
COMPARATIVE LABOR LAW & POLICY JOURNAL

Volume 40, Number 2 Winter 2019

BASIC INCOME

Introduction	151
Unconditional Basic Income and the Rejuvenation of the Welfare State <i>Robert van der Veen & Loek Groot</i>	153
Basic Income and the Resilience of Social Democracy <i>Brishen Rogers</i>	199
The Second-Best Road Ahead for Basic Income <i>José A. Noguera</i>	223
Basic Income as Common Dividends: A Rejoinder <i>Guy Standing</i>	239
Ethically Justifiable, Economically Sustainable, Politically Achievable? A Response to van der Veen & Groot, Rogers, and Noguera <i>Philippe Van Parijs & Yannick Vanderborght</i>	247
<hr/>	
Workers' Participation 4.0—Digital and Global? <i>Thomas Klebe & Manfred Weiss</i>	263
Big Brands, Big Responsibilities? An Examination of Franchisor Accountability for Employment Contraventions in the United States, Canada, and Australia <i>Tess Hardy</i>	285
New Perspectives for Workers' Organizations in a Changing Technological and Societal Environment <i>Matteo Avogaro</i>	325
<hr/>	

ETHICALLY JUSTIFIABLE, ECONOMICALLY SUSTAINABLE, POLITICALLY ACHIEVABLE?

A RESPONSE TO VAN DER VEEN & GROOT, ROGERS, AND NOGUERA

Philippe Van Parijs† and Yannick Vanderborght††

It is a great privilege to have our work scrutinized and critically reviewed in such a careful, well-documented, and generous way. But it is quite a challenge to respond to these three wide-ranging and very different pieces in an integrated and succinct way. We shall do our best, while trying not to dodge any of the most difficult objections.

Let us first acknowledge that none of the essays dismisses the “radical proposal” to which our book is devoted as nonsense. Brishen Rogers concedes that, “in the long run, an unconditional basic income [henceforth UBI] may be a necessary and important addition to welfare states.”¹ José Noguera does not claim that the scenarios (to be discussed below) that he proposes are “preferable to a full UBI in ideal terms.”² And the UBI, Robert van der Veen and Loek Groot write, is “an ideal [they] share with [us].”³ Nonetheless, they disagree either about how the objective of a generous UBI can and must be justified, or about the path along which one should pursue it, or both.

Before engaging in the discussion of these disagreements, one possible misunderstanding is worth dispelling straight away, especially in the context of the North American debate. Our plea for a UBI is emphatically not based on the proposition that “the robots are coming” and that they will abruptly

† Philippe Van Parijs is professor emeritus at the University of Louvain, Hoover Chair of Economic and Social Ethics, and author of *Real Freedom for All* (Oxford UP, 1995) and *Linguistic Justice for Europe and for the World* (Oxford UP, 2011).

†† Yannick Vanderborght is professor of political science at the Université Saint-Louis, Brussels, and at the University of Louvain, and author, with Philippe Van Parijs, of *Basic Income. A radical proposal for a Free Society and a Sane Economy* (Harvard UP, 2017).

1. Brishen Rogers, *Basic Income and the Resilience of Social Democracy*, 40 COMP. LABL. L. & POL'Y J. 199-222 (2019).

2. José A. Noguera, *The Second-Best Road Ahead for Basic Income*, 40 COMP. LABL. L. & POL'Y J. 223-238 (2019).

3. Robert van der Veen and Loek Groot, *Unconditional Basic Income and the Rejuvenation of the Welfare State*, 40 COMP. LABL. L. & POL'Y J. 153-198 (2019).

drive tens of millions of people out of their jobs and hence into starvation. We share Rogers's skepticism about sensationalist claims to this effect.⁴ This skepticism does not make us deny that the propagation of such claims has contributed significantly to the unprecedented popularity of UBI in the United States and beyond. Nor does it make us deny that the sort of technical change that we have been experiencing and can expect for the foreseeable future is strengthening the case for basic income. As explained in our book (*Basic Income*), we do believe that the combination of this technical change with so-called globalization leads to a polarization of pre-tax-pre-transfer earning power in rich societies.⁵ Faced with this deep-rooted trend, the traditional tools of social and labor policy, focused as they are on lifelong full-time waged labor with decent wages, perform less and less well on their own terms. Added to a fast-growing awareness of ecological constraints, this has prompted a more explicit reflection and discussion on the ultimate standards by which both short-term proposals and long-term blueprints need to be judged.

I. ETHICALLY JUSTIFIABLE?

Let us then start with our possible disagreements about these ultimate standards. The main aim of our book was not to develop our own philosophical justification of basic income. It was to provide a trustworthy and comprehensive overview of all dimensions of the history and fast-expanding discussion of UBI. Hence, we devoted only six pages to presenting this justification. But these are the pages on which more than half of van der Veen and Groot's lengthy review is focusing, drawing also on more extensive earlier formulations in Philippe Van Parijs (1995) and Van Parijs (2009).⁶ There is by now a rich secondary literature on this particular philosophical defense of UBI, to which van der Veen himself contributed in the past.⁷ We

4. Rogers, *supra* note 1, at 207-211.

5. PHILIPPE VAN PARIJS AND YANNICK VANDERBORGH, *BASIC INCOME: A RADICAL PROPOSAL FOR A FREE SOCIETY AND A SANE ECONOMY*, 5-6 (2017).

6. See PHILIPPE VAN PARIJS, *REAL FREEDOM FOR ALL. WHAT (IF ANYTHING) CAN JUSTIFY CAPITALISM?* (1995); and Philippe Van Parijs, "Basic Income and Social Justice: Why Philosophers Disagree," Joseph Rowntree Foundation Annual Lecture at York University (Mar. 13, 2009).

7. See in particular Angelika Krebs, ed. *Basic Income? A Symposium on Van Parijs* 22 ANALYSE & KRITIK (Special Issue) (2000); REAL LIBERTARIANISM ASSESSED: POLITICAL THEORY AFTER VAN PARIJS (Reeve and Williams eds., 2003); GIJS VAN DONSELAAR, *THE RIGHT TO EXPLOIT. PARASITISM, SCARCITY, AND BASIC INCOME* (2009); SIMON BIRNBAUM, *BASIC INCOME RECONSIDERED: SOCIAL JUSTICE, LIBERALISM, AND THE DEMANDS OF EQUALITY* (2012), *BASIC INCOME: AN ANTHOLOGY OF CONTEMPORARY RESEARCH* (Karl Widerquist et al. eds., 2013). Robert van der Veen & Philippe Van Parijs and (2006) spell out some of their disagreements with each other in a joint response to a new set of critical comments on the occasion of the republication, twenty years later, of van der Veen and Van Parijs (1986). See van der Veen & Van Parijs, *A Capitalist Road to Global Justice*, 1 BASIC INCOME STUDIES, 1, 1-15 (2006); and van der Veen & Van Parijs, *A Capitalist Road to Communism*, 15 THEORY AND SOC'Y. 635, 635-656 (1986).

shall here restrict ourselves to reacting to what we believe to be the main points of normative disagreement between us and our critics.

A good point of departure is a proposition, fundamental to our approach, that Rogers reformulates as follows: “The process of industrial and technological development has proceeded through the ingenuity and labor of our ancestors. As a result, the net social wealth and/or income today is our common patrimony, to which each of us has a presumptively equal share.”⁸ Put somewhat differently, the bulk of the income earned in developed societies can be viewed as rents or gifts (not only from ancestors) very unequally appropriated through our economic activities. These gifts should be up for fair distribution among all. They do not fall under any creator-keeper principle. In particular, today’s workers should not be regarded as the creators of today’s net product nor therefore be entitled to the whole of it. Rogers does not reject this fundamental proposition, or at least he does not provide any argument against it. But given the strong prolabor tone that pervades his contribution, we are not sure he endorses it. And whether or not he does, he certainly entertains great doubts about the possibility of its widespread social acceptance—a matter to which we return below. Van der Veen and Groot, instead, unambiguously accept the proposition but challenge the normative arguments that lead from it to the justification of the highest sustainable UBI.

In the first place, van der Veen and Groot disagree on how the rent component of earnings should be assessed and the non-rent component protected against taxation. If we understand them correctly, they believe that there should be something like a separate auction for each type of job, more onerous jobs being associated with lower rents.⁹ This should inspire speculations about “just (net) wages,” one job or job category at a time. In our view, a much simpler approach makes far more sense: introduce an unconditional basic income funded in a predictable way at the highest sustainable level. In addition, because of the way in which even perfectly competitive markets work—“efficiency wages” are systematically being paid, for a variety of reasons, over and above the market-clearing wages—they will get, on top of this compensation for their efforts, a (very unequal) share in the rents.¹⁰ “Just wages,” if that expression is to make any sense, will be those that happen to prevail under a just basic institutional structure, in particular under a distribution of bargaining power deeply transformed by the presence of the highest sustainable UBI.

8. Rogers, *supra* note 1, at 203.

9. van der Veen and Groot, *supra* note 3, at 188-189.

10. See the discussion of the various efficiency wage mechanisms in VAN PARIJS, REAL FREEDOM, *supra* note 6, at 106-109 and briefly alluded to in our book VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 282 note 28.

Secondly, van der Veen and Groot challenge our approach on the ground that prior normative importance should be ascribed to the presence of an “extensive welfare state,” covering public health care and education, social assistance and social insurance. In our argument for the highest sustainable UBI,¹¹ the notion of UBI is understood in an abstract sense that does not require it to be paid entirely in cash. Because it conceives of justice in terms of real freedom, our philosophical approach does entail a presumption in favor of cash. However, it allows for part of the UBI, abstractly defined, to be distributed in kind. In order to determine how much and what, we propose a thought experiment: Not knowing our personal characteristics and supposing we had nothing but the highest sustainable UBI, what share of it would we want to be given to us in the form of free or highly subsidized education and health care? Targeted social assistance in situations of personal crisis or destitution is also part of what can be justified in this way. Social insurance, instead, distributes (unequally) what can be regarded as indirect wages and must therefore be justified, along with direct wages, by efficiency considerations deriving from the requirement of sustainability. Within such a perspective, how large a share should be distributed in cash cannot be determined a priori. In particular, one cannot exclude, as suggested by van der Veen and Groot,¹² that an increase of the relative cost of health care and education or an upward shift in what is regarded as destitution may have a squeezing effect.

This is the way that we justify an “extensive welfare state.” But it does not suffice to satisfy van der Veen and Groot. They complain that our thought experiment does not yield “definite conclusions” about the respective shares of cash and kind.¹³ However, in the relevant passage of our book, which they quote in this context, we do not claim more for our thought experiment than the provision of “rough guidelines.”¹⁴ And we fail to see how their own notion of an “extensive welfare state” as shaping people’s real freedom prior to their entering the market provides any more precise guidance. As they do not specify the principles that should determine the structure and size of this welfare state, we cannot make sound guesses about whether public services, social assistance and social insurance should be more or less developed on their view than on ours once a UBI, modest or generous, is in place. However, we certainly fully agree with them—and indeed with Rogers—that a basic income should not be viewed, even in the long term, as a full substitute for social insurance and social assistance, let alone for public education and health care provision. We agree with them that such a background is

11. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 103-04.

12. van der Veen and Groot, *supra* note 3, at 177-178.

13. *Id.* at 177.

14. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 104.

important for UBI to produce many of the effects we claim for it.¹⁵ And we also agree with them that making this clear is important for building the political coalition UBI needs.¹⁶

While van der Veen and Groot may “share [our] moral position to a large extent,”¹⁷ with the two qualifications just discussed, they dispute that this position uniquely leads to justifying an obligation-free basic income. In particular, they say, the highest sustainable tax yield—i.e. as large a part of our common patrimony that can be captured—could be distributed in a different way: not as unconditional grants but, for example, as “basic wage packages,” i.e. through some scheme that distributes combinations of income and work that everyone can do.¹⁸ We agree that this could in principle be done, as one could in principle also distribute that tax yield in proportion to the number of times people pray every day, or the number of times they jump in the air on one foot, providing these are all things they can all do. It is true, as van der Veen and Groot point out, that these various schemes would define undominated option sets: some options would be attainable for the worst off under one scheme that are not attainable under the others. In this sense, the maximization of the real freedom of those with least real freedom would not pick one single scheme. Therefore, as we recognize in our book,¹⁹ maximin real freedom or real freedom for all is a somewhat misleading label. What we are claiming for the highest sustainable obligation-free basic income is liberal neutrality, nonreliance on a particular conception of the good life. The resulting distribution of the “common patrimony” can still be unequal. Owing to their economic activity, some people will appropriate, on top of their UBI, some rents that will not be taxed away. The hard workers will get more gifts than the idlers, the devout or the single-foot jumpers. If there is any inequality, it will be in favor of the Crazyes, not the Lazies. But this is justified on grounds of efficiency—the UBI must be sustainable—not of fairness.

II. EQUAL OPPORTUNITIES VERSUS RECIPROCITY

This response to van der Veen and Groot’s third point raises a more general question, which is also relevant to Rogers’ critique. Does our approach accommodate adequately our ethical intuitions regarding reciprocity? Very roughly, one could say that there are two highly appealing views about social justice, one that starts from the idea of equal opportunities and one that starts from the idea of reciprocity. The first view demands that we should try to equalize life chances and possibilities. The second view

15. van der Veen and Groot, *supra* note 3, at 160, 198.

16. *Id.* at 180-181.

17. *Id.* at 158.

18. *Id.* at 173.

19. VAN PARIJS AND VANDERBORGH, *supra* note 5, at 105.

demands that we should try to distribute benefits according to contributions. Under this second view, it is very hard to eschew the conclusion that an obligation-free basic income would be a major source of unfairness or that it would condone systemic free riding. Only adopting some version of the first view offers the hope of justifying an obligation-free basic income as an ideal, not as a second best, and as only a very imperfect tool in our messy world. Our conception of justice as real freedom for all is a particular elaboration of that first view.

Nonetheless, the notion of reciprocity has a deep ethical appeal, and any sensible comprehensive normative approach must accommodate that appeal. In our book, there are four ways in which we try to do so. Firstly, as mentioned by van der Veen and Groot,²⁰ we point out that even those who adopt the reciprocity view, or at least a plausible version of it, could be persuaded to support a modest obligation-free basic income: because of the difficulty of distinguishing being unable and being unwilling to work, because of the compelling case for not turning all useful work into paid work, and because of the importance of taking the irksomeness of work into account.²¹ This provides a set of ad hominem arguments in favor of a UBI addressed to believers in a reciprocity view of social justice: those who defend the traditional welfare state by reference to the “classic morality” of social insurance,²² cannot deny that the narrow waged-labor-based notion of reciprocity that it implements is, on reflection, ethically untenable in its own terms, if only because of its systemic bias against women.

However, such pro-UBI arguments appealing to a reciprocity-based conception of social justice that we do not share fail to show that our own moral intuitions about the relevance of reciprocity can be made consistent with our opportunity-egalitarian conception of social justice. More relevant is, secondly, the fact that equal opportunities are crucially different from equal outcomes. An equal UBI for all is not equivalent to an equal income for all: those who work or save, train or invest, can expect to get material rewards on top of their basic incomes. The net income of factory workers will exceed that of Malibu surfers, and this is as it should be. Such rewards must provide sufficiently strong incentives to secure the sustainability of the UBI, but there is no reason to suppose that these rewards should be whatever the market will pay, free of taxation. On the contrary, for these rewards to be just, they must operate against a background of equalized—or rather maximin—possibilities, which means, on our interpretation, against the background of the highest sustainable UBI.

20. van der Veen and Groot, *supra* note 3, at 171-172.

21. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 99-103.

22. Rogers, *supra* note 1, at 200-201.

This way of accommodating the rewarding of contributions is a way of honoring both personal responsibility and efficiency considerations. However, it does not amount to adopting “To each according to her contribution” or some other reciprocity-linked principle as a principle of social justice. Nor does it seem sufficient to make sense of our intuitions about the ethical standing of reciprocity. In our book²³ we try to do so, thirdly, by distinguishing distributive justice—relevant to the distribution of basic entitlements—and cooperative justice—relevant to the distribution of the burdens and benefits of specific cooperative ventures entered against the background of these basic entitlements. Distributive justice, in our view, is a matter of equalizing opportunities, while cooperative justice is a matter of reciprocity, of matching contributions and benefits. Cooperative justice so conceived provides the best interpretation of “local justice” in the case of practices as different as the preparation of the daily family meal or the organization of the annual street party, keeping the city clean or learning a common lingua franca, Wikipedia or NATO.

Van der Veen and Groot²⁴ are not happy with this distinction between two domains. And we do recognize that it raises legitimate questions. For example, is production for the market not a form of cooperation? Is the unfair distribution of the burdens and benefits of major cooperative ventures not bound to generate, or even constitute, unequal opportunities? Could basic entitlements not be distributed in a reciprocity-sensitive way, for example, as mentioned above, in the form of basic wage packages? The distinction between the distributive justice of the basic institutional structure and the cooperative justice of specific practices needs refining, and we certainly do not intend to dismiss the reciprocity objection with a “conceptual *fiat*.”²⁵ But we remain convinced that such a distinction is part of what we need to best capture our ethical intuitions in reflective equilibrium. Reciprocity is not to be dismissed or belittled. It has a place in a comprehensive conception of justice and must be given that place, but not more.

This being said, it cannot be denied that the ethics of cooperative ventures contaminates the ethics of basic entitlements, and that this feeds the moral opposition to the introduction of an obligation-free basic income. “It is unfair for able-bodied people to live off the labor of others.” This is the “widely accepted notion of justice” invoked by Jon Elster²⁶ in a passage of his critique of van der Veen and Van Parijs (1986) quoted by Rogers.²⁷ For a UBI to be widely perceived as legitimate, a Gestalt switch is needed from the paradigm of reciprocity to a paradigm of unconditional entitlements. Rogers

23. VAN PARIJS AND VANDERBORGH, *supra* note 5, at 103-04.

24. van der Veen and Groot, *supra* note 3, at 172-173.

25. *Id.* at 173.

26. Jon Elster, *Comment on van der Veen and Van Parijs*, 15 THEORY AND SOC'Y 709 (1986).

27. Rogers, *supra* note 1, at 201.

is certainly not the only one to doubt that we may see the underlying “political morality of a UBI taking root anytime soon.”²⁸ The U.S. economists’ plea for a UBI funded by a gradually increasing CO2 tax is a modest step in this direction.²⁹ But to overcome the moral resistance to the introduction of an obligation-free basic income more will be needed.

What must certainly be done, fourthly, is package its introduction in a discourse of activity and participation, not of passivity or withdrawal. For this purpose, it is important to distinguish what should guide the design of our institutions and the conduct of our personal lives. In particular, granting to all an unconditional income makes doing something useful for others, and not just for oneself, no less necessary if one is to earn other people’s respect, their esteem, and their admiration. We emphasized this in our book,³⁰ as approvingly mentioned by van der Veen and Groot.³¹ In addition, as we are not purists, we do not object to circumventing the moral resistance by going first for some sort of participation income, a universal and individual income subjected to a condition of participation that goes far beyond paid employment. The (means-tested) guaranteed minimum income schemes proposed by Chris Hughes and Ro Khanna and endorsed by Rogers³² contain such a condition. In our book,³³ we express doubts as to the viability of a participation income.³⁴ But we would certainly not reject it offhand as a possible promising next step.

III. POVERTY ALLEVIATION VERSUS REAL FREEDOM FOR ALL

Before discussing next steps more thoroughly, we briefly turn to the normative foundation of Noguera’s contribution. He states straight away that he “can only be in agreement with most of [our] normative arguments” and that he disagrees with us only on the question of the best way forward for UBI supporters “if they want to see real progress towards the effective realization of the ideals behind the proposal.”³⁵ But what are these ideals? Noguera is most explicit at the very end of his piece³⁶ when he approvingly quotes Ghatak and Maniquet (2019): “among the normative values that may

28. *Id.* at 203.

29. See *Economists’ Statement on Carbon Dividends*, WALL ST. J. (Jan. 16, 2019), <https://www.wsj.com/articles/economists-statement-on-carbon-dividends-11547682910>.

30. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 27, 214.

31. van der Veen and Groot, *supra* note 3, at 197.

32. Rogers, *supra* note 1, at 205.

33. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 211-14.

34. See CHRIS HUGHES, *FAIR SHOT: RETHINKING INEQUALITY AND HOW WE EARN* (2018). Hughes himself seems aware of the difficulty of implementing such a condition: “A more expansive definition of work [on top of jobs, childcare, eldercare, and higher education] should also include community and religious service and artistic work, although these are harder to verify” (112). He seems less aware of the perversity of a scheme with an abrupt cut-off point: “Anyone who made more than \$50,000 would not get the money, because they have enough income to make ends meet” (93).

35. Noguera, *supra* note 2, at 223.

36. *Id.* at 237.

be called for to justify redistribution policies, poverty alleviation seems to be the ultimate value to justify UBI.”³⁷ It is on this basis that he says he shares our ideal of a “full” basic income, i.e. an individual, universal and obligation-free income that is sufficient to live a dignified life. Obviously, we also care about poverty and see UBI as a way of addressing it. But we believe that “poverty alleviation,” as usually understood, cannot be the ultimate standard for three reasons.

Firstly, the most usual definitions of poverty, at least in Europe, use a threshold that is a percentage (50% or 60%) of median disposable income. Aside from the arbitrariness of the precise percentages, it suffers from the arbitrariness of the scale. It makes a huge difference to poverty rates in any particular territory whether the median disposable income deemed relevant is the municipal, regional, national, continental, or global one, even taking purchasing power into account.

Secondly, the usual measurement of poverty applies to households, with equivalence coefficients that take economies of scale into account and hence assign lower weights to the second and subsequent members of a household. Leaving out again the arbitrariness of the coefficients, this approach suffers from blindness to intrahousehold poverty and, more broadly, to the distribution of purchasing (and hence bargaining) power among its members.

Thirdly, and most fundamentally, the usual definition of poverty is all about income poverty. It is blind to the distribution of leisure, of power, of freedom of choice. This is instead at the core of our own conception of the ultimate justification for a UBI, indeed for the highest sustainable UBI. What justifies it is not the alleviation of income poverty, but real freedom for all. This distinction matters not only to the justification of the remote objective, but also, as we shall see, to the discussion of the most appropriate immediate steps.

IV. PARTIAL UBI VERSUS NEGATIVE INCOME TAX

As regards these next steps, let us gladly concede straight away to Rogers³⁸ that we are not advocating the introduction of a cash UBI as the most urgent policy in all countries at all times. There are scarce financial resources to fund competing reforms, there is scarce activist energy to fight for these reforms, and the opportunities to move forward, as shaped by the economic situation, the political power relations, and the state of public opinion, need to be seized as they come. In particular, we shall make no recommendation for the United States, where considerations of this sort may well confer a higher priority, for example, to universal child benefits or to a

37. Maitreesh Ghatak & François Maniquet, *Some Theoretical Aspects of a Universal Basic Income Proposal* 11 ANN. REV. ECON. (forthcoming 2019).

38. Rogers, *supra* note 1, at 205, 219.

truly universal health care insurance scheme. What we do want to discuss is whether, for people who regard it as meaningful to strive for a “full” or “sufficient” UBI (which includes all four of our critics, albeit sometimes under conditions unlikely to be satisfied anytime soon), a “partial” basic income, i.e. a UBI insufficient for a dignified life, can be the best way to go.

Against the background of the poverty-alleviation normative standard, Noguera argues that the best way forward is instead to stick to sufficiency, while relaxing one or more of the three unconditionalitys that define a UBI. He rightly points out that each of these unconditionalitys is a matter of degree, and that along some of them, especially obligation-freeness, some existing schemes are not far from a UBI.³⁹ His main point, however, is that the best way of making sufficiency affordable, at least in the foreseeable future, is to abandon universality and individuality. And this is indeed, he points out, what some UBI advocates do when they propose to integrate it into the personal income tax. For example, under Thomas Piketty’s influence, France’s socialist presidential candidate Benoit Hamon repackaged his proposal of a “revenu universel,” with which he had won the primaries of the left in January 2017, into what was in effect a negative income tax—a label he wisely refrained from using. He was hoping thereby to get the attention focused on the increase in the post-tax level of the minimum wage, at the cost, no doubt, of creating some confusion: How could a universal income be funded by cutting taxes? Such a household-based refundable tax credit scheme is not very different from a means-tested household-based social assistance scheme with some provisions for combining social benefits and earnings. In particular, being neither universal nor individual, it requires some form of income and household test, with the same advantage of achieving sufficiency at a lower budgetary cost, but also with the various disadvantages associated with such tests.

Our own preference as a next step was and remains for a genuine UBI, though at an “insufficient” level, with sufficiency achieved through distinct top up schemes that retain the pre-existing conditionalitys. To understand the advantages of this approach, it is essential to keep the notions of UBI and negative income tax (henceforth NIT) clearly distinct. In particular, it is crucial to retain upfront payment as one of the distinguishing features of UBI. As explained in detail in the section our book devotes to this distinction,⁴⁰ the upfront payment is not only the best remedy for non-take-up or delayed take-up. Compared to an individual NIT scheme with exactly the same profile in terms of post-tax income, a UBI, thanks to its upfront nature, has the advantage of addressing the trap created by the uncertainty of changing

39. Noguera, *supra* note 2, at 235.

40. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 32-40.

status. In a passage we quote in our book,⁴¹ this advantage is neatly explained by Thomas Piketty himself in his criticism of a NIT scheme proposed in France in the 1990s by Roger Godino. Depending on how an NIT is administered, the gap between NIT and UBI can be reduced, but as regards certainty, nothing can beat an automatic, upfront, unconditional payment. Moreover, in contrast with typically household-based NIT schemes, the individual nature of the UBI enables people (rather than the public purse) to cash in the economies of scale when they decide to share a home, and thereby encourages them to do so. And—no less important—it guarantees an own income to each member of the household.

Of course, the lower the partial basic income and the more social assistance top ups are therefore needed to achieve “sufficiency,” the less significant these various advantages. But even with a fairly modest partial basic income, more people can reasonably be expected to get out of the trap and find at least a part-time job that keeps them above “sufficiency” without needing to rely on social assistance. Moreover, the security provided by an unconditional floor, even modest and in need of being topped up, does make a difference. One of the most striking preliminary results of the Finnish basic income experiment is that the ability to concentrate and the confidence in finding a job were significantly higher in the experimental group (whose benefit of €570 had been made unconditional) than in the control group (with the same level of benefit, but means-tested and work-tested), despite the fact that 80% of the people in the experimental group kept receiving conditional top ups.⁴²

Nonetheless, we do not want to deny that keeping social assistance top ups will prevent any radical simplification. Nor do we want to downplay the problems that may arise as a result of income tax needing to be raised from the first euro or dollar earned as a result of the tax exemption of the lower tranches needing to be scrapped in order to provide part of the funding of a partial UBI. Nonetheless, the gradual increase of the unconditional floor, combined with a downward adjustment of the top ups seems to us the most promising way of moving in the direction of a “full” UBI, not least because of what its sheer existence boldly and transparently states. Introducing a UBI, even quite modest, is far more than tinkering at the margin with traditional tax and benefit systems in order to reduce bureaucracy and improve incentives. It is the uninhibited assertion of a right to a fully secure, unconditional share in a society’s wealth for every one of its members.

41. *Id.* at 261 fn 20.

42. MINISTRY OF SOCIAL AFFAIRS AND HEALTH, THE BASIC INCOME EXPERIMENT 2017–2018 IN FINLAND. PRELIMINARY RESULTS, HELSINKI 13, 22, 24 (Olli Kangas, Signe Jauhiainen, Miska Simanainen, Minna Ylikännö, eds. 2019) (hereinafter THE BASIC INCOME EXPERIMENT).

V. ECONOMICALLY SUSTAINABLE?

Van der Veen and Groot share our recommendation for a partial UBI and they sketch a model that would enable us to explore the economic conditions under which a “full” UBI could gradually come into being, consistently with the sort of technical change we can expect and a shrinking share of wages in value added.⁴³ This sort of model can be useful. But how high the highest sustainable basic income can be expected to be is massively affected by factors that cannot be captured by models of this sort. It certainly depends on the scale at which it is introduced and hence on its vulnerability to immigration—an important issue briefly touched upon by Rogers⁴⁴ and discussed at greater length in our book.⁴⁵ It also depends on the relevant society’s capacity to effectively tax the national product, to catch the rents appropriated by capital owners and workers in order to redistribute them among all. This in turn will depend on international cooperation reducing tax evasion by owners of financial capital, intellectual property rights, or human capital. It will also depend on the balance of power between capital and labor, as the rents that organized labor manages to reap away from capital are likely to be easier to capture for the general interests than those that remain trapped as capitalist profits.

We therefore welcome Rogers’ plea, in the U.S. context, for reforms that could lead to “more powerful and robust unions” that “could then push for further reforms to corporate and economic governance,” including

a guaranteed worker voice in tax and fiscal policy along the lines of European social dialogue processes. The organizations and networks that develop may well have the power to counteract capital’s political power in subsequent battles, at which point a generous UBI may become, both a plausible next step in welfare state development, and more politically realistic.⁴⁶

Certainly, one way or another, the capital owners’ capacity to appropriate a growing share of post-tax national income must be curbed in order to make a high UBI economically sustainable, and the reforms advocated by Rogers could help do that in the United States. But the argument for them cannot simply be that they “would do much more to help workers than a basic income.”⁴⁷ The interests of workers qua workers does not make sense as an ultimate normative standard. Strengthening the organized working class is not an aim in itself, but can be, if the resulting strength is properly used, an important means in the pursuit of justice as real freedom for all.

43. van der Veen and Groot, *supra* note 3, at 159.

44. Rogers, *supra* note 1, at 213.

45. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 218-26.

46. Rogers, *supra* note 1, at 221.

47. *Id.* at 221.

Whatever the analysis of the conditions under which a high UBI would be economically sustainable, there is bound to be uncertainty on this issue. As explained in our book, there is not the slightest prospect for experiments to reduce this uncertainty to any extent.⁴⁸ For example, the preliminary results of the Finnish basic income experiment suggest that making a means-tested and work-tested benefit of €570 universal (in the sense of fully combinable with earnings) and obligation-free (in the sense of not subjected to apply for or accept jobs) led to a slight increase in employment.⁴⁹ However, the income tax schedule of the people in the test group was not adjusted in the way it would need to be if the UBI was introduced for real. Moreover, the test group consisted exclusively of people unemployed at the beginning of the experiment, and the latter therefore provided no way of estimating the impact of introducing these unconditionalities on the labor supply of people at work, let alone its impact on the pay, working conditions, training, etc. offered by employers once the potential workers' incentives to say both yes and no to jobs are modified by the introduction of a lifelong UBI throughout the country.

Some of these limits are contingent, but others are intrinsic to any such experiment. The conclusion we draw from this observation, however, is not that the lack of empirical evidence about the effects of the full-scale introduction of a UBI (whatever its level) would make a reform of this type an irresponsible leap into the unknown. It is rather that one needs to move cautiously, with modest benefit levels, as was done at the time of their first steps when creating the first systems of social assistance and, later, social insurance. This definitely means benefit levels closer to the 17% of GDP per capita of the Finnish experiment than to the 39% of GDP per capita suggested by the initiators of Switzerland's June 2016 national referendum on UBI.

VI. POLITICALLY ACHIEVABLE?

Van der Veen and Groot do not invoke Jon Elster's general point, quoted by Rogers that "all we can estimate are short-term, partial, or local effects"⁵⁰ and that this makes any reform exclusively motivated by long-term general and global consequentialist considerations politically unfeasible. But they do view the resulting uncertainty about the effects of a full UBI as a major obstacle to the political feasibility of the partial UBI strategy we recommend. Because of the administrative complications it preserves and the modest degree to which it achieves the emancipatory effects claimed for a generous UBI, a partial UBI, though "inevitable," is not attractive enough in

48. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 138-40.

49. THE BASIC INCOME EXPERIMENT, *supra* note 41, at 12, Table 2.

50. Rogers, *supra* note 1, at 204.

itself.⁵¹ Therefore, “any decision to install a partial basic income that has the potential of growing into a full and fully unconditional one must be explicitly underwritten by a political platform with unwavering aspirations for the future.”⁵² But no majority can be expected to be confident that a “full” UBI will ever be sustainable, especially as the level defining “full” will keep rising. Consequently, there will never be enough political support for a partial UBI as a path in its direction.

As explained in our epilogue,⁵³ we do believe in the power of utopia, and the utopia of a world in which basic needs will be covered unconditionally, with earnings reduced to “pocket money” should help provide the energy for moving in that direction. But the fact that most may doubt that this stage will ever be reached should not stand in the way of making alliances with people, such as the economist Robert Frank, quoted extensively in our book,⁵⁴ who support a partial UBI but warn us against going beyond it. What matters is that such a partial UBI, with a level that is significant though far short of fully covering basic needs, would make a difference—for the reasons summarized above—not just as regards extreme income poverty, but also as regards the real freedom of many.

Should our faith in the political feasibility of going for a partial UBI not be challenged more seriously by the recent survey data presented by Noguera?⁵⁵ In a majority of the countries covered, there is a majority of people who declare themselves in favor of a UBI, but there are nearly everywhere more people supporting means-tested benefits than a UBI, and this is the case even among the subset of people who support UBI. In our book,⁵⁶ we warn against rash inferences from opinion polls to the political feasibility or unfeasibility of UBI. For most respondents, it is the first time in their life they hear about UBI and they are asked to make up their minds about it in a few seconds. Variations from survey to survey or from country to country are therefore more likely to be due to the framing of the question or to the connotations of the label that happens to be used to refer to the idea than to any real difference in public support on due reflection. Even if people are given substantial explanation and some time to think about it, however, there is no question that many will have difficulty making sense of distributing money to people who do not need it. In our book, we quote from A.C. Pigou’s classic treatise on welfare economics: “among practical politicians the device of universalizing grants to large categories of persons, irrespective of their individual needs, is greatly disliked.”⁵⁷ And

51. van der Veen and Groot, *supra* note 3, at 161.

52. *Id.* at 196.

53. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 246.

54. *Id.* at 210-11.

55. Noguera, *supra* note 2, at 232, Fig. 1.

56. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 172-73.

57. *Id.* at 315, note 158.

the occasional reversal of universal child benefits to means-tested provides some support for this claim.

If a UBI is to be politically achievable and sustainable, one will therefore need to explain again and again that a “programme for the poor soon becomes a poor programme,” as Richard Titmuss famously put it, or, more specifically, that paying a benefit to the rich as well as to the poor is not better for the rich but is better for the poor.⁵⁸ This claim is distinct from the Korpi-Palme thesis to the effect that universal schemes tend to provide higher levels of benefit to the poor than means-tested ones. Noguera challenges this claim by citing recent empirical studies. The most recent one, instead, lends it further support.⁵⁹ In our book we do refer to the Korpi-Palme thesis,⁶⁰ but not in order to help establish the political achievability of a UBI, but rather to suggest that universality may contribute to its political resilience once introduced. In any event, our argument is that even if universality did not consistently lead to higher levels of benefit, there would still be strong arguments in its favor.

To conclude: irrespective of the more long-term perspective, a partial UBI pitched at, say, half of the social assistance level for a couple would provide a floor on which each individual member of a society could rely on with certainty and therefore protects her against extreme poverty. It is bound to be (statically) affordable, as it simply consists in securing differently, with less perverse effects, some level of income that, in developed countries, everyone is supposed to be entitled to one way or another. And it is also bound to be (dynamically) sustainable: Does anyone believe that enlisting every able-bodied person into the work force on pain of starvation is necessary to maintain our overall level of productivity? Moreover, it is a mistake to believe that only a “full” basic income can make people “really free.” Real freedom to work and not to work, to say yes and to say no, is a matter of degree. Neither the unemployment trap nor the employment trap needs to be fully removed for many things to become possible for many people, and for our societies to move, cautiously but decisively, in the direction of more freedom and more sanity.

58. *Id.* at 17.

59. Olivier Jacques & Alain Noël, *The Case for Welfare State Universalism, or the Lasting Relevance of the Paradox of Redistribution*, 28 J. EUR. SOC. POL'Y 70–85 (2018).

60. VAN PARIJS AND VANDERBORGHT, *supra* note 5, at 214, 315 note 159.

