

Reconsidering the Reciprocity Objection to Unconditional Basic Income

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Andrew Lister

Queen's University, Canada

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Abstract: This paper reconsiders the reciprocity objection to unconditional basic income based on the idea that reciprocity is not only a duty but a limiting condition on other duties. If the objection were that unconditionality invites people to neglect contributory obligations arising from a duty of reciprocity, people could ask to opt out of eligibility for the benefit so as to avoid liability to contribution. While market failure provides a reason for mandatory participation in social insurance, it will not justify the generous (if conditional) income support egalitarians favour. To sustain the objection, we need to think of reciprocity a limit on duties of assistance and fair-sharing. In this form, the objection resists the inherited assets response, which holds that we can't have a duty reciprocate benefits we receive from nature or from previous generations.

Keywords: reciprocity; basic income; property; public goods; fair play; inheritance; contribution.

Biography: Andrew Lister is Associate Professor of Political Studies at Queen's University, Kingston, Ontario. He has been a visitor at the Center for the Study of Social Justice (University of Oxford) and the Hoover Chair for Social and Economic Ethics (Université Catholique de Louvain).

1. Introduction

Recipients of an unconditional basic income (UBI) are under no legal obligation to work, study, volunteer, care for dependents, or otherwise contribute to society, making UBI

“obligation free” (Van Parijs and Vanderborght 2017, 8). This lack of conditionality raises the much-debated question of whether UBI conflicts with reciprocity (White 1997, 2003a, 2003b, 2006, 2017; Van Parijs 1997; Widerquist 1999; McKinnon 2003; Pateman 2004, 98–103; Segall 2005; Birnbaum 2012, 65–86; Van Parijs and Vanderborght 2017, 99–113). According to Stuart White, “[p]robably the most basic ethical challenge... facing proponents of unconditional basic income... is that basic income apparently enables people to live... in ways that violate the duty of reciprocity” (White 2006, 2). However, advocates have responded that UBI does not represent the proceeds of present labour, but of natural resources and past labour (Van Parijs 1992, 11–16; Van Parijs and Vanderborght 2017, 105–7). The upshot of this argument (from inherited assets) is that the duty of reciprocity doesn’t apply, as there can be no question of giving a fair return to nature or to previous generations. The purpose of this paper is to determine whether there is a coherent reciprocity objection to UBI – not whether the objection is decisive all things considered but simply whether there is something to be said on the basis of reciprocity against unconditionality of income support.

The reciprocity objection is often presented as an objection to free-riding on the efforts of others, but in this form the objection is vulnerable to the response that people should be permitted to opt out of receiving benefits, so as to avoid the responsibility of contributing to their provision. If it were the case that those who need the good can’t provide it for themselves without making it available to others, there would be a rationale for mandatory participation. Yet income is excludable. True, protection against involuntary economic hardship will not be excludable if adverse selection undermines private

insurance markets. Yet the market failure argument for public insurance will not support the generous forms of income support egalitarians favour.

Instead of thinking of reciprocity as a duty, however, we may think of it as a limiting condition on other duties. We owe duties to others regardless of whether they have benefitted us in the past or could benefit us in the future. However, some of these duties may be conditional, at least in part, on the willingness of the other party to comply. If the right to assistance when in need and the correlative duty to provide assistance figure among these conditional moral relations then there is a *pro tanto* objection to unconditional income support, so long as other institutions are not too unjust. The objection is that a policy of unconditional support presents people with two options, neither of which is fully consistent with reciprocity: either contributing to the sustenance of some who could but choose not to help themselves, and so make themselves unable to contribute to the provision of assistance to others, or accepting assistance from others without contributing despite being able to do so. The problem with UBI, on this account, is that it makes it impossible to fulfill one's genuine but conditional duties without at the same time doing more than required for the non-compliant. Thinking of reciprocity as a limiting condition helps explain how reciprocity can be relevant to the division of natural and inherited assets. While it there can be no duty to return benefits received from nature or from the dead, reciprocity is still relevant to the design of the social institutions that determine how economic resources may be passed down from one generation to the next.

I want to underline three qualifications to this paper's endorsement of the reciprocity objection to UBI. First, the question is about conditional *vs.* unconditional income support, not income support *vs.* no income support. In a competitive economic

system, there is a reciprocity objection to the *absence* of income support (Lister 2017, 62-3). Second, for reasons the paper will explain, the reciprocity objection to unconditionality only applies in a society that is otherwise not too unjust. Third, the objection is only *pro tanto*, or other things equal; the paper does not provide an all things considered judgment on the justice or wisdom of UBI.

The paper is organized around an analysis of Stuart White's account of the reciprocity objection. Section 2 provides a first interpretation of the objection, based on the idea that reciprocity is a duty, focusing on an analogy White draws between free-riding on the provision of public goods and free-riding on a UBI. Section 3 presents a second interpretation of the objection, based on viewing reciprocity as a limiting condition. Section 4 rejects an attempt to base the objection to UBI on equality alone, without appeal to reciprocity. Section 5 responds to the inherited assets argument. Even if distributed equally, property rights are conditional on satisfaction of principles of justice. These principles are criteria for designing an ongoing cooperative scheme, and reciprocity is one of the considerations that is relevant to the design of this scheme. Section 6 compares this response White's, which draws on Gijs van Donselaar's claim that equal division can create 'parasitism.'

2. Reciprocity as a Duty

The most sophisticated and duly qualified version of the reciprocity objection to UBI is from Stuart White. The objection is premised on what White calls a "principle of reciprocity": "those who willingly enjoy a share of the social product have a corresponding obligation to make a productive contribution to the community in return" (White 2003a,

138; 2003b, 49). White's preferred version of the reciprocity principle is egalitarian (in at least the broad sense of tending to favour more equal outcomes all things considered) in three respects.

First, the obligation to contribute is scaled to ability. Those more easily able to produce will be expected to contribute more, without having a right to a greater share of the social product simply because they have greater or scarcer inherited talents. The idea is that everyone should make a reasonable effort to reciprocate the productive efforts of others, not that each should receive a share of the social surplus in strict proportion to what they contribute (White 2003b, 50-9).

Second, paid employment is not the only form of productive contribution. For work to count as contributive ("civic labour") it must provide a service to the community (White 2003b, 98). If people are willing to pay for a service, that suggests it provides value to the community (although this need not be the case, for example if transactions harm third parties). However, in many cases social needs exist without ability to pay. So long as the community has a duty of care, those who take it upon themselves to discharge this duty are making a contribution (White 2003b, 111). Thus, the work of caring for young children, the elderly, and those with long-term illnesses or disabilities counts as civic labour, as do various other forms of "approved voluntary work" (White 2003b, 170).

Third, the obligation to contribute is conditional on the society not being too unjust. Social institutions need not be fully just in order for contributive obligations to apply, but they can't be seriously unjust or, as White says, "radically unfair" (White 2017, 185). In *The Civic Minimum*, White set this threshold of minimum justice at abolishing the "proletarian condition," which consists of being trapped in poverty, insecurity, and domination (White

2003b, 78). In more recent work, he lists a series of requirements, including effective protection of due process rights, taxation of inheritance, support for care work, sufficient equality of opportunity in education and access to capital, and fairness in the structure of rewards for productive efforts (White 2017, 185-6). When a society falls short of this threshold, the contributive obligations of the disadvantaged are correspondingly reduced (White 2003b, 91). Thus, whether or not it is right to enforce contribution-requirements in an income-support system “depends on the wider fairness of the economic system,” and in this sense “(just) conditionality is conditional” (White 2017, 184-5).

Consider, then, a society that is above this minimum-justice threshold. One way to violate the principle of reciprocity in such a society is via “economic free-riding” (White 2003a, 139; cf. Farrelly 1999, 284, 289-90; Maskivker 2011, 257). The free-rider shares willingly in the consumption of a good without contributing to its production despite being capable of doing so, benefitting from the efforts of others without making a reasonable effort to benefit others in turn. White describes a case of clearly objectionable free-riding: refusing to contribute to the construction of a lighthouse in a small island nation (White 2003b, 61). Unlike the light from the lighthouse, income is both rival and excludable. Thus, in a pure market-based society without any income support policies, those who chose not to work would not be free-riding (Maskivker 2010, 262). Nonetheless, White maintains that egalitarians believe in treating income as what he calls a “shared” good.

“[I]n egalitarian pictures of the good society, the tendency is to view the whole social product as having a quality of normative non-excludability that is analogous to the excludability characteristic of public goods. The social product is, if not a public good, what we might call a shared good: a good that

everyone is presumptively entitled to share in to a more or less equal (or more or less equally needs-satisfying) extent. Every output is assumed to be in the collective pot... for all to share equally in.” (White 2003b, 61).

Thus, in an egalitarian society that does have income support, those who take from the pot without putting in when they can are allegedly free riding. In a society that is otherwise sufficiently just, the reciprocity principle generates a duty of productive contribution, an “appropriate personal productive contribution to the community” and so a “reasonable work expectation.” UBI encourages people to violate this obligation. “Payment of a UBI... would allow citizens to share in the social product without ‘doing their bit’ productively... so violating the reciprocity principle” (White 2003a, 143).

White’s argument can be interpreted in a number of ways, depending on how we characterize the good in play and the underlying principle to which the argument appeals. The first interpretation I will consider focuses on income and is based on a duty to reciprocate benefits.

- A1. Income is normatively non-excludable, in that it ought to be provided to everyone.
- A2. Receipt of income counts as a benefit that ought to be reciprocated.
- A3. Thus, all citizens have a reciprocity-based obligation to contribute, if able to do so.
- A4. Unconditionality of income support encourages people to violate this contributive obligation.

The flaw in this first interpretation of the argument is that premise 1 seems to presuppose unconditionality. Shlomi Segall turns the table on White by arguing that only if income is

provided unconditionally is it analogous to a public good (Segall 2005, 339). Segall concedes that when income is provided unconditionally a duty of contribution arises, but points out that this duty can't be used to defeat unconditionality if it presupposes unconditionality.

The solution to this first objection is to modify our account of the good in play. What is normatively non-excludable is not income as such, but "reasonable access" to income (White 2003b, 138), which provides protection against involuntary economic hardship. Thus premises 1 and 2 need to be reformulated:

A1*. Access to income is normatively non-excludable, in that everyone must be able to obtain an income even if not able to provide it for themselves.

A2*. The protection against involuntary economic hardship provided by this access to income counts as a benefit that ought to be reciprocated.

Premises 3 and 4 then complete the argument; having received this protection, individuals have a reciprocity-based duty to contribute to its provision, which unconditionality of income support undermines.

This revised version of our first, duty-based interpretation of the argument faces a different problem, which is to explain why individuals can't opt out of receiving the benefit so as to avoid the duty to contribute. If I have been on income support and am accused of free-riding, I may point out if I hadn't accepted this support (if, for example, I had refused to cash my monthly cheques) I would still have been required to contribute to provision of this protection for others, were my income to rise above a certain level, in the form of the extra taxation required to fund the income support program. Why can't I opt out of eligibility for the benefit, so as to avoid liability to contributing to its provision? In

principle, income support could be conditional on having signed up for the scheme (or on not having opted out), as well as being conditional on willingness to work. In this case, income support would be like private insurance.¹ In contrast, the income support system White envisages involves mandatory participation.

The standard rationale for mandatory participation rests on the fact of non-excludability, in the technological sense that characterizes conventional public goods. H.L.A. Hart argued that when people limit their liberty by accepting rules in a way that benefits others, those who have voluntarily accepted these benefits have a duty to submit to these rules as well, even if they never explicitly agreed or promised to do so (Hart 1955, 183–5). Rawls made explicit that the duty applied when the benefits of cooperation are “free,” i.e. non-excludable, and so available whether or not others do their part in creating them (Rawls 1999b, 122). I have an enforceable duty to provide a fair return on benefits conferred upon me by others only when others can’t produce the benefit for themselves without making it easily available to everyone. The duty of fair play can thus be seen as resting on restricted duty of reciprocity.²

¹ The double conditionality of ordinary insurance schemes answers Segall’s puzzlement about how access to income can be conditional, if the idea of *access* is already conditional; Segall (Cf. 2005, 340). With private unemployment insurance, for example, receipt of a payout is conditional both on having purchased the insurance and on being available for work.

² Segall goes so far as to deny that reciprocity plays any fundamental role in White’s argument, arguing that it simply indicates that one’s share of the fruits of cooperation

The restriction to non-excludable goods is crucial to justify the duty of reciprocity. Any time someone is asked to return a benefit, they may say “ok, but next time don’t confer the benefit on me, because I would prefer not to contribute, and in any case I’d prefer that the decision be up to me.” If the benefit is minor and primarily expressive (as in the case of holding the door open for someone) it would be churlish to object that one never agreed to reciprocate. Not just any receipt of a benefit can trigger the duty to respond in kind, however. If I decide to exercise by throwing books through your window you don’t owe me payment (Nozick 1974, 95). The situation would be different if I couldn’t read the book without also providing it to you, and if reading the book were generally essential to people’s wellbeing. That’s the case with the lighthouse; the benefit is essential, and there is no way to target it more narrowly. Under these conditions, it’s plausible that everyone must contribute, even if they didn’t explicitly agree and can’t easily avoid the benefit, and even if they don’t benefit net of contribution. When someone complains that they would prefer not to purchase the good at that price, our response is that we have no way of excluding them short of denying the benefit to everyone who needs it (Moller 2019, 76). This response is not available if the good in question is excludable. To justify denying people the choice of opting out, we need to be able to argue that we must provide the benefit to everyone if we are to provide it to anyone.

should be appropriately scaled to one’s contributions, making reciprocity “completely parasitic” on principles of distributive justice; Segall (2005, 337). However, the duty of fair play can be understood as a specific instance of a more general norm of reciprocity, which is a duty to make an appropriate return on benefits received; Gouldner (1960).

There is a case for thinking that protection against involuntary economic hardship is non-excludable in the conventional sense (technological rather than normative), because information asymmetries and adverse selection can lead to failure of insurance markets. However, this argument (from market failure) won't justify the kind of income support scheme that White and other egalitarians think just.

As Joe Heath has argued, many government-run social insurance programs have a public good character, and an efficiency rationale, because (1) there are large gains to be had from pooling risks, and (2) individuals may not be able to pool risk on a purely voluntary basis (Heath 2001, 181–9; 2006, 322–4, 332–4; 2009, 93–95, 121–41). If I save to protect myself against a given risk (e.g. losing my job, or living too long after I can no longer work) uncertainty means that I am likely to save either too much (if I never lose my job, or if I die young) or too little (if I am out of work for a long time, or if I live longer than expected). But if each of the members of a large group save the amount the average member of the group would need, the law of large numbers makes it very likely that group as a whole will save the required amount. By pooling our savings and agreeing to pay out to whichever of us suffers the hardship, we can each contribute the average while ensuring that no one ends up penniless due to unemployment or long life.

So far, all this argument establishes is the rationality of risk-pooling, not that those who wish to pool risks are justified in forcing participation on those who do not. Dan Moller offers the example of four poor and sickly individuals who want to force a fifth rich and healthy individual to participate in a social insurance system. The four need to be able to argue that permitting non-participation imposes a burden on them, apart from the 'burden' of not being able to get a hold of the unwilling participant's money. Moller

concludes that the insurance argument for a welfare state doesn't rest on objections to free riding, but is simply a form of "unfair burden-shifting" (Moller 2019, 80).

However, given asymmetries of information between consumers and providers of insurance, adverse selection may lead to market failure (Heath 2009, 93, 137; Akerlof 1970). Since consumers of insurance are more likely to be able to anticipate their likelihood of needing it than are providers, those with greater need will want to purchase more insurance. Knowing this, but not knowing exactly who these riskier-than-expected consumers are, insurers are forced to raise their prices for everyone, which drives the less risky subjects out of the pool, requiring even higher prices to cover increased costs, potentially setting up a death-spiral. The solution is to have one public insurance provider and to force everyone to participate in the same scheme. By pooling the risk over the entire population, we avoid the problem of those with private information about their level of risk choosing to opt out or in.

If the good in question is protection against involuntary economic hardship, we can reformulate the duty-based interpretation of the reciprocity objection to UBI.

A1**. Because of private information and adverse selection, protection against involuntary economic hardship is technologically non-excludable.

A2**. Therefore, receipt of protection from involuntary economic hardship counts as a benefit that ought to be reciprocated.

The rest of the argument follows as before; individuals have a duty to contribute (3), which is undermined by unconditionality (4). This argument justifies income support and other forms of social insurance on grounds of mutual benefit, with fairness relevant primarily because individuals ought to pay for the benefits they receive, rather than exploiting the

fact that the good in question is public in order to free ride. However, the argument will not justify the level of income support egalitarians consider just.

Although social insurance schemes have an efficiency rationale, governments typically run such schemes in a way that is redistributive, by charging non-actuarial premiums (Heath 2009, 290–1). Were a private scheme of insurance against sickness and unemployment feasible, insurers would tailor the premiums they charge to the level of risk that a given individual adds to the pool, to the extent this can be ascertained. With social insurance, however, governments tend to ignore information about individual risk, charging people not based on the expected loss they represent, but based on their income. Providing insurance to everyone based on revenues funded by a progressive tax system “greatly enhances equality, while imposing very little in the way of a tradeoff with efficiency” (Heath 2009, 291). In other words, if one wants to engage in egalitarian redistribution, it’s efficient to build it into an insurance scheme justified by universal benefit. However, this piggybacking of redistribution on efficiency can’t be justified by efficiency alone.

All individuals need protection against economic hardship, but their needs vary considerably, depending on where and to whom they were born. If I have been born with a lot of relatively scarce talents and enjoyed good conditions of development in childhood and adolescence that have allowed me to develop these talents, I will be less in need of protection against economic hardship than is someone less fortunate than myself (just as in Moller’s case the healthy individual is less in need of pooling risk of sickness than are the four sickly individuals). Still, justice requires that I contribute to a generous income support scheme, not because I must pay for benefits that *I* receive, but on the grounds that I

have a duty to help create and then to comply with the rules of just institutions, whether or not I benefit from these institutions as compared to less extensive or less just institutions. If justice is what is at stake, the relevant question is not whether I benefit, given where and to whom I was born, but whether if I didn't know to whom or where I was going to be born I would have reason to design institutions in that way.

White's vision of a just society is one in which there is a guarantee of access to a decent income for all, regardless of ability but not willingness to contribute. Such a scheme can't be justified on the grounds that insurance against risk of economic hardship can only be provided to some if it is provided to all. Therefore, it can't be fully justified on grounds of fair play, with its underlying duty to reciprocate benefits that others have no choice but to make available to all if they want to enjoy these benefits themselves.

3. Reciprocity as a Limiting Condition

The first interpretation of White's argument rested on a duty to benefit those from whom one has received benefits. We need not think of reciprocity as a duty, however. We can instead think of it as a limiting condition on other duties, general duties not dependent on prior receipt of benefits.³

³ The next four paragraphs draw on Lister (2019), 9-12. The idea of a reciprocity condition on duties of justice can be found in Rawls, though his acceptance of such a limitation is camouflaged by his focus on a well-ordered society, whose members act in accordance with just rules "for the most part" Rawls (1999a, 4). Jiwei Ci emphasizes the conditionality of duties of justice, though he seems to count all duties of justice as conditional, and I

We think of reciprocity as a duty when we hold that if you ϕ with respect to me then I have a duty to ϕ with respect to you. Instead of benefitting you because you benefitted me in the past, however, I may benefit you because you are in need and I am in a position to assist but on condition that you would do likewise, in my position, or on condition that I don't have sufficient reason to suspect that you wouldn't. Because of the counterfactual aspect of the condition, making a duty conditional on reciprocity does not reduce morality to self-interest. My duty to you to ϕ is conditional on your being willing to ϕ for me or for others should you find yourself in the circumstances in which the duty applies, but these circumstances may never arise. I may know that I will never see you again, but my duty to you is still binding, so long as I don't have sufficient reason to doubt that you would fulfill the similar duty were our positions reversed. The reciprocity condition is about mutual acceptance of obligation, not about the capacity to confer or withhold benefits. True, the distance between an instrumental and a non-instrumental interpretation of reciprocity shrinks if we adopt the stingy (Hobbesian) view that any plausible doubts about your willingness to comply void my duty to you. More generously, however, the reciprocity condition might be that only strong evidence of your unwillingness to comply is sufficient to void my duty. 'Sufficient' could even mean that I have good evidence of past noncompliance, not just suspicions of future noncompliance.

The main rationale for a reciprocity condition is that duties are owed *to* other people, and that I can't owe it *to you* to do something for you would never do for me. In

think his interest-protection account underplays the relational basis of these conditions; Ci (2006).

other words, directed duties⁴ cannot be entirely unconditional. To continue to assist or share fairly with you when you refuse to do likewise with me would be to treat myself simply as means for satisfying your needs. As White argues, “[s]caling down one’s efforts on the non-reciprocator’s behalf can then be understood as an assertion of one’s own dignity (‘I am not a doormat’),” and indirectly an affirmation of the dignity of others (White 2003b, 65). This rationale for a reciprocity condition will be strengthened if we think of justice as being fundamentally relational or second-personal (Anderson 1999, 2010; Scheffler 2003), since we ordinarily think of valuable relationships as being mutual or bi-directional.

At the same time, some duties are not conditional on reciprocity, because the rights from which they arise cannot be forfeited. David Miller offers the examples of the right to life and the right to have one’s guilt or innocence determined by fair procedures (Miller 2014, 30–33). The right not to be treated as someone else’s property is another; contra Locke, one cannot enslave anyone, even those who have waged unjust war or enslaved others. We might think that the right to be rescued when in immediate danger of dying is similarly unconditional.

We can understand this lack of conditionality in one or both of two ways. First, I might owe it to you never to give up on you entirely; no matter how badly you have behaved, I owe it to you not to foreclose the possibility of you reintegrating into the moral

⁴ The idea of a directed duty is meant to distinguish the duty I owe *to* one or more persons from the all things considered duty I have to do the right thing; see May (2015), citing Thomson (1990).

community. Something like this may be behind the idea that the right to life cannot be forfeited. I need not think that I owe you something you could never owe me, as would be the case if I were your inferior. I might instead think that we each owe this to the other unconditionally.

Second, even if we insist that directed duties must be conditional, and so conclude that I don't owe it *to you* to save you if you'd never save me, I might owe it to others to save you. It is important to the "quality of everyday life" that everyone know that if they find themselves in trouble, others will come to their aid (Rawls 1999a, 298). Normally in cases of rescue we won't have good information about how the party in danger would behave, were circumstances reversed, and because danger is imminent, there is little time to find out. If my duty to rescue you were conditional on my being confident you would rescue me, lack of information might lead me not to perform, which would in turn lower others' confidence. The duty of rescue is thus an example of a multilateral or overlapping duty, in which A's duty to rescue B is owed to both B and C, such that B's unwillingness to reciprocate only voids A's duty to B, not to C, and so doesn't void A's all-things-considered duty to rescue B.

The question is whether these two rationales extend to duties of assistance and distributive justice more generally, beyond cases of rescue. The reciprocity objection assumes they do not. We do have duties to assist and share fairly with one another, but they are conditional, at least to some extent, on reciprocity, rather than being entirely unilateral. I don't owe it to you to keep helping you out, if you refuse to make an effort to help yourself.

This clarification about the partial conditionality of the moral right to income allows us to formulate a second interpretation of White's argument:

- B1. Everyone has a right to a decent income even if they aren't able to generate it themselves, but it can be limited by failure to comply with one's duties.
- B2. This right implies a corresponding duty to help provide an income those in need, for those able to do so, but the duty is conditional on reciprocity. There is no a duty to support those able but unwilling to make an effort to support themselves (who are therefore also unable to help shoulder the burden of helping others).
- B3. Unconditionality of income support presents people with the choice of doing either more or less than their conditional duties of justice require.

The objection to UBI, on this account – other things equal, in a society that is not otherwise too unjust – is that the options it creates make it impossible to fulfill one's genuine duties to others without doing more than is required for those unwilling to comply with their duties. True, no one is forced to contribute, since anyone could elect not to work, and live off the basic income (assuming enough people do choose to work, so that the basic income is high enough for people to survive). Nor is anyone forced to live off of the labour of others, since anyone could choose to work, so long as work is available (Widerquist 1999, 395; Van der Veen and Van Parijs 1986, 726). But there is no way to achieve both goals simultaneously. Either one works and so assists some who choose not to contribute, or one doesn't work, in which case one benefits without contributing, doing either more or less than one's conditional duties require. Thus, the set of options the policy makes available is inconsistent with reciprocity.

4. Equality instead of Reciprocity?

It might be objected that we don't need to appeal to reciprocity, in order to show that unconditionality is unfair (other things equal), because equality is sufficient. The right to income is an equal claim-right that implies corresponding duties. If A has a right to income despite being unable to contribute to its provision, then some B who *is* able has a duty to help provide this income. But of course B has the same rights as A. Neither A nor B's right to income can be unconditional, it seems, if each also has the correlative duty to help provide income. Thus it may seem possible to reject unconditionality on the basis of equality alone, without going by way of reciprocity.

White is explicit that his argument is meant to rest on reciprocity, not simply equality (White 2003b, 68-71). However, some passages could be interpreted without reference to reciprocity.

"Imagine, for example, that we institute a 'social right' assuring all citizens of a decent minimum of income. If, as a citizen, I accept that there is such a right – and that it is an equal right held by all citizens, not merely a privilege peculiar to me – then I must also accept that each citizen, myself included, has a correlative obligation to help sustain that scheme that will assure citizens of this level of income. I cannot in all consistency will the one without willing the other. If assuring citizens of this level of (real) income requires that work be done, then, as part of my obligation to help sustain the scheme for assuring citizens of this income, I surely have a *prima facie* obligation to share in this

work. I free-ride if I continue to claim the benefits of this scheme without accepting and acting upon this obligation” (White 2003a, 140).

On this account, White’s argument would have the following structure.

- C1. Everyone has a right to a decent income even when they aren’t able to generate it themselves.
- C2. This right implies a corresponding duty to contribute, on the part of able to do so.
- C3. Unconditionality of income support encourages people to violate this contributive obligation [= A4].

As it stands, however, the first premise is ambiguous as to whether or to what extent the right in premise 1 is forfeitable. Can I lose my right to income if I don’t live up to my obligations? If the answer is ‘no, the right can’t be lost or limited by misconduct’, then each of us would have a duty to help the other regardless of whether the other would fulfill the same duty with respect to them. The duty of assistance would in this case not be conditional on reciprocity. In contrast, if the right can be forfeited or limited in case of unwillingness to comply – that is, if C1 must be construed as B1 – then the associated duty will be conditional on reciprocity. In short, the appeal to equality will not by itself generate the requisite objection to unconditionality; we need the idea of a reciprocity condition on (some) duties of justice.

Articulating the idea of a reciprocity condition also helps motivate one of the distinctive features of White’s view. I noted at the outset that his reciprocity principle is egalitarian in number of respects, one of which was that the demand for reciprocity only applies once a society reaches a minimum threshold of justice. The idea that just conditionality is itself conditional makes sense if we think in terms of reciprocity

conditions on duties. I can't insist on you being willing to fulfill duty 1 with respect to me as condition on my fulfilling duty 1 with respect to you, if in the past I have neglected duties 2, 3, and 4 to you (Lister 2019, 9). Yet that is the scenario, if some citizens are unjustly relegated to a position of social and economic inferiority and powerlessness. That's also why it's only with respect to those seriously wronged that the expectation of contribution ceases to apply. There is of course room for dispute about what justice requires of surrounding social institutions; those who have non-egalitarian views will disagree with White's judgment that "a substantial amount of conditionality in the contemporary UK is likely to be unjust" (White 2017, 186). The existence of a threshold below which demands for reciprocity cease to apply is not simply an egalitarian preference, however; it's a structural feature of any view that holds that duties can be subject to reciprocity conditions.

5. The Argument from Inherited Assets

The claim that UBI forces people to choose between benefitting non-reciprocators and benefitting without reciprocating (B3) assumes that those receiving support without working (volunteering, caring for children, etc.) aren't contributing anything. Yet even those who don't engage in socially productive activity *are* contributing something, it can be argued, which is their rightful share of inherited resources. UBI doesn't involve some giving to others who give nothing in return. Instead it involves sharing (somewhat) more fairly the undeserved inheritance we receive from nature and from previous generations.

According to Van Parijs and Vanderborght, the idea that “it is unfair for able-bodied people to live off the labor of others” (Elster 1986, 719) rests on a notion of justice as reciprocity that applies in the context of “cooperative” justice – “a characterization of the fair allocation of benefits and burdens of cooperation between participants in some cooperative venture” (Van Parijs and Vanderborght 2017, 103; c.f. Rawls’s definition of distributive justice; Rawls 1999a, 4). Yet the fruits of nature were not generated by cooperation, while the fruits of past generations’ labour were generated by cooperation of the dead amongst themselves. From our point of view both natural resources and the product of past labour are pure gifts. The argument from inherited assets therefore appeals to “distributive” justice – “a characterization of the just distribution of entitlements to resources among the members of a society” (Van Parijs and Vanderborght 2017, 103). We are not dividing a cooperative surplus among contributors, but what is effectively manna from heaven among those who have no prior moral claims (cf. Rawls on “allocative justice”; Rawls 1999a, 76–77). The UBI is the cash equivalent of each person’s tradeable share of inherited wealth (White 1997, 315).

I accept that much of our income is akin to a gift from nature and previous generations, not a share of the labour of our fellow citizens. It is important to insist that none of us did anything to merit or earn this inheritance, no more than we did anything to deserve the various potentialities with which we were born, or their scarcity relative to public demand for particular goods and services. I think that recognizing these facts tends to support egalitarian philosophies (though classical liberals such as Friedrich Hayek and Milton Friedman recognized these facts too; Lister 2018, 37-42). What I want to question is whether we can use the fact that some significant portion of our income is inherited to

vitiates the reciprocity objection. Reciprocity seems to be irrelevant to the division of inherited assets when we conceive of reciprocity as a duty, because we can't be required to return benefits to nature or to the dead.⁵ If we conceive of reciprocity as a limit on other duties, however, the fact that a resource was not created by someone currently alive presents no obstacle to our thinking that reciprocity is relevant, not so much to its division as to the rules that govern its ownership and exchange.

The inherited assets argument moves from the premise that each person is entitled to an equal share of external capital to the conclusion that each person is entitled to an unconditional income equivalent to the rental value of an equal share of this capital.⁶ If the

⁵ As White explains, in his account of the inherited assets argument, “[t]he reciprocity principle does not apply because we are talking about resources that exist prior to or independently of the labour efforts of one’s fellow citizens, not about the distribution of the labour products of one’s fellow citizens” (White 2006, 8). Perhaps we can pay it forward, however, satisfying the spirit of responding in kind even if we can’t respond in kind to our benefactors. This objection would appeal to the idea generalized reciprocity, where A benefits B, who in turn benefits C... except that in this case the flow of time would prevent the circle from ever being closed. I want to make a different point, which is that we should not think of reciprocity only as a duty, since it can also be a limit on other duties.

⁶ In White’s 1997 presentation of the argument, the key move is from “P2 Each person is entitled to an equal share of available external wealth” to “P3 Each person is entitled to an

original right to capital were unconditional, then the reciprocity objection would indeed evaporate; there would no more be a reciprocity objection to surfers receiving such income than there is to owners of anything being paid when in exchange they relinquish title. However, I don't think we should be so quick to grant unconditional property rights even if equally distributed, for reasons familiar from the response to Nozick's argument that liberty upsets patterns (see, for example Ryan 1977). When Nozick invites us to pick whatever distribution we deem just (Nozick 1974, 160–4), the proper response is to ask, "distribution of what?" What rights and duties are involved in the holdings whose distribution is in question? Are owners of property subject to taxation, and if so for what purposes? Presumably taxation for police services is legitimate, so what about taxation in order to pay for public education? Believers in a principle of fair equality of opportunity will maintain that no distribution of property rights is just – not even if perfectly equal – if the rights in question are immune from taxation necessary to ensure that children's chances are roughly equal regardless of where in society they are born.

The question of what rights to property do and do not include is one that must be settled by appeal to principles of justice, which are principles for designing an ongoing cooperative scheme. The question of how we should distribute what we inherit from the past is badly framed if we think of it as a one-time decision about a lump of manna that fell to earth. We are deciding about the rules of a social system that will determine how the fruits of past labour and resources will be passed down to the current and subsequent

unconditional income equal to the value of a per capita share of available external wealth;" White (1997, 314).

generations, influencing the economic decisions people make, and so what property they accumulate. The first criteria for designing such institutions are principles of distributive justice in Rawls's sense, i.e. principles for assessing and reforming the rules of a cooperative arrangement.⁷

Consider the issue of whether or to what extent the right of bequest is part of private property rights. Libertarians sometimes claim that the right to own something necessarily includes the right to pass it on after death (Rothbard 2006, 28). When I give something away, however, I deprive myself of its use and control, transferring my rights to someone else, and taking on corresponding duties. In contrast, with bequest, I don't give up any rights, and I don't take on any duties (Steiner 1994, 249–62). I get to decide who gets the thing in question after I am dead and gone and can't use it anyway. Why should ownership include this right, when we might instead stipulate that after one's death property reverts to the collectivity? There are plausible answers to this question. A

⁷ I take it that institutions are the primary but not the only subject of justice, in part because there is a duty to create institutions that don't yet exist, if they are necessary for just interaction; Ronzoni (2009, 230-1). Thus I do not accept the 'practice-dependent' view that an existing social practice is necessary for principles of justice to have any application; cf. James (2005, 295). The creative aspect of the duty of justice is unilateral (not conditional on reciprocity), though for that reason the costs it can impose are limited, whereas the duty to comply with institutional rules is not subject to a demandingness constraint, in part at least because this duty is *not* unilateral, but assumes a certain level of compliance on the part of others.

particular piece of land, or a house, can have special significance for family members. The possibility of passing on wealth may create incentives that can be made to benefit the worst off. Thus some limited rights of inheritance may be justified. Whether or not this is so depends on principles of justice (as well as various empirical facts). These principles do not tell us how to divide a given lump of resources, but how to design a system of property rights, as part of an ongoing scheme of cooperation. On a Rawlsian account, this scheme ought to protect basic liberties, secure fair equality of opportunity, and engender inequalities between social positions only to the extent that these inequalities raise the lowest position. If basic institutions meet these standards, and someone can accumulate property sufficient to live off without working – or if the person can persuade someone else to take care of them – then they have the right to do so. There is no exceptionless duty to work, but also no unconditional property rights. No one has an unconditional right to the income derivable from a per capita share of external assets; all property rights are limited by and conditional on the policies necessary to ensure satisfaction of the principles of justice.⁸ Thus when working out whether UBI is justified, we need to consider the policy's

⁸ In saying that all property rights are conditional on satisfaction of principles of justice, I do not mean to say that we are free to disregard property rights unless the system of such rights is perfectly just. I assume that property rights can be legitimate even if somewhat unjust. Rather, the claim is that property rights can be fully just only if a variety of conditions are fulfilled, conditions that limit the nature and extent of people's claims to property.

pros and cons given the full range of principles of justice, as opposed to deriving the policy directly from a right to an equal share of inherited assets.

To illustrate how this justification might proceed, suppose we accept Van Parijs's 'real freedom' interpretation of the difference principle. On this view, we are striving to maximize the range of effective options enjoyed by the representative member of the social position with the fewest options (where an option is "effective" if is one has the means to choose it without risking disaster). This positional account of the difference principle makes it friendlier to common sense views about responsibility than it is normally taken to be (Van Parijs 2003). We needn't maximize the real freedom of the person who is least willing to make an effort to help themselves, but we must be concerned about the real freedom of the person who is willing to contribute but suffers bad luck, and find themselves involuntarily unemployed, or suffers some other involuntary economic hardship. If governments had perfect, costless information, some kind of conditional income support scheme might be optimal, e.g. a "participation income," receipt of which is conditional on involvement in a socially useful activity such as work or education, training, or caring for someone who lacks autonomy (Atkinson 1996; cf. White 2003b, 170). Yet bureaucracies inevitably work with incomplete information, and to get more information they must spend more money and make further inquiries into people's personal circumstances. Conditional schemes will either be expensive or unjust, and probably both (Wispelaere and Stirton 2007). The case for UBI in an otherwise just society rests on balancing such considerations.

One might argue that an unconditional income is one of the basic rights and liberties covered by the first principle of justice, prior to considering the difference principle. Van Parijs and Vanderborght seem unwilling to go in this direction, however.

“Appealing to a conception of distributive justice in order to justify a basic income is quite different from claiming that the right to a basic income is a human right. The latter claim rests on a confusion between an unconditional right to an income and a right to an unconditional income” (Van Parijs and Vanderborght 2017, 104 note 18).

I take this passage to mean that Van Parijs and Vanderborght are justifying UBI on the ground that it helps maximin real freedom, not on the ground it is a basic liberty or human right. The policy to be justified is a legal right that is unconditional, but what is doing the justifying is not an unconditional (inalienable and unforfeitable) moral right. This seems to me the right approach. UBI may in fact be necessary to ensure that the range of opportunities available to the representative person born into the least advantaged social position is as big as it can be. However, I take this principle to be a criterion for designing an ongoing cooperative scheme, and I think reciprocity is one of the considerations relevant to the design of this scheme.

I do not deny that justice may require UBI, all things considered. I merely wish to insist that reciprocity is one thing to consider, and that it does speak against unconditionality of income support, in one respect, in a society that is otherwise not too unjust. I acknowledge that in an unjust society, UBI may counteract other injustices, e.g. men’s free-riding on the domestic labour of women (Pateman 2004, 98-103). Thus whether or not people support or oppose UBI today may be related less to their views about reciprocity than about their views about the broader requirements of social justice. Those who think present societies deeply unjust will hold that, having failed in our duties towards the least advantaged, we can’t then demand assurance of reciprocity as a condition for

fulfillment of our duties to them. Those who think present societies roughly just will think it appropriate to demand reciprocity. Of course, some may think society unjust in the other direction. Apart from such disagreements, however, people seem to vary in the extent to which they think the demands of justice are unilaterally binding, instead of depending on the compliance of others (cf. Murphy 1993, 267). In other words, wherever they place present societies in the dimension of justice, people also disagree about how conditional justice is.

6. Reciprocity and 'Parasitism'

In this section I consider how my response to the inherited assets argument compares to White's response. White builds on Gijs van Donselaar's claim that equal division of a resource can create 'parasitism' (White 2006, 8–13). van Donselaar defines parasitism as any relation that makes A better off than if B were absent while making B worse off than if A were absent (Donselaar 2009, 4). In other words, A gains while B loses compared to non-interaction. Suppose that there are 8 cookies, and that were he alone Older brother would eat 6 of them before becoming full, while were he alone Younger brother would eat 2 before becoming full. Dividing the cookies 4 - 4 creates scarcity that wouldn't otherwise exist, making their relationship parasitic. Younger's only reason for claiming cookies 3 and 4 would be to deny them to Older, so that Older will have to pay Younger for them; van Donselaar calls this "usurpation." van Donselaar applies the same reasoning to the division of the resources that fund UBI. People differ in their preferences over leisure and the products of labour. Suppose that as in Dworkin's auction, A and B wash ashore on a deserted island, and that if A had washed up alone, A would work 3/4 of the

island (having a relatively strong preference for the products of labour rather than leisure) whereas if B had washed up alone, B would work on 1/4 of the island (having a relatively stronger preference for leisure).⁹ Splitting the land into equal tradeable shares makes B better off and A worse off because of the other's existence, making their relationship parasitic. B's only use for the extra quarter of land is to deny it to A so as to extract a payment for its use (Donselaar 2009, 119–23).

van Donselaar's claim that equal division can create parasitism provides a powerful response to the inherited assets argument, albeit one with a significant limitation. When people's only independent interests are to use resources for production, resources should not be divided equally but in proportion to people's desires to labour on them, up to the point at which these desires conflict. van Donselaar's argument thus supports what White calls "labourist" as opposed to "unconditional" division (White 2006, 11). However, many resources have non-productive uses (Widerquist 2006, 451–2; White 2006, 12–13). Land can be used for walks and picnics and nature reserves, as well as for planting crops and strip mining. Once we allow that people's independent interests in resources include non-productive uses, it becomes much more likely that resources will be subject to conflicting claims, in which case usurpation will be impossible, since both parties will want more than half, and both will be worse off than if the other didn't exist.¹⁰ White concludes that multi-

⁹ This is case B in van Donselaar's analysis; Donselaar (2009, 113)

¹⁰ It is possible for a relation to be 'parasitic' even if the resource is scarce, and no party's claims involve usurpation, if some parties independently want more than an equal share and others less or no more than an equal share. For example, if Allan would

use resources such as land should be subject to unconditional division, while more narrowly productive resources such as ‘job assets’ should be subject to labourist division (White 2006, 13). Jobs can be a scarce asset because of phenomena such as efficiency wages, where employers pay above-market wages, e.g. to deter shirking and to reduce turnover (perhaps assuming some degree of motivation by reciprocity on the part of workers). The result is that the market for labour will not clear, leaving some people out of

independently use $\frac{3}{4}$ of the island and Betty $\frac{1}{2}$, the land is scarce (unlike in the scenario above, where A and B’s independent wishes totaled to exactly 100% of the island). When Betty claims her full half, she is not usurping because were Allan not present she would still work half the island. Nonetheless, Allan’s presence benefits Betty (if Allan is willing to rent some of the land for more than it’s worth Betty to work it herself), while Betty’s presence worsens Allan’s situation (since Allan now has to pay get access to the last quarter of land he wants). van Donselaar calls this case “usury;” Donselaar (2009, 134–8). With usurpation, one party is claiming a resource solely for the purpose of denying it to someone else so that the other party can be made to pay them for using it. With usury, both parties have an independent interest in the resource; it’s just a question of what the fair division is. Each should presumably be able to take what they independently want up until their claims conflict, at which point the remainder should be split 50-50. Thus in this case Allan could take $\frac{1}{2}$ before his independent interests clash with Betty’s (since she independently wants $\frac{1}{2}$), while Betty could take $\frac{1}{4}$ (since Allan wants $\frac{3}{4}$). Dividing the remaining quarter equally would give Allan $\frac{4}{8} + \frac{1}{8} = \frac{5}{8}$ and Betty $\frac{2}{8} + \frac{1}{8} = \frac{3}{8}$.

work. Van Parijs argued that the resulting employment rents should be counted as part of the financial base of a UBI (Parijs 1995, 89–132). White rejects this claim on the grounds that the resource in question – the opportunity to labour – does not have non-productive uses. Those who can't find work certainly merit compensation, but those who don't wish to labour can't claim a share of the opportunity to labour, if they are doing so only for the sake of denying it to others so as to induce payment.

One apparent problem with appealing to parasitism to block to the inherited assets argument is that there isn't necessarily anything wrong with parasitism as van Donselaar defines it. What's lacking in parasitic relations is meant to be “an element of ‘reciprocity’,” in that “[s]ome gain through others while the others lose out” (Donselaar 2009, 4–5). Yet there need not be any lack of reciprocity when someone is incapable of producing, or of producing more than they consume. Reciprocity is lacking when someone fails in their duties with respect to people who respect duties towards them, not whenever someone fails to make a net contribution. With this amendment, however – defining parasitism relative to performance of duty rather than benefit from interaction – the creation of parasitism is a legitimate concern.

My objection to White's use of Donselaarian parasitism to respond to the inherited assets argument is that the response concedes that for multi-use resources, unconditional division is the appropriate standard. Although factory-time has to be divided in accordance with independent desires to labour, land should be divided equally without regard to labour. Reciprocity is only relevant, it seems, to those resources whose only possible use is productive, as in the case of the factory. I think that's wrong; I think reciprocity is relevant, even where resources have multiple productive and nonproductive uses. Reciprocity is

relevant to the design of the system of institutions that govern the ownership, production, and exchange of all resources. Again, no property rights are unconditional; all depend on the satisfaction of principles of justice. We can't justify unconditionality of income support on the basis of the claim that each person's right to an equal share of land is similarly unconditional, not unless we are prepared to defend the claim that such an unconditional right is indeed one of our basic liberties, on a par with freedom of conscience and the right to vote. That's not obvious, and it is not Van Parijs and Vanderborght's official argument, despite their appeal to inherited assets to block the reciprocity objection.

7. Conclusion

In this paper I hope to have accomplished two goals. First, I have reformulated the reciprocity objection to UBI in order to avoid a problem that arises due to the fact that income is not a conventionally public good. Conditionality can't be grounded in a duty of reciprocity because individuals ought to be free to refuse excludable benefits so as not to have to reciprocate. Instead of thinking of reciprocity as a duty, I suggested that we should think of it as a limit on other duties. Everyone has a moral right to a decent income even if they are not able to make an economic contribution, but not if they are unwilling. From this perspective, the objection to UBI is that the options it makes available involve doing either more or less than one's partly conditional duties of justice require. Whether or not this objection applies, however, depends on how just the society in question is in other respects, and even where it does apply the objection needs to be weighed against other considerations.

Secondly, I have argued that the inherited assets argument must be understood within the context of a cooperative rather than a purely distributive conception of social justice. I denied that individuals have an unconditional right to inherit a share of natural and social resources, even in equal portions; all property rights are conditional on satisfaction of principles of justice, which are principles governing an ongoing cooperative scheme. Whether or not such a scheme should include unconditional income support depends on a balance of competing considerations, one of which is reciprocity.

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