

The Right to Work and Basic Income

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Why a Basic Income Is Necessary for a Right to Work

Abstract: This article makes the proposition that a right to work can only exist if an individual has a prior right to a basic income. It criticizes the perspective that maximizing the number of jobs is a meaningful way of advancing the right to work, since activity in subordinated labour is scarcely consistent with a freedom-enhancing right to work. In recalling the historical right to practise an occupation, it rejects the notion of a “job guarantee”, as neither feasible nor desirable in a free society or as part of a progressive vision of a Good Society.

Keywords: basic income, job guarantee, economic security

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1 Introduction

Rights are about advancing and defending human freedom. They are universal and they are inalienable. I cannot give away my right without degrading my humanity. To be meaningful, a right is an aspiration, a goal to which we march. We may say that a policy or institutional change is good or bad depending on whether or not it advances towards realizing the right affected by that change.

This short paper makes the proposition that the *right to work* only makes sense if interpreted to mean a right to a freedom to develop one’s creative, productive and reproductive capacities. It depends crucially on the meaning we give to the idea of *work* and to identification of the legitimate constraints to a right to practise our own sense of “occupation”, i.e., the space, time and opportunity to work at a self-chosen range of activities.

With a proper interpretation, a right to work can be honoured only if an individual has a prior right to a basic income. It is a *necessary*, if not *sufficient*,

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condition for realizing a right to work. Without a basic income, the right to work is denied.

2 The constitutional background

The discussion in the following is set partly in juxtaposition to the view that there should be a “job guarantee” and that this would give practical meaning to the right to work. Later, we will suggest why this position is untenable. However, it might be useful to start by recalling the evolution of the international perspective on the right to work itself.

Debates on a right to work go back many generations. In the early nineteenth century, it was asserted by the utopian socialist Charles Fourier, but shortly afterwards dismissed by Karl Marx, who commented that under capitalism it was “an absurdity, a miserable pious wish”. This made sense, in that if workers had to labour in exploited subordinated jobs, they had no control or ability to work on what they might wish to do. Later, reflecting the paternalism with which it has been promoted by advocates of a duty to labour (particularly, and rather conveniently, a duty of “the poor”), it was asserted most strongly by Pope Leo XIII in the famous *Rerum Novarum* (The Condition of Labour) of 1891, issued in a context of growing worker discontent all over Europe and the rise of international socialism. In the twentieth century, it became entangled with an alleged duty to labour, epitomized by Pope Pius XII’s 1941 statement that labour was both a right and a duty of everybody. After the war, in a moment of Keynesian euphoria, it was enshrined in *The Universal Declaration of Human Rights* of 1948, in Article 23, as follows:

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

This fed into regional equivalents of the Declaration, in Latin America, Africa and Western Europe. It went with the sudden faith in the ability, and thus duty, of governments to create “Full Employment”, which meant the sexist full employment of men. But, while it was a triumph of twentieth-century labourism, the wording in the Declaration implicitly recognized a tension between “work” and “employment” by differentiating the various parts of the claim. However, after that, the right to work became blurred in ideas of so-called “labour rights” as enshrined in the International Labour Organisation’s Conventions and Recommendations, which crystallized in the ILO’s *Employment Policy Convention No.122* of 1964. Although this did not include a

formal commitment to a right to work, it was subsequently interpreted that way, as revealed by the following statement made by the ILO's Employment Committee in 1983:

The promotion of full, productive and freely chosen employment provided for in the Employment Policy Convention and Recommendation, 1964, should be regarded as the means of achieving in practice the realisation of the right to work.

In other words, employment and work were treated as synonymous. Neither the Soviet Union, with its rigid doctrine about everybody's obligation to labour, nor social democratic political parties, with their adherence to labour values, nor the Catholic Church, with its paternalistic approach to poverty, had helped. In 1963, Pope John XXIII postulated the most peculiar position by asserting that employment was a *natural right*. This reflected the mood of the time, faith in Keynesian macro-economic tools and social democratic social policies. But, from the late 1960s onwards, the issue was treated with increasing circumspection, at least in some quarters. Most revealingly, the United Nations' 1966 *International Convention on Economic, Social and Cultural Rights* was more detailed on the matter than the 1948 Declaration and more nuanced:

The States parties to the Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work, which he freely chooses or accepts, and will take appropriate steps to safeguard his rights.

This is marginally more helpful than previous assertions, in so far as it allows other forms of work by using the word "includes" and gives emphasis to the idea of "freely chosen". Even the Catholic Church seemed to modify pronouncements to reflect the conceptual tension. Although Pope John Paul II issued the encyclical *Laborem Exercens* (Performing Work) in 1981, reiterating the claim that there was a natural right of employment, by 1991 in *Centesimus Annus* (Hundredth Year), produced to celebrate the anniversary of *Rerum Novarum*, the muddle arising from equating employment with work had become more glaringly apparent. While *Centesimus Annus* supported the use of labour market policies to curb unemployment, it actually held back from advocating a right to employment by concluding (p.19) that "the state could not directly ensure the right to work of all its citizens unless it controlled every aspect of economic life and restricted the free initiative of individuals."

Although we will come back to aspects of that perspective, note that it implied a hovering question: If the state could not guarantee the right to work, then who could? It rightly balked at the implicit idea that private employers would have a duty to provide jobs, which would be absurd. In any

case, it is significant that the next attempt to assert an international principle came in Article 1 of Title 1 of the *Charter of Emerging Human Rights* adopted at the Barcelona Forum in 2004, drawn up by an international group including representatives of all relevant UN bodies (and including the current author). This declared support for a right to existence, under conditions of dignity, comprising rights to security of life, to personal integrity, to a basic income, to healthcare, to education, to a worthy death and to *work*, defined as:

The right to work, in any of its forms, remunerated or not, which covers the right to exercise a worthy activity guaranteeing quality of life. All persons have the right to the fruits of their activity and to intellectual property, under the conditions of respect for the general interests of the community.

While we will also come to the difficulty with that latter statement, the crucial point here is that the international evolution of perspectives has reflected the tensions between the freedom to work and the duty to labour and the distinction between work and labour.

3 Why a “Job Guarantee” is neither feasible nor desirable

At this point, we should briefly address a strategy derived from an old reading of the right to work, one which rests on a profoundly different sense of work than seems appropriate in the twenty-first century, but which remains popular among social democrats around the world. It is the proposition that the state should guarantee a job to everybody wanting one, providing a “job guarantee”.

There is something schizophrenic about those advocating a job guarantee. If the jobs most people are obliged to do, or obliged to seek, are so exhilarating, why is that those scribbling in favour of a job guarantee are not scrambling to obtain them and why is it that the ordinary person has little difficulty in nodding in approval of a “TGIF” (Thank God it’s Friday) sign or joke? And why is it that those, such as Richard Layard, who favour a job guarantee, are also so keen to force people to take jobs? They tend to rationalize the latter by stating that some people do not realize that they would be happier in jobs, and therefore need to be forced to do what is in their own good to make them happier. This is paternalism taken to absurdist extremes.

They should take note of how real people actually feel. Opinion polls suggest that in many countries most people are rather detached from the jobs

that they are doing.¹ This seems healthy. After all, jobs are not created for the purpose of making those who do them happy. If we regard jobs as essential for defining a person's success and for achieving happiness, we set expectations that cannot be realized for the vast majority of people. False expectations generate stress and frustration, leading to a sense of failure, ill-health and morbidity. Jobs in most cases are instrumental, providing an income. If they do more than that, then the person may feel fortunate. But that is not the norm.

Nevertheless, as part of the legacy of old notions of Full Employment, there are many social scientists who advocate a universal "job guarantee" (see, e.g., Forstater, 1999; Quigley, 2003; Harvey, 2005, 2013; Gregg and Layard, 2009). In practice, they quickly shift towards a variant of workfare. Thus, Harvey states that there should be "direct job creation by government to guarantee paid employment to all jobseekers" and implies that there should be means-tested and behaviour-tested state benefits for those deemed "unable" to do jobs and for those deemed to be excluded from the expectation that they should perform jobs, because of other demands on their time and their social status.

The "behaviour-testing" comes from intrusive questions to the non-employed to determine their *real* ability to take or perform a job. This leads, and has led, to steadily more intrusive checks, including turning personal doctors into social policy intermediaries. Bravely, some NHS doctors in the UK have refused to comply with state instructions to say whether or not their patients are able to take jobs, regarding the Hippocratic oath as morally obliging. Selecting who is deserving of benefits and who must be expected to take jobs is all part of the social assistance regime in which means-testing is the critical feature. The view that some people should be classified as "not expected to work in wage-paying jobs" is ultimately arbitrary and moralistic.²

Harvey claims basic income advocates "ignore the fact that other recipients of means-tested aid rarely suffer the indignity and stigma that jobless adults do". This is not a fact, and they have not ignored the issue. There is vast evidence that the elderly, for instance, have a low take-up rate of means-tested benefits, linked in part to shame, fear, ignorance and the physical and time cost of applying. Those with mental or physical impairments also have low take-up

¹ In 2009, a Gallup poll found that only 13% of German workers felt any attachment to their job.
² For instance, it has been guesstimated that about one-third of the adult population in a country such as Canada is subject to "episodic disability", as distinct from chronic or permanent disability. It is hard to imagine a reliable method of distinguishing between those who should be "expected" to be in a job and those not.

rates. Contrary to Harvey's repeated claims that means-testing "is not particularly controversial in most societies", it has always been and remains highly controversial.

For instance, in the UK, the systematic trend away from social insurance and universal citizenship-based entitlements towards means-tested social assistance has been seen as eroding the social solidarity character of social protection and as denying citizens priority entitlements. One issue, brought to a head in the General Election of May 2010, is that inadvertently the trend has appeared to give immigrants priority over native citizens. If the state prioritizes those in greatest financial need, rather than those who have paid contributions over many years, those tend to be disproportionately migrants, giving the impression that they are jumping to the head of the queue for state benefits and services. This was shown to be a prime cause of white working-class resentment of non-white migrants in the east end of London (Dench, Gavron, & Young, 2006). Means-testing is part of the job guarantee approach, and its failings have to be added to those of any workfare scheme.

The economic system that came closest to giving every adult a "job guarantee" was the Soviet Union, which even regarded anybody not in employment as "parasitic". It is not a model that leaps to mind as one to be emulated. If everybody is guaranteed a job, it becomes extremely hard to dismiss anybody for tardiness or low productivity, and it discourages voluntary mobility, as well as putting a block on technological innovation.

In a market economy, it is generally recognized by economists that some unemployment is necessary. Many economists believe that there is a "natural" rate of unemployment ground out by the structural characteristics of production and employment. Its closely related concept is the NAIRU, the "non-accelerating inflation rate of unemployment". One can dispute the methodology for conceiving and measuring these concepts but, at the very least, ever since the origin of the Phillips Curve in 1958, it has been accepted that if unemployment is pushed too low, inflationary pressures will become intense. If price rises and wage rises accelerate, economic problems multiply. In other words, guaranteeing everybody a job would create huge economic costs.

That is not the end of the matter. If the government guaranteed everybody a job, how would that be translated into practical policy? Would the person not given a job to his or her liking be able to sue the government for compensation or for a job? What right of refusal would be allowed?

Alexis de Tocqueville (1848) long ago put his finger on the ultimate dilemma, when he pointed out that guaranteeing every person the right to a job would mean either that the government would have to spread until it had taken over almost the entire economy (which he saw as communism) or it would

be obliged to force employers to provide jobs and penalize them for not doing so (which he saw as socialism).

If you were to assert that the right to work means a right to a job, then presumably you would have to support the “right” not to be deprived of a job through redundancy or dismissal. Those interpreting the right to work as a right to a job usually do not mention how this issue could be resolved. They see the government as at least the employer of last resort, which means any worker could snub the wishes of an employer with impunity. A job guarantee is a slacker’s charter. This dragged down the Soviet Union, since more and more people clung on to jobs; average productivity fell to pitiful levels, and real wages withered, until the system was summed up in the Soviet workers’ wry joke, “They pretend to pay us, we pretend to work.”

There are many other reasons for opposing a job guarantee scheme. Very quickly, the advocates drift into saying that if somebody “refuses” to take a job offered by the state, then they should be denied state benefits, because they must be voluntarily unemployed, and a parasite. This, at least, presumes that the state knows what is best for the person. This is unproven. For instance, there is evidence that if an unemployed person takes a job for which they are unsuited it has a negative effect on their long-term earnings and capacity to work (Booth, Francesconi, & Frank, 2002; Autor and Houseman, 2010). If this were the case, and if the state steered people into jobs without them being able to make choices, who would be liable for any consequent loss of lifetime earnings?

Then there is the set of problems that always arise from employment subsidies. A job guarantee is a form of subsidy, since it involves a payment for doing something for which there is no proven market demand. Unlike a universal unconditional transfer, all labour subsidies involve both *substitution effects* and *deadweight effects*. As an example of the former, if those employed under the guarantee scheme were paid a rock-bottom minimum wage, then either the recruits would resent being paid less than others or they would tend to drag down the wages of others doing similar types of work. The job guarantee would have a deleterious effect on those not covered by it. This would hardly be a commendable achievement. There is also a high probability that a guaranteed job scheme would involve a high deadweight effect, i.e., many of the jobs created in haste would have been generated anyhow, possibly with more care and involving more proper recruitment. So, the fiscal cost of each job generated would be a multiple of the subsidy given to any one job.

Labourists, such as Phil Harvey, want to maximize labour. For them, being in a job is to be a citizen, to have rights and to have the means of achieving happiness and social integration. This rosy interpretation of jobs flies in the face

of the evidence that many, if not the majority, obtain very little pleasure from their jobs, and they recognize realistically that they have little or no prospect of doing so. They are obliged to do repetitive, inane or dirty and onerous tasks that they do primarily if not solely for one reason, to obtain money and benefits so that they can subsist and help their dependents to do so. Psychologist commentators fretted when a Gallup poll in Germany in 2009 found that only 13% of workers felt attached to their job. Surely, the majority attitude was remarkably healthy. It implied that most people had an instrumental view of their job, which implied that if they lost it, they would not feel devastated psychologically.

A feature of jobs in the tertiary open economy is that an increasing proportion of them yield wages or incomes that are inadequate to satisfy the aspirations or needs of those doing them. Real wages in the USA, France and elsewhere have stagnated for several decades, and the benefits associated with jobholding have gone down for most workers. For a growing number of people, jobs are not the route to income adequacy. And they are not the route to occupational development or work satisfaction either.

A job guarantee cannot be made without stating the wage, labour time and type of activity that would be guaranteed. In reality, the labourist perspective implies a low wage for many people and little choice in terms of type of labour. Suppose a person does not want the job a local bureaucrat says is available? Implicit in the silence on that issue is the hidden presumption that in such cases a state benefit would be denied to the ungrateful supplicant. Job guarantee advocates should be required to state where they stand on this. In reality, policy-makers operating workfare schemes have steadily shortened the period allowed before sanctions come into effect.

Finally, there is the awkward matter of equity. Without any caveat, Harvey advocates giving to all those laid off “a guaranteed job roughly equivalent to the one they lost”. This would mean a newly unemployed financial services employee of Lehmann or Bear Sterns would receive a job doing financial services and receive “roughly” as much as in the job he had lost through the recklessness of the firm, whereas a seamstress in New Jersey would receive an onerous job paying a pittance. Besides the moral hazards in such a guarantee, this would imply covering the risks taken by bond traders and would offend any respectable principle of social justice. Moreover, in saying that a job would be provided to those who lost their job, decisions would have to be taken on determining eligibility. It would involve formulating tests of voluntary job-quitting and job-seeking, which are notoriously inaccurate and inequitable, as discussed elsewhere (Standing, 2002). Harvey does not mention how these would be resolved.

In sum, a job guarantee scheme would be neither desirable nor feasible.

4 The idea of work

Every age has had its oddities when it has come to indicate what counts as work and what does not. Our age is certainly no different, and the twentieth century was particularly ridiculous, in putting labour and jobs on a pedestal, as if all other forms of work were worthless and did not count. A right to a job would be a peculiar sort of right, since it would amount to a humble request to be put in a position of subordination, to have one's tasks directed by another. That might be better than being impoverished and involuntarily unemployed, but those are not the only alternatives.

The absurdity of equating jobs or labour with work can be illustrated by many examples. Suffice it to recall a few points. Arthur Pigou, the economist, famously said, "If I hire a housekeeper, national income goes up. If I marry her, national income goes down." Those crying for jobs should be told that pouring tea for a boss is no more productive or valuable than tending the daily needs of frail relatives. And if you make "jobs" the top priority, you are easily led to justify low "market-clearing" wages and pushing people into polluting, resource-depleting activities rather than allowing them to work on their enthusiasms and to help in the reproductive activities in which most people indulge or would like to indulge.

For almost all human history, the idea that as many people as possible should be put into jobs would have been regarded as mad. The origin of the word "job" indicates that it was essentially a pejorative term, denoting an activity of limited duration, direction and status. In ancient Greece, citizens did not do labour or jobs; that was left to the slaves and *banausoi*, leaving the citizens to do work (*praxis*) with friends and relatives, and to participate in the public arena of the *polis*. One does not support the inegalitarian structure, in which women and slaves were systematically denied citizenship rights. However, one can glean a vital distinction that was lost by twentieth-century labourists and that must be recaptured.

Lest we forget, or think the ancient Greek perspective died with their civilization, it is worth adding that in the early years of the United States, wage earners, along with household members apart from the "master", were regarded as non-citizens (Forbath, 1985). They were not regarded as having freedom, and therefore could not be called citizens. Similarly, for centuries, labour was what was done by people who lacked material property; it was closer to being a badge of shame than what modern utilitarians see jobs as being, the primary source of "happiness". It is unclear why we should want as many people as possible doing jobs for others' benefit, under their direction,

in subordinated positions. There is no strong evidence that this is what most people want for themselves. For example, opinion polls in the USA have shown that a majority of people would prefer to work for themselves than be in wage jobs, and a majority of young people in western Europe feel the same.

Work should be regarded as one of the four forms of time use, alongside labour – work done for exchange value or, expressed differently, for money – plus recuperation-cum-relaxation, or “play”, and leisure or what the Greeks called *scholē* (Standing, 2011). As lambasted so memorably by Hannah Arendt (1957), the fearsome prospect of the twentieth century was the *jobholder society*, in which everybody would be forced to be in alienated and alienating jobs, to the neglect of other forms of work and leisure. We need to recapture and sustain a distinction between labour and work, as well as between “play” and “leisure”.

Before coming to the link between the right to work and basic income, it is essential to understand the nature of work in the twenty-first century, in thinking not in the conventional dichotomy of work and non-work, or work and “leisure” as an all-embracing catch-all, but in terms of work, labour, play and leisure. This can be appreciated by considering the nature of time in a tertiary society of the type in which the vast majority will be living.

5 Tertiary time

To understand why notions of jobs, and the closely related policy of public works, are so alien to the challenges of work in the twenty-first century, one must appreciate the implications of no longer living and working in an industrial society. Too often, advocates of public works and related job-creation strategies, such as the use of employment subsidies, hark back to an industrial era, usually the 1930s, when most men were in or wanting full-time industrial jobs in fixed workplaces, in what has since been called the “standard employment relationship”, while most women were regarded as primarily “housewives” or, at most, secondary labour force participants.

In those days, life was set by notions of industrial time, consisting of definable blocks, in which childhood and schooling were followed by a period of about 40 years in full-time labour and then, if lucky, a short few years of retirement, even though the normal retirement age was less than male life expectancy at birth. A time-block approach permeated living. People were expected to get up early in the morning, go to labour in a specific workplace for 8, 10 or 12 hours a day, for about 48 hours a week, and then eat, sleep and procreate in the remainder of the week. At least in popular imagery and in policy guidelines, the man did labour

(a job), while the woman did housework. The “breadwinner” was supported by the “housewife”. This image was never wholly accurate, but was profoundly oppressive, sexist and contrary to a progressive view of the right to work. Fortunately, it is no longer a framework that can be maintained; it is risible.

Instead, we have moved into a tertiary world, in which most people work and labour in what are conventionally called “services” and in which the block approach of industrial time has broken down, potentially for the better, but only potentially so. At the moment, the result is stressful and inegalitarian. Increasingly, people, whether in jobs or not, do a large and growing amount of work-for-labour (all the unremunerated work that people have to undertake off the workplace and outside paid hours) and work for other reasons as well. In many cases, they are obliged to do so, or at the very least are pressured to do so, with a high probability that if they do not do such work they will face a financial cost.

As this is written primarily for consideration by academics and intellectuals, one can give an example from their own labour and work. If an academic were to work no more than a 6 hour day in “the workplace”, he or she would soon drift behind in terms of knowledge, contacts and status. Someone in a part-time job usually has to do the same amount of extra work to perform adequately as others doing similar labour in a full-time capacity. Ask any part-timer ostensibly in a half-time role if they work half the time of a full-time colleague, and it is likely that they will feel they do considerably more than half as much. A part-timer usually has to do proportionately more work-for-labour than a full-timer in order to remain competitive or as productive. In a tertiary society, more and more people must undertake work-for-labour, re-training for labour, own-account work to handle financial and/or legal matters as well as work caring for relatives. It is a constant process in which reported or remunerated time in jobs is a misleading guide to the actual amount of time spent working.

Another feature of a tertiary flexible labour system is that a growing proportion of people are in the hazy zone of being neither in employment nor unemployment. The borderline between those who are employees providing services and those providing services as independent or dependent contractors is notoriously complex, generating ample work for labour lawyers. Distinguishing between those who are employed, self-employed, under-employed and unemployed in this world of short-term contracts, nods-and-winks, handshakes and shadowy bargains is essentially arbitrary. It is not as if this is merely a description of a few marginal activities. The shadow economy, poorly measured for obvious reasons, perhaps accounts for a third of total national income in many countries. It makes a mockery of classifications of jobs and employment based on an old industrial model of full-time jobs and unemployment consisting of temporary “interruption of earnings power”.

Conceptually, we do not yet have an ideal way of dealing with tertiary time, although we seem to be moving towards a consensus that the demands on time are becoming unacceptably stressful and that working-time statistics are misleading because of the growth of work-for-labour. The direct relevance to the discussion of the right to work and to basic income is that, if work and labour are increasingly amorphous and invasive, a primary liberating objective should be to find ways of increasing people's control over time. In that regard, labour-and-jobs is not the zone in which people have control, almost by definition, since labour is done for somebody else, in a subordinated status on terms desired by those in the position to pay. The zones of freedom are in work, play and leisure. The main trouble here is that in a globalizing market society, the pressures to do work-for-labour and to consume are remorseless, squeezing out work for other purposes and leisure in the Greek sense of participating in the public sphere of the state and society.

6 The right to practise

At this point, let us consider another aspect of the debate, one that should pose awkward questions for those espousing a "job guarantee" or workfare strategy. It concerns the ancient idea of the right to practise, the right to work in activities of one's choice and capabilities. The claim is that everybody should be allowed to practise the sort of work that they wish to do or feel capable of doing, and that nobody should be allowed to block them from doing so without demonstrated good reason. This is close to being the libertarian position.

In the USA, libertarians like to hark back to the *Lochner era*, when in their view the right to practise was fully respected. In their more enthusiastic moments, they go back to the Magna Carta of 1215, which affirmed a right to buy and sell unhindered, to support their claim that "the right to practise" means there should be no impediments to anybody practising any form of work they wish. Sometimes, they add "as long as it does no deliberate harm to others". The *Lochner era* began in 1905, with a legal ruling in New York that any law or action by a third party, such as a trade union or government agency, intervening to set conditions or standards for a labour relationship was a contravention of "liberty of contract", or the right to practise, which is often taken as synonymous with "the right to work".

This legalized libertarian position was maintained in the USA until 1937, when a progressive majority in the Supreme Court effectively managed to overturn it in repudiating the Constitutional commitment to liberty of contract, thereby enabling Congress to set laws relating to economic matters, and leading to a raft of

legislation setting labour standards. In recent years, modern libertarians have fought to reinstate it, and to some extent they have succeeded, as they have within the European Union through rulings by the European Court of Justice.

There are several familiar drawbacks with the libertarian position. By saying that no external intervention should be allowed to interfere with a contractual arrangement, the risk is that vulnerable people will be exploited and oppressed. One can think of numerous situations. The vulnerability has been a major justification for labour law and the legal treatment of collective bargaining. However, those traditional mechanisms are inadequate in a tertiary society, which is why they have gone into terminal decline. In flexible labour markets, in which more and more people belong to the precariat or fear dropping into it (Standing, 2009), those old labour institutions are blunt instruments for combating oppression and exploitation, including self-exploitation, particularly when there are so many pressures to do work-for-labour off the workplace and outside so-called working hours. To be able to resist those pressures, people need a deep-rooted sense of security.

Libertarians are correct in wanting to assert that freedom requires the citizen to be able to choose freely to labour and to work, subject to doing no harm to others, at least not deliberately, knowingly or carelessly. They are simply wrong for implicitly allowing the persistence of vulnerability, and for ignoring the legitimate need to overcome problems of asymmetrical information that typically pervade all labour relationships.

A more common objection to the libertarian position is that it could leave consumers or customers exposed to dangers. One would not want everybody to be architects or doctors. This leads to issues of professional licensing and accreditation, and to the rationale for various mechanisms of regulation. Libertarians have interpreted all regulatory interventions as interfering with the right to work. They have drawn their inspiration from the father of modern economics, Adam Smith, who opposed long apprenticeships as an infringement of the right to work. As discussed elsewhere (Standing, 2009), there are competing claims here, between the interests of consumers, professionals, other workers and society as a whole. Suffice it to state that if a right to practise or a right to work is to be respected, then whatever protective regulations are required should be based on *deliberative democracy* and respect for principles of social justice.

This is not our immediate concern. Accepting that some sort of restraint is desirable and bearing in mind the broad idea of work, the right to practise must surely mean that a person should not be penalized for trying to do a *variety* of types of work, and policy-making should be based on the presumption that all forms of work should be treated as equally as possible. This principle of equality is systematically abused at present. To give just one hypothetical but easily understood example: Why should somebody who wishes to spend 8 hours a

day looking after a frail grandmother be denied the subsidy or protection given to somebody who does 8 hours a day in a job, and whose earnings are topped up by the state through a tax credit? The only possible justification would be that the unpaid work was purely voluntary and not really work at all, done happily as a gift. There is no equitable or logical reason for making that presumption.

At present, most countries provide a vast array of subsidies designed to maintain or generate jobs, usually of a particular kind. Almost by definition, most of them could not be justified on economic grounds. When those favouring jobs argue against social spending, they rarely mention the cost of all the subsidies that go into maintaining unproductive jobs.

A rather different constraint on the right to practise arises from the sanctity given to intellectual property rights. Patents block the opportunity for some people to produce something that patent holders monopolize or to work using techniques of production patented by an individual or firm. In brief, in modern capitalism private property rights trump the right to work. The key text justifying this feature of a market society is that of John Locke in 1690. Thomas Jefferson interpreted Locke to mean that everybody has the right to receive the “fruits of his industry”, which could mean that they have a permanent patent, unless one interprets ideas as part of “the commons”, or the “general intellect” of society. Whether one likes it or not, many patents act as barriers to people practising various types of work solely because certain individuals or companies have an institutionalized monopoly of the right to do so.

The pragmatic response is that while society recognizes that there needs to be some economic return to invention, to make research and experimentation worthwhile, there must be time limits on patents and the invention or innovation must be real. The difficulties are not for our discussion. But it must be admitted that patenting adds to the constraints on a right to practise represented by licensing, subsidies and protective regulations. A right to work is never a right to do just what we wish. And what is required is a system of social protection that enables people to have a sense of control over their time in searching out how best to optimize their work and leisure activities.

7 The “duty to labour”

Before coming to what these concerns imply for basic income, we should deal with just one other matter. The use of the term “right to work” is commonly a thinly disguised way of asserting that people have a duty to labour, where this is supposed to imply that a person should make a contribution to society. Sometimes, it is added that if a person does not honour that duty, they should

be penalized by being denied benefits or services provided by the state. Over the ages, this duty has been regarded as applying to “the poor”, and not to the rich, or more generally those with material property. It has been a convenient means of telling the ordinary folk that they must labour diligently for some grand design, and for the benefit of those making the profits from their labour.

Revealingly, of the few countries that have enshrined a right to work in their Constitutions, most have matched it with an Article asserting a duty to work as well. This was the hallmark of communist states, but it has also figured elsewhere. Thus, in US-occupied Japan after the Second World War, Article 27 of its new Constitution stated, “All people shall have the right to work and the obligation to work.” That made the right and the duty to employment synonymous.

However, if you have a duty to do something, you certainly cannot be said to have freedom to do it or not do it. A duty is an obligation, with penalties for failing in some way. The predicament was epitomized by the position of T. H. Marshall (1950, p. 46), who interpreted the right to work as little more than the duty to labour, along with the duty to “put one’s heart into one’s job”. There can surely be no reason for somebody to maximize effort in a job if they are being underpaid, overworked or oppressed. And since this is always going to be subjective and varying, it is absurd to turn such a matter into a duty.

The right to work must surely be an advance of freedom, which is the underlying principle of human rights. This particular right must be a right to follow an occupation of one’s choice in the places of one’s choice, subject to those constraints on the right to practise mentioned earlier. It should surely also treat all forms of work equally, and not steer people into one form by penalizing those doing other types of work or subsidizing jobs.

8 Why basic income is necessary for the right to practise

Contrary to the claim made repeatedly by Phil Harvey, many of those who formed BIEN in 1986 and who have joined since do not advocate a basic income primarily as a way of dealing with unemployment.³ We have seen it primarily as

³ Phil Harvey claims that basic income advocates have not addressed the job guarantee arguments. Along with others, I have repeatedly done so (see, e.g., Standing, 1986, 2002, 2005); he has not engaged with arguments proposed as refutations of his points. In his latest paper, he makes no reference to that literature, which has been central since we established BIEN in 1986.

a means of advancing the claims of work and leisure against the claims of labour, jobs and employment. Harvey likes to focus on the work of Philippe van Parijs, who has said he was drawn to basic income as resolving the threat of mass unemployment. But that is by no means the only rationale for basic income. As I have long argued, a basic income is not primarily a means of compensating those without jobs, but is a means of providing basic *security*, a means of *redistribution*, a means of *liberation* and a means of gaining ecological balance and control. These are all strong reasons that do not depend on any level of unemployment.

Consider the rationale for state benefits and the problems old forms of benefit raised in the context of a right to work. The international trend in the globalization era was away from social insurance benefits towards means-tested social assistance. This was as true in Scandinavia as in the UK or the USA, and it has been pushed as part of structural adjustment programmes in emerging market economies as well. The global trend to means-testing has caused all sorts of problems, including moral and immoral hazards, the former arising from producing a disincentive to do what would otherwise be to a person's advantage, the latter arising from making it pay to be dishonest, or at least giving an incentive to being dishonest.

The idea is that only those in financial need – “the poor” – should receive social assistance, and of the poor, only those who comply with certain behavioural conditions. A standard claim by those advocates is that if people choose to stay poor or choose not to look for income-earning work, then they should be penalized by losing entitlement to benefits. In other words, one immediately creates at least a dichotomy, a distinction between the “deserving” and “undeserving” poor, to which is quietly added the “transgressing poor”, those who are not only deemed to be undeserving for not behaving in socially approved ways, but who break the law in reaction to their poverty, becoming criminalized and thus disintitiled to state transfers, services or even “decent” jobs.

Means-testing and its derivative trend towards behaviour-testing inevitably lead to arbitrary and socially divisive social security policy. They generate surveillance, complex and costly bureaucratic rules and a steady trend towards a workfare state, in which jobs become an instrument of control and a web of deceit around freedom of choice and guarantees, rather than anything close to being freely chosen activity.

By contrast, the link between the right to work and basic income is about helping to enable people to gain control of the pace and intensity of their work, and to escape from the remorseless and ecologically unsustainable dictates of labourism, i.e., a paradigm that sees only labour as economically and socially worthwhile activity deserving of mainstream social protection.

A basic income would help equalize the opportunity to undertake work-for-labour as well as other forms of work outside the remit of labour. At present, people in low-wage labour are under the most pressure, financially, to labour for as long as they can to try to reach some normative idea of subsistence. They are penalized by comparison with more fortunate higher-income earners in a way that few analysts seem to appreciate. For in a tertiary society, economic and social advantages come from the opportunity to undertake sufficient work-for-labour to obtain or retain personalized competitive advantages over others in the labour market. For instance, to give just one example, a person doing 35 well-paid hours in a job can find the money and time to take refresher courses or evening classes, whereas someone doing 50 hours of low-paid labour will have less time, money and energy to do so. If both were provided with a basic income, the latter person could bargain more strongly for a higher wage and less labour time, while being better placed to afford the time and money for those courses.

One way of looking at the link with the right to work is to see basic income as a means of *decommodification of labour power*, of people (Standing, 2009). That is essential if people are to be freed from dependence on the market, and thus be given a realistic means of acting rationally in their longer-term interest rather than opportunistically out of short-term necessity. And it is essential to do so if we are also to move to a proper commodification of labour, which is happening with globalization. Put bluntly, if entitlements to most benefits and services are based primarily on the performance and sustained experience of labour, they will continue to be whittled away in rich countries that are having to lower labour costs under competitive pressure from production and labour in emerging market economies. Only if basic income security were decoupled from the labour relationship would that pressure be overcome.

Fortunately, there are also progressive reasons for wanting those entitlements to be shifted away from labour, since in practice they are inegalitarian, distortionary and the source of productive inefficiency. Universalizing the right to benefits should be the base of economic claim rights. Escaping from the trap of a “job guarantee” is a necessary step in that direction.

9 The right to care work

Labourists, those who hinge almost everything on wage labour, usually men, blithely leave out of their imagery and models the work of caring for people, if it is not provided by wage labour. Fortunately, demographic and social changes are making it harder for them to do so without inviting open scorn. Although women’s increased role in the labour market obviously played its part in this, it

is perhaps the rise in the elderly share of the population that has precipitated the final decisive change in social policy discussion, because it has ushered in a debate about the right to *receive* care as well as the rights of those *providing* care. For a labourist (someone who sees only jobs and wage labour as legitimate work), these issues might be dismissed as outside the sphere of jobs and work, or they might fall back on the need to turn care work into wage jobs. This is a dismal prospect, because most of us want to receive and to provide care as part of our range of activities

In the broad area of care work, the fundamental needs are basic mutual security, so as to enable carers and care-recipients to combat exploitation, oppression and self-exploitation, and equal bargaining and representation security for all parties. One of the many regrettable aspects of twentieth-century labour-based social security is that in most countries the state gave *subsidies* to cover unpaid care provided by those in jobs that were not given to those not in jobs.

This has been a source of inequality. Thus, maternity benefits and paid maternity leave – and, more recently, paternity leave as well – have been granted to those who are married and in jobs (and often only to those in certain types of job), whereas they have been denied to those not doing work counted as labour.

For carers and care recipients, a basic income would not be a panacea. However, it would help in equalizing the security of all citizens and would improve the bargaining position of those providing care as well as those receiving it or expecting to need it. By contrast, driving potential carers – which should mean all of us – into jobs or into more intensive jobs would increase the care deficit in society and further tilt time-use patterns away from socially and ecologically beneficial uses of our time.

Care work is a vital part of our work, and undertaking care in various ways at various times is vital to our identity and to our sense of occupation and to the reproduction of our environment. We need to remove care from the zone of *pity* and non-citizenship (without rights), and place it firmly in the zone of *compassion* and social solidarity. If providing care were interpreted as work, and part of the range of activities for which there is a right, then one would be drawn to reconsider such so-called social rights as paid maternity and paternity leave. Why should only those in wage labour receive them?

10 Give leisure a chance

At this point, let us return to work in the context of time allocation. In a global market society, the overwhelming drive is to maximize consumption and to

intensify labour so as to do so. In the 1930s, Keynes forecast that by the end of the twentieth century, people in rich countries would be working no more than 15 hours a week, on average. Long before him, Marx forecast that the development of the forces of production would result in a gradual liberation from labour, so freeing up time to develop our human capabilities in a zone of time freedom. Neither Keynes nor Marx foresaw the sickness of mass consumerism and the fetish of endless economic growth, bringing in ecological decay and its frenzy of labour, let alone the sadness of the jobholder society that Hannah Arendt feared in *The Human Condition*.

In reality, the amount of time spent by individuals and family units in the labour market has gone up in recent years. If we were able to calculate the amount of time spent in work-for-labour, outside remunerated hours, and if we could add that to the labour time, we would surely see that the job-driven market system has created a veritable time squeeze. This is related to the pandemic of stress (Standing, 2009, chapter 8). More intensified labour, coupled with more almost obligatory work-for-labour, leaves more people “spent”, without the energy, intellectual sharpness or inclination to indulge in much more than passive play and consumption.

This must mean that the time available for the other use of time, *leisure*, is squeezed. It cannot compete against the market pressures, incentives and penalties. There is ample evidence that this is the case. But leisure in the ancient Greek sense of *scholē* is a form of work, since it involves participation in the public sphere, in the life of the *polis*, as a public citizen. Those who consider work solely in terms of jobs, of wage labour, are merely focusing on one particular form, often a shallow, alienated sort of work.

The squeeze on leisure is epitomized by the lack of engagement in politics by the citizenry. Not only are fewer people bothering to vote in elections, but most are not becoming active in political life. For instance, in 1950 about one in every eleven adults in the UK belonged to a political party; today, it is about one in every hundred (McGuinness, 2012). There is a dangerous thinning of democracy. If democracy is an end as well as a means of living a civilized existence, then we need incentives “to leisure” at least as much as “to job”.

A way of linking consideration of leisure with the right to work is to suggest that there should be equal incentives and opportunities to do all forms of work, and in that context to appreciate that leisure, in conceptual contrast to play, involves a large element of work. To be socially responsible citizens (or denizens, to put the bar lower), we must be able and inclined to devote time and effort to understand the issues on which we are expected to hold views and exercise our vote and political involvement.

There is a historical precedent. In 403 BC, in ancient Athens, the citizens were given a small basic income as a grant in return for their involvement in the public life of the *polis*. As argued elsewhere (Standing, 2009, chapter 10), this is the one condition that could be justifiable in return for a basic income, although it should be a moral commitment to vote, not a legally binding one with sanctions for those not voting or taking part in political activity. It would have the pragmatic advantage of helping to legitimize a move towards a basic income, in that it could be a genuine participation grant, without having the labour market disadvantages of a grant made conditional on labour participation.

11 Concluding remarks

A basic income is a necessary condition for a right to work, as meaning a right to practise and a right to pursue a personal idea of occupation. It is not a sufficient condition, since there must be safeguards against loss of that income security and there must be access to individual and collective forms of Voice that could advance and defend the right to work.

As freedom, the right to work requires respect for associational rights. If one respects the claim of associational (republican) freedom, one should not support a right to work without accepting as a necessary correlate a robust claim for associational rights. And if the right to work is a right to practise an occupation, then the proper type of association would be an occupational one (Standing, 2009, p. 262). We will not discuss that here, but it is always important to emphasize the complementarity of income and representation security.

So, a basic income would not *realize* a right to work, particularly not work as a sense of occupation, combining activities in building a career and a path of personal development. That is not the claim. The claim is that a basic income would make it more feasible to pursue a desired set of work activities, including care work and other forms of work that may not involve financial payment. It would lower the risks and thus encourage a longer-term, rational perspective, rather than a more opportunistic and even desperate one that epitomizes a market society characterized by flexible labour relations and high levels of unemployment and underemployment and labour-related inequalities.

The continuous generation of labour is a fetish of capitalism. There is no inherent human trait that makes us all want to be in labour or to have insatiable material needs. People are expected to find their self-esteem and social and personal *worth* through their work. But, if the work they are obliged to do denies

them self-esteem or worth, is not the right to work thereby denied? Some people may acquire their social identity through the work they do. And one might reasonably assert that most people are forced by circumstances to do labour that does not reinforce or relate to their perceived social identity.

Ultimately, we need to find the means to resist the commercial pressures that are putting us on a constant treadmill of labour and consumption. As suggested earlier, the utilitarians who tell us that beyond a certain point money income does not lead to more happiness should want to curb economic growth. But they do not. They want as many jobs as possible, which they associate with rapid economic growth. Yet it is becoming clear that rapid growth would have negative ecological effects and might even be “jobless”. Since the early 1980s, successive recessions in rich countries have resulted in slower jobs recovery, even to the point where there has been talk of a “job-loss” recovery in the USA following the financial shock of 2008.

If maximizing jobs and growth were not seen as so vital, we could move to developing a slow-growth, slow-time strategy. Trying to “share jobs” or cutting maximum working hours, as France did with its 35-hour week, is neither desirable nor practicable. What we need is a Slow Time Movement, based on granting every person a greater control over how they allocate their time across their work, play, labour and leisure activities, through the day and night, through the year and through their lives. A basic income would help to do just that.

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