This holds if ‘agent-independent’ is interpreted as ‘not created by any agent’: if the island which needs to be fairly divided between Lazies and Crazies were a man-made gift by some living person, its ethical status would be exactly the same as if it consisted of pure nature, except in so far as distribution rules affect in a relevant way the incentives to make and to give. It also holds if ‘agent-independent’ is interpreted in the sense of the value (if any) of each item being independent of people's competition with each other over the resources: even in a purely natural island, how much Lazies will receive is crucially affected by such competition. In neither sense, therefore, is agent-dependency specific to jobs among scarce natural resources. There may be a way of undermining the strength of the analogy, but agent-independence, I am afraid, will not do the job.

Nonetheless there might exist a better criterion for the fair distribution of jobs, which De Wispelaere recognises are scarce external assets which the working of contingent labour market institutions distributes very unequally. De Wispelaere has the merit of sticking his neck out and venturing an alternative criterion. What matters, he contends, is whether those who lose out, given the way the labour market now works, “could plausibly devise an alternative institution

which betters their situation" (254). If so, they would be entitled to a compensation corresponding to the difference between their hypothetical fate in "their preferred production world" constructed along these lines and their actual fate under present arrangements. What might these institutional arrangements look like? A friend of mine, who is an unemployed novelist, suggested that it might be a good idea to pay a basic income to each character of each published novel (the author, he thought, would take care of cashing it in on their behalf, and to overcome the reservations of the more work-oriented among us, he seemed willing to restrict the benefit to those characters who earn a living). In this hypothetical world, my friend would no doubt be far better off than he is now on the dole. Would De Wispelaere give him the difference by way of compensation? Less extravagantly, think of institutional arrangements in which the monopoly power of high-skilled workers would be more firmly entrenched, or in which intellectual property rights would be more toughly institutionalised. In this world, all kinds of well-endowed 'symbolic analysts' would no doubt be far better off than they already are. Again, should they receive the difference by way of compensation?

Even a brief thought given to these possibilities should convince De Wispelaere that, quite apart from the obvious formidable epistemic difficulties of working out some key details of the relevant counterfactuals, his interesting suggestion has two fatal defects: First, the claims for legitimate compensation (according to this criterion) will massively exceed the resources available, which makes the criterion unusable without a crucial additional rationing rule. Second, claims will by no means be restricted to the unemployed and the worse off among the presently employed, indeed the highest claims are likely to come from the most talented, who are already advantaged under present conditions but could sustainably be even more so in their 'preferred production world'. This does not sound too promising as a plausible elaboration of social justice. Instead of rushing in this murky direction, perhaps one should rather work out a more direct response to the Gauthier-van Donselaar challenge (for a start, see Van Parijs 1996).

7. Must One Redistribute Employment Rents at All?

Sturn and Dujmovits (§V, 212ff.) too feel uneasy about the extension of the opportunity-cost approach from external endowments of the standard kind to employment rents. The "shareholder model", they say, is all right for physical resources, but not for such "human-made assets". Consider the two main types of mechanism for the persistence of employment rents even at a perfectly competitive equilibrium with equally skilled workers (*RFA* §4.4). The insider-outsider mechanism enables the jobs' current incumbents to seize a rent by virtue of the firing, hiring and training costs employers have invested in them. Rather than redistributing this rent along *RFA* lines, Sturn and Dujmovits suggest, "the appropriate step is to crush the bargaining power of the insiders by public policies and to guarantee conditions of free entry" (213). The efficiency wage mechanism, on the other hand, rests on the employers' propensity to grant wages in

excess of the market-clearing wage in order to enhance productivity. Crushing the source of the rents, they reckon, would not be appropriate in this case. But it is also "impossible to redistribute the employment rents in any simple way [as proposed in *RFA*] because that would destroy the mechanism which is crucial for the functioning of firms" (213).

These critical remarks threaten a key step in *RFA*'s argument. Part of the response consists in emphasising the specific nature of the two mechanisms discussed. As regards the insider-outsider mechanism, it is important to note the crucial difference between individual and collective bargaining power. It is easy to imagine public policies which can attempt to 'crush' or at least reduce the latter, without violating self-ownership. And although collective bargaining power has been and still is in many places a tremendous force in the service of social justice, there are conceivable circumstances under which limiting it might serve further progress (*RFA* §6.5). Individual bargaining is a different matter altogether. The insiders' potential for explicit and implicit threats to quit are intrinsic correlates of the fact that workers are not owned by the firm they work for. If self ownership is a demand of justice, no just public policy can 'crush' the insiders' individual bargaining power and hence this component of their employment rents. But self-ownership by no means prevents taxing away some of these rents so as to benefit those who get less of them, or none at all. As regards, secondly, the efficiency wage mechanism, legislation could attempt to prevent employers from paying a level of wages above market clearing. But the efficiency considerations that are part and parcel of a maximin perspective make this inappropriate. They make equally inappropriate the taxing away of the surplus incorporated in efficiency wages. But this is in any case not, as Sturn and Dujmovits (fn 27) are aware, what *RFA* demands. The sustainable maximum-yield taxation it advocates takes full account of efficiency considerations in a maximin perspective.

There is, however, a more general and fundamental response. The insider-outsider and efficiency-wage mechanisms are of special significance because they can be neatly analysed as generating employment rents even at a perfectly competitive general equilibrium and with identically skilled workers. But out of equilibrium (which is where the economy always finds itself) and with a great variety of skills (which is what any population can be expected to display), not only is the impact of these two types of mechanisms amplified, but a motley bunch of other sources of rents are given room to operate. Someone may then be able to durably appropriate a rent durably associated to a job because only few know about the job, or because some family connection is required to get it, or because she happened to have the right mother tongue or to choose the right training at the right time, or because she turned to get on well with the other members of the team or to be gifted for a particular task. It would be tedious to draw a list of the reasons why someone may be able to get and keep hold of valuable jobs, and pointless to try to sort them into neatly distinct categories, depending on whether they reflect unequal access to external opportunities or unequal possession of internal capacities. Even personal productive talents are heavily dependent, as regards their value, indeed as regards their very existence,

on the contingencies of the technologies in use, the organisational framework and the group of singular human beings with whom the job consists of interacting. Faced with this messy scene, which is and will always be the fundamental reality of actual market economies, *RFA* simply says: It would be unmanageably complicated to assess exactly the size of the rent associated to each (type of) job. If you want to maximise the value of the rent, just tax all jobs in a predictable and yield-maximising way, and distribute the proceeds equally to all. Of course, employers and workers will adjust to the new tax situation, and inequalities will persist. But tax predictability and formal freedom to quit the job prevent taxation from creating negative rents: people who take a job are as guaranteed as they can be to get no less, and generally more, by way of rent than whatever is incorporated in their UBI. And the remaining inequalities are justified by the fact that the level of UBI is, by hypothesis, the highest one that can be sustained under the stated constraints.

8. Should One Go Instead For a Legal Right to Work?

Some of my other commentators are not worried about *RFA* distributing too much out of scarce job resources, but rather about its redistributing too little, or in the wrong way. What justice requires, according to Steinvorth, Krebs and Michel, is rather a right to paid work.

First an important point of clarification. According to Ulrich Steinvorth, “even if basic income is paid unconditionally, it does not lose its character of a compensation for exclusion from the system of social labour. It remains a consolation (Trostpflaster) for objective superfluity. It would contribute not to creativity, but to destructiveness. If Van Parijs’s optimism were justified, France’s minimum income could turn the destructiveness of the suburbs’ youth into constructiveness. But it only reinforces their feeling that their society does not need or want them.” (258) This objection would have great force if the UBI I defend could be assimilated to conventional guaranteed minimum schemes of the type illustrated by France’s RMI. Such schemes combine a legal-moral expectation to work with an unemployment trap that prevents many claimants from finding a job, in a way that can be safely expected to be demoralising or explosive. The realisation of this predicament intrinsic to existing schemes is precisely what converted many into advocates of a UBI. Their argument, in a nutshell, runs as follows. For those at the bottom of the ‘employability’ scale, a UBI replaces an obligation to work without possibility to work by a possibility without obligation, and the absence of obligation itself contributes to the possibility. Unlike traditional guaranteed income schemes, a UBI is not a sell-out of the right to work, but a two-pronged strategy in the service of a right to work understood as the real possibility of access to a paid job for all. It is two-pronged in the sense that it operates both as a subsidy for paid activities with low (immediate) productivity and as an incentive to share out existing jobs.

I cannot imagine that Steinvorth is unaware of this argument. Why is he not satisfied? Perhaps because his justification of the right to work requires

the latter to be implemented in a more focused way. His contribution seems to contain three logically independent justifications for such a right. One of them is suggested only in passing. It appeals to a commitment to a 'puritan-idealistic ethos'. Whatever our contemporaries may say about this being a "relic of a repressive epoch", he firmly professes allegiance to a tradition "according to which work is and remains a necessary condition for man to exercise the most important and indeed the specifically human among his capacities" (261). My own personal conduct might well be guided by the very 'relic' in which Steinvorth persists in believing. But whether or not it is, just institutions cannot rest on the assumption that a particular way of life is intrinsically superior to others. No 'perfectionistic' assumption of this sort—though possibly other considerations—can justify that a privilege be given to the right to perform paid work.

Secondly, Steinvorth sketches an elaborate argument that roots the right to work or more narrowly the right to participate in the work required to make up for the depletion of natural resources—in the common ownership of the Earth (262ff.). I confess that the argument, presumably developed more fully in Steinvorth's recent book (*Gleiche Freiheit*, 1999), proved too cryptic for me. I fail to see why his Lockean premise of a basic joint entitlement to all natural resources (which I do not share) would not generate instead, as argued by other scholars in the Lockean tradition such as Hillel Steiner (1994) or Peter Vallentyne (1997), a strong case for a modest unconditional basic income.

Steinvorth's third justification appeals to the factual observation that the performance of paid work is important for recognition. He challenges what he regards as "the prevailing conception, also implied by Van Parijs, that work does not belong to the good life" (265). I do not believe this is the prevailing conception, I certainly do not hold it myself and I have no difficulty recognising "the empirical fact that many unemployed do not only bemoan the lack of money stemming from unemployment, but also the lack of recognition and meaning" (265) and that, when asked why they want to work, they give as a reason "that only work that is relatively regular and makes social recognition possible protects life from vacuity" (265). Steinvorth does not deny that some recognition can also come through unpaid work or non-work activity (265f.), but paid work, he says, is "the first, most important and [...] most rational source of recognition, and exclusion from paid work is therefore an injustice" (266). Although I would express it somewhat differently, I have no trouble with any of this. Neither the availability of work without pay nor the availability of pay without work can be an acceptable alternative for permanently depriving of paid work the many people who both want it and lack it.

The disagreement is then perhaps on whether there exists a better instrument than a UBI to achieve the right to work in a sense we both value. Steinvorth advocates the creation of a secondary labour market in the form of a non-compulsory social service in the areas of education, health, the environment, etc. subsidised by the State but typically organised by private non-profit-making organisations and paid at a rate lower than standard employment (260). Such schemes have been repeatedly proposed—see e.g. Kaus (1992), Beck (1999) for two interesting formulations—, and the main objections are well-known.

Firstly, the cost looks formidable as soon as one realises that it includes, beyond the direct wage cost (those who do the social service will need some livelihood anyway), the cost of training, equipping and supervising workers who will not only tend to be less qualified, on average, than in the mainstream sector (why would they accept lower wages otherwise?) but also more poorly motivated (if sacked, they only lose the difference, if any, with the unemployment benefit and they can be accepted to another job in any case by virtue of their right to work). The drain on scarce training and managerial resources risks being prohibitive.

Secondly, there is a major problem of 'unfair' competition with mainstream employment: if the job performed on the secondary labour market is worth performing, why not have it done in the mainstream sector, possibly with public subsidies for the sake of accommodating public goods and positive externalities (but not for the sake of creating employment). And if it is not sufficiently useful to be worth performing, why bother?

Finally and most decisively, if there is a legal right to a job, holding a job cannot provide the recognition it is meant to provide. It cannot constitute the acknowledgement that the job is worth doing. As argued, for example, by Elster (1988), an effective legal right to paid work would be self-defeating in terms of social recognition, as the very existence of the entitlement to a job nullifies the latter's potential for demonstrating the worker's social usefulness. This is not the case with the implicit subsidy provided by the UBI: precisely because it is given unconditionally to the worker, it guarantees that the jobs it makes possible are both sufficiently useful in terms of the demand they help satisfy and sufficiently meaningful to elicit the corresponding supply of labour. Hence, at least if Steinvorth's third justification is the relevant one, I see no reason so far for abandoning UBI in favour of a state-subsidised guaranteed job.

9. Does *RFA* Pay Enough Attention to the Right to Recognition Through Work?

Angelika Krebs's and Heiner Michel's justifications of the right to work are related to Steinvorth's third justification, but more explicitly rooted in a fundamental right to recognition (Michel, 190f. and, in most developed fashion, Krebs §II.2–3). A right to work is needed, Krebs argues, "because social recognition constitutes a dimension of a worthy existence worth protecting and because in work societies social recognition is essentially connected to work. [...] In work societies, the human right to recognition takes essentially the form of a right to work." (164f.)

In response, I should first say that I do not believe in an adult citizen's right to being recognised any more than in her right to being loved. Respect and esteem by people whose attitude we care about is of great importance to our existence. But just institutions cannot and should not guarantee anyone the right to recognition in this sense. Whether or not someone is respected and esteemed will and should crucially depend on how she behaves. However,

just institutions can and must display an equal respect for all citizens and their conceptions of what matters in life, and secure a fair distribution of the means for achieving this, including the sort of recognition they seek.

Secondly, it is part of this respect to be expressed by institutions that they should allow adult citizens to choose for themselves what trade offs they wish to make between the many things they regard as valuable. "The violation of one dimension of a worthy life cannot be outweighed either by a surplus in some other dimension of a worthy life or by money. Social exclusion cannot be made up by money any more than oppression or illness." (Krebs, 165) On the contrary, it makes every sense in a society that does not attempt to impose one view of the good life to let adult citizens accept jobs that are more 'oppressive', but provide, for example, more extensive training or a more generous level of consumption for their families. It makes every sense in such a society to have a basic health insurance scheme that does not cover all illnesses at all ages because of the money this would cost, i.e. because of opportunity costs, for example in terms of education for the young or standard of living throughout life. And it makes every sense not to focus the resources available on subsidising specifically paid (let alone, more narrowly, waged) employment.

It is very misleading to view basic income, along these various dimensions, as 'hush money', as a 'sell out', as a pecuniary indemnification for the acceptance of oppression, illness or exclusion from paid work. Being given to all in unconditional fashion, it is meant to give to all, as far as sustainably feasible, the power to make trade offs for themselves. The more substantial the unconditional basic income, the more room there is to decide whether to seek social recognition through paid work, possibly for a low pay, or rather through exerting one's energy, skills, friendliness, etc. in the unpaid sphere; the more room there is also for everyone (and not just a minority of privileged) to decide how much they will bother with social recognition (however broadly defined) and how much of a priority they will give to other aspects of life which bring no social recognition. The fact that you and I may find these despicable does not imply that just institutions should discriminate against them.

Krebs concedes that there is an "ideological bias" in a work-ethos-based society and that the idea of a basic income is attractive precisely because it challenges this bias. "Yet, the objection of ideology must not topple the right to work" (167), at least as long as work has not "run out". "It is only if there is no longer enough work for all that those unwilling to work can offer as a counterpart their giving up of the scarce resource that jobs have then become. The adequate basic income would then amount to a giving-up premium or rent for jobs as a scarce resource." (168, also 174) The case for a UBI would be weak indeed if it rested on such a conjecture. Work has not run out, and never will. Whether or not there is enough employment for everyone is not a feature of the technology in use, but of the conjunction of this technology and of the institutions that govern the functioning of the market and the distribution of income. Irrespective of technical progress and rate of growth, there can always be work for everyone, though possibly not at a decent pay without subsidy.

So, let us take for granted that work is not running out. Two cases must still

be distinguished: shortage (*Mangelgesellschaft*) and prosperity (*Wohlstandgesellschaft*). A prosperous society is “a society whose members can all lead a worthy life, even without the full work of all those able to work” (167). Shortage obtains when this is not the case. As a direct consequence of the priority of the principle of undominated diversity and subject to an appropriate definition of a ‘worthy’ life, I agree that under such circumstances the guarantee of a minimum income can legitimately be subjected to a duty to make oneself available for work (see *RFA*, 84). Now, a legal duty to be willing to work is not quite the same as a legal duty to work, and hence cannot directly entail, via ‘ought implies can’, a legal right to work. But I am willing to be persuaded that a society which imposes a duty to actively look for work must also make sure that there is work to be found.

The contentious case, therefore, is the case of a prosperous society in which work is not running out, but in which there is no duty to work. In such a society, according to Krebs, a right to work is still required as a means for the right to recognition unless there exists another form of society in which recognition operates through another channel (André Gorz’s ‘exchange circles’ and Ulrich Beck’s ‘citizen’s work’ are still forms of paid work) and the change of values must already be on its way. As long as these conditions are not fulfilled, the involuntarily unemployed will be abandoned to their fate in the name of a “desktop utopia” (169). The UBI proposal requires no such utopia. Whether under shortage or prosperity, work effort is essential for material welfare. It will and should be associated with material reward and social recognition. It would be absurd to think of a UBI as the core of a non-work society, based on entirely different values. It is rather meant to offer the basis of a society in which there is wide access to work that offers the promise of social recognition, much wider, at any rate under present conditions, than both a society that rests on a legal right to work and one than rests on an obligation to work. Hence, at all, a UBI would not do badly or at least in terms of a fair distribution of the means for recognition, which is all than can be expected in this respect from just institutions.

10. Should More be Done Against Intra-Family Exploitation?

Krebs believes, however, that one can do better in a further respect. True, a UBI provides an income to people who do not do any paid work. And this can be expected to significantly improve the material situation of women (Krebs, 170, Robeyns, 91).³ But it cannot really be said that their care work is thereby

³ Robeyns (91) notes that if, as in some proposals, the introduction of UBI goes hand in hand with the replacement of a progressive income tax by a proportional one, there will be a “larger decrease in net wages for wives, compared to husbands”, since women’s wages are on average lower than men’s and hence taxed at a lower average rate under a progressive tax scheme. A flat tax is of course not an intrinsic feature of a UBI, but when the latter is financed out of an income tax, it is true that the profile of marginal rates will tend to become far less progressive as a result of the exemptions and reduced rates on the lower layers being

recognised. That it “might also help to increase the respect people show for this sort of work” (Robeyns, 92) may therefore prove sheer wishful thinking. With a UBI, after all, women involved in care work are thereby put on the same footing as surfers (Krebs, 169). In Krebs’s eyes, this is unacceptable. For unlike surfing, caring for the young or the elderly is “work from which those not active in the family extract an unfair advantage, either through the exercise of power or as free-riders through the use of positive external effects” (171). This “family labour” is a particular form of “economic labour”. Those who perform it for no pay are exploited by the rest of society because of external effects through savings in retirement and caring insurance. To assess the size of what is produced in this way, one must ask how much would be substituted by society in terms of care for the young or the elderly in case family work were not performed. Whatever exceeds this level should not be compensated (172).

At the theoretical level, this requires supplementing the principles of justice with a “principle of recognition of desert” (173), which should govern not only family work but also other forms of unpaid work that produce public goods. At the policy level, this feeds a presumption for a carer’s wage, at least providing one can refute the well-known objections as to the impact such a policy could have in terms of strengthening the role clichés and perverting love relationships (Krebs) or creating unfairness between the parent who does leisurely parenting all day long and the one who does it after a standard working day (Robeyns). This “family labour” Krebs wants to sharply distinguish from labour for oneself or “private labour” (say, cooking for a friend). Work performed for one’s partner has an ambiguous status. It is exploitative if it is structured by the power of gender-specific “role dictates”, but the solution is not to pay the labouring partner, but to abolish these “role dictates” (173).

Whether the reflection of power or of externalities, this domestic ‘surplus labour’ that tends to be performed by women can legitimately be considered a form of exploitation and whether or not it is called exploitation, there is certainly something unfair about it.⁴ Similarly, there is something unfair about two workers in charge of doing jointly the same job for the same pay, one of whom free-rides on the other’s hard work, or about only some of the pupils’ parents helping out with a school’s extra-curricular activities. But it is not the job of the institutions of a just society to lay down what each participant in a cooperative venture should do and not do. People may choose to durably enter a relationship in which they know there will be plenty of free riding, or in which they know they will be in a submissive position. Under the conditions sketched in my

replaced by the UBI with a net gain for those on low incomes. However, it does not follow that women’s (lower) net wages will fall by more than men’s (higher) net wages. On the contrary, it is arithmetically certain that they will fall by no more, and probable that they will fall by far less. For all incomes benefit from the currently existing exemptions and reduced rates, and the lower incomes may not be high enough to enjoy their full benefit. Moreover, whether or not women’s net wages fall less than men’s, their net incomes (with unaltered behaviour) are of course bound to rise.

⁴ Krebs (170) is right in pointing out an inconsistency at the end of *RFA* fn24 (271). In the rest of the chapter, I broaden the notion of exploitation to cover (externality-based) free riding, and not just the power-based derivation of a benefit to which I confined the term “exploitation” in the earlier article to which Krebs refers (Van Parijs 1993, chapter 5).

earlier reply to Sturn and Dujmovits, the institutions should not lay down the sharing of the benefits and burdens in such more or less durable interactions. Nonetheless, they can and must massively influence the deals that are struck and are constantly renegotiated, marginally or fundamentally, throughout the lifetime of any particular cooperative venture. For it is part of their job to protect a formal right of exit, and to shape the features of the fallback position in case a worker wants to quit or a partner to separate. Here again, obviously, a UBI is of crucial importance in turning the formal freedom not to enter or not to put up with an unfair relationship of whatever kind into a real freedom not to do so.⁵

11. Would a UBI Inflict Unjust Spill-Over Effects on Women?

This will correct many, but by no means all gender asymmetries. In particular, existing data on parental leave (Krebs, 169) and career interruption schemes (Robeyns, 90f.) strongly suggest that women would, on average, use proportionally more than men the enhanced possibility of reducing or interrupting paid work that a basic income entails (at least for the less well paid). Good for them, one may conclude: this shows that a basic income would be more valuable for women than for men.⁶ For it cannot be the job of just institutions to try to influence women's choices on the basis of the view that the social recognition they are longing for or anything else they should care about, can be gained more effectively by earning money than, say, by being mothers. Might it not be argued, however, that "specialisation can indeed be optimal in the short run, but it can lead to unwanted dependencies in the long run" (Robeyns, 93), in the form of an eroded human capital, a weakened bargaining power or a higher risk in case of divorce for women specialising in unpaid work? No doubt it could, but women are at least as good as men, indeed in my experience rather better than them, at anticipating the future and providing for it. To make the best choices, they may need the enhanced power which a basic income would help give them, but not a paternalistic restriction of the choices open to them.

Robeyns (102) does not disagree with this: "We cannot simply assume that all housewives have a 'false consciousness' and therefore we cannot impose a paternalistic social policy". However, she draws attention to two spill-over mech-

⁵ It is correct to say, as does Robeyns (92), that "the introduction of a basic income will increase the bargaining power of housewives". However, in order to assess the fallback position, it is not sufficient to look at the distribution of income within a household as long as it has not split. One should rather look at the actual income entitlements after the split. Compared to the selective arrangements that currently exist, the specific advantage of a UBI (or of universal child benefits paid to the mother) would be less in the level of the income in case of separation than in the security with which the weaker partner has access to it. This does not only hold for full-time housewives but also for women active on the labour market (with wages that are on average lower than their husbands'). The total net incomes on which they can *safely* count in case of separation can be expected to increase, and their bargaining position in the household is thereby increased.

⁶ Along these lines, see Alstott (2001).

anisms that affect other women. One is statistical discrimination. If a UBI increases the difference between the extent to which men and women are career-oriented, this is likely to affect employers' general attitude towards women in matters of hiring and promotion: "A woman who does not want children, or wants to make a career or has a husband who takes half of the household responsibilities, will still bear the consequences of the fact that other women are more 'child and household oriented'—which is perceived as a good indicator of low productivity." (93)

This is an interesting consideration, but I cannot see how statistical discrimination of this sort differs, ethically speaking, from discrimination according to any indicator of productive talent. If such statistical discrimination rests on nothing, it will not persist. If it rests on real (though only probabilistic) differences, it can be justified, like talent-based inequalities, in terms of the greater efficiency—in this case in terms of average hiring and training costs—which, as Robeyns recognises, "can be used for the worse off" (93). However, "even if statistical discrimination would lead to efficiency gains", she asserts, "it would still be condemned on moral grounds. It violates the basic principle of equal concern and respect for all individuals." (94) Why exactly would statistical discrimination constitute a failure of equal respect and concern any more than discrimination against people who are too small for some jobs, or do not possess the right sort of intellectual capacity. Some of the features—such as one's gender—by virtue of which one can be statistically discriminated (i.e. discriminated on the basis of some easily observable feature because of its statistical correlation with some other, more relevant but less observable, feature) are not features which one has chosen or could easily get rid of. But nor are most of the abilities on the basis of which people get access to different jobs. As long as the resulting inequalities contribute to the maximal benefit of the worst off, why would the first case raise any problem that the second does not?

The second potential spill-over effect that may affect some women negatively is the reinforcement of traditional gender roles as a result of more women than men interrupting their career or shortening their working time. The differentiated pattern of expectations that constrains the admissible choices of both men and women is thereby strengthened, with adverse consequences for both the material welfare and the power of women (Robeyns, 99f.). Of course, as Robeyns recognises (99), some men are also prevented by this pattern of expectations from choosing the course of life they would otherwise choose. And the considerable difference in life expectancies between men and women suggests that the differentiated pattern of expectations is at best a very mixed blessing for the male gender.⁷

However, one disadvantage for some women is worth pondering about: "Given gender roles, historical patterns and traditions, it is possible for a man to find a

⁷ Whether this death toll offsets the major advantages men enjoy in other respects is of course most doubtful at present. But perhaps not for long, as in several countries educational inequality has now been sharply reversed. In Ingrid Robeyn's native Flanders, for example, about 60% of the 1999 cohort of school-leaving females started higher education, but only 45% of the corresponding category of males.

wife who will support his career by exempting him from childcare and household management. However, given the same gender roles, historical patterns and traditions, there is hardly any chance for an ambitious woman to find a man who will support her career and become a houseman.” (101) It is not hard to understand how indignant those ambitious women can become when realising how much they need to give up in order to be able to compete with men who can have their cake and eat it. But how much should one care about this unfairness in a maximin perspective? Think about the following possibility, suggested by Denise Bombardier in the light of the Quebec experience. As the pattern of expectations for men and women becomes less differentiated, it becomes easier for ambitious and talented women to combine work and family, and less easy for ambitious and talented men to do so. But as men’s normal domestic duties increase, less of them are willing to form stable couples and have children. Even in the absence of anything like a formal rule, the ‘fairer’ pattern of expectations then acts in the domain of marital relationships in a way analogous to the way in which a minimum wage is said to operate in employment relationships. The insiders, those with energy and skills, get a better deal, but more of the less attractive are left out in the cold, whether involuntary unemployed or involuntary spinsters. If one wants to be serious about maximin, whom should we care for as a matter of priority?

12. Envoi: A Seemingly Outrageous Suggestion

More fundamentally, it is of course true that we do not live in a world in which “no gender-related preference-formation mechanisms and gender-related constraints on choice exist” (102). But can we imagine such a world? And if so, should we, women and men, wish to live in it? Whether gender-related or not, the expectations that float around us and help shape our behaviour because of the importance we attach to fulfilling them are the very stuff of social recognition. It does not make sense to abolish them. And is there a way of making them ‘fair’ apart from giving people the right and the power to escape them? True, even an equal power, or an equal possibility, to give up one’s employment in order to look after one’s children will not lead to an equal probability, if men and women face different expectations with which they wish to comply. I cannot see good reasons for expecting equal probability to be the ideal. But I may be persuaded that achieving more equal probabilities is not only consistent with, but even required by, justice as real freedom for all.

If this is the case, it will not suffice to preach a ‘change of mind’. Hard thinking will be needed about institutional designs that would drastically reduce or even abolish gender-biased specialisation—which a UBI and other gender-blind measures, on their own, could never achieve. Given the fact that women tend to earn less than their male partners, non-transferable parental leave and ‘participation insurance’ schemes (see Vanderborght/Van Parijs 2001) may help, providing that they are earnings-related. But to make a big difference, one will

need to cut deeper. Allow me to close this set of replies with a seemingly outrageous suggestion.

As Robeyns (97) points out, "a husband is on average about 3 years older than his wife, which implies, through the seniority rule in wage formation, that wives earn less than their husbands". This is one major factor that makes gender-biased specialisation sensible for many families, with a snowball effect quickly setting in as the woman's career lags behind her husband's. What should be done about it? Why not tax those men who marry younger women in proportion to the age difference and use the revenues to subsidise those who marry older ones? Such financial incentives may not work, or they may have perverse effects. But those who mean business about reducing material inequality between genders should not discard this proposal too quickly. One further potential advantage of reducing or, even better, inverting the average age difference would be to correct the huge gender asymmetry in care work for an elderly spouse. Given both the age difference and the difference in life expectancy, we men become old and decrepit when our wives are still up to looking after us. But when the time comes for our wives to be old and decrepit, we shall long be gone...

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