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# A justification of basic income beyond a theory of justice

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### **Abstract**

Most theoretical positions in support of basic income draw on a "fair society" model. Even in a post-Marxist context, basic income is conceived as a formal recognition of a social relationship, aimed at validating a liberation process that has already taken place. The present work begins from an alternative perspective. In line with a dialectical and conflicting concept of basic income, it proposes a mechanism for the reappropriation of the decision-making process, which opens up spaces for deconstruction and conflict. However, the concept must be calibrated for the conditions in which the right to a basic income is claimed; it must also take account of prevailing power relations. The paper presents a theory of a basic income as a liberation mechanism that facilitates the disarticulation of the mercantile organization of social relations and favours the possibility of autonomously deciding one's future and the conditions of communal life.

## **Key words**

Universal basic income; conflict; law; Marxism; welfare

### Resumen

La mayoría de las posturas teóricas a favor de la renta básica se basan en un modelo de "sociedad justa". Incluso en un contexto posmarxista, la renta básica se concibe como un reconocimiento formal de una relación social, destinado a validar un proceso de liberación que ya ha tenido lugar. El presente trabajo parte de una perspectiva alternativa. Siguiendo una concepción dialéctica y conflictiva de la renta básica, propone un mecanismo de reapropiación del proceso de toma de decisiones, que abre espacios de deconstrucción y conflicto. Sin embargo, el concepto debe calibrarse para las condiciones en las que se reclama el derecho a una renta básica; también debe tener en cuenta las relaciones de poder imperantes. El documento presenta una teoría de la renta básica como mecanismo de liberación que facilita la desarticulación de la organización

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mercantil de las relaciones sociales y favorece la posibilidad de decidir autónomamente el propio futuro y las condiciones de la vida en común.

### Palabras clave

Renta básica universal; conflicto; derecho; marxismo; bienestar

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### 1. Introduction

Uniting the majority of theoretical perspectives that, today, support the need for an unconditional basic income (UBI) is the prerequisite of a theory of a "just society", on the basis of which the legitimacy of the policy can be demonstrated.¹ In this context, such legitimacy derives from the compatibility of UBI with the principles of justice. These principles are presupposed and are configured as "tests" to be passed in order to arrive at a justification for UBI. The present work aims to locate UBI in an alternative framework, in which it can be understood as a mechanism of de-alienation, arising from a dialectical conception of subjectivity and social relationships.

This work therefore aims to retrace some of the theoretical positions that inform the debate around the motivation underpinning UBI, highlighting the normative features underlying even widely different perspectives. The existence of features of this kind has marked a transcendental horizon that has served as a backdrop to much of the theoretical debate around UBI, albeit with subtle differences in perspective.

This approach not only unites liberal-egalitarian theories, which have given rise, in recent years, to heated debate, stimulated by the reflections of Philippe Van Parijs and influenced by the work of John Rawls, but also encompasses post-Marxist thinking in this area. While the liberal-egalitarian argument has taken place on a mostly coherent plane, aimed at demonstrating the compatibility of UBI with the fundamental claims made by distributive justice models, post-Marxist reflection has also considered UBI from a perspective linked to the formalization of social transformations that have already taken place.

The current work will go on to propose a theoretical basis for the justification of UBI that differs from the positions already mentioned. From this perspective, UBI does not represent a measure of formal recognition, but is seen as a potentially conflictual mechanism, which favours the reappropriation of the decisions made by subjects regarding their own life and the institutions that regulate social relations.

This approach is indebted to a certain Italian philosophical "tradition" that, especially during the 1900s, built on the contributions of Antonio Labriola (1973) and Antonio Gramsci (2011), and directed its gaze towards the materiality of life, intrinsic needs and the processes of subjectivation, with particular reference to production. This tradition encompasses numerous different strands, and can be seen to continue in the approach of "workerism". It placed disparate Marxist traditions into a centralized dialogue, bringing together, in particular, French post-structuralist thought and the biopolitical paradigm, and developed into its most recent form thanks to the contributions of thinkers such as Antonio Negri (1999), Roberto Esposito (1998) and Giorgio Agamben (1998), who have been particularly vocal in the international theoretical debate. This approach has also profoundly influenced Italian legal thought: just think of the contributions of Luigi Ferrajoli (2013) and Stefano Rodotà (2012) who constitute two fundamental points of reference for this article. The present research also attempts to connect such philosophical perspectives with the current international debate around

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<sup>&</sup>lt;sup>1</sup> For an overview of the international debate, see Widerquist et al. (2013).

UBI, with the tentative aim of developing a new theoretical argument in support of the policy.

Although this debate has largely focused on Western Europe, it seems to us that it also has wider geographical relevance. Among other things, the recent COVID-19 pandemic has increased social inequalities globally, making income support measures increasingly urgent to guarantee all people the opportunity to plan their future in dignified conditions.

The first section of the paper deals with some of the fundamental theoretical nodes underlying normative theories that have, in recent years, been used to justify UBI, starting from their compatibility with a "theory of justice", defined a priori. The focus, in particular, is on those nodes central to the main liberal-egalitarian and post-Marxist arguments at an international level.

The second section builds on the theoretical arguments underlying the idea of UBI as a mechanism for de-alienation, starting from a brief reconstruction of the Marxian notion of alienation, connected with an "open" conception of the dialectic. It makes reference to changes that have taken place in contemporary capitalism for which, despite the considerable differences between industrial models, the process of "expropriation" of the subjective decision-making process, which is at the root of alienation theory, remains central.

The third section of the paper clarifies the theme of emancipation which underlies UBI theory. In this context, UBI is understood as the recognition of the possibility of an individual existing in dignity regardless of the position they occupy within the marketplace. Closely related to the function of dis-alienation, the conflictual character of UBI will emerge as a mechanism capable of recognizing the right of each individual to self-determine within the historical context in which they are located.

The possibility of conceiving of UBI beyond its adherence to a pre-determined theory of justice therefore emerges in the present work. Our study proposes UBI as a crucial mechanism for empowering subjects to take action within processes of conflict, aimed at reconfiguring the organization of society, and able to meet to the needs, desires and projects of individuals who decide to self-determine in conditions of freedom and dignity.

### 2. Basic income and theories of justice

Many of the theories which animate the international debate surrounding UBI begin from the assumption of a theory of justice, within which they justify the legitimacy of the mechanism. This approach unites theoretical models that are often fundamentally different from one other. It is therefore necessary to identify some of these perspectives, in order to provide a more solid theoretical framework within which the justification of UBI in the present work can be located and further developed, beyond any a priori theory of justice. This section therefore focuses on several theoretical models underlying the liberal-egalitarian perspective and on some of the foremost post-Marxist arguments.

John Rawls is, without doubt, the thinker who has most fundamentally determined the framework within which, over recent decades, juridical and political philosophy and social theory have moved towards the justification of UBI. In his *Theory of Justice*, he

outlined the contours of a "well-ordered society", combining reciprocity and distributive justice within a social model founded on the principles of freedom, equality of opportunities and difference. According to Rawls, this model of society corresponds to a system of "social cooperation", the functioning of which is guaranteed by the fact that each individual contributes to society according to his/her role, depending on both their skills and the opportunities available.

The idea of UBI would seem to clash with this model. Indeed, as Rawls himself states, "those who surf all day off Malibu must find a way to support themselves and would not be entitled to public funds" (Rawls 2001, p. 182). In truth, Rawls allows for a "social minimum" between the institutions of distributive justice, in order to balance the inequities produced by the market (Rawls 1971) but assumes this to be a temporary mechanism only.

However, many commentators have subsequently demonstrated that the contradiction between Rawlsian theory and UBI is more apparent than real, or, at least, not as clear cut as Rawls believed (Baker 1992, Birnbaum 2010, McKinnon 2003, Del Bò and Murra 2014). The best-known argument in this regard is that of Philippe Van Parijs (1991; Van Parijs and Vanderborght 2017), who hypothesized the plausibility of UBI within Rawlsian theory starting from a reinterpretation of the difference principle and the value of free time. Summarizing his argument, Van Parijs begins from the fact that Rawls included free time among the social and economic benefits used to determine the principle of difference, even stating that anyone who decides to have free time only would still be entitled to a minimal income equivalent to the minimum wage of those working full-time.

However, Van Parijs "redirects" Rawlsian theory with reference to the principle of difference. He argues that it is not the actual result achieved by the most disadvantaged individuals that must be maximized, but the average result that they can aspire to, the realization of which depends instead on the choices of each individual. Based on this conception of the principle of difference, the inclusion of free time in the index of social and economic advantages leads the theory in a different direction to that of Rawls (Van Parijs and Vanderborght 2017, pp. 112–113).

The thesis of Catriona McKinnon operates on the same plane, according to which UBI can be considered as a mechanism aimed at realizing the principle of *maximin*, making it possible to resolve the contradiction between reciprocity and the distribution of social goods in favour of disadvantaged social groups (McKinnon 2003).

A further Rawlsian argument in favour of UBI begins from the conception of the productive relationships underlying Rawls' social theory, and develops in line with the transformations that occur in the context of production models. Rawls implicitly assumed, on the basis of his theory, a Fordist-type production model, characterized fundamentally by material-type production in which working times and places are rigidly and contractually determined. However, today, in post-Fordist economies, production must also be associated with functions and relationships that go beyond

<sup>&</sup>lt;sup>2</sup> The difference principle requires that the distribution of the burdens and benefits of cooperation must benefit the poorest in society even at the price of unequal distribution (the *maximin* principle).

work in its classical sense (Del Bò 2009, p. 93).<sup>3</sup> In fact, it is also found in social relations, that is, in the fundamental existence of people.

Moreover, an alternative thesis exists in support of UBI that rests on a "neocontractualist" matrix: namely, the "common ownership" of land. It is, in reality, a thesis formulated initially by Thomas Paine (1974) and supported primarily by the so-called "left-libertarians" (Steiner 1992, Van Parijs 1995, Vallentyne 1997, Vallentyne and Steiner 2000, Otsuka 2003), working outside the liberal-egalitarian tradition.<sup>4</sup> However, it is based on a "consensualist" conception of society upon which the primacy of individual freedoms rests. For this reason – which will become clearer through the development of the present work – it seems to us that this thesis is based on a theoretical perspective similar to that of contractualism, thus marking a moment of continuity between the liberal-egalitarian and libertarian traditions. Not surprisingly, the societal model on which this thesis is based is that of John Locke – with these authors having deconstructed the question of "labour-mixing".

In summary, from a Lockian perspective, work justifies the appropriation of goods belonging to the "common state" (Locke 1988). In short, private property arises from the intersection between one's work and things originally belonging to no-one ("labour-mixing"). Man can appropriate the fruits of his labour because he is, first of all, the owner of himself. Property includes one's own life, freedom and goods: these are safeguarded by the state, as a result of the stipulation of a "social contract".

Left-libertarians affirm, on the contrary, that the earth and natural resources essentially belong to all of humanity. UBI would, then, represent compensation for such appropriation, obtained through the taxation of land and other resources (Steiner 1992, White 2006, Powell 2012). Again, UBI is justified within the "consensually" established canons that define the model of a just society. The arguments briefly examined here are located within a normative framework.<sup>5</sup> They assume an ideal social model, based on certain principles of justice a priori that are considered to be "universal", and are developed within a coherent dimension, aimed at demonstrating the compatibility of UBI with such a model.<sup>6</sup>

The positions of Philippe Van Parijs and Yannick Vanderborght do not depart from this picture. Although they avoid reference to a definition of a "good life" model, they justify UBI within a society that can guarantee the maximum "real freedoms" of each individual. As the two authors state (Van Parijs and Vanderborght 2017, p. 104), "[w]e thereby appeal to an egalitarian conception of distributive justice that treats freedom not

<sup>&</sup>lt;sup>3</sup> For a critique of this argument, see Bascetta and Bronzini (1997).

<sup>&</sup>lt;sup>4</sup> The theories of Bryan Barry, Richard Arneson and Amartya Sen, while departing from both Rawls and the so-called left-libertarians, come from the same perspective. While differing on the definition of justice, they view UBI as a principle for making society more just (Arneson 1991, 1992, Barry 1996, Sen 2009).

<sup>&</sup>lt;sup>5</sup> For a brief reconstruction of the debate that arose around the theory of Rawls in the context of political philosophy, see Petrucciani (2003). On the fundamental issues of Rawls's political liberalism, see Salvatore (2018).

<sup>&</sup>lt;sup>6</sup> Many scholars in the field of post-colonial studies have offered interesting critiques of this normative approach. Partha Chatterjee (2006), in particular, contrasted the West-centric notion of "civil society", connected to the horizon of citizenship, with that of "political society". In relation to this concept, he refers to all the individuals and groups whose form of life comes out of the perimeter of civil society, as being the objects of concrete techniques of governmental power. For an in-depth analysis, see Chatterjee (2006).

as a constraint on what justice requires but as the very stuff that justice consists in distributing fairly".

According to Van Parijs, the aim of UBI is to maximize the freedom of the individual. Indeed, justice means rendering equal effective freedom – rather than achieving equality in terms of the results of freedom. Seen in this light, Van Parijs's theory of justice seems to mark a break from the parameters of Rawlsian neo-contractualism. The level of justice in a society does not depend on models of living upheld by those who constitute them but, rather, on the degree of freedom that institutions ensure for them. The greater the freedom, the higher the level of justice.

Freedom is, however, from this perspective, defined in a very specific sense: it exists within the spaces granted by political institutions, which precede and favour – or deny – the realization of freedom. In short, subjective freedom exists within a domain determined by institutions, whose configuration exceeds the limits of freedom itself. Rather, the foundation of institutions is located within a principle – the maximization of freedom – hypostatized and imagined beyond the socio-political context in which the institutions themselves operate.

According to Van Parijs and Vanderborght (2017, p. 122), the legitimacy of UBI, therefore, derives from the fact that "institutions should be designed in such a way that the distribution of opportunities to which they lead can be regarded as fair and justifiable to all as free and equal persons". UBI thus serves to distribute real freedom, possibilities and opportunities in the fairest way possible, in line with the conception of justice in that it consists of making freedom effective, rather than equal (Van Parijs and Vanderborght 2017, p. 180).

When Van Parijs and Vanderborght (2017) oppose the idea of a "good life" by embracing the cause of "unconditional" freedom, they actually have in mind a conception of freedom that goes as far as the limits established by the institutions in force. These limits do not originate from the freedom of subjects, but are based on an abstract principle of maximizing freedom.<sup>7</sup>

This conception of freedom stimulated by UBI is not only limited on a political level, given that it is confined within the spaces made available by institutions, but also influenced on a private level. Indeed, the conformation of institutions affects a series of social areas in which a greater or lesser degree of freedom is not only linked to economic power.

Regardless of the theory of justice with which we align (Croce 2010) it is undeniable that, if, by institutions, we mean social organizations with formalized and binding rules, they do not constitute an external container with respect to subjects. Rather, they display a constitutive permeability with respect to the practices of groups of reference.<sup>8</sup> Their

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<sup>&</sup>lt;sup>7</sup> For a deeper exploration of Van Parijs' theory of justice, through a comparison with contemporary liberal-egalitarian philosophies, see Arnsperger and Van Parijs (2000).

<sup>&</sup>lt;sup>8</sup> In this regard, Bourdieu's criticism of the state as holder of "the political power par excellence", that is, of symbolic power, is well known. Bourdieu refers here to "the power to impose and to inculcate a vision of divisions, that is, the power to make visible and explicit social divisions that are implicit". For him, the symbolic power is "the power to make groups, to manipulate the objective structure of society" (Bourdieu 1989, p. 23).

evolution, specifically due to their exposure to the rhythm of material relationships, has always been marked by the power relationships that have galvanized society,<sup>9</sup> as the history of rights and institutions in the 1900s has shown in the most striking of ways.<sup>10</sup>

The arguments briefly described above present a logical coherence and theoretical legitimacy but are based on the same assumptions. Even when they declare that they do not recognize a model of good life, embracing a principle of "neutrality" in terms of each individual's way of being (Howard 2005, 2015), they rest on an attempt to outline a model of a just society in which each individual can be free, independently of the historical-social context in which subjects and institutions are implicated. In other words, such theories aim to outline a model of justice, in accordance with certain principles, removed from the historicity of social relations.

It could be objected that the principles of justice, in the majority of the theories previously mentioned, do not presume to be "absolute", but begin from a given historical context, creating the conditions for the coexistence of distinctive positions. The neutrality of liberal justice would appear to be a "principle of respect for differences" (Howard 2005).

However, such a perspective, although starting from pluralism in terms of modes and forms of life, abstracts certain principles underlying the notion of justice, which extend beyond those differences arising from the concreteness of social relationships, thus assuming a superordinate position. In the case of Van Parijs, the principle underlying justice is that of "real freedom for all", with "freedom" constituting an a priori principle that precedes the formation of institutions, and promotes a particular interpretation of freedom itself. This principle, taken in the abstract, thus constitutes an a priori transcendental concept, beyond a factual reality which would need to adapt to it. Some authors associated with French post-structuralism have assumed a critical position with respect to this approach, and have come to conceive universal concepts as vectors of power.<sup>11</sup>

Certain Marxist positions, driven by Antonio Negri, have recently moved in a different direction, stimulated by reflections on "cognitive capitalism". In the context of theories of "post-workerism" (or "neo-workerism"), UBI is not primarily intended as a mechanism of distributive justice, but as a tool for the remuneration of "productive life" (Fumagalli 2017, p. 197).<sup>12</sup>

<sup>&</sup>lt;sup>9</sup> For a critical reconstruction of the relationship between power and institutions in political theory, see Cuono (2013).

<sup>&</sup>lt;sup>10</sup> See Rodotà (2012) for a reconstruction of the relationship between rights and the "concreteness of needs", beyond a vision of rights as a bestowal "from above, ocroyées of the sovereign", that draws on their roots in the materiality of situations and needs, with particular reference to their evolution in the 1900s. On the relationship between rights and social praxis, see Wolgast (1987).

<sup>&</sup>lt;sup>11</sup> In particular, in Derrida, Deleuze and Foucault, this criticism assumes the constitutive involvement of the subjects in the power relations themselves, beyond a "dualistic" conception of the subjectivity–power relationship (Bazzicalupo 2018). This criticism is also present, in different forms, in the context of postmodern thought and projected towards the deconstruction of any principle of truth, which conceals the relationality of power under the veil of its "naturalization" (Lyotard 1979, Vattimo and Rovatti 2012).

<sup>&</sup>lt;sup>12</sup> For an in-depth analysis of basic income as a remuneration mechanism for new productive activities in the post-Fordist economy, see Marazzi 2009, Fumagalli *et al.* 2019.

The reasoning that leads to this justification of UBI begins from a Negrian analysis of changes that took place during post-Fordism in the relationship between capital and subjectivity. This analysis is based on a particular interpretation of the Marxian idea of "real subsumption", considered as the primary mode of enhancement of social relations in contemporary capitalism.

While this concept had been described by Marx, in the famous unpublished chapter of *Capital*, with reference to the socialization of the productive forces and the development of a specific mode of production connected to them, Negri interprets it in the sense of the parasitism and extractivism of capital.

In short, according to Negri, the post-Fordism model is characterized by a "liberation" of subjects from the determination of capital. In this way, relations between individuals have developed into a sense of social cooperation, which produces a high economic value. This value is appropriated by capital in a "parasitic" way, a posteriori, through financial "rent". This position is very problematic for us for several reasons.

First of all, the question of alienation, central to the entire work of Marx, disappears. The relationship between capital and subjectivity becomes a mere exteriority, with the expression of economic value produced by social cooperation taking place through institutional structures that contradict the collective character of the "general intellect" but do not interfere with the very organization of production. It is the proprietary right, based on financial "rent", that Negri is opposed to.

In this context, UBI is part of a mechanism that contrasts with this formal framework, corresponding coherently to the new configuration of cooperation: it is therefore part of the remuneration of productive life, and can be seen as a first "institution of the common", paving the way for further imaginary institutions (Chignola 2011).

However, this argument does not consider the active role exercised in current productive models by governmental mechanisms of power (Foucault 2004), through which capital invests and directs the forms of relationships (Boltanski and Chiapello 1999, Lordon 2010, Lazzarato 2012), and fulfils an extractive role. In this context, there is a risk that Negrian analysis falls back into a new dualism, due to the lack of recognition of the "productive" capacity, in terms of forms of life and relationships, of the proprietary mechanisms to which it refers. They are considered instead as a formal framework, in the context of autopoietic social cooperation.<sup>13</sup>

In this light, UBI paradoxically assumes the same formal role it plays in liberalegalitarian theories, consisting of the recognition of a liberation that has already taken place, rather than the triggering of a process of liberation from a relationship of domination still in progress.

### 2. Basic income as a de-alienation mechanism

Our justification of UBI will deliberately leave aside a pre-determined theory of justice and will reject the dualistic assumption that dominates the representation of justice that forms the basis of the consensualist theories previously referred to (Rawls 1987). In such

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<sup>&</sup>lt;sup>13</sup>Some critical findings, starting from an analysis of forms of cooperation "organized" by capital, are present in Dardot and Laval (2014).

theories, society is imagined as being subjected to a normativity whose foundation, "external" to the immanence of social relations, is attributable to the evidence of certain ultimate principles that guarantee the justice of the system.

In contrast, our paper is interested in highlighting the political and conflictual value of UBI as a mechanism for de-alienation, functional to the reappropriation of decision-making by subjects. <sup>14</sup> Before delving into this function, it is necessary to first clarify the meaning of the theoretical concepts used here to articulate this argument, beginning with the concept of alienation. This requires the reassessment of the concept of alienation within Marxian theory, while attempting to avoid certain misunderstandings that have marked important aspects of Marxist debate on the issue, starting from two assumptions.

First of all, alienation is not understood in a "naturalistic" or "essentialist" sense as expropriation or disfigurement of a particular human "essence" or "nature" by capitalism. For Marx, man's specificity lies in his dialectical openness to reality, which is realized in "praxis" (Burgio 2017) – that is in the affirmation of oneself, through one's own practical activity, within the objective context in which one operates. This context not only constitutes the sphere in which the subject is called upon to act, but also marks his constitutive exposure to the historicity of social relationships, from which ways of understanding and relating are derived.

The young Marx was often a chief target of accusations of "essentialism", particularly in relation to his early work (1968, 2008). However, beyond the undeniable Hegelian influences and certain Feuerbachian influences, the crucial node of alienation is in the process of expropriation of the subject's decision-making power by capitalist mediations: private property, wages, division of labour, etc. (Mészáros 1976, Musto 2010). They affect the self-mediation of man, that is, his ability to mediate between himself and his object, submitting it to the needs of capital (Semerari 1973, Kosík 1976).

Hence the second premise of the present argument consists of not assuming that emancipation can be traced back to the reappropriation of an "authentic" essence, immune to capitalist relations. Instead, the emancipatory perspective upon which this "open" vision of dialectics is based rests on conflict or, rather, on the reappropriation of the decision-making ability of subjects through resistance to those factors that either hinder it or aim to expropriate it. In this context, emancipation cannot coincide with the creation of an ideal social model, opposed to the contradictions of a historically determined model connected to a "philosophy of history" with a deterministic character.

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<sup>&</sup>lt;sup>14</sup> Here we depart from the canonical debate on the compatibility of UBI with Marxist theory. The more traditional Marxist argument in support of basic income has been well summarized by Vanderborght and Van Parijs (2005). They state that UBI, covering the common needs of all, would gradually approach the average income, reducing abstract labour up to the point of cancelling it; this compares to communism, in which the labour required to satisfy needs is cancelled. According to others (Elster 1986, 1988, White 2013), UBI would represent an exploitation of productive cooperation. So, as Stuart White (2013, pp. 89–90) states, "payment of a substantial UBI is therefore unjust because, by completely detaching the receipt of a decent minimum of the economic benefits of social cooperation from the satisfaction of a suitably defined reasonable work expectation, it makes possible exploitation of this kind". It seems to us that, even in this debate, the legitimacy of UBI is measured in relation to an ultimate goal, imagined as an a priori "must be" (a "Sollen", as Marx would have said) and linked to an ideal model of society. However, these positions do not consider communism to be "the real movement that overcomes the present state of things", to use Marx's definition.

Certainly, a series of ambiguities present in some Marxian works contributed to endorsing this interpretation; this was further reinforced in work carried out by Engels after Marx's death,<sup>15</sup> which took the Hegelian dialectic as an intrinsically revolutionary model that simply needed to be reversed.

This work is, instead, interested in starting from those elements that lead towards an interpretation of emancipation intended as a reappropriation of the decision-making process by subjects, through a reading of the Marxian dialectic anchored in immanence and free from hypostatizations.

This obviously requires an updating of Marxian concepts that risk revealing very little about the contradictions of current production models. Those "alienated" mediations referred to above, which marked the anchor points of capital with respect to waged labour in the industrial economy, have fallen through or undergone processes of radical evolution. Production is increasingly connected today with fluid and dynamic performance, and the spaces of autonomy of subjects seem vastly expanded (Boltanski and Chiapello 1999) compared to the mechanics of the functions that characterized, for example, the Fordist production model.

Yet it appears evident today that the margins of uncertainty that characterize current forms of production – especially in the digital economy – bring about a structural inscription in market parameters, within which the decision-making ability of subjects continues to be subordinated to the needs of large, private economic players within an absolutely asymmetrical system of power relations.

In recent decades, various accumulation methods have developed in which individual initiative is assumed as a factor of fundamental enhancement for private subjects, as long as such initiative takes place within a domain compatible with the overall orientation of the market.

In this context, we see the use of a range of governmental control strategies (Foucault 2004), often radically different from each other, which aim to encourage, rather than reduce, subjective dynamism, both inside and outside the workplace. One only has to think of the behavioural "orientation" systems that have colonized digital platforms as well as social networks and online channels of interaction (Zuboff 2019). In particular, the digital infrastructures of the so-called "platform economy" are today increasingly made up of opaque algorithms (Pasquale 2015) that convey new forms of control of relationships and work performance. In this regard, there is an increasing debate about "algorithmic governmentality" (Rouvroy and Berns 2013).

Such systems hinge on the complete exposure of the subject to market relations, given the absence of any form of protection for the dignity and autonomy of the individual and the simultaneous investment of the individual's existence in biopolitical control strategies. Compared to the Fordist model of production, labour law and welfare had, during the twentieth century, constituted a sort of "social property" in defence of the worker (Beck 1986, Castel 2003) that was calibrated on homogeneous collective subjectivities. The crisis of those models of social protection, developed within the

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<sup>&</sup>lt;sup>15</sup> On the problems present in Engels's work after Marx's death (for example, in *Anti-Dühring* and *The Evolution of Socialism from Utopia to Science*), see Colletti (1969) and Sgrò (2017). On the role of Engels' work in the subsequent "systematization" of Marxism, see Petrucciani (2015).

production relations of the period, occurred together with the erosion of welfare by the neoliberal policies of recent decades. This crisis has contributed to the production of a completely isolated subjectivity, with individuals forced to face the challenges of the market alone.

In this context, the main anchor point of governmental strategies with respect to the subject is income, which constitutes the only source of survival for the individual. Income then represents the axis on which the adherence of the subject to the parameters of the market is built; this also unfolds through the impact on the vectors of desire that exceed the limits of the work contribution recognized in the contractual sense. The result is a total colonization of the existence of the individual, whose margins of autonomy are anchored to an economic reason now devoid of an "outside". In this context, in fact, the neoliberal discipline does not lose its historical tendency to naturalize itself, by reconfiguring itself as a new "rationality" of the world (Dardot and Laval 2010). Neoliberalism, on this basis, cannot be interpreted only on the economic level, but pertains to the governance of lives, based on a series of social norms that are "internalized" by the individual (Macherey 2014, Lazzarato 2015). We have, then, an extension of biopolitical control to all areas of an individual's life, 17 beyond the coercive mechanisms that characterized the disciplinary power typical of the Fordist factory.

This seems to us to renew, at a different level, the topicality of the concept of alienation, even within productive contexts in which the freedom of the subject is continuously produced and stimulated, while at the same time, always being directed and controlled.

### 3. Basic income and conflict

Considering the scenario briefly outlined above, UBI is regarded as constituting the recognition of an individual's possibility to exist in dignity regardless of the position they occupy within the market. When even survival is enforced within the market, the market, rather than being configured in terms of representing a range of traversable and modifiable possibilities, constitutes the absolute and impregnable articulation of reality.

The above analyses highlight the relevance, within new governmental regimes of "management" of individual freedoms, of the process of alienation, understood as "expropriation" of the subjective decision. This expropriation, functional to the individual's adherence to the parameters of economic interest, rests primarily on the significance of income as a condition of survival, which structurally links subjective existence to market conditions.

UBI, first of all, opposes this function of essential subordination, recognizing the possibility of existing with dignity regardless of obtaining an income within the market. Marx previously noted that the absence of other means of survival in addition to that

<sup>&</sup>lt;sup>16</sup> Foucault had already noted the difference between income and wages. The latter is intended as a device of collective, stable and homogeneous mediation between capital and labour. Income, on the other hand, within the new neoliberal strategies of governmental control, is strictly connected to the subject's ability to invest in his own "human capital", contributing to the creation of a "self-entrepreneur" subjectivity (Foucault 2004).

<sup>&</sup>lt;sup>17</sup> It is possible to find different formulations of the concept of biopolitics in Agamben (1998), Esposito (1998), and Hardt and Negri (2001).

obtained from the sale of one's own labour was the fundamental condition for the establishment of the capitalist relationship. He states:

For the conversion of his money into capital, therefore, the owner of money must meet in the market with the free labourer, free in the double sense, that as a free man he can dispose of his labour-power as his own commodity, and that on the other hand he has no other commodity for sale, is short of everything necessary for the realisation of his labour-power. (Marx 2018, p. 120)

UBI, by rescinding this link, constitutes the essential condition for the development of an unconditional freedom, which can also expand beyond economic interests. Certainly, it is a necessary, but not sufficient, condition for questioning the axiomatics of the market, which extends, as is understood, well beyond material conditioning operated at the level of an individual's survival. However, the removal of survival from the market allows individuals to more easily challenge those power relations that affect multiple dimensions of existence.

Here, then, an immanent view of conflict is adopted which lies in the possibility of subjects self-determining within the conditions that make up their identity. Hence, we have chosen to reject the association of UBI with some pre-determined theory of justice: the imagination of a plan of "having to be", transcendental with respect to historically determined social relationships, would have the effect of denying the individual's freedom, by forcing him or her to conform to possibilities that they themselves have not chosen.

Certainly, it could be argued that, in this context, such a proposal for UBI is also normative in nature. However, the present work offers a normative proposal which leads to a non-normative conception of institutions and social relationships. Institutions and social relationships are intended, through the liberal-egalitarian models of UBI support referred to in the first paragraph of the paper, to be based on transcendental principles that precede – indeed, make possible – the freedom of individuals. Instead, from our theoretical perspective the existence of an a priori transcendental scheme is excluded from our understanding of the basis of freedom, which can, therefore, go as far as to question the political institutions themselves, starting with the establishment of different forms of social bonds.

Institutions do not, in short, escape this theoretical perspective on the power relationships that engage the geometry of social spaces. Within this context, UBI would simply make it possible to strengthen the individual's decision-making, removing them from their absolute exposure to the market and allowing them to avoid alienating relationships. This function would be carried out both with respect to traditional forms of production, in which the subject fulfils a well-defined labour function, and with respect to the "widespread" production that characterizes new models of governmental management of the lives of individuals.<sup>18</sup>

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<sup>&</sup>lt;sup>18</sup> Aaron Benanav (2020) has also recently discussed this issue – although we are not convinced by his position. Benanav, starting from the – still to be proven – assumption of the failure of the myth of automation and of the post-industrial society, affirms that a UBI would constitute a "sticking plaster" that would do little in the face of the dysfunctionalities of current capitalist economies, and would be to the further detriment of workers. Rather, he proposes a utopian society outside the logic of the market as a solution to the current stagnation of capitalism. This proposal does not take into account the role of subjects, who once

On a basic level, UBI therefore makes it possible to exist independently of the recognized and remunerated possibilities within the market economy, empowering each individual to plan their own existence freely. Such a viewpoint can be identified in the work of a range of authors, albeit from different theoretical perspectives (Bauman 1999, Ferrajoli 2013, 2018, Van Parijs and Vanderborght 2017).

This function of UBI crosses an important line of neo-republican research pursued in recent years, which has considered UBI as a mechanism for freedom, understood as the absence of domination (Casassas 2007, Raventós 2007, Pettit 2007, Lovett 2010, Widerquist 2011). However, even within neo-republican reflections, the possibility for individuals to question existing institutions through conflict remains excluded; indeed, such questioning is imagined as being channelled a priori within the options made available by a code of rights (Baccelli 2003, Casadei 2005, Goldoni 2014).

Instead, the present work aims to take the "conflictual" argument that many of the authors cited above raise in support of UBI in the extreme. Following this theoretical scenario, what clearly distinguishes our approach from those previously mentioned is that freedom is not intended as being defined from a given conception of justice, but as rooted in the autonomous decision-making of individuals within the particular historical and social context in which they act. By widening the space for decision-making, UBI can encourage forms of conflict oriented towards social justice. In this context, it could become part of a broader characterizing process of claim with an objective of emancipation from the subjugation resulting from today's neoliberal relations.

Subjective freedom, thus released from a point of greater anchorage to market control, can develop into completely unpredictable forms. This calls into question the social relationality built by the market itself which, as discussed, also involves areas that exceed the productive sphere. In this way, freedom can be expressed in the organization of new forms of social relationships that can translate into new political institutions.

UBI does not, therefore, prefigure an ideal model of society, separate from the contradictions of the market and the capitalist system. Rather, UBI rests on the assumption of the market acting as a springboard for – potentially conflictual – choice and institutional imagination, starting from a dialectical conception of subjectivities. Today the market relies on a network of power relations and institutions. This network, as discussed, does not maintain a relationship of mere exteriority with individuals, but affects ways of life and relationships, as well as the identity of the individuals involved, thus contributing to the construction of the realm of freedom.

Moreover, it is well documented that key economic players are acquiring ever-greater weight in terms of the rearticulation of power relations at a trans-national level. From this perspective, studies on governance demonstrate the existence of new geometries of power in which the traditional boundaries between public and private are subject to continuous processes of shift and hybridization. Private economic players are also acquiring an autonomous capacity for legal regulation, which is expressed, for example,

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again acquire a purely passive position. From our point of view, UBI would give power back to the people while at the same time configuring new forms of production.

in the production of the so-called *lex mercatoria*.<sup>19</sup> The possibility of activating different forms of social bond must, therefore, clash with those relations of power upon which the functioning of the market rests and whose role is by no means neutral with respect to the conduct and life choices of the individual.

In this context, it is even more difficult to think of forms of collective emancipation, based on the self-determination of citizens "from below". The notion of emancipation "from below", as rooted in the possibility of collective participation, cannot simply be based on the subordination of the market to political decision-making but depends, above all, on the democratization of political institutions themselves. Erik Olin Wright's work (2019) pointed in a similar direction by rooting emancipation within the possibility of the voluntary self-organization of society. Wright underlined how, in this way, UBI can allow for the autonomous organization of society within cooperative models. Wright's argument draws on normative assumptions in some ways analogous to those of Van Parijs ("real freedom for all"), but pushes beyond this reasoning, and intersects with the present argument in favour of UBI as a conflictual mechanism.

Wright's conception of democracy is based on the subordination of state power to social power. As he writes, socialism is an economic structure in which the distribution and use of resources for different purposes is achieved through the exercise of "social power" or "through institutions that enable ordinary people to collectively decide what to do". From this perspective, UBI "expands the potential space for social power within the economy" (Wright 2019, p. 129).

Wright (2015, p. 436) thus argues that UBI "connects all people to the means of subsistence without the necessity of owning the means of production. It constitutes a radical deproletarianisation of the labour force and thus a partial transformation of the class relations of capitalism". In this way, it enables different forms of social relations and activism, enabling subjects to activate strategies in an "interstitial" manner.<sup>20</sup>

An interesting position presenting analogies with that of Wright, albeit operating across different theoretical horizons, is that of Stefano Rodotà. While locating UBI in a normative context (the constitutional protection of human dignity), Rodotà (2012, p. 236) deconstructs the transcendental approach to fundamental rights, and reconstructs rights "precisely around the person recognized through the materiality of life". In summary, for Rodotà the proliferation of rights in the contemporary age signals the recognition of effective processes of subjectivation, inherent to material relationships or to concrete claiming strategies, rather than a bestowal from above, dictated by the will of a sovereign or by obedience to transcendental principles.

<sup>&</sup>lt;sup>19</sup> Many critical studies have highlighted, from a range of theoretical viewpoints, the relationships between trans-national governance and the market, with particular reference to the *lex mercatoria* as a sphere for the independent production of rights by private individuals, mainly through the use of the contract. On this subject see Ferrarese (2006) and Stone Sweet (2006). For critical reading see Pannarale (2008), Cassese (2013), Preterossi (2017), and Chignola (2018).

<sup>&</sup>lt;sup>20</sup> In this context, income also responds, according to Wright, to the concrete need to materially support those who engage in political activism. He states: "UBI also provides a basic subsidy to all kinds of activism and political participation. The long-term erosion of the dominance of capitalism requires on-going efforts at institution-building from below through interstitial strategies and new state initiatives from above through symbiotic strategies. And both of these require sustained engagement by political activists both within community settings and within conventional politics" (Wright 2015, p. 436).

In this context, UBI is seen by Rodotà (2014) as a guarantee of the "right to existence" as "on the one hand, a guaranteed income frees from the distress of unemployment; and because, on the other, it frees from the 'blackmail of work' and from the obligation to accept any condition in order to obtain the resources necessary for survival" (Rodotà 2014, p. 80). It thus becomes a condition of self-determination which in fact requires that "the conditions of free action are guaranteed in an adequate social context" (Rodotà 2014, pp. 81–82).

In short, according to Rodotà (2012), rights constitute a field of conflict within which contradictory vectors, including powers and social demands, collide. UBI can be a fundamental stimulus to social demands, the second point of tension noted by Rodotà, promoting a constitutionalism "from below", beyond modern sovereignty (Rodotà 2012, p. 122) which, through rights, gives shape to a new inclusive and plural idea of citizenship. This all begins from the awareness that "rights remain a powerful tool, perhaps the only one, to say that another world is possible, to indicate the way to dissolve the antinomies that are before us all" (Rodotà 2012, p. 102).

Strengthening the dimension of the "claiming" of rights can contribute to redesigning the parameters of citizenship, with citizenship linked to the concreteness of the needs and situations in which the individual pursues their existence. In this context, UBI is a condition for self-determination.

This argument has numerous elements of affinity with the UBI philosophy of the present work. UBI does not then conform to the realization of a model of society imagined a priori as fair, free, and rational, but offers the possibility of breaking the relationship of domination and opening up new spaces of self-determination.

In this context, however, UBI itself cannot be understood as a fixed and absolute mechanism. Throughout the development of this argument, the constitutive relationality that binds the subject to the external world has been assumed, within which institutions and power relations affect the vectors of subjectivation, manifesting in turn an intrinsic permeability to social transformations. Thus, income must be considered as a dialectical device to be calibrated in relation to concrete situations, as well as in relation to the subjects who take charge of claiming it politically and the power relationships within which they act.<sup>21</sup> Thus, even forms of income that incorporate degrees of conditionality or forms of limitation, for example within restricted territorial contexts, may stimulate the initiative of subjects or movements, and constitute a first step towards an unconditional income.<sup>22</sup>

<sup>&</sup>lt;sup>21</sup> Several highly significant criticisms have been formulated by Gourevitch and Stanczyk, according to which UBI does not constitute an incentive to conflict but, rather, presupposes the existence of resources that have been obtained thanks to the existence of an organized working class (see Gourevitch 2016, Gourevitch and Stanczyk 2018). In the context of the reasoning of our theory, the introduction of income certainly depends on the particular socio-political conditions in which it is claimed, with the conflictual forces of collective subjectivities also playing an important role. In this respect, the need arises for new coalitions between numerous and varied social groups that, within current economic-social relations, would benefit from the introduction of a UBI (see Bidadanure 2017). For a critical discussion of the positions of Gourevitch and Stanczyk, very much in line with the position of this work, see Calnitsky (2018).

<sup>&</sup>lt;sup>22</sup> A similar position is expressed by Van Parijs and Vanderborght (2017), according to whom forms of conditional income can represent progress in the right direction. For them, "the more of these features are in place, the less of a jump into the unknown the introduction of a basic income will be" (Van Parijs and

Such forms of income can contribute to the faster development of political forces in favour of implementing these measures or, alternatively, can favour their immediate neutralization. Indeed, it is necessary to bear in mind that income is an ambivalent mechanism: a greater or lesser degree of conditionality can transform it from an emancipation mechanism to a weapon of control.

Income is therefore structurally conditioned by the relationships present in the context in which it is claimed. It is also conditioned by the resources available in the market which represents the framework it is necessary to deal with in order to finance the income itself, especially in the initial stages of its introduction. The financing of forms of income support that lead in the direction of increased inclusiveness allows for a conception of universal social protection, invoking a redistribution of resources deriving from the market. In this way, greater support for income and welfare, through addressing differently the resources presented by the market, can reinforce an "excess" of life forms and relationships with respect to the existing configuration of the market itself, encouraging new social and working scenarios and new forms of institutional organization.<sup>23</sup>

From this perspective, UBI is simply intended as the most suitable mechanism in terms of favouring the widest deployment of the freedom of decision-making. It can be part of a broader process of emancipation, aimed at breaking current power relations and building more democratic institutions. However, precisely because such decision-making always takes place within specific material contexts, it can be limited and calibrated in relation to particular contexts, beyond which it would risk falling back into abstraction.

The need to reverse the order of priorities within liberal systems has emerged with some urgency during the recent COVID-19 pandemic. The imperative to ensure the social security of citizens has clashed with the need to guarantee the balance of accumulation. In this context, the safeguarding of individual and collective health was favoured only in cases in which the primacy of social protection was fully assumed. In such cases, political decision-makers have been induced to make choices that have concerned the hierarchy of fundamental principles underlying constitutional systems.

### 4. Conclusions

UBI is, in the context of the theoretical model outlined, a fundamental requirement for unconditional freedom. It recognizes the possibility of existing beyond those places that the market makes available, placing each individual in the position of being able to contribute to the construction of his/her own future independently. On the one hand, it constitutes an extraordinary mechanism for social protection, the importance of which can be seen today, particularly in the face of the limits of the welfare models inherited from the post-war industrial period. On the other hand, it allows for the development of

Vanderborght 2017, 167). A compatible position, albeit from a different theoretical point of view, can be found in Offe (2008).

<sup>&</sup>lt;sup>23</sup> Once again, the ambivalence of income emerges. It can constitute an instrument of redistribution, which does not affect the current structure of the market, or it can stimulate new forms of conflict, which turn against the market itself.

new forms of existence and relationships, outlining social protection in a potentially different sense from that associated with Fordist welfare systems.

However, it also differs radically with respect to minimum income mechanisms which, albeit with a number of variations, were adopted by European states over the last decades of the last century. Beyond the differences between the various mechanisms, what links them is the assumption of the pre-eminence of the current social order, within which labour plays a central role. Those who are excluded from this order suffer from "absence": their conduct falls beyond the confines of social acceptability and they must, therefore, be subject to recovery or, even, be definitively removed.

If this scheme is transposed to the current socio-economic situation in which the market exceeds all other forms of regulation, it is easy to grasp how this mechanism contributes to the marketization of social relationships, subordinating the possibility of existing compatibly to the market itself.

UBI is not only not intended to strengthen the current economic and social order,<sup>24</sup> but does not conform, in principle, to any model of society imagined beyond the initiative of individuals. Rather, as a mechanism for de-alienation, it opens the way for the deconstruction of any absolute order, allowing subjects the freedom to make decisions and take control of their reality, and paving the way for experimentation with new forms of social organization.

This function is now all the more urgent in the face of the emergence of market spheres whose development takes place outside any form of institutional regulation. It is enough to think, for example, of the "platform economy", aimed at conquering ever-larger segments of the market: the promise of the disintermediation of exchanges on digital platforms such as Amazon, Foodora, Lyft etc. often conceals an opaque structuring of relationships thanks to algorithms that convey new forms of control and enhancement.<sup>25</sup> The promise of freedom for those who participate in exchanges on such platforms translates into their total exposure to market relations. Through private platforms, these financial giants demand services from the labour of so-called "micro-entrepreneurs" who, in the absence of any protection, become prey to competition and self-exploitation (Gill and Pratt 2008, McDowell and Christopherson 2009).

In this way, digital platforms have greatly intensified and extended the processes of capitalist value creation to new subjects. Even the poor are internal to capitalist relations and cannot be conceived of as mere "spectators" of surplus-value creation.

UBI, besides constituting a minimum protection for those who participate in exchanges, can pull the ground from under the uncontested domination of the market, enabling individuals to imagine different models of productive and institutional organization. Precisely because it is aimed at strengthening the decision-making of individuals, this mechanism must be calibrated in relation to the territorial contexts in which those who

<sup>&</sup>lt;sup>24</sup> In this it ranks as the antithesis of negative income tax. For a critique of negative tax, see Foucault (2004) and Van Parijs and Vanderborght (2017, pp. 58–70). The idea of a negative income tax, theorized by Abba Lerner and George Stigler, is widely known thanks to the formulation of Milton Friedman (1962).

<sup>&</sup>lt;sup>25</sup> For a reconstruction of the notion of "disintermediation", in connection with the notion of the market as a natural place of freedom, see Cuono (2015). On the notion of "platform capitalism", see Lobo (2014) and Kenney and Zysman (2016).

claim it are operating. The ability of the mechanism to combine with the dialectical nature of subjectivities, as referred to above, derives from the fact that it does not force the subject's freedom in any specific direction – the direction taken is always determined in a specific social context and is realized within the particular conditions by which it is characterized. Such conditions can force the characteristics of the mechanism to decline, for example, into more limited or conditioned forms.

The implementation of categorical or conditional forms of income can lead to an expansion of autonomous spaces, or their faster absorption within the conditions in force. The higher or lower degree of conditionality of the mechanism constitutes a crucial factor to be taken into consideration. In this context, UBI is the most appropriate way to guarantee the decision-making ability of the individual and, in this context, can be understood as an objective within a broader process of emancipation that deals with the power relations that propel society.

UBI emerges, therefore, as a potentially conflictual mechanism capable of reactivating the dialectical relationship between subjects and reality, without extracting the former from the historical horizon that makes up the fabric of their identity and which offers the material plan within which only the individual can carry out their own project. In short, it empowers individuals to avoid finding themselves in a position of being blindly subjected to the course of history, opening a space for surplus, in which everyone can freely challenge the future.

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