

# Basic Income and the Means to Self-govern

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## Abstract

One line of argument in defense of an unconditional basic income is that it reduces the dependence of less advantaged citizens on others. However, its claim to help ensure individual self-government is undermined by the fact that it is consistent with social and economic inequality. For those who are more wealthy and talented are better placed to influence the democratic decision-making process according to their interests and contrary to the interests of those who are less advantaged. In sum, a basic income does not provide the sufficient conditions for equal citizenship. One solution to that problem, defended by Rousseau, is that in addition to a social minimum, material inequality should be moderated. In this paper I argue that such a measure is unnecessary provided that we can insulate the political decision-making process from the background inequalities. It is argued, following a recent innovative proposal by Bruce Ackerman and Ian Ayres, that to ensure the effective right to self-government the basic income should be complemented by a voucher of equal value to be used by each and every citizen as a campaign contribution to a candidate of their choice.

If we inquire into exactly what constitutes the greatest good of all, which should be the end of every system of legislation, we shall find that it comes down to these two principal objectives, *liberty* and *equality*. Liberty because all private dependence is only so much force taken away from the body of the state; equality, because liberty cannot continue to exist without it. (Jean-Jacques Rousseau, 1762, *On Social Contract*, II.11, par. 1)

## 1. Rousseau and self-government

One way of defending democratic rule is to appeal to the republican conception of liberty. Namely we are free to the extent that we are not vulnerable to the will of another.<sup>1</sup> Hence we are free in a political community to the extent that we have equal influence over the formulation of decisions that we are then subject to. That tradition of thought is well-illustrated by the erstwhile citizen of Geneva, Jean-Jacques Rousseau. He argues that slavery is the antithesis of liberty (1755a, second part, par. 43) (1762, I.4, par. 6 and IV.2, par. 5) and that laws should be collectively self-imposed. (1762, III.12) The time-honored challenge to the self-governmental credentials of democracy, however, is that the majority (or those who are able to influence it) always has the opportunity to self-interestedly rule the minority.<sup>2</sup> The problem that I am concerned with here, however, is that self-government may be thwarted by the fact that the less fortunate members of a democratic society may be the passive subjects of the laws and policies favored by the more fortunate. The problem is not so much that the most rule the few, but rather that the ‘haves’ rule the ‘have nots’. For as Arend Lijphart has recently noted “... the inequality of representation and influence are not randomly distributed but systematically biased in favor of more privileged citizens – those with higher incomes, greater wealth, and better education – and against less advantaged citizens.” (Lijphart, 1997, p. 1) Indeed the bias towards the more fortunate coupled with the resulting lack of participation by the less fortunate may lead us to suggest that contemporary democracies have not moved much beyond the days when the right to vote was conditional upon the

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<sup>1</sup> Here I follow Philip Pettit’s, interpretation of republican freedom in terms of non-domination - a person is unfree to the extent that she is vulnerable to the arbitrary interference of another, even if they do not actually interfere. Pettit, 1997, chap. 3. Moreover, to the extent that we are dominated our lives are insecure as we are constantly aware that we can be interfered with; we just don’t know whether and when and therefore our lives are rendered even more wretched as we are forced to wait in uneasy anticipation and we are unable to formulate and pursue a settled life-plan. Pettit, 1997, pp. 85-87

<sup>2</sup> A problem, it should be said, that Rousseau was not oblivious to. See 1762, IV.2, par. 8 For him decisions must apply equally to all. See 1762, II.4, par. 5 & 7.

ownership of property (or more accurately a plural voting system where each citizen's voting power is indexed to their property and wealth).

In his time, Rousseau's response to the threat to self-government posed by social-economic inequality was to argue that "...no citizen should be rich enough to be able to buy another, and none poor enough to be forced to sell himself...". (1762, II.11, par. 2) We should be careful to note that there are two components to Rousseau's prescription. Firstly, to avoid dependence on others, society must provide for each citizen's basic needs. (1762, I.9, par. 2)(1755b, par. 40-41) Secondly, resource disparity should be sufficiently narrow so that that greater influence cannot be bought.<sup>3</sup> The argument of this paper is that a basic income overcomes the problem of dependence, but not the problem of unequal influence. The question then is whether a basic income must, following Rousseau, be coupled with the moderation of resource disparity if it is to ensure self-government. If so the resulting effect on incentives may curtail the sustainable size of the basic income. It is argued (Section 5), following a recent innovative proposal by Bruce Ackerman and Ian Ayres (2002), that the political process can be insulated from background material disparities if each citizen is provided with a campaign donation voucher which they use in the same way as a vote.

## **2. Basic Income and Self-government**

A basic income would mitigate the problem of dependence insofar as the current day 'propertyless' are guaranteed a basic means with which to choose and pursue their aims and ambitions. Indeed the republican defense of property ownership is that it gives each person (e.g. employee, off-spring or spouse) the means to avoid being dependent on the beck-and-call of others (e.g. employer, parent or breadwinner).<sup>4</sup> In terms of the problem of political influence, the provision of a basic income would mean that those previously preoccupied with eking out a reasonable existence and anticipating the moves of those with the capability to interfere would now have more time and security to participate in the political process and therefore protect themselves against partial and ill-conceived laws and policies.<sup>5</sup>

The problem is that while a basic income will enhance the opportunity to participate, it is consistent with substantial material inequality and therefore inequality of political influence. While a basic income helps to ensure self-

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<sup>3</sup> On the issue of circumscribing disparity see also Rousseau, 1755b: par. 33-34; Rousseau, 1762: I.9 par. 8 plus note and II.11 par. 1-3 plus note.

<sup>4</sup> For classical examples of the republican understanding of property rights see Rousseau, 1762, I.9; Rousseau, 1755a, second part, par. 28; Rousseau, 1755b, par. 40-41 and Paine, 1797.

<sup>5</sup> See, for example, Ackerman and Alstott, 1999, pp. 184-185.

government in terms of one's personal domain, it still does not ensure self-government in terms of political decision-making. Hence, any justification of basic income on the grounds that it helps to protect the individual from the arbitrary whims of others, is compromised because the individual is left vulnerable to the wishes of those who are politically more influential. That being the case, the right to a basic income appears to be at best only partially derivable from the right to self-government. The less fortunate are only undominated insofar as the material disparity between them and the more fortunate is sufficiently narrow. In other words, deploying a basic income in order to provide the means to make each individual's formal freedom from interference effective may still leave each individual subject to the behest of the more fortunate. If I have the real opportunity to choose and pursue my ends, but others have the real opportunity to curtail or even revoke it, am I actually that free?

In his influential defence of a universal basic income Philippe Van Parijs is at pains to point out that democratic decision-making and individual liberty are not necessarily mutually dependent. (Van Parijs, 1995, pp. 8-9 & 17) While that is undoubtedly correct, once decision-making becomes relevant - as it must if we assume that a basic income cannot be successfully implemented where there is no government - then surely a constitutional democracy is better equipped to protect individual self-government than a regime made up of decision-makers who are not subject to regular election and/ or institutional checks on their decision-making powers. If we concede that democracy is at the very least instrumentally justified in this classical republican sense (Van Parijs, 1995: 19)(Skinner, 1991: 196-198), then equality of political influence remains of crucial importance.

Van Parijs actually identifies the problem posed by political inequality in his brief discussion of the legal obligation to vote. (Van Parijs, 1995, p. 26) But there he casts the issue in terms of the tension between the anti-paternalism implied by self-government and the need to level-up the opportunity set of the worst-off.<sup>6</sup> Surely the debate also centers around what it is exactly that is required in order to ensure self-government. For on the one hand if the individual is to be left to choose for themselves then they should not be legally obliged to vote. On the other hand if the worst-off are not legally obliged to vote then the better-off will make choices for them; for as Lijphart documents, compulsory voting goes some way to improve voter

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<sup>6</sup> Van Parijs focuses his account of formal freedom around the idea of self-ownership; defined as not being forced to act in a way that is contrary to one's choice or consent (eg enslavement, compulsory schooling or military service). Van Parijs, 1995, pp. 6, 8-9, 21 & 26. There seems to be a fine line, if any, between not being subject to the will of another and not being owned by another. Both entail that I am not placed in a position where another can interfere even if they do not (eg the benign slaveholder). As Rousseau puts it if you enslave yourself you denude yourself of all humanity because you are no longer a self-choosing being. (1755a, second part, par. 43) (1762, I.4, par. 6)

turnout in general and by the less advantaged in particular. (Lipjhart, 1997, p. 3) However, imposing voting in order to ensure self-government seems to lead us down the path to Rousseau's notorious idea of 'forcing people to be free' (1762, I.7, par. 8)<sup>7</sup> and is therefore rejected outright by those who interpret liberty strictly in terms of non-interference. However, the aim here is not to enforce the intrinsic value of participating for the common good, but rather the ability of citizens to protect themselves from interference; thus it constitutes a thin form of paternalism that is justified on the grounds that constitutionally protected individual rights (even if backed by constitutional review) will provide insufficient protection against a majority of those who *do* participate in the electoral and decision-making process. Given that, and the fact that that compulsory voting both protects individual self-government, in the sense of not being subject to the will of those who have more influence over the decision-making process, *and* helps to protect and enlarge the opportunity set of the worst-off, then perhaps paternalistic intervention in at least this case is justified.<sup>8</sup> I return to further discuss the issue of paternalism in Section 5.

Nonetheless, even if voter turnout is more equally distributed as a result of the implementation of compulsory voting (and other measures such as proportional representation), it remains the case that, those with greater wealth will be – via say campaign financing - more able to influence electoral and legislative outcomes. In order to further clarify this issue and to look forward to possible remedies to it, it will be instructive to consider John Rawls's analysis of the problem of political inequality.

### **3. The fair value of the political liberties**

For Rawls the fair distribution of political influence in a democracy is crucial because it helps to establish an impartial procedure for determining how we are to be ruled. A decision making process that fails to equally consider the merits of each citizen's viewpoint will lack justificatory force. (Rawls, 1993, pp. 330-331) In addition, and in keeping with the classical republican tradition, the equal opportunity to affect the decision-making process provides a channel through which an active citizenry can protect themselves against possible encroachments upon their individual rights. (Rawls, 1993, pp. 205-206, 299 & 361) Rawls readily acknowledges the justificatory and protective functions are inadequately provided for by the formal provision of political liberties (right to vote, right of assembly, free political speech etc) as their usefulness varies according to the social and economic

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<sup>7</sup> See also Rousseau, 1762, IV.2, par. 8, plus footnote. Rousseau's prescription rides on his perfectionist reading of republicanism. See e.g. 1762, III.15, par. 1-3.

<sup>8</sup> On ensuring both non-domination and opportunity, see also Pettit, 1997, pp. 75-76.

advantages at one's disposal. (Rawls, 1971, pp. 204-205) (Rawls, 1993, pp. 325-326)<sup>9</sup>

This poses a significant problem for justice as fairness insofar as the difference principle permits inequalities in life prospects so long as the worst-off position is the least worst-off under all possible schemes. (Rawls, 1993, p.326) (Rawls, 2001, pp. 59-60 & p. 149) Perhaps the equal access to education required by fair equality of opportunity will enhance the ability of the less fortunate to ascertain and articulate their concerns, but after a certain point the disparities in social and economic advantage permitted by the difference principle will nullify that voice.<sup>10</sup> The disparity of political influence permitted by the difference principle compromises the fairness of the procedure and fails to protect the priority of the worst-off, let alone the basic liberties. (Rawls, 1993, pp. 327-328 & pp. 330-331) For that reason Rawls acknowledges that we must ensure a fair distribution of the value of the political liberties (i.e. their effectiveness) rather than simply the formal possession of them. (1971, pp. 224-225)

[T]his guarantee means that the worth of the political liberties to all citizens, whatever their social or economic position, must be approximately equal, or at least sufficiently equal, in the sense that everyone has a fair opportunity to hold public office and to influence the outcome of political decisions. (Rawls, 1993, p. 327)

That requires that the fair value cannot be trumped by arrangements designed to ensure fair equal opportunity or to maximally level up the life expectations of the worst-off. (Rawls, 2001, pp. 46-47)

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<sup>9</sup> Note that the underlying problem here is inequality of influence rather than political corruption *per se*. Corruption is to large extent a red herring because inequality of influence is a problem even if it was not brought about by corrupt exchanges. Rawls, 1993, pp. 360-361 Equally, bribe giving and taking, for example, is only a problem insofar as it leads to political inequality. Hence, is it really a problem if a disenfranchised minority buys political influence?

<sup>10</sup> It is worth pointing out, by way of indicating the urgency of the problem, that in the period since the publication of *A Theory of Justice* the worst-off group in United States society have become worse-off. "The share of Americans living in poverty rose from 11.2 percent in 1974 to 15.1 percent in 1993, and the "poverty deficit"-or amount of money needed to lift all to the poverty line-doubled in real terms." Moreover, "Income inequality has skyrocketed. In 1979, for example, on an hourly basis, the top decile of men earned four times what the bottom decile earned; by 1993 they were earning five times as much. This rise in inequality occurred in the context of general wage stagnation: the median male worker, for example, earns about 13 percent less than the median male 15 years ago-despite his being older and having more education." Freeman, 1996-97. Correspondingly the political participation of the worst-off has declined over the same period. See Schlozman et al, 1997. Significantly, "...the proportion of Americans contributing to campaigns has nearly doubled over the past 20 years, rising from 13 percent to 23 percent of the population." And, "Contributors at the top of the income ladder gave, on average, nearly 14 times as much as those at the bottom." Ibid.

However, Rawls does appear to permit that the worth of the political liberties can vary according to motivation and talent. (1971, p. 225) (1993, p. 358) I take it that by talent in this context Rawls means the ability to defend proposals based on substantive merit and to question the substantive merit of other proposals, and that the form of equal opportunity implied by fair value, coupled with fair equality of opportunity (e.g. access to education for all), provides the conditions under which those who possess it can shine through. For Rawls the distribution of realized ability can and should be used when it is to the benefit of all and in particular those who are less fortunate. (1971, p. 30, pp. 101-102) (2001, pp. 75-77) Aside from their realized ability to publicly reason, however, a citizen should have no other advantage in terms of influencing the outcome of elections and the passage of legislation. There is no guarantee, however, that the more deliberatively able will deploy their greater powers of persuasion in a way that is beneficial to all, especially the worst-off, rather than their own ends.<sup>11</sup> I take it that avoiding the possibility of the abuse of that advantage is contingent on whether its bearers are characterized by a plurality of points of view such that they are unlikely to comprise a self-serving faction. (Rawls, 1993, xvi-xvii)

A basic income is pertinent to this discussion because it is also consistent with the idea that that departures from the default equal share of resources is justified insofar the worst off position is the least worst-off position possible. (Van Parijs, 1995, pp. 25, 28-29 & 94-98) The underlying rationale here is that the opportunity of the more fortunate to be better off is only justified because it benefits the worst-off. Any other claim to be better-off is illegitimate because the talents one is born with and social-economic position one is born into are purely matters of brute luck. (Rawls, 1971, pp. 100ff) Indeed at one point Rawls suggests something close to a basic income by arguing that both components of his second principle of justice can be approximated if there is a social minimum, established via a negative income tax, in combination with the competitive market determination of wages. (Rawls, 1971, pp. 276-277 & pp. 285-286) (Van Parijs, 2003, pp. 216-221)<sup>12</sup>

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<sup>11</sup> If only for that reason John Stuart Mill's proposal of granting greater voting power to those who are 'mentally superior' (roughly indicated, he contends, by occupational status) tilts the balance too far in favor of the more fortunate. Mill, 1861, latter half of chapter VIII, pp. 335ff. Although, Mill's objective is to augment the political influence of those who are more adept at identifying law and policy that will maximize overall happiness. In contrast to Rawls, it is not necessary that each and every individual benefit from the decisions that are reached. Mill's argument rides on the questionable presumption that the more able citizens are also less likely to participate for their own gain.

<sup>12</sup> Although both proposals do not require the recipient to be employed, the negative income tax is graduated and therefore means tested. Van Parijs, 1995, pp. 35-37 & p. 57

One way to see how a basic income may be the best way of institutionalising the difference principle is to note that relying on economic growth to (retrospectively) pull-up the worst-off position may not be optimal. That is because the coordinating ability of the free market mechanism is undermined by the adverse selection process engendered by incomplete information. Consider the example of the credit market: In order to compensate for the fact that it is unsure about what borrowers will do with their loans, lenders ask for collateral. In effect that pushes the less wealthy out of the credit market (similarly in the case of insurance the less wealthy and those undertaking less risky projects exit the market when premiums are increased as the insurer attempts to cover the average risk). Thus, because the holding of equity encourages effort and because the pool of the less wealthy will include untapped talent, the market mechanism does not optimize the growth potential of the economy. (Hoff, 1996) What that suggests is that a trickle-down rendering of the difference principle fails to maximize the worst-off position. What is required is access to ‘wealth’ from the outset, as it were, and that would tend to strongly favor the inception of a regular basic income or capital stake at the age of majority such that productive agents are not precluded due to adverse selection. The second tier benefit of such an approach is that that the greater economic growth that is thereby enabled, increases the tax yield and therefore the future size of the basic income itself.<sup>13</sup>

Nevertheless, prioritizing the worst-off via a basic income is still entirely consistent with resource disparity. (Van Parijs, 1995, pp. 28-29) Consequently, the better off are, through their greater political influence, in a position to dictate to the worst-off; perhaps to the extent that they may even be able to bring about the demise of the basic income itself. In contractarian terms, it would be reasonable for the least fortunate (e.g. the unskilled) to reject institutions of justice, such as a basic income, that would leave them potentially dependent on the ongoing benevolence of the more fortunate.

#### **4. Redistributing the worth of the political liberties**

The upshot of the lexical priority of the first over the second principle of justice indicates that Rawls would condone restrictions on inequalities of life expectations in order to guarantee the fair value of the political liberties. (1971, p. 225 & pp. 277-278) (2001, p. 44, pp. 130-131 & pp. 160-161) Van Parijs’s prioritization of self-ownership over leximin opportunity might also be read to imply the same

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<sup>13</sup> This dovetails with Van Parijs’s idea that the beneficiaries of adverse selection can legitimately be taxed in order to finance the basic income. 1995, pp. 107ff & p. 118 He focuses on the rent accrued by job holders, but we can extend that to include the rent accrued by the credentialed, those willing to take undue risks, and the more wealthy.



conclusion. (1995: 25-27) However, it is clear that Rawls advocates the standard strategy of insulating the political process from the background distribution of resources, rather than altering the distribution itself. (1993, p. 328 & p. 357) (1999, p. 24n & p. 50) That is, regulating the political process such that the worth of the political liberties of those who are better-off is curbed. That requires measures designed to keep political parties, candidates and elected representatives independent from the background social and economic inequalities. Namely, limiting the ability to effectively use private wealth in the political domain (e.g. limits on contributions and election expenses, the disclosure of funding sources, public financing of parties and candidates). To the extent that such measures are successful, the relative worth of the political liberties of the less fortunate is raised. Hence, public discussion and decision-making is more likely to listen to the substantive merits of each and every proposal, rather than the particular interests of wealthy donors or wealthy candidates. Crucially campaign finance limits do not restrict the points of view each citizen chooses to align with; rather it modifies their ability to promote those points of view. That is, it amounts to regulation so as to ensure equal free speech rather than the restriction of the content of speech.<sup>14</sup>

The question is whether the insulating approach can be successfully implemented; for if not then we must fall back on narrowing the background disparity of resources permitted by the difference principle in order to ensure the lexical priority of fair value of the political liberties.<sup>15</sup> The problem with contribution and spending limits is that candidates end up devoting more attention to canvassing for contributions and those already in office, due to their greater public profile, find it easier to accumulate a sufficient amount of financial support than their challengers. Moreover it is difficult to detect hidden contributions and expenditures (e.g. Former Chancellor Helmut Kohl broke campaign financing laws put in place by his own government when he accepted large and undisclosed contributions) and donors can employ alternative channels in order to financially back a candidate or party (e.g. contributing to party building rather than directly to a candidate, promoting a candidate independently, using contributed funds to promote an issue rather than an candidate or party *per se* etc).<sup>16</sup> The other standard way of equalizing the worth of each citizen's political liberties is the use of public funds to subsidize political activities. The difficulty that then arises is that if the public subsidy is combined with contribution or spending limits we are confronted with all the problems noted above,

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<sup>14</sup> See Rawls, 1993, pp. 295-296 & pp. 357-363; Beitz, 1989, pp. 209-213 and Dworkin, 2000, chapter 10.

<sup>15</sup> Curiously, for reasons closely akin to those put by Rousseau, Rawls explicitly acknowledges the need contain inequality. Rawls, 2001, pp. 130-132.

<sup>16</sup> See e.g. Donnelly, 1997

and if it is combined with no such limits then it fails to equalize the effective political liberty of each citizen.

## 5. The Citizen Voucher

Bruce Ackerman and Ian Ayres (2002) have proposed ingenious way around this problem. Their proposal is to apportion each citizen with a publicly funded voucher - stored on a citizen's credit card before each election - of the same value and leave them to choose which candidate they wish to financially support.<sup>17</sup> Hence, there is no need for a centralized bureaucratic agency to determine how public funds should be distributed as the amount a candidate receives tracks the level of support she accrues. The underlying idea here is to equalize the ability of each citizen to contribute and yet permit each candidate to acquire unequal amounts of financial support. The worth of the political liberties is equalized by leveling the playing field in terms of each citizen's 'purchasing power' as opposed to each candidate's 'purchasing power' (i.e. limits and subsidies). This amounts to something akin to a two-round election process: in the first round candidates compete for contributions (citizens influence each candidate's ability to persuade the electorate) and in the second round they use the contributions they have accrued to compete for votes (citizens influence the electoral outcome). Both in terms of opinion formation and the assessment of candidates, therefore, each citizen has the equal capacity to influence. Clearly the effect of the voucher proposal would be to encourage candidates to treat all constituents equally irrespective of socioeconomic advantage and thereby encourage the less well-off to actively engage in the democratic process (and to begin to do so at an earlier juncture than the traditional 'one-round' electoral process). (Ackerman and Ayres, 2002, p. 15)

Ackerman and Ayres argue against limits on campaign financing because it favors incumbents and because the more resources available to candidates the greater the level of communication and therefore public debate that can take place (2002, pp. 156-157). However, more money in the system will not enhance the scope for free discussion if those who have more of it are able to dominate proceedings to the point where ideas and concerns that do not fit their agenda have no effective voice. In other words, we can defend the need for fair value on the grounds that it enhances freedom of expression.<sup>18</sup> To establish fairness in the distribution of effective political liberties,

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<sup>17</sup> David Adamany and George Agree previously proposed a similar approach. Adamany and Agree, 1976. However they couple the voucher system with contribution limits (p. 199) and therefore render it vulnerable to the problems already noted.

<sup>18</sup> Note that Ackerman and Ayres sometimes appear to be more concerned with operating within the confines of the US Supreme Court's controversial decision in *Buckely vs. Valeo*. 424 U.S. 1 (1976): "... the concept that government may restrict the speech of some elements of our society in order to

Ackerman and Ayres's contention is that if each and every citizen is eligible to donate \$50 to a candidate of their choice, the influence of plutocrats will be substantially diluted. Thus, for example, in the 2000 United States elections \$3 billion worth of campaign finance was contributed by special interests. \$50 dollars for each of the 100 million voters in the US would have generated \$5 billion in new campaign finance. (Ackerman and Ayres, 2002, pp. 4, 7 & 83ff) Their contention is that an egalitarian distribution of fair value can be achieved without placing limits on campaign financing.

To get around the problem of individual candidates canvassing the wealthy for large private contributions and, concomitantly, plutocrats peddling for political influence, Ackerman and Ayres propose that all contributions, whether private or voucher-based, must be anonymous - thus reversing the traditional disclosure approach and mirroring the idea of a secret ballot. (2002, p. 26ff)<sup>19</sup> Ignorance of funding sources further encourages candidates to treat each citizen and grouping equally rather than pandering to special interests. Moreover, donors and beneficiaries are not then in a position to appeal to the argument that their personal freedom of expression has been infringed. No one is prevented from choosing how much of and where their money goes as the only restriction is that the recipient does not know the identity of her benefactors. Nothing prevents you from proclaiming that you donated the money to a candidate, but they have no way of establishing the veracity of that claim. (Ayres and Ackerman, 2002, p. 148) Nevertheless, they do accept the need to prohibit astronomic contributions and spending - so that plutocrats such as Bill Gates cannot swamp the collective weight of the citizens' vouchers. (Ackerman and Ayres, 2002, pp. 51-52) Any further limits however, would be unjustified for the reasons already given and because private money may be the only way to counter a self-serving or misguided majority, that is financially backed by citizens vouchers. (Ackerman and Ayres, 2002, pp. 36-37)

Given that many countries already subsidize political activities through public funds, expanding the basic income does not appear to be a controversial drain

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enhance the relative voice of others is wholly foreign to the First Amendment, which was designed "to secure `the widest possible dissemination of information from diverse and antagonistic sources,'" and "'to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.'"" Given that those with sufficient social and economic power can effectively delimit the diversity of discussion the court's argument appears tenuous even by its own criteria. That is, limits on spending serves to regulate so as to enable free speech rather than to restrict the content of free speech. I take it that Ackerman and Ayres fully agree that there is a need to regulate political financing so as equalize the ability to express the content of each persons speech (p. 157). Their point is that it must be done in a way that does not favor the content of incumbents' speech or curtail the extent of communication.

<sup>19</sup> To avoid the problem of donors 'tipping-off' candidates, Ackerman and Ayres suggest that large donations be deposited into the candidate's account in installments and randomly. 2002, pp. 49-50.

on the government's coffers; rather it denotes a fairer basis for apportioning those very same resources. Although, as Ackerman and Ayres note, with the inception of anonymous contributions the level of private contributions will decline insofar as the donor cannot directly gain from the exchange. Hence the amount of public funding required for the voucher scheme will have to be increased in order to ensure a sufficient level of communication and debate.

It may be argued that the citizen's voucher is unacceptable on the grounds that, unlike the unconditional basic income, it is a (non-tradable) payment in kind and therefore does not leave the citizen to choose how the transfer should be spent. We arrive at the same paradox that emerged in the case of compulsory voting; namely, the denial of some portion of self-government appears to be required in order to protect self-government. (Skinner, 1991, pp. 198-199 & 201-202) Both policy prescriptions aim to rectify the bias in the distribution of political influence towards the well-off such that the less advantaged have an equal ability to protect themselves against self-interested or misguided decision-making. Hence, each is intended to safeguard rather than shape the content of each citizen's views. Nevertheless there is a significant difference between the two prescriptions; in the case of compulsory voting each citizen is legally obliged to use their vote, while in the case of the voucher each citizen is not legally obliged to use it. (Ackerman and Ayres, 2002, p. 17) (Although in both cases the way in which the citizen uses their equal democratic 'power' must remain anonymous). Thus, I take it that the citizen voucher is less vulnerable to the charge of paternalism. (Note that Van Parijs appears to concur that payments in kind are justified where it is necessary in order to protect formal freedom/individual rights. Van Parijs, 1995, pp. 42-43) Nevertheless, both policies can be justified on the mildly paternalistic grounds that citizens may not fully appreciate the potential threat to their individual liberty when they fail to vote or contribute their \$50.<sup>20</sup> Furthermore many citizens may rationalize that there is little reason to vote or contribute because the chances of their particular will making a difference in the electoral and decision-making process is infinitesimal. Although, participation may become rational if each citizen calculate from the perspective of 'we', rather than 'I'. (Sen, 2002, p. 41) But what say the collective perspective that a voter associates with is a minority interest with no hope of influencing the electoral or legislative outcome? The fact that people do participate to the extent that they actually do suggests that a sense of civic duty rather than merely rational egoism motivates them. The problem, as we noted from the outset, is that the level of participation - whether it is measured by voter turnout, campaign donations, party

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<sup>20</sup> A similar argument is also deployed by Van Parijs to defend the need for a regular basic income rather than a one-off lump payment (1995, pp. 47-48) and Ackerman and Alstott to defend mandatory social insurance (1999, pp. 134-136). I have discussed this issue in detail in Wigley, 2000.

work etc - is declining in established democracies, and amongst the less well off in particular. Hoping for a widespread and ongoing sense of civic virtue amongst the citizenry in order to elicit participation seems an entirely uncertain basis upon which to ensure the protection of individual self-government. There may even be a case, therefore, for making the use of the voucher compulsory, rather than just a payment in kind. For example, those who fail to use their \$50 voucher may be fined \$50 instead. The idea would be to provide an incentive to participate, rather than, à la Rousseau, force people to participate in the morally right way (i.e. allocating one's voucher according to the common good rather than one's particular interests). The objective, as always, remains the protection of self-government, not a particular conception of the good life.<sup>21</sup>

## **6. Conclusion**

I have argued that Ackerman and Ayres's citizen voucher proposal provides the best means of realizing the fair opportunity to influence the decision-making process. To the extent that it can be successfully implemented material inequality would appear to be compatible with self-government - that is, relying on inequality-inducing material incentives in order to realize the highest sustainable basic income would be consistent with self-government. Hence, it provides a way to preserve liberty without having to fall back on Rousseau's requirement that background disparities in wealth must be sufficiently narrow; although, that is not to say that there may not be other legitimate grounds for circumscribing inequality. Complementing a basic income with a citizen voucher would help to bring about democratic citizenship rather than just economic citizenship. In order to acquire a reasonable means to choose and pursue their own aims and ambitions over the span of their lives, citizens, and particularly the unskilled, would be rendered less dependent on the good grace of employers, spouses etc and those who, through the assistance of sheer good fortune, are better positioned to influence the course of legislation.

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<sup>21</sup> Note, however, that when deciding upon constitutional essentials (e.g. the limits of toleration, voter eligibility, the general structure of government etc) Rawls argues that voters should be motivated by the need to justify to others on grounds they can reasonably accept (1993, p. 217-218). As he concedes, that duty of civility is not that far removed from Rousseau's account of public deliberation (Rawls, 1993, pp. 219-220 and Rousseau, 1762: IV.2 par 8-9). Indeed Rawls's distinction between non-public reasons and public reason is remarkably similar to Rousseau's distinction between particular wills and the general will (Rawls, 1993, pp. 220-221 and Rousseau, 1762, II. 3 par. 3-4). For further discussion of the influence of Rousseau on Rawls's account of moral motivation see Cohen, 1997. I take it, however, that Rawls does not advocate forcing voters to follow the duty of civility (1993, p. 213 & p. 252). Rather he presumes that the duty of civility would be shared by the plurality of reasonable doctrines that prevail within a democratic constitutional regime (1993, V.5.4).

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