

The Problem of Stability and the Ethos-based Solution

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1 Introduction

Should redistributive schemes be arranged to encourage or discourage particular behaviors? Advocates and detractors of unconditional redistributive policies – that is, schemes that do not impose conditions to restrict an individual’s eligibility for welfare support – disagree on the answer to this question. On the one hand, advocates of unconditionality argue that conditional redistributive programs such as workfare or conditional cash transfer programs interfere with individual freedom, stigmatize welfare recipients and violate the principle of liberal neutrality toward competing conceptions of the good (Van Parijs, 1995, 2003; Pateman, 2004; Standing, 2002; Birnbaum, 2012; Widerquist, 2013). On the other hand, detractors of unconditional schemes believe that this type of program can erode people’s motivation to work, subsidize free-riders and increase welfare dependency (Elster, 1986; Mead, 1997; White, 2003; Van Donselaar, 2008).

This paper focuses on an underexplored aspect of this debate, namely how unconditional income guarantee proposals may face the problem of stability. That is, whether unconditional

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income policies can be designed to generate the motivational conditions that make possible their own support.¹

In particular, I focus here on the case of unconditional basic income (UBI) that is paid on a regular basis at the highest sustainable level for each individual. That is, “an income paid by a political community to all its members on an individual basis, without means tests or work requirements” (Van Parijs, 2004, p.8): a) even if they are not willing to work; b) irrespective of their being rich or poor; c) no matter who they live with; and d) no matter which part of the country they live in (Van Parijs, 1995, p.35). A UBI has been considered as an instrument to achieve the normative goals of many different theories of justice. For instance, while some authors believe that a UBI can be an excellent instrument to combat poverty and unemployment (Groot, 2004; Raventós, 2007; Standing, 2002), others argue that it can promote gender equality (McKay, 2001), foster equal access to self-realization opportunities (Maskivker, 2012), assure fair terms of reciprocity (Widerquist, 1999, 2013; Segall, 2005), minimize domination (Raventós, 2007; Casassas, 2007; Lovett, 2010), guarantee real freedom for all citizens (Van Parijs, 1995; Birnbaum, 2012), and even improve the quality of democracy (Pateman, 2004; Raventós, 2007).

A UBI at the highest sustainable level is designed to give people the freedom to decide whether or not to participate in the job market. We can expect that this type of policy will not be stable if most people minimize their time spent in formal paid employment (Midtgaard, 2008; Birnbaum, 2012). The resources that make this kind of policy possible need to be produced by some members of society. The question is, then, how people can be motivated to take up paid employment when they have the freedom to withdraw from paid work.

Scholars like Philippe Van Parijs (2003, p.231) and Simon Birnbaum (2012, p.154), think that the promotion of an ethos of justice can muster the necessary motivational work to

¹The discussion about stability has been surprisingly underattended in the debate on unconditional redistributive programs such as unconditional basic income. Notable exceptions are Midtgaard (2008), Birnbaum (2012), and de Beus (2013).

secure the stability of the highest sustainable UBI without violating a principle of liberal neutrality. Their solution lies in changing people’s behavior through an informal motivational mechanism rather than through a formal rule or institution.

This paper argues against that “ethos-based solution”. It presents three reasons to distrust that solution. First, it argues that even broader and more inclusive ethoi of justice can become oppressive and violate people’s freedom. The reason for this is that any ethos of justice that promotes contribution and cooperation will divide society into two categories of people: those who contribute and those who do not. Advocates of the ethos-based solution need to explain how an ethos of justice will not lead the former to punish the latter in ways that affect their freedom. Second, the formal and informal strategies to generate that ethos may be difficult to implement, monitor and control. In contrast to using formal rules to deter noncompliance, the potential negative behavioral impacts of an ethos that is instrumentally used to encourage cooperation can be hard, if not impossible, to foresee and overcome. Other things being equal, given its informal nature, we should have more difficulties at the time of regulating an ethos than a formal institution. Finally, the difficulties associated with implementing and developing that ethos of justice may lead us to either preserve an undesirable status quo or to implement suboptimal redistributive policies.² For example, the search for a well-functioning unconditional scheme can lead us to dismiss redistributive policies that could be better suited to handle motivational problems (e.g., conditional and universal redistributive schemes). It is worth noting that although my objections are meant to apply across a wide variety of UBI justifications relying on the ethos-based solution, my argument should be more challenging for UBI advocates who are committed to honoring the principle of liberal neutrality – those UBI advocates who believe that redistributive policies should be neutral in relation to the different conceptions of the good that people may have.

The discussion is organized into three main parts. First, I begin with a sketch of the

²This conclusion coincides with Midtgaard’s idea that the criterion of stability does not support a redistributive policy that is unconditional on people’s willingness to work (Midtgaard 2008, p.2). According to him, conditional policies should perform better in terms of stability than do unconditional ones.

idea of stability. In particular, section 2.2 explains why stability matters for redistributive policies. Second, I examine the ethos-based solution as the main answer to the problem of stability proposed by unconditionality advocates. Finally I develop my objections to the ethos-based solution, show why it is problematic, and consider some potential objections to my argument.

2 Stability, Motivation and Redistribution

We can talk about “stability” (or sustainability) in two ways.³ First, it can be understood as constancy. This use of the idea of stability implies that when a relevant variable is exposed to disturbances it does not change or, if it does, it experiences only minor changes. Actual changes over time need to happen in order to evaluate whether or not a variable is stable. For instance, this concept of stability is common in the study of residential segregation. Some scholars have examined neighborhood racial stability by analyzing the variation in the racial composition or racial structure of the residents living in the same neighborhoods over a specific period (Ellen, 2000; Friedman, 2008). In this case what is meant by stability is the fact that “ the change of population in the neighborhood results in the same overall racial composition as was present at time one” (Friedman, 2008, p.926).

Second, stability can be interpreted as resilience. When a particular variable is exposed to disturbances, we can say that that variable is stable if it returns to its original state or to a similar stage after the perturbation. In this view, stability is related not only to the changes that take place but also to how the relevant variable would respond to potential disturbances.

³At this point I am relying on Hansson and Helgesson’s (2003) useful analysis. They propose an informal and a formal analysis of the different concepts of stability. From the informal analysis they identify three ways to understand stability that are independent of the subject matter, namely, the ideas of constancy, robustness and resilience. However, after their formal analysis of these three concepts of stability they conclude that the third category, robustness, constitutes a special case of resilience (Hansson and Helgesson, 2003, p.229). As they point out, robustness and resilience are, in an intuitive sense, two separate properties of a given system. “A system may have a remarkable capacity to return to its initial state (i.e., resilience), while even a minor perturbation temporarily unsettles the system (i.e., lack of robustness). In spite of this intuitive difference, however, robustness can be treated in the formal representation as a special case of resilience” (Hansson and Helgesson 2003, p.229).

The important point is that a variable is not considered stable if it remains unchanged just because of an absence of disturbing influences. Hansson and Helgesson (2003, p.231) suggest that the idea of stability as resilience covers the majority of the notions of stability used in the literature to explain how a system behaves or would behave when exposed to disturbances.⁴

This idea of stability as resilience is the one famously adopted by John Rawls. In part III of *Theory of Justice*, Rawls argues that a conception of justice is stable as long as it “generates its own support” (Rawls, 1999, p.138).⁵ In particular, Rawls thinks that the principles of justice applied to the basic structure should be such that they lead people to acquire a corresponding “sense of justice” and a desire to act according to those principles. Rawls expects that a basic structure that satisfies its principles of justice for an extended period of time will lead people to develop a sense of justice and a desire to act according to those rules for reasons of justice. As a consequence, social institutions should discourage those desires that conflict with the principles of justice. There has to be a balance of motives in which the sense of justice wins out against propensities toward injustice. One conception of justice is more stable than the other when the “sense of justice that it tends to generate is stronger and more likely to override disruptive inclinations and if the institutions it allows foster weaker impulses and temptations to act unjustly” (Rawls 1999, p.454-455).⁶

The problem of stability appears because a just scheme of cooperation may not be in

⁴Hansson and Helgesson (2003, p.233) argue that “neither of these two concepts of stability can be reduced to, or defined in terms of, the other. In combination they cover all the major uses of stability in social and natural sciences.”

⁵It is worth noting that Rawls presented two accounts of stability. Here I am referring to the first one, which is developed in his *Theory of Justice*. His second and latest account is meant to deal with the existence of reasonable pluralism (Rawls, 1993). The idea of “overlapping consensus” plays an important role in his second account of stability. For the purposes of this paper I talk only about stability as a problem of congruence between people’s conception of the good and the principles of distributive justice promoted by a particular redistributive institution.

⁶Rawls (1999, p.336) believes that there are two tendencies leading to instability. On the one hand, there are free-riders, people who are tempted to avoid doing their share. On the other hand, there is an assurance problem that is an apprehension about the faithfulness of others. Public institutions should counter these two tendencies.

equilibrium (Rawls 1999, p.497).⁷ Rawls clarifies that the stability of a conception of justice does not mean that the institutions of the well-ordered society do not change. Rather, stability means that “however institutions are changed; they still remain just or approximately so, as adjustments are made in view of new social circumstances. The inevitable deviations from justice are effectively corrected or held within tolerable bounds by forces within the system” (Rawls 1999, p.458).

When we say that a distributive institution is stable we are making a descriptive statement. But how does stability matter normatively?⁸ There are two main reasons to believe that stability is important for the normative debate of distributive justice and redistributive policies in general. The first obvious reason is that no matter how just and fair a distributive arrangement is in ideal terms, it would hardly be useful in practical terms if it could not be translated into a concrete redistributive policy that can generate its own support over time. As Rawls puts it, an adequate conception of justice should be psychologically suited to human inclinations.⁹ Thus, Rawls believes that some measure of agreement in conceptions of justice cannot be considered as the only prerequisite for a viable human community (Rawls 1999, p.6). Rather, a conception of justice must also take into account other fundamental social problems such as those of coordination, efficiency, and stability.

The second reason is that the stability of redistributive institutions highly depends on people’s motivation. Institutions would fall apart if they were unable to secure the motiva-

⁷Rawls acknowledges that the concept of stability that he uses is that of quasi-stability. According to him, “if an equilibrium is stable, then all the variables return to their equilibrium values after a disturbance has moved the system away from equilibrium; a quasi-stable equilibrium is one in which only some of the variables return to their equilibrium configuration” (Rawls 1999, p.456).

⁸Certainly, the distributive justice debate has tended toward better addressing issues of meaning and justification. There are no doubts that theories of distributive justice need to have an understanding and appreciation of what it means to be “just” as well as to know the extent to which it may be justified. Nonetheless, there is a long way to go between showing that certain principles of justice should be justified and explaining why people will recognize, agree and comply with these principles as a regulative basis for their society (McClennen, 1989, p.5).

⁹Bear in mind that Rawls distinguishes between the motivation of persons in the original position and that of persons in everyday life. For my purpose, I am interested only in the latter. Besides the content of, nature of, or how we discover the principles of justice, I am interested in how people in everyday life accept principles of justice and how they develop a corresponding sense of justice.

tional conditions that make them viable. We can expect unstable tax systems in cases where citizens are not motivated to pay taxes or to trust others to pay taxes. When taxpayers are aware of a low likelihood of detection and of uncertain punishment by tax authorities, they may choose to evade taxes. The worry is, of course, that the stability of redistributive institutions will be highly damaged if most taxpayers evade taxes. People's motivations are not static or unalterable; they can be changed in ways that either improve or affect the stability of social institutions. The normative dilemma is, then, how the state might motivate people to act according to what is best for the stability of social institutions. For instance, we can foster the stability of a given institution, not just by promoting motives that support it, but also by discouraging any motives that may work against it. These actions may be undesirable or morally problematic, and for this reason they demand major attention.

Much of what can be said about the stability of unconditional income guarantee schemes underlies empirical assumptions. There are two main possibilities: either we think that unconditionality does not affect the stability of redistributive schemes or we believe that unconditionality and stability are in tension. Some recent pilot projects in Uganda and Namibia provide some support for the first possibility. They found that unconditional redistributive schemes do not necessarily favor people's tendency to free ride on the efforts of others. Under some circumstances, people still work and contribute to their communities even after receiving an unconditional welfare benefit (Blattman, Fiala and Martinez, 2014; Osterkamp, 2013).

However, inputs from psychology and behavioral economics have also shown that different institutional arrangements can explain variations in prosocial behavior (Meier 2007, p.61). That view challenges the assumption that human behavior is "driven in all settings entirely by external material inducements and sanctions" (Ostrom, 2005, p.253). Human behavior is better explained by assuming that there are multiple types of individuals in different settings rather than by assuming the existence of a single type of "utility maximizing" individual. For example, people are best characterized as "conditionally cooperative" – they cooperate

if they believe others cooperate as well (Bowles and Gintis, 2011; Gächter, 2005, p.20). As Ostrom defines them, “conditional cooperators” are “individuals who are willing to initiate cooperative action when they estimate others will reciprocate and to repeat these actions as long as a sufficient proportion of the others involved reciprocate” (Ostrom, 2000, p.141). If individuals tend to be conditional cooperators – such as many psychologists and behavioral economists claim – then, a redistributive policy based on unconditionality may be highly unstable. Let’s put it this way: if a large number of individuals are not willing to contribute to the cost of a UBI, conditional cooperators who perceive free riding will stop cooperating. Then, unless that UBI can motivate people to cooperate, this proposal may have serious difficulties in maintaining the stability of the social cooperation that makes it possible.¹⁰ The question is, then, what normatively legitimate institutional design choices need to be made to promote cooperation.

It is important to note that I do not claim that the problem of stability only applies to the case of unconditional policies.¹¹ Conditional welfare policies are not immune to stability problems. There are many variables that can affect the stability of conditional schemes. For instance, citizens will have little confidence in conditional welfare programs that are perceived as corrupt, inefficient and arbitrary. We should expect those programs to fail in generating their own support. Accordingly, my point is simply that unconditional policies, by definition, do not take any formal step toward addressing any potential motivational obstacles; some of which could be potentially addressed through the use of conditions. Well-designed and executed conditional policies should be better prepared for that type of challenge.

Similarly, it is also worth noting that the problem of stability in conditional and unconditional welfare policies cannot be reduced to one of work incentives. There are two reasons for that. First, there are multiple behaviors that can affect the capacity of a certain policy

¹⁰As De Beus (2013, p.333) puts it, “an unsolidary member of a political community with UBI is someone who is able to perform paid or unpaid labor who confines her or himself to receiving and spending UBI and who refuses to some work or pay some tax when the financial base of UBI happens to be under high pressure.”

¹¹I would like to thank an anonymous reviewer for drawing my attention to this point.

to generate its own support. For example, a UBI can also facilitate other behaviors that may affect its stability. We can, for instance, find extreme examples to illustrate how UBI might actually damage people or, at least, examples that illustrate that this type of income cannot be transformed into “real freedom” by many people. For example, some individuals might potentially use their UBI to buy drugs, cigarettes or alcohol.¹² But, going further, we could also imagine individuals spending their UBI in some less risky ways, but still falling short of the type of “real freedom” as described by some UBI’s advocates. Second, we should expect that the way in which a policy is funded will also have an effect on its stability. For example, some scholars believe that the best way to implement unconditional and universal income schemes is by guaranteeing a BI for every young person (LoVuolo, 2012). The idea is that this particular implementation strategy will produce a political consensus surrounding the idea of BI by avoiding the controversies associated with paying those who do not work.

The emphasis of this paper, however, is on the problem of work incentives in unconditional income guaranteed. Although there are other relevant motivational aspects associated with UBI, here I am particularly concerned with the ethos-based solution as a motivational strategy that can deal with people’s motivation to contribute in a society with UBI. That is the main justification behind the ethos-based solution.

3 Unconditionality and the “Ethos Solution”

Although there are several different justifications for a UBI, it is safe to say that all of them coincide in conceiving of this redistributive scheme as a freedom-promoting policy.¹³ There are two main reasons for that. First, UBI advocates believe that when it is paid at the

¹²It is important to note that according to Van Parijs, this type of behaviors do not affect the ideal of real freedom since that ideal implies that people should be free to do “whatever one might want to do”. I thank Stuart White for pointing this out.

¹³Some of UBI’s detractors deny the freedom-enhancing nature of this policy by arguing that an unconditional income without any type of requirement or contribution may encourage morally troubling and parasitical relationships in society. Under a UBI scheme, some people will free-ride on the productive efforts of the rest (Elster, 1987; Van Donselaar 2009; White 2003).

highest sustainable level, a UBI can provide people the freedom to say “no” to undignified, bad and unwanted formal and informal jobs (Van Parijs 1995, Widerquist 2013). That is, it can provide freedom from wage labor and marketable work (Maskivker 2012). Second, UBI advocates argue that this policy can help people to pursue their conception of the good life – whatever that is (Van Parijs 1995, Birnbaum 2012). The unconditional character of UBI is concerned with a genuine commitment to neutrality among the different conceptions individuals harbour about their goals. This idea is an essential axiom for some UBI justifications such as the ones presented by Van Parijs (1995) and Birnbaum (2012). The thought is that we should not encourage policies that favour any one conception of good life over other possible forms. A UBI is a redistributive mechanism that compensates people for their condition of citizenship rather than for the condition of their tastes. The problem, of course, is that the principles of neutrality and unconditionality can affect the stability of a UBI.

There are three strategies to deal with the fact that a UBI can be unstable. First, we may accept a weaker form of UBI as a still more desirable redistributive policy than conditional ones. Second, we may attempt to relax the unconditionality by attaching some conditions. For example, we could support some form of participation income; that is, an income that is available to all members of society and that is paid in exchange for an activity useful to society (Atkinson 1996). Finally, we can find a way to address motivational problems without altering the unconditional character of the policy. The goal in this case is to find motivational strategies that foster people’s cooperation with the redistributive unconditional scheme without affecting their eligibility for a UBI. In this paper I focus on this third alternative.

For the sake of argument I assume that unconditional policies have negative effects on the motivational preconditions that make them stable. By offering everybody the opportunity of not working, a UBI could erode the economic foundations on which its stability depends (Birnbaum 2012, p.146). If the stability of UBI schemes depends on having people behaving in certain ways (e.g., people taking up formal employment), unconditionality advocates need

to find the way to motivate individuals to engage in activities that favor the stability of unconditional schemes.

The answer that I want to consider here is what I call the “ethos-based solution.” This solution is inspired by Gerald Cohen’s idea of “egalitarian ethos” and has been further developed by Birnbaum (2011, 2012). Cohen believes that a just society depends not only on the existence of just institutions but also on an “egalitarian ethos” that informs people’s choices within just rules. By “ethos,” Cohen means “the set of sentiments and attitudes in virtue of which its normal practices, and informal pressures, are what they are” (Cohen 2000, p.145). According to him, that set of “attitudes people sustain toward each other in the thick of daily life,” and that goes beyond obedience to law, needs to be oriented toward equality if we want to achieve an egalitarian society (Cohen 2000, p.3). This ethos must “guide choice within the rules, and not merely direct agents to obey them” (Cohen 2000, p.128). As a consequence, Cohen thinks that the principles that determine a just distribution of benefits and burdens in society should apply not only to institutions but also to “the choices that people make within the legally coercive structures to which, so everyone would agree, principles of justice (also) apply” (Cohen 2008, p.116).

Cohen developed the “ethos argument” as a response to the potential inequality that satisfies the requirements set by Rawls’s difference principle. He worries that the application of the difference principle can promote intolerable inequalities given that it does not rule out the possibility that the talented members of society ask for additional compensation in order to work more productively. Talented individuals, Cohen suggests, should themselves act from an ethos that establishes a commitment to equality. Although he does not defend a regime that coerces people to choose a particular job, he thinks that a just society requires an egalitarian ethos to stimulate individuals to accept very high rates of taxation or to make

economic and occupational choices that favor equality (Cohen 2008, p.123).¹⁴

There are two points about the ethos-based solution that should be noted. First, the motivational burdens and constraints that an ethos imposes are not formally binding. By definition, an “ethos” is an informal motivational instrument. In principle each individual decides whether or not to follow the course of action recommended by some ethos. Second, Cohen’s egalitarian ethos is only one particular case of ethos of justice. An ethos is a set of underlying explicit or implicit values that can be interpreted as principles and applied in practice (Wolff, 1998, p.105). Consequently, an ethos of justice can be understood as a set of “principles and norms that specify some notion of fairness or reciprocity in individuals’ relations with others in the dimensions of their lives that lie outside the legally coercive structure of society” (Neufeld and Van Schoelandt, 2014, p.90).¹⁵

An ethos of justice specifies the type of normative demands that individuals can reasonably make on one another in those interactions that are not directly regulated by binding laws and rules. We can imagine an alternative ethos of justice that informs individual choices. For example, Michael Titelbaum believes that the members of a society that follows Rawlsian principles of justice should display a full Rawlsian ethos of justice that contains “not only a correlate of the difference principle, but also correlates of the first principle of justice and the first part of the second principle” (Titelbaum, 2008, p.302). This particular ethos should motivate individuals to make productive decisions that would benefit the worst-off only when that action does not conflict with the ethos’s correlate of the first principle of justice (Titelbaum 2008, p.302). It is, then, hardly possible to have in place a particular ethos of justice that informs the decisions of most members of society. Other things being

¹⁴Cohen believes that an “egalitarian ethos” is required to provide a “structure of response lodged in the motivations that inform everyday life, not only because it is impossible to design rules of egalitarian economic choice conformity with which can always be checked, but also because it would severely compromise liberty if people were required forever to consult such rules, even supposing that appropriate applicable rules could be formulated” (Cohen 2000, p.128).

¹⁵As Neufeld and Van Schoelandt (2014) point out, an ethos of justice should not be confused with Rawls’s notion of “sense of justice.” The key difference is that the scope of the sense of justice is limited and is related to the actions that took place within the basic structure. The sense of justice does not inform individual decisions outside the basic structure.

equal, the scope of an ethos of justice will be more limited than the scope of those principles of justice that are backed by coercive laws.

But how can an ethos of justice help unconditional redistributive policies to deal with motivational problems that may affect their stability? In the case of a UBI, an ethos is needed that motivates people to work and to pay taxes. There are at least three ethos-based solutions that could be used to achieve that goal. The first possibility consists of promoting a “strong societal work ethos” as an informal mechanism for stimulating work efforts. For example, Philippe Van Parijs (2003, p.230) believes that promoting a work ethos can help to boost the expectations of the worst-off. The main concern for Van Parijs is to generate sufficient allegiance by the more skilled and qualified. According to him, it is important to design institutions that foster an ethos of work solidarity, not because of the intrinsic goodness of a life inspired by such an ethos but because of its instrumental value in serving the worst-off (Van Parijs 2003, p.231). The definitive characteristic of a strong work ethos is its “productivist” character. Its goal is to motivate people to engage in paid labor in order to contribute to the creation of societal wealth.

A second option is to promote a non obligatory ethos of work. This can be conceived in two main senses. On the one hand, there is a lax (but narrowly productivist) ethos that relies on the virtue of work. On the other hand, there is a broader ethos of justice that encourages the virtue of contribution. While the former ethos attempts to encourage people to cooperate through paid work, the latter ethos implies a wider conception of contribution. According to this last view, people can contribute to society by engaging in nonremunerated informal activities such as volunteering and caring for children, the ill, or elderly people, etc. The main characteristic of these relaxed ethoi is that their contributive dispositions are supererogatory. That is, contribution and work case are not a matter of obligation.

Although, it can be admirable that people contribute to society by engaging in activities, the ethos should not tell people that they have an obligation to engage in those activities. Instead, it should promote the idea that while those people who act according to the ethos

are doing good things for the society, those who do not follow the informal guidance of the ethos are not violating their obligations of justice (Birnbaum 2012, p. 154-155). Therefore, the key difference between the strong work ethos and the relaxed alternative ethos is that contribution in the former is required while in the others it is supererogatory. The relaxed ethos respects the idea that people are free to act on preferences that deviate from the ethos's demand without violating their obligations of justice.

Simon Birnbaum (2011, 2012) identifies three main problems with these two alternative ethoi of justice. First, as he rightly points out, a “strong societal work ethos” can be oppressive and ostracize people in the name of freedom. Contrary to what the ethos's advocates might imagine, a strong work ethos can marginalize and exclude those individuals who do not contribute or show solidarity with the community. A strong ethos of solidarity or patriotism – such as the one defended by Van Parijs – can ostracize those UBI recipients who do not follow the fundamental values of the ethos. Ostracizing those skilled individuals who do not want to work can be as problematic as denying them the access to resources.

A second problem is that a strong work ethos can reduce the set of options and ways of life. The informal expectations with respect to work and productive contributions can reduce the options that people have to engage in projects beyond the world of employment (Birnbaum 2012, p.146). Put another way, it can create a tension with the principle of neutrality that lies at the heart of unconditional proposals. According to that principle, no conception of the good should be asserted as better than any other (Van Parijs 1995, p.28). Unconditionality is justified on the grounds that it can avoid the promotion of any particular conception of the good life. That includes, of course, those ways of life that contest any ethos of contribution or work.

Birnbaum sees a contradiction in Van Parijs's proposal. Roughly speaking, Van Parijs believes it is feasible with UBI implementation to provide a neutral framework within which individuals have the means that permit the pursuit of their different and potentially conflicting ideals of “good” life. The way of life of an individual who lives surfing all day

in Malibu is no less valuable than that of another individual who dedicates several hours a day to farm work. A UBI is a distributive mechanism that compensates people for their condition as citizens and not for their ideals of a good life. However, as Birnbaum points out, the liberal principle of neutrality conflicts with those ethoi that promote formal employment as a good way of life because they will not be indifferent with the respect for leisure and nonmarket options. As a consequence they can neutralize the liberal benefits associated with unconditionality.

Likewise, the option of promoting a relaxed ethos is vulnerable to other problems. Although relaxing the ethos can avoid the neutrality objection, it is open to what Birnbaum calls “the structural exploitation objection” (Birnbaum 2012, p. 154-155). Structural exploitation happens when some people gain the freedom to give priority to their personal projects only because there are other morally sensitive individuals who voluntarily remain stuck in burdensome forms of paid work. This is a common problem for both a broad ethos of contribution and a productivist ethos of work. Informal pressure will likely affect individuals in different ways. An ethos that hinges on supererogatory duties will allow the exploitation of the responsible individuals by the irresponsible ones. Stability and greater levels of freedom will be achieved due to the fact that some choose to perform the tasks that most people would prefer to avoid.

Birnbaum proposes a third possible ethos of justice to address the stability problem of unconditional redistributive schemes.¹⁶ His proposal promotes an ethos that endorses a wider duty of contribution that is broader than a narrow job-centered productivist ethos (Birnbaum 2012, p.146). The strategy is to decouple work from productivism by promoting an ethos that includes other relevant contributive activities that are not related to the formal sector of the economy (Birnbaum 2012, p.155). This broader ethos will encourage activities that

¹⁶ It is important to note that Birnbaum’s main concern is showing the problems associated with Van Parijs’ alliance between a neutrality-based argument for UBI and a strict work ethos. Although Birnbaum favorably analyzes the prospects of an ethos of contribution as a potential solution to the problem of stability, he is not firmly committed to the claim that the ethos-based solution can take on all of the necessary motivational work required for fostering the stability of a UBI scheme.

are beyond the labor contract, activities that cover unpaid efforts and contributions. The idea is to promote a broader obligation of contribution that relies on informal expectations. Accordingly, people will need to internalize a civic duty of contribution that goes beyond the requirements of formal employment.

Birnbaum believes that this justice-preserving ethos based on contribution can deal with all the problems that he identified. First, due to the fact that the ethos discourages very few activities, it should not become as oppressive as a strong work ethos is. Only a few activities and lifestyles could violate the ethos's guidelines. Second, by decoupling the work ethos from productivism, this ethos leaves room to pursue ways of life that get it closer to the ideal of state neutrality. Finally, its obligatory character should address the structural exploitation objection. This ethos will motivate most people to contribute in one way or another. All this ethos has to do is to motivate people to internalize a civic duty of contribution (Birnbaum 2012, p.165).

4 Problems with the Ethos Solution

The ethos-based solution is an elegant way to deal with the problem of stability without relaxing or eliminating the principle of unconditionality. The promise is that this ethos will guide people's choices without interfering with their freedom to live as they prefer. We might think that this solution preserves individual freedom because an ethos is not legally enforced and, as such, it does not rely on any formal threat of sanctions to influence our behavior. However, there are three problems with this potential solution. First, even an ethos that promotes a wider duty of contribution can become oppressive and violate people's freedom. Second, the motivational strategies that can be used to generate that ethos may be difficult to implement, monitor and control. Finally, the difficulties associated with implementing and developing that ethos may lead us to either preserve an undesirable status quo or to implement suboptimal redistributive policies. Let us consider these three problems in turn.

Birnbaum's broader ethos can face challenges similar to the ones identified with the other ethos solutions. The reason for this is simple: any ethos of justice that can be functional to a UBI will create two categories of people – those who comply with the ethos and those who do not. It is far from clear how this categorization can affect people's interactions. In particular, it is crucial to take into account the motivational mechanisms that the ethos solution uses to deter undesirable behaviors. The thought is that an ethos that increases the range of activities that count as a contribution to societal wealth is enough to avoid ostracism and other shaming penalties by those who contribute toward those who do not. If most of us contribute in some way, then very few people can be the target of ostracism or any other form of informal punishment.

But this argument runs into a number of problems. To begin with, it is not clear how those individuals who do not contribute at all to societal wealth should be treated. Should they be informally punished? Birnbaum seems to think that there will be very few people in that particular position. If most people will contribute in one way or another to society, then few people will experience a loss of freedom. However, this outcome contradicts the normative principles that underlie unconditional and universal redistributive policies. A UBI is conceived of as a policy to promote real freedom for all and not just for those who meet the informal normative expectations of a particular ethos.

Moreover, even under an ethos that promotes a wider duty of contribution, some individuals will contribute more, in terms of both quality and quantity, to the stability and efficiency of the unconditional scheme. Different levels of contribution will presumably provide a distinct status among contributors. It is not hard to see how those who contribute more will not informally punish those who contribute less to society. It is an empirical issue whether such a wider ethos can be inclusive enough to count all contributions as equally valuable. If we accept that establishing a formal criterion to distinguish between contributive and non-contributive activities is complicated, then we should not overestimate the extent to which a set of informal underlying principles can do that job. Even with an ethos that specifies

that the state should not force people to contribute against their will, individuals guided by a wider ethos of contribution can act in a variety of informal ways to punish those who do not contribute. This ultimately affects the freedom-enhancing virtues of unconditional redistributive policies. As Paula Casal points out (2013, p.7), it is reasonable to expect that an ethos can be accompanied by noteworthy non legal sanctions.

To simplify matters, we can imagine two main reasons to explain why people could follow the commands of a particular ethos of justice. On the one hand, people may follow the guidance of an ethos because of the congruence of its commands with their moral values and beliefs. Independently of whether or not it is worthwhile to cooperate, I may cooperate because I am convinced that it is the right thing to do. On the other hand, we may follow an ethos after calculating the costs and benefits that are associated with noncompliance. For instance, I cooperate because I get more benefits with cooperation than without it (e.g., having an extensive redistributive policy in place). But I also may cooperate because I can be punished if it is discovered that I exploit the cooperative behavior of others.

An important informal way to deter noncooperative behavior is through shaming penalties, that is, to shame those who fail to follow the ethos of justice. Shamefulness – “the desire not be thought badly of by others,” may induce people to behave in ways they otherwise would not (Elster, 2007, p.98). Shaming takes place when those who comply with the ethos of justice draw attention to the noncompliance of others, which results in the latter group perhaps being seen as less desirable as partners. Shaming can be a reasonable response for those whose behavior diverges substantially from the ethos. As a form of nonlegal sanction, shaming penalties that would operate with an ethos of justice should have a powerful deterrent effect. An ethos of justice that does not produce a deterrent effect will not fulfill its purpose. Thus, the power of shame will be concentrated in the hands of those who comply with the ethos.

There are, however, good reasons to be cautious about using a shaming mechanism as a motivational instrument (Nussbaum 2004). On the one hand, shame is not only an

unpleasant feeling but it is a worrisome social emotion (Calhoun, 2004, p.128). It causes pain to individuals by subjecting them to social ostracism or demeaning treatment. Shaming could encourage the stigmatization of those who do not comply with the ethos, asking those who comply to view the former as shameful (Nussbaum, 2004, p.2). As a means of ethos enforcement, shaming penalties reveal those who do not contribute as being bad cooperative partners. On the other hand, shaming penalties are difficult to control and monitor. As Richard Posner suggests, governments cannot control the level of ostracism and arbitrariness that shaming penalties may produce (Posner, 2000, p.95). It is not only difficult to evaluate which level of ostracism produces the right level of deterrence, but also the severity of shaming penalties is unpredictable.

One important question is what the government should do with those individuals who use the power of shame to subordinate and punish those who do not follow the ethos. Birnbaum believes that the oppressive character of an ethos that encourages contribution and cooperation can be eroded by widening the range of activities that fit the bill. But a large set of activities will have numerous subsets of contributive activities that are not equally valued and respected. I can try to convince those who spend hours caring for the elderly and children that my surfing performance is a relevant contribution to society because it attracts more international tourists to the country. However, many might disagree with my opinion and think that I am not honoring my duties of justice. Moreover, many can informally penalize my behavior. Recall that the main goal of a UBI is to minimize the levels of domination and increase individual freedom. However, if we think that a UBI can be stable only when there is an ethos of contribution in place, then we open the door for the possibility that those who contribute (or who believe that contribute more) take actions against those who do not. The challenge is, then, to find the appropriate way to determine the likelihood that an ethos of justice leads to oppression and ostracism.

A second and related problem with the ethos-based solution concerns the mechanisms through which an adequate ethos of justice can be fostered. Advocates of the ethos-based

solution are not always clear about the mechanisms that can be used to generate the desired ethos. The claim that underlies the ethos-based solution is that this particular motivational strategy does not interfere with people's freedom. In Cohen's view, for example, an ethos does not limit individual freedom due to the fact that it is not legally enforced (Cohen 2008, p.195; Casal 2013, p.6). Once we transform the ethos in place, people will be motivated to behave in ways that favor implementing unconditional redistributive policies. The problem is that not all the strategies to produce that ethos are normatively equivalent. For instance, subjecting people to intense indoctrination practices is not the same as trying rational persuasion to convince them of the goodness of cooperation and contribution. It is not only the case that different motivational strategies affect people's freedom in diverse ways, but also that alternative motivational instruments show a distinct respect for the principle of liberal neutrality.

The irony here is that an ethos of justice is conceived of as a solution to the motivational problems of a UBI because it does not require state interference on individuals' freedom. In other words, it seems to be assumed that the state should not play any role at promoting an ethos of justice that makes a UBI motivationally viable. However, it is difficult to imagine an ethos solution that does not require the state to play a role as a motivational agent. For example, public education is usually assumed to be a crucial strategy for promoting an ethos of justice. Some scholars believe that norms of reciprocity, cooperation and work ethics could be incorporated into the curricular requirements of publicly supported schools (Neufeld and Van Schoelandt 2014; Birnbaum 2012, p.165). Similarly, the state could promote an ethos of justice through public communication campaigns that persuade people to internalize responsibility, reciprocate and cooperate with one another, and so on. After all, governments commonly launch communication campaigns designed to persuade people to adopt pro-environmental behaviors, raise awareness about health issues, protect endangered species, promote organ donation and increase voting participation (Perloff, 2010).

The obvious difficulty here is that an educational system designed to promote a partic-

ular ethos of justice (i.e., one that favors the stability of UBI schemes) could easily take a perfectionist posture, favoring a particular ethos over others. This is particularly problematic for those – such as Birnbaum and Van Parijs – who are committed to respecting the liberal neutrality principle. We can expect reasonable disagreements, not only about the extent to which rival conceptions of ethos differ in the behavior patterns they prescribe, but also about the educational processes needed to promote an ethos of justice.

Finally, a third problem with the ethos-based solution is that the belief that an adequate ethos of justice is necessary for the stability of UBI proposals may cause us to be stuck with an undesirable status quo or with suboptimal policies. The thought is that we should not implement a UBI until we are confident that most people’s actions are informed by the correct ethos of justice. If we truly believe that an ethos is necessary for guaranteeing the stability of a UBI, then it is reasonable to think that implementing this kind of policy without having the right ethos in place can be counterproductive. How policies are implemented is as significant as the policies’ content. A UBI that is implemented in a community that does not possess the right ethos of justice not only can fail in its redistributive goals but it also can erode its legitimacy. Thus, we could believe that although a UBI is the best possible redistributive plans it should not be implemented until there exists a particular ethos of justice suited to deal with potential motivational problems. But to adopt this position is dangerous for UBI advocates because it implies that a motivational reform is needed before implementing that type of redistributive strategy.

The problem with this reasoning is, of course, that it would make UBI inapplicable to a high proportion of societies in the present (and in the near future). This solution to the problem of stability echoes the common claim that people need to be educated and socialized before becoming recipients of redistributive policies. However, in many contemporary societies redistribution is required right now. Redistributive institutions should not be conceived of as policies that can only work properly once a new set of underlying informal values and principles regulate people’s behavior. As Des Beus (2013, p.337) notes, UBI advocates face

a dilemma: either they will endorse a UBI scheme that “will turn out to be a short-lived experiment because it undermines solidarity” or they will find the way to design a stable UBI that reproduces solidarity.

It is important to note that my arguments are meant to apply across different UBI’s justifications that rely on the ethos-based solution. The reason for that is simple: by addressing motivational problems through changing the ethos of justice, a UBI could lose its equality- and freedom-enhancing properties. Naturally, this is not to say that we should aim for an ethos-free zone that is evidently nonsense. Rather, the point is that the process of developing a particular ethos of justice that is well-suited for a UBI scheme can be much more challenging than some UBI advocates seem to recognize. As Joshua Cohen (2001, p.375) puts it: “Ethology, it is fair to say, is not a well-developed discipline. We do not know much about either the sources or consequences of a social ethos”.

Nevertheless, note that my first two criticisms are particularly serious for those UBI advocates aiming to honor the neutrality principle. Both Van Parijs and Birnbaum believe that all individuals’ conceptions of the good should be equally respected. According to them, the unconditional character of UBI is concerned with a genuine commitment to neutrality among the different conceptions of the good. The life of an individual who is surfing at the beach all day should not be considered as less valuable than that of another who is working several hours in a bank. A UBI is a distributive mechanism that compensates people for their condition as citizens and not for their particular tastes. But this commitment to neutrality can be incompatible with the processes and consequences of the ethos-based solution.

Naturally, not everyone will accept my portrayal of the ethos-based solution. It might be claimed that an ethos of justice does not necessarily need to interfere with people’s freedom. Certainly, we can think of different ethoi of justice that currently play an important role as freedom-enhancing mechanisms in contemporary liberal societies. Consider, for instance, the case of the “ethos of democratic mutual regard” extensively discussed by Stuart White (2003). That ethos commands people to “accept and affirm one another as equals in the

design of the common institutions that are to govern their life together in a fundamental way” (White 2003, p.34). It makes manifest the equal worth of each citizen. White argues that this particular ethos is foundational to modernist political morality. In practice this ethos motivates people to treat each other as equals. It is reasonable to expect informal sanctions for those who violate the “ethos of democratic mutual regard.” But we could argue that those sanctions are normatively defensible because a free and just society cannot be possible if most people do not respect the equal worth of persons.

Similarly, in the case of an ethos of contribution, the informal sanctions could be justified because they help to promote a policy that enhances freedom and justice. However, there is an important difference between the ethos of contribution and the ethos of democratic mutual regard. While the latter is also incorporated into many formal institutions, the former is imagined to be only a motivational instrument that operates at the informal level. In fact, an ethos of contribution will promote principles and values that are opposite to those promoted by the formal institutional arrangements. The ethos-based solution tells us that a UBI should be formally unconditional although informally conditional.

As Midtgaard (2008, p.11) suggests, it is difficult to argue that an unconditional scheme that includes nontrivial requirements of cooperation and contribution can be considered unconditional at all. We will have a formal institution – a UBI – saying that people should be free to do whatever they want with their life and informal motivational strategy suggesting the opposite. If it is the case that an ethos can lead to informal sanctions, advocates of the ethos-based solution have to explain why it is normatively problematic to promote a particular behavioral pattern (e.g., contribute, reciprocate, etc.) at a formal level but it is not to encourage the same behavior through informal motivational mechanisms.

5 Concluding Remarks

I have offered an account of the normative problems related to the ethos-based solution to the stability problem associated with unconditional basic income schemes. First, I argued that an ethos of contribution can become an uncontrollable informal instrument to deter undesirable behaviors. Some of the mechanisms that an ethos of justice uses to motivate people to contribute can significantly interfere with people's freedom. That potential outcome violates the normative basis commonly used to justify unconditionality. Second, I suggested that developing and implementing an ethos of justice is a complex process that involves normative judgments and decisions. In particular, some of the motivational strategies that can be used to develop an ethos (education, communication campaigns, etc.) are not problem free. Even if an ethos of contribution is normatively justified and all parties are committed to that outcome, there may not be agreement on how to achieve that outcome. Advocates of the ethos-based solution have not properly explained how ethically questionable procedures to achieve that outcome can be avoided. Finally, I pointed out that the belief that an UBI will be unstable unless societies cultivate an adequate ethos of justice can favor the status quo or the implementation of suboptimal policies such as a modest UBI.

The ethos-based solution eliminates the motivational simplicity of UBI schemes. It moves from a basic assumption, that people's motivation and behavior are irrelevant at the time of implementing extensive redistributive policies, to acknowledging that UBI may embody motivational difficulties that need to be seriously considered. If we believe in the latter but we are also unwilling to sacrifice the principle of unconditionality, then we might run into some of the difficulties that I just mentioned.

The obvious question is, then, how we can deal with those problems. For instance, Birnbaum (2012, p.169) acknowledges that when the cultivation of an ethos produces many undesirable outcomes, then conditional redistributive schemes should be preferred. However, he is not as pessimistic as I am about the prospect of an ethos-based solution. His argument can run counter to my criticisms by showing that a wide ethos of contribution can be culti-

vated without producing serious normative consequences. But if my arguments are sound, advocates of unconditional schemes should move from the debate on “conditionality versus unconditionality” to a more serious discussion about which kind of conditionalities can be normatively defensible. Not all conditionalities seem to produce the same normative concerns. For instance, a conditional cash transfer predicated on children school attendance and health check up should not be treated as normatively equivalent to a mean-tested workfare policy that obligates the poor to work in jobs that nobody wants to take. It is, therefore, an empirical and normative question whether or not some conditional redistributive schemes can be more freedom-enhancing and stable than unconditional ones. We should not assume that one is evil and the other is virtuous.

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