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Towards an answer to the question : What is Unconditional Basic Income ?

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The Basic Income Earth Network's definition(s), its accomplishments — and its discontents

This paper will argue that the notion of an Unconditional Basic Income (UBI) has two meanings, and attempt to show how much is to be gained by clearly distinguishing them, in both basic income studies and activism. The first of these two meanings is a narrow and technical one, that of UBI as a way to distribute resources — in conformity with six material criteria, which can all be tested out relatively easily : *a cash transfer (1) of a uniform amount (2) made on an individual basis (3), to all, without means test (4) or activity test (5) according to a clearly defined regularity (6)*. This first definition represents an invaluable tool of policy analysis for socio-fiscal studies, but is arguably incapable of exhausting the meaning that has been invested in this expression. The second meaning of the notion of Unconditional Basic Income is a broader and aspirational one, what could be called the Basic Income ideal, that is the understanding of UBI as the policy objective of *the universal and unconditional guarantee of the material means of individual autonomy*. The two meanings are obviously related, as it is quite clear that the vast majority of people arguing for the implementation of narrow-understanding UBI schemes are by this mean actually pursuing the realisation of UBI's broader understanding ; but they need not be so, as the specific subset of cash transfer policies isolated in UBI's narrow understanding can be put to many other uses, often more modest and localised. It seems rather crucial to notice, however, that most of the political and philosophical debate about Basic Income has actually been more about its broader understanding, that of the Unconditional Basic Income ideal, than about its narrower one of the Unconditional Basic Income policy tool. We will argue that the confusion between the two has prevented the debate around the UBI ideal to reach its more fundamental conclusions, and attempt to sketch out what these might be — but we need first sketch out a brief history of that concept, in order to understand where this confusion comes from.

The modern concept of Basic Income was coined in 1986 in the french speaking Belgian University Town of Louvain-la-Neuve, at the conference which concluded in the creation of the BIEN (the then Basic Income *European* Network, which has since become the Basic Income's *Earth* Network). This conference gathered people from all over Europe — academics working in different fields, independent researchers, political activists affiliated to different political parties and non-profit organisations — who all had in common that they had recently put forward, in written form, proposals for something that looked vaguely similar, but that they called by different names, justified on different grounds, and wanted to finance and administer in different manners. The conference's greatest accomplishment was arguably the agreement of its participants on a single name and minimal definition that would allow them to overcome this diversity of denominations, justifications, and ways of implementations. 'Basic Income', as it was now to be called, was thus defined as *"a guaranteed minimum income granted on an individual basis, without means test nor willingness-to-work requirement"*. This first definition was revised slightly two years later, at the first general assembly of BIEN, to read instead : "[Basic

income is] *an income unconditionally granted to all on an individual basis, without means test or work requirement*” — thus loosing the notion of a minimum and the explicit interdiction of a willingness test.

The importance of this first collective definitional effort cannot be overstated, and has thus far gone largely underappreciated. For all intent and purposes, the concept of Basic Income literally did not exist before it was proclaimed in that occasion. It was impossible, for instance, to write a history of this idea ; it was very difficult for the debates and research concerning it to make any significant progress, as they had no way of establishing continuity ; and there certainly was no such thing as a Basic Income *movement*, as the isolated proponents of the diverse (differently named, justified, and financed or administered) proposals had no sense of belonging to a wider group engaged across time and space in a single collective struggle.

The importance of this first effort is further reinforced by the fact that the definition it produced then remained absolutely unchanged for a full twenty-eight years. It was very substantially modified on the occasion of its first congress to ever happen in Asia, which took place in Seoul in 2016, the year of the network’s 30th birthday. Yet unmodified at the time of writing this paper almost eight years later reads, this new and substantially amended definition now reads : “[Basic income is] *a periodic cash payment unconditionally delivered to all on an individual basis, without means test or work requirement*” — thus introducing the notion of periodicity and, crucially, replacing the generic notion of ‘income’ for the far more specific one of a ‘cash payment’. This definition was then, for the first time, completed by an interpretative or explanatory apparatus, which read :

“That is, Basic Income has the five following characteristics:

- 1. Periodic: it is paid at regular intervals (for example every month), not as a one-off grant*
- 2. Cash payment: it is paid in an appropriate medium of exchange, allowing those who receive it to decide what they spend it on. It is not, therefore, paid either in kind (such as food or services) or in vouchers dedicated to a specific use.*
- 3. Individual: it is paid on an individual basis—and not, for instance, to households*
- 4. Universal: it is paid to all, without means test*
- 5. Unconditional: it is paid without a requirement to work or to demonstrate willingness-to-work.”*

And the vote of this modification was accompanied (and, arguably, made possible) by that of the following motion:

“A majority of members attending BIEN’s General Assembly meeting in Seoul on July 9, 2016, agreed to support a Basic Income that is stable in size and frequency and high enough to be, in combination with other social services, part of a policy strategy to eliminate material poverty and enable the social and cultural participation of every individual. We oppose the replacement of social services or entitlements, if that replacement worsens the situation of relatively disadvantaged, vulnerable, or lower-income people.

In keeping with BIEN's charter (as an organization to "serve as a link between individuals and groups committed to, or interested in, basic income"), this motion is not binding on BIEN's members or affiliates."

This modification, however, clearly did not satisfy those who worked the hardest to obtain a modification of BIEN's definition, as it failed to include their primary demand : namely, the inclusion, in BIEN's definition of Basic Income, of the notion of a minimum threshold below which a policy would be disqualified from being called a Basic Income, and/or would have to be referred to instead as being only a "partial" Basic Income. The above motion was the most significant gesture the partisans of this change were able to obtain, and contains within it the beginning of an explanation as to why that primary demand was rejected, which shall be further elaborated within the pages of this article. Its author, having been heavily involved in the process that led to the adoption of these two texts, understands them as being ultimately unsatisfying but still very significant steps in the right direction. The distinction defended here between on the one hand a narrow and technical understanding of Unconditional Basic Income as a policy tool, a way to distribute resources in conformity with six material criteria, and ; on the other hand, a broader and aspirational understanding of the notion as the policy objective of the universal and unconditional guarantee of the material means of individual autonomy — this distinction is an attempt at offering a new and better compromise, and at easing the deep seated dissatisfaction which the 2016 modification only managed to reinforce.

In a 2018 paper commenting on the recent renewed interest in the field of Antitrust, Herbert Hovenkamp, whom the New York Time once dubbed "the dean" of the discipline, offered to distinguish between what he called on the one hand the "movement antitrust" of political activists and ; on the other, the "technical antitrust" of the "cognoscenti", which he saw as being currently at odd with each other. This distinction strikes us as being very applicable to the current state of the fields of Basic Income studies and activism, and the present definitional effort is an attempt at reconciling them. The argument, in a nutshell, is the cognoscenti technicians of the Basic Income policy tool would have much more to gain by celebrating and officially recognising the contribution of the basic income activist movement to the scientific conversation on the topic, than in persisting in their unapologetic narrowing down of the debate and rejection of activist aspirations outside of the realm of scientific study.

1. Basic Income's narrow understanding : A way to distribute resources

This first part of the paper will be dedicated to UBI's narrow understanding, that of UBI as a way to distribute resources, defined by six material criteria : the five of the 2016 BIEN definition, with the addition of that of uniformity. We will therefore begin by considering why the addition of this criterion of uniformity appears to us as necessary to complete the narrow understanding of the concept. We will do so by focusing in particular on the main benefit which this narrowing down would allow, namely the clarification of the relationship between the concepts of UBI and of Negative Income Tax (NIT). Having established the benefits which this narrower understanding carries, we will then turn to its

fundamental shortcoming, its purely formal nature. Echoing the striking question asked by Toru Yamamori : “is a penny a month a basic income ?”, we shall consider at the same time the difficulty associated with trying to define UBI as a “high enough” income. This shall lead us to explain why “high enough” can never be a good enough expression of the objective effectively pursued by the basic income movement and the vast majority of basic income activists, which we will explore in the next section of this paper.

1.1 A special subset of uniform cash transfer : Why (some) Negative Income Tax schemes are (also) Unconditional Basic Income schemes

This section will be dedicated to exploring the contributions of Basic Income’s narrower, technical, and purely formal understanding as a way to distribute resources. Simply put, in the context of a proliferation of cash transfer pilots and experiments, this narrow definition appears as an invaluable operational tool of policy analysis. We will show why the notion of uniformity is essential to the operationalisation of this narrow understanding. We will also take a moment to explain how the consequences for universal social policies of the fact that “universality (always already) stops at the limits of the universe”, and how this applies to the narrow understanding of UBI. We will then consider the reasons that have previously been put forward to argue that Negative Income Taxes (NIT) were fundamentally different things from UBIs, show them to be unable to resist to sustained analytical scrutiny, and explain why some NITs (those that comply with the 6 criteria of its narrow understanding) are also UBIs. Finally, we shall see how a number of currently existing social policies, and even social policies that existed when BIEN was created, can arguably be described as complying with the six criteria of this narrow definition — which will lead us to consider its limitation in the next section.

1.2 Is a penny a month a Basic Income ? If not, what is “high enough” — and “high enough” *for what* ? On the ambivalences of the notion of a “full” Basic Income

This section will be dedicated to exploring the limits of both the narrow understanding of UBI AND the most frequently advocated cure to these shortcomings, the notion of a “partial basic income” to talk about UBI schemes that are not of a “high enough” amount. In a nutshell, the narrow understanding of UBI, as well as all of BIEN’s definitions so far, are purely formal definitions, which would make it possible to describe policies that would distribute a penny a month in conformity with their formal requirements as being UBI schemes. Yet one would be hard pressed to find any discussion at all of such fancy ways to distribute pennies. Many have therefore argued that UBI is by definition of a “high enough” amount to matter, and many of these have resolved to calling “partial basic income” those not “high enough”. The problem comes when asking the question “high enough *for what* ?”, as the notion of “partial basic income” has actually been defined in two quite different ways : as a cash transfer not high enough to be able to refuse paid employment ; or as a cash transfer not high enough to ... replace all other state provided benefits. The problem comes from the fact that these two meanings are not, strictly speaking, contradictory : an income of a high enough amount for a person to not

feel compelled to accept paid employment would likely also be of a high enough amount to replace state provided benefits — indeed, the financing of such a generous cash transfer might require the suppression of all other state provided benefits. Yet the most vocal advocates of the high enough criteria are also amongst the most explicitly and vocally opposed to such ways of financing basic income schemes.

The fact of the matter is that the vast majority of the basic income debate and discussion, whether in the academic or political arenas, is actually a debate about what this paper calls “basic income’s broader understanding” or the “basic income ideal”, that is the aspiration to the unconditional and universal guarantee of the material means of individual autonomy — and there are good reasons to believe that this objective cannot be adequately satisfied by cash alone, the examination of which will be the object of the following section.

1.3 Why “high enough” ain’t good enough

This section will be dedicated to explaining why the “high enough” criteria is an extremely poor embodiment of the objective actually pursued by its advocates. We will begin by drawing on the argument developed by Vida Panitch in her paper entitled “Why cash violates neutrality”. There, Panitch draws on psychological studies showing different people behave differently with regards to cash to challenge the presumption in favour of cash in the Rawlsian and post rawlsian theory of justice literature.

However, bearing this first argument in mind, this section will focus on a far more fundamental issue relating to cash : namely, that cash is a medium that allows one to buy things on a given set of markets ; and that, simply put, there are not such things as “free” markets. Markets are nothing but a set of rules explaining who can exchange what, where, when, under what condition, and with what sanctions in case someone does not respect the rules that were laid out. Markets are therefore nothing natural or spontaneous, but rather man made construction with absolutely no determined substantial distributive content, and which can be consciously skewed in any direction. This by now very clearly and well established fact, perhaps best synthesised in the neologism coined by Steven Vogel, Marketcraft, on par with the notion of statecraft, has immense and decisive implications for Basic Income studies.

In a nutshell, one does not need the same amount of money to satisfy their basic need whether they have access to free healthcare and education, but also if the housing and food market are crafted in such a way as to provide plenty of opportunity of decent and affordable housing as well as affordable high quality food. No matter how high the amount of money provided, if markets have been crafted in such a way tha life essentials are in the hand of private monopolies bent on getting the most they can out of their property rights, that amount of money will fail to realise the basic income ideal.

2. Basic Income's broader understanding : The aspiration to the universal and unconditional guarantee of the material means of individual autonomy

In his introduction to the first book length academic treatment of the history of the Basic Income debate, Walter Van Trier's *Everyone a King*, its author — who happens to be also the second person to ever occupy the position of general secretary of BIEN — decried what he called “the minimal model” conception of Basic Income in the following terms:

“ (...) Although, therefore, the advantage of using this analytical definition to single out the core elements of basic income schemes cannot be disputed, I would argue that, nevertheless, this clarity hides one major and one minor disadvantage.

The minor disadvantage is that this definition does not explicitly state why implementing a basic income scheme is valued by its advocates and how it could be justified. In other words, it does not give any reason for why one should want it and what form it should take. (...) The major disadvantage is that, as it stands, this definition leads one naturally to assume that the process of implementing basic incomes essentially conforms to mapping the defining characteristics on one and only one institution — pre-existing or specially created for the purpose. Or, to put it differently, implicit in this view is, I believe, a view of institutional reform as inserting (or deleting) single institutions into (or from) the social fabric as well as the assumption that the (...) conditions stated exhaust the meaning of the institution involved.”

He further expanded on his understanding of what the meaning of the Basic Income institution really was a few page latter, in a passage that also deserves to be quoted in full:

“Mostly, debates of basic incomes treat it as being an alternative social policy instrument, as an alternative for one or more of the existing parts of the Welfare State, aiming at one or more of the many objectives discussed earlier. The minimal model sort reinforces this view. By bracketing the wider institutional contest and focusing on the tax-transfer aspect, one discards another — and I believe much more important — reading of the topic.

In fact, the minimal basic incomes model represent not only a policy instrument but also an — admittedly very stylised but nevertheless global — representation of the social system. By concentrating on this policy aspect one may fail to notice that by virtue of the universal and unconditional element basic to it, its implementation could also be described as a move towards a new social regime. Indeed, implementing basic income leads to a new state of affairs that could, rightfully, be described as resulting from a process of constitutional reform, giving every citizen a (limited) property right in the national product, or as the result from moving from a capitalist to a new mode of production, because the condition that a large majority of the community is forced to sell its labour is now lifted.”¹

1 Walter Van Trier, *Everyone a King : An investigation into the meaning an significance of the debate on basic incomes with special reference to three episodes of the British Inter-War experience*, unpublished PhD Thesis at the Department of Sociology of K.U. Leuven, 1995, p.7-8

It should be noted that this analysis is congruent with the first known definition of the word “capitalism”, put forward by Louis Blanc in 1850 in the second edition of his book *L’Organisation du Travail* (The Organisation of Work), where while answering an attack by Frederic Bastiat, he denounced: “This sophism [which] consists of perpetually confusing the usefulness of capital with what I shall call capitalism, in other words the appropriation of capital by some to the exclusion of others. Let everyone shout “Long live capital”. We shall applaud and our attack on capitalism, its deadly enemy, shall be all the stronger.”² Thus “capitalism” (an expression which Marx himself didn’t use much) originally pointed to the accumulation of wealth in a small number of hands and the power relation that ensued, which the “broader understanding” of the UBI concept described here would indeed challenge directly.

This second part of the article will be dedicated to exploring the historical basis, content, and theoretical basis of this broader understanding of the basic income concept.

2.1 From “Basic incomes in kind” to the emergence of the “Universal Basic Services” Campaign and “Social Guarantee” network

Philippe Van Parijs dedicates a full 4 page section of his seminal 1996 *Real Freedom for all* to the notion of “Basic Income in kind”, and the expression was also considered as a serious possibility by Jurgen de Wispelaere and Lindsay Stirton in a 2004 paper that remained the best available treatment of the issue of Basic Income’s definition for almost two decades (up until Yamamori’s ‘is a penny a month a basic income’). Amongst many other possible examples, François Bourguignon, former chief economist at the world bank and low key basic income advocate, when introducing the subject at a 2018 conference in the french senate, began his intervention by presenting universal health care as a form of Unconditional Basic Income in kind. Yet the notion is entirely absent from Philip Van Parijs & Yannick Vanderborcht’s 2017 reference text-book like treatment of the subject, and has arguably been made something of a contradiction in terms by the 2016 modification to BIEN’s definition.

This was not without profound consequences however, as 2017 was also the year the Universal Basic Services (UBS) Campaign was launched in the UK. The debate between that campaign’s advocate and the UK Basic Income movement were amongst the most interesting and cutting edge on the subject in years. Social worker and pioneer of personal budget and patient directed care Simon Duffy, now president of the UK’s BIEN affiliate, was at the forefront of these debates. He argued from experience and with references that the opposition between cash income was reductive and somewhat ridiculous. The problem with it was that it treated services as a benevolent whole, when it has been well established for quite some time now that services can also be provided in extremely oppressive, exclusionary, discriminatory, and authoritarian ways — just as it has been established that cash transfers can lower the level of service provided if hastily

2 cf. Eve Chiapello, *Accounting and the birth of the notion of Capitalism*, *Critical Perspectives on Accounting* 18 (2007) 263–296, at 278, quoting Edwin Deschepper, *L’histoire du mot capital et de ses dérives*, unpublished bachelor dissertation at the Philosophy and Roman Philology department of the Université Libre de Bruxelles, 1964

implemented as replacements of well functioning in kind provisions with insufficient attention to marketcraft issues.

These debates led the UBS campaign to transform into the Social Guarantee Network, with the main difference between the UBS and Social Guarantee proposal that the latter included a cash transfer with no activity test, paid on the basis of an income test alone. In so doing, the Social Guarantee has reinvented the notion of Basic Income in kind, and the assertion that the realisation of the basic income ideal was likely to require a combination of narrow understanding UBI schemes with different forms of UBI in kind.

2.2 Rethinking basic income's "cousins" — and family relations

"Basic Income and its cousins" is the title of the second chapter of Philippe Van Parijs and Yannick Vanderborght's reference 2017 book, *Basic Income : A Radical Proposal for a Free Society and a Sane Economy*. In it, the author distinguish six 'cousin policies', which are each considered in the form "Basic Income versus ...": basic endowment, negative income tax (NIT), earned income tax credit (EITC), wage subsidies, guaranteed employment, and work time reduction. Although the concept appear to us as extremely promising, two things strike us as quite problematic and in need of being fixed : firstly, the content of the list of policies presented ; and secondly, the choice of competition as *the* mode of interaction between UBI and it's cousins.

The problems with the list arguably come from the lack of analytical clarity that follows the failure to distinguish between the narrow and broad understanding of UBI. We have already seen, for instance, that some Negative Income Tax schemes *are* UBI schemes. In very much the same way, while Basic Endowments can take many shapes or forms, there is no reason why those forms that comply with the six criteria of UBI's narrow understanding would not be Basic Income schemes as well. The EITC and wage subsidies appear as forms of activity-conditioned negative income taxes ; while guaranteed employment and work time reduction are arguably only two specific examples of broader cousin groups. More generally, it feels like the failure to clearly distinguish between UBI's narrow and broader understandings lead to establishing a list of cousin policies at an insufficiently high level of generality.

The alternative list of 'cousin' policies that we offer as an alternative comprises only four families : various forms of Basic Incomes in Kind (or unconditional basic services) ; of Weakly conditional forms of income guarantee ; of Modification to employment norms ; and of Modifications to social and fiscal policies. We have dealt with the first of these in the previous section, and modifications to employment norms as well as to other social and fiscal policies are the bread are very well established topics of political and academic debate — but it seems necessary to say a few more word about the novel notion of "Weakly conditional forms of income guarantees" which we are offering to introduce here, borrowing an expression from the french sociologist Alain Caillé while substantially modifying its meaning.

Weakly conditional forms of income guarantee is a family of proposals that has emerged in the basic income debate opened since the creation of BIEN, most often as alternative to “strictly unconditional” basic income proposals. They include sectorial ubi proposals, such as basic income for artists, farmers, or students, as well as universal unemployment insurance schemes, and guaranteed employment schemes, but also proposals like Anthony Atkinson’s Participation Income, or schemes allowing a division of working hours on the entirety of one’s life

2.3 Basic Income, Market Embeddedness, and the problem of “freedom in complex societies”

“Marx matters for only one reason. He is the one that stands before Capitalism’s triumph, and dares to scream out : ‘this system is unjust and abject’. This, however, a great many socialist and anarchist had already done before him. But Marx added : ‘and I will prove it with all the resources of science’. And he got to work doing it. In this, he was unique.”

— Serge Christophe Kolm, *In the second century after Marx*³

“Freedom in a complex society” is the last chapter of Karl Polanyi’s seminal “The Great Transformation”, which is most famous for having introduced the concepts of ‘double movement’, ‘fictitious commodities’ and ‘market embeddedness’.

From the concept of Market Embeddedness to Steven Vogel’s marketcraft, with the limitation that Vogel (wrongly, in our view) rejects policies such as UBI outside of the domain of Marketcraft. Robert Lee Hale, the first Law & Economics Movement, its continuation in reflections on taxation that led to the refinement of the argument in favor of Negative Income Tax schemes.

The double movement complicated by Nancy Fraser into a triple movement, in terms closely echoing that of the 2013 European Citizen Initiative for Unconditional Basic Income, and with her triple movement strongly resembling the ‘Kolm Triangle’ sketched out by Philippe Van Parijs in his seminal 1990 ‘Impasses et Promesses de l’Écologie Politique’.

3. A “Solution to the social problem”: Basic Income as an immanent answer to the “fundamental contradiction of all liberal theory”

One of the most remarkable and powerful theoretical argument in favour of the realisation of Unconditional Basic Income’s Broader Understanding is synthesised in Alain Caillé’s notion of “conditional unconditionality”. In the essay bearing this title, the founder of the M.A.U.S.S. movement builds on the work of Marcel Mauss to express a scathing critic of what he calls “conditionalist thinking”, which comes extremely close to

3 Serge-Christophe Kolm, « Au IIe siècle après Marx », *Commentaire* 1983/3 (Numéro 23), p. 521-525, at 523 (Our translation)

that which Critical Legal Studies' Duncan Kennedy deployed with the notion of a "fundamental contradiction of all liberal theory" — and to which the notion of conditional unconditionality, and its expression in UBI('s broader understanding) thus appear to provide a form of immanent answer. This echoes the title of the first pamphlet in which the first lifelong proponent of a Basic Income proposal, Joseph Charlier, advanced his idea: 'Solution to the social problem, or the humanitarian constitution', which he published in Bruxelles in 1948 (just a few streets away and about at the same time as Marx & Engels Communist Manifesto).

The fact that this first Basic Income proposal was couched in the language of constitutionalism is also certainly not fortuitous.

3.1 Alain Caillé's Maussian 'Conditional unconditionality': the anthropological consequences of the fact that 'Universality stops at the limits of the universe'

"To grant an unconditional gift of citizenship is certainly not to grant a free gift. Assuredly, since it is and must be a gift, no return is explicitly and specifically demanded, and the State, and through it society, must calmly accept the risk that nothing will be returned. The aim, as always with gift giving, is to nurture freedom and spontaneity, to create trust, and we would lose everything by hoping to retain with one hand what we give with the other. By trying to protect ourselves with a fiction of contractuality, of conditionality, as is the case in France with the RMI or, worse still, by taking refuge in the register of obligation and violence.

But not demanding a return does not mean, and certainly should not mean, that no return is expected. If no return was expected, then the gift, symbolising an unfathomable contempt for its supposed beneficiaries, would indeed be a gift that kills, a poisonous "gift" (gift/gift), a fearsome concentrate of the collective violence against the excluded minority. But what return can and should the community expect?

(...) the only thing that society has the legitimacy to positively ask in exchange for an unconditional citizenship income is not utility, which is indeterminable, but initiative, life and effective participation in the production of the community itself. Those who receive an unconditional income — which it is always important to remember that it does not allow them to live a life of luxury — must be free to decide for themselves what is useful and what is not.

Such a measure, because it is not inspired by a mysticism or moralism of the unconditional, but rather by the sociological and political logic that drives the thinking behind conditional unconditionality, has nothing to do with a form of laxism. To the unconditional, none can be obliged! Unconditionality is necessary to move from war to peace, from absolute distrust to principled, a priori trust. But with those who do not play the game of alliance and trust, there is of course no reason to continue to do so.

Just as the community has no legitimacy to coerce those to whom it offers nothing, since by failing to guarantee them the minimum unconditional recognition without which it would be impossible to be either a man or a citizen, it condemns them to conditionality or violence, just as it thus has no real claim to assert against cheating; it regains all its rights to enunciate moral demands, and to back them up with striking arguments if need be, from the moment it effectively places itself in the position of that which gifts life possibilities.

The democratic wager of unconditionality, therefore, far from opening the door to widespread leniencies and decompositions, as is usually feared ; that wager is the only gesture that would allow us to form the hope of creating new collective meaning and purpose, by recreating a sense of sociality and of the collective that has become increasingly evanescent."

— Alain Caillé, *De l'idée d'inconditionnalité conditionnelle*

3.2 Critical Legal Studies' "fundamental contradiction of all liberal theory" as immanent critique

"Writing [in 1979], Duncan Kennedy made the troubling claim that the entire landscape of American Legal Thought was in the shadow of a "fundamental contradiction." This contradiction was an aspect of the political philosophy associated with thinkers like Thomas Hobbes, John Locke, Immanuel Kant, Jeremy Bentham, John Stuart Mill, and John Rawls, and it involved the basic problem of relating individual freedom to a coercive sovereign. Liberalism, as that famous philosophy came to be called, had its origins in an epic battle against an ancient theory of justice and social organization, wherein the new believers asserted a kind of autonomy and subjectivity rooted in an idea about individualism. The foundational liberal move, however, was to argue that this new individualism, and the freedom and equality that would come with it, could only be realized when men were willing to renounce their natural freedoms in exchange for a regulated and ordered life under a collective and coercive power. Consequently, here was the fundamental contradiction: in order to experience a life of meaningful freedom, we have to give up our "natural" freedom to a supreme authority of law.

Kennedy claimed that all law in the western tradition was dominated by liberalism, and that every legal problem was in a way a kind of liberal problem. Referring to the liberal contest between individual freedom and state control, Kennedy stated:

[I]t is not only an aspect, but the very essence of every [legal] problem. There simply are no legal issues that do not involve directly the problem of the legitimate content of collective coercion, since there is by definition no legal problem until someone has at least imagined that he might invoke the force of the state"

That is, in Kennedy's view, all law was liberal, and to suggest that some law could exist outside of this tradition, at least in the developed North Atlantic capitalist states, was to suggest a sort of discourse that we might not even recognize as operating in the language of law."

3.3 Human *Dignitas*, Property(lessness), and the issue of freedom

“(…)
With castles, and clothing, and food for all
All belongs to you
Every man a king! Every girl a queen!
For you can be a millionaire
But there's something belonging to others
There's enough for all people to share
When it's sunny June and December too
Or in the wintertime or spring
There'll be peace without end!
Every neighbor a friend
With every man a king!”
— Huey Long, *Every man a King*⁵

“So there is my hypothesis: the modern notion of human dignity involves an upwards equalization of rank, so that we now try to accord to every human being something of the dignity, rank, and expectation of respect that was formerly accorded to nobility.

(…) Something like this was noticed many years ago by Gregory Vlastos (…) in a neglected essay, “Justice and Equality.” In an extremely interesting discussion of equality and rights, Vlastos argued that we organize ourselves not like a society without nobility or rank, but like an aristocratic society that has just one rank (and a pretty high rank at that) for all of us. Or (to vary the image slightly), we are not like a society that has eschewed all talk of caste; we are like a caste society with just one caste (and a very high caste at that): every man a Brahmin. Every man a duke, every woman a queen, everyone entitled to the sort of deference and consideration, everyone’s person and body sacrosanct, in the way that nobles were entitled to deference or in the way that an assault upon the body or the person of a king was regarded as a sacrilege. I take Vlastos’s suggestion very seriously indeed. If he is right, then we can use aspects of the traditional meaning of dignity, associated with high or noble rank, to cast light on our conceptions of human rights.”

— Jeremy Waldron, *Dignity, Rank, and Rights*

“Homelessness is partly about property and law, and freedom provides the connecting term that makes those categories relevant. By considering not only what a person is allowed to do, but where he is allowed to do it, we can see a system of property for what it is: rules that provide freedom and prosperity for some by imposing restrictions on others. So long as everyone enjoys some of the benefits as well as some of the restrictions, that correlativity is bearable. It ceases to be so when there is a class of persons who bear all of the restrictions and nothing else, a class of persons for whom property is nothing but a way of limiting their freedom.”

— Jeremy Waldron, *Homelessness and the Issue of Freedom*⁶

4 p.388-389

5 Ina Ray Hutton and her Melodears version, < <https://www.youtube.com/watch?v=s5Fq8K5fu4U> >

6 p.323-324

Jeremy Waldron's seminal 1991 article on Homelessness and the issue of freedom, which sparked a trail of extremely interesting reply and further elaborations by Waldron himself, was directly inspired by G.A. Cohen's equally important article, *Capitalism, Freedom, and the Proletariat*, originally published in a 1988 collection of essays in honour of Isahia Berlin. The later then held the Chichele Chair of Moral and Political Theory of Oxford's All Soul college, which Cohen as well as Waldron later inherited, and whose first occupant, G.D.H. Cole, had also been the first academic proponent of unconditional basic income, and one of the first to use the expression of 'basic income' to talk about this idea.

Robert Lee Hale

From the abolition of poverty to abolition democracy — UBI's broader understanding as the core content of an alter-liberal agenda

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;

Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that the passing there
Had worn them really about the same,

And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.

I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

— Robert Frost, *The road not taken*

Reflecting on the decade that immediately followed the US Civil War in his seminal *Black Reconstruction in America*, W.E.B. du Bois explained that the abolition of slavery had been only formal, as the measures which would have been necessary to make the slaves really free from their former masters had not been taken.

Ernesto Rossi's *Abolire la miseria*

Jeremy Waldron' theoretical foundations of Liberalism