

# Chapter 9: On Duty

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## Abstract

A common objection to basic income is that people have duties to each other, such as helping the infirm or contributing to the social project. Often it is assumed that person who lives entirely off basic income makes no contribution to the social product, but this ignores passive contribution. Basic income recipients have access to fewer natural resources than everyone else, and therefore, make property available to reward others for doing whatever society demands. If duties are capable of grounding a social responsibility to work, the connection requires a reason why duty implies an *active* contribution. This article examines the case for a duty, and argues for three limits on a government's ability to enforce active duties. First, the force must be necessary. Second, the duties must be applied as equally as possible to all people in every way. Third, if duties are necessary, society is in an emergency situation, and society as a whole has the responsibility to get out of the emergency as quickly as possible or to minimize its affects as much as possible. These limits imply that the existence of duties do not support the case for lifetime mandatory participation and against basic income. If any mandatory participation is needed in a society that provides equal freedom for all, it must take the form of national services in which everyone—rich and poor alike—performs the same duty for the same period of time for the same reward, receiving basic income as a national service pension.

## On Duty

My thesis (*Property and the Power to Say No*) has argued that the property rights regime should safeguard individuals' access to property so that all of their interaction is genuinely voluntary. This conclusion seems to contradict the belief that people have positive duties to each other. An argument for voluntary interaction is not necessarily an argument against the existence of positive duty. In a first-best world, all people would know what duties justice requires and all people would do them voluntarily. Therefore, duties themselves do not imply force; disagreement (or claimed disagreement) about positive moral duties in an imperfect world, imply the need to force a person to perform duties. An argument for voluntary interaction implies limitations on one party's power to decide what duty another party must fulfill against his or her will, but there might be situations in which it is more important for everyone to fulfill a positive duty than it is to maintain their full ECSO freedom.

If there is disagreement about what is a moral duty, how do we know whether the imposer or the person imposed upon is correct in their opinion about the existence of a duty and the level of compliance required? The government determines and enforces negative duties; certainly it must do the same for positive duties. However, we do not let the government determine negative duties without limit. Mill's no-harm principle implies that the only negative duties a person has is to avoid harming or endangering others, which imposes strong limits on negative duties and seems to imply that people have no positive duties.

Some egalitarians and liberal egalitarians (along with some conservatives) have argued that a duty to contribute to the social product is so strong that people must not be

given the resources they need to secure the power to refuse participation in a system of social cooperation. They argue that the unconditional basic income (UBI), which is one of the central conclusions of this thesis, should be replaced by benefits conditional on fulfilling a lifetime commitment to working to help reproduce the benefits of social cooperation. I have argued that a contributory obligation, backed up by a threat of homelessness, forces individuals into the kind of desperate trade that most egalitarians decry if it is the result of the private market.

Because a person's occupation so much of the time of her life, denying an individual the power to say no to the options presented her by society, should be recognized as making her significantly unfree even if other principles of justice make it necessary. For some people this unfreedom is barely noticeable: those with good jobs who feel adequately rewarded, and who would accept them even if they had another option that was not thoroughly bad in an absolute sense. But for other people this unfreedom is extremely pressing: those with fewer and less attractive options open to them, who are forced into a lifetime of labor that is more difficult, less fulfilling, and less appreciated than others can expect or than they believe is necessary to make their contribution worthwhile. Liberal egalitarians will argue that the issue is not whether people are forced to fulfill duties but whether their contribution is part of fair social system. But someone concerned with the theory of freedom presented in this thesis can reply that we can only know that an exchange is fair if it is the result of a voluntary agreement made by free individuals. If the rest of society does not make resources available unconditionally, it effectively sets the goals for cooperation, the terms of cooperation, and the rewards for cooperation. Individuals don't control any aspect of the

transaction; there is nothing left that can qualify it as voluntary. If successful, these arguments from Chapters 1 – 4 make a compelling case for the power to say no, but they do not necessarily make a definitive case under the existence of enforceable duties.

If a social system has to force the less advantaged to fulfill duties by threatening them with homelessness, how can it say they are a free society? But if society allows individuals to benefit from duties fulfilled by others without contributing themselves, how can it claim to be fair? There are competing values at stake. What could ground a duty strong enough to override a commitment to ECSO freedom or a commitment to freedom from interference? What are the limits on government's power to force individuals to fulfill duties? Are any of these duties strong enough to override the commitment to basic income argued for in previous chapters?

A central problem for anyone who would use an argument for a contributive duty against an unconditional basic income is that people who receive UBI do make a contribution—albeit a passive one. People who live off of a basic income (willingly or unwillingly) have fewer external assets and less access to natural resources than everyone else, and by doing so they make larger amounts available to reward others who perform whatever acts society deems worthy of reward. Everyone who lives with less, therefore, has passively contributed to a reward system that can assure that many duties will be fulfilled. Given the possibility of passive contribution, advocates of work requirements must do one of two things: (1) they must establish that positive rewards are not enough to ensure that duties will be fulfilled, or (2) they must establish why people who already contribute passively also have a duty to contribute actively.

This chapter considers the grounds for duties, but it does not propose a definitive answer to the question of what grounds a duty. It instead focuses on the question, given the existence of duties, what limits should there be on a government's power to enforce them. It argues for three limits on a government's ability to force positive duties on to individuals. First, the force must be necessary. There must be a compelling reason to believe that the goals the duty is aimed at will not be achieved without force. Second, the duties must be applied as equally as possible to all people in every way. That is, everyone who is capable performs the same or an equivalent duty for the same reward. Third, if duties are necessary, society is in an emergency situation, and society as a whole has the responsibility to get out of the emergency as quickly as possible or to minimize its effects as much as possible. That is, the duty should make minimum interference with every individual's effective control self-ownership.

## **Grounds for a duty to work**

I will consider three arguments that could ground a duty to actively contribute to social production. First, everyone who (willingly) accepts a share of the benefits of social cooperation has an obligation to help reproduce those benefits. Everyone benefits from social cooperation, and therefore, everyone has an obligation to work for the social product. Second, the more forceful relative of the argument for the benefits of social cooperation is the argument that people are interdependent. That is, people not only benefit from but are dependent upon some form of social cooperation. Third, people have a duty to help people who are in danger, disabled, or unable to care for themselves. The

next two sections deal with the second and third arguments for an enforceable duty. The first argument is the basis for the exploitation objection to UBI. The following chapter deals with this question extensively, and I will only make one comment about it here:

The existence of passive contribution creates a difficulty for the argument that anyone who accepts the benefits of social cooperation must therefore contribute (actively) to social cooperation. For example, suppose most people on the island want to create a joint product, which requires resources and labor. Gilligan wants no part of it. He simply wants to produce on his own. The others take a portion of the island's natural resources and devote them to this collective project, reducing everyone's private share of property. Everyone who actively contributes to the social product receives a reward, and Gilligan receives less than everyone else because he has not sought those rewards. Gradually, everyone but Gilligan decides to devote more and more resources to the collective project further reducing Gilligan's share of private external assets in exchange for compensation in cash which he can use to buy services or finished goods from everyone else. Eventually they reduce Gilligan's share of resources until he owns nothing, and lives entirely off the services he receives in compensation for accepting a smaller share of external assets. Everyone who actively contributes receives more than Gilligan, but Gilligan does receive something from the cooperative project. He receive it in the actions of others that have made it impossible for Gilligan to produce on his own outside of the cooperative project.

How has Gilligan come under obligation? He benefits from social cooperation, but he obtained those benefits in exchange for accepting a smaller share of external assets than everyone else. Why is he under the obligation now also to contribute actively to

society; why isn't society under the obligation to make the rewards for contribution great enough that he would willingly choose them over living off the relatively small amount he receives in compensation?

## **A duty to help those in need**

Assuming there is a duty to help people in need, I argue that it does not necessarily ground a general duty to work. This section examines that issue by expanding on an example from Cohen (1995, 94-103). Suppose Able and Infirm are the only two residents of an island. An impartial external force governs the island. As their names imply, Able can produce whatever she needs to consume, but Infirm has limited physical ability and can only survive with some kind of aid from Able. Does Able have an enforceable duty to help Infirm? Can Able and Infirm come to a voluntary agreement that assure both of their freedom and survival?

Does it matter how much help Infirm needs? Suppose Able can assure Infirm's survival by working only one minute per year. It would take a very extreme advocate of noninterference to say that Able is under no obligation to help Infirm. Enforcing that obligation (if for some reason Able will not do it without force) would be a trivial reduction of Able's Effective Control Self-Ownership, but failing to enforce that obligation would deny Infirm any freedom (or life) at all.

Suppose Able has to push herself to the limit of her physical endurance all day every day for the rest of her life to keep Infirm alive. If she does so, her life will be miserable, and Infirm's will be very pleasant. Suppose that Able and Infirm are both 25 years old, and they can equalize their lifetime welfare in the following way. If Able helps

Infirm for 25 years, and then stops, letting she will live another 25 years, during which she will live a pleasant life, dying of old-age at 75. Or suppose that the probability of each one living the maximum enjoyable life is equalized if they flip a coin. Heads Able helps infirm for the rest of his life. Tails, Able does not help infirm at all. It would take an extreme advocate of welfare equality with little concern for self-ownership to say that Able is under an obligation to help Infirm under these conditions for this many years.

Somewhere between those two extremes must be a point at which duty gives over to self-ownership. I do not know exactly where that point is, and I am not convinced there is one right answer. Assuming moral truth dictates some point at which one of these competing values gives way to the other, does any rule reach it? In a first-best world, both able and infirm would agree about what they owe to each other, and no force would be necessary, but relying solely on voluntary agreement would be problematic if Able and Infirm behave selfishly. Infirm has no effective control self-ownership, but Able puts any conditions on her aid, Infirm have no effective power to say no to any degrading or exploitive conditions a selfish Able might demand. It's childish and selfish for two people interact that way, but perhaps this only exposes how childishly people behave in large groups.

Enforcing a duty to help does not eliminate the problem of force, it merely changes who is vulnerable. If Able has to help Infirm in any way the government authority decides, she has no effective power to say no and will have to comply even if the burden is excessive. One could say that the point is making sure that the burden is not excessive, rather than freeing Able from force, but we can only know the burden is not

excessive if everyone including Able agrees. It is disagreement that implies a need for force, not the existence of a moral duty.

Does the impartial government authority have any tools at its disposal to help ensure that both Able and Infirm have Effective Control Self-Ownership? It does, if the island has property. The government can create a property system in which people who aid the infirm are rewarded with external assets. Cohen (1995) argues that if the government puts Able in the position in which she can have *no* property unless she fulfills a duty to help infirm, it renders her self-ownership merely formal. However, if the government gives Able unconditional access to enough resources to survive and to live a life that is not thoroughly bad in an absolute sense, they can use access to additional external assets as a reward for fulfilling a duty to help Able. If such a policy is possible, Able and Infirm can both live without being forced into a position in which their ECSO freedom is threatened.

Suppose there are eight Ables and one Infirm. One of the Ables chooses to seek the reward for helping Infirm. The other Ables do not actively help Infirm, but they do not receive the reward for helping Infirm either. They have access to fewer external assets than they would, *ceteris paribus*, if there were no reward for helping Infirm. And so they have passively contributed to the reward system that has secured aid for Infirm.

Suppose the government devotes as many resources as it has access to without infringing on Able's ECSO freedom, but yet the reward is not high enough to elicit the aid Infirm needs. To be in that situation we would have to live either in a society with very few assets or one in which people were simultaneously extremely selfish and extremely *not* greedy for assets. Neither their desire for reward nor their concern for

Infirm will motivate them to help him. If government cannot elicit participation, it might be taken as evidence that the effort Infirm requires is excessive, but we cannot rule out the possibility that Able is immoral. Thus, there is some room for argument about what to do at that point. However, in the world today there are many healthy people who work hard to receive material rewards. There are a lot of external assets in the world, and most of them are not devoted to meeting people's most basic needs. Natural resources and the products of past generations are an essential ingredient in all of those external assets. Therefore, society has a lot to bargain with to elicit voluntary aid for the infirmed of the world. Barring people with extremely expensive medical conditions or a major social catastrophe, the duty to help those in need does not have to conflict with the preservation of voluntary agreement.

## **Interdependence**

Much of the argument in the previous chapters assumed, tacitly or explicitly, that most people are capable of economic independence. That is, given enough of the right kind of resources and the right knowledge, most people are capable of meeting their own needs. On the basis of that assumption, I argued against giving society the legal right to block a person from doing so (by assign property rights to others) unless it gives her sufficient unconditional compensation to maintain her economic independence. But, how realistic is that assumption? And if it does not hold, what are the implications for this theory? If people are interdependent, exercising the power to refuse social cooperation is only possible when sufficient numbers of other people do not exercise that power. Interdependence does not mean that not everyone can have ECSO freedom at the same

time; it means only that not everyone can use their ECSO freedom *in the same way* at the same time. But should one be allowed to use their freedom in a way that others cannot?

Empirically, it is not too contentious that a person can meet most of her needs on her own. Thoreau claimed to demonstrate that that living on one's own takes less effort than participating in an industrial economy. Some tropical areas have enough available sources of food and pleasant enough climates that it takes very little productive effort to secure a person's subsistence. But there are at least three arguments for human interdependence.

First, one can argue that people are interdependence because they simply have needs that only other people can meet. In addition to the need for companionship, people who attempt to live on their own will eventually run into a problem they cannot handle on their own such as the need for medical care. I will not address this argument, because although true, it does not make a case for a general case for mandatory participation in the prevailing economic system.

Second, people might be interdependent because there are not enough resources to go around for everyone to provide for themselves outside of a system social cooperation. Call this the population emergency argument. If this situation exists, one person may be capable of providing for her own needs given enough resources, but she cannot get enough resources unless she takes a disproportionate share of external assets. If she provides for her own needs under those conditions, she is in a way dependent on other people continuing to participate in the social project. The empirical argument for the population emergency is strong. Human beings populated most of the habitable areas of the Earth when the population was much lower than it is now. The technology that makes

today's population possible is dependent on large-scale production, and it would be ridiculous to suggest that the billions of people who live on the planet today could survive in economic autarky. Therefore, even if we are all capable of meeting our own needs outside of some system of cooperation, given the current population, we cannot all do so simultaneously. But as before, this kind of interdependence does not imply that people are dependent on a society-wide system of cooperation.

Third, people are interdependent if they need to consume products that can only be produced jointly. Call this the environmental emergency argument. For example, the human habitat is surrounded by water that must be held back by dykes requiring constant maintenance. It only has drinkable water because someone maintains a well. It is surrounded by packs of carnivorous animals that will break into the settlement and kill random people unless there are a large number of people on guard duty at all times. Thoreau can produce his own food and live in the cabin that he built somewhere inside the area of human settlement but not without consuming the efforts of the people who hold back the water or the wild animals. This situation could result from a positive inheritance, such as a medical procedure that could expand everyone's lifetime, or a negative inheritance, such as a degraded environment that required constant maintenance to make the air breathable.

Assume it is possible for any one person (or many persons) to live without actively contributing to these projects, as long as a sufficient number of people do contribute. If so, individuals can be economically independent in the sense that they can be free of the necessity of making a social contribution, but any one individual's independence is in a sense artificial, because it is made possible by other people's

participation. No one person is truly capable of securing her own needs independently no matter how many resources she has access to. Therefore, ECSO freedom cannot be secured by noninterference alone. It requires not only that a person be left alone (even with an infinite amount of resources), but also that she receives positive aid from other people. It is only in this third case, that a person can be genuinely dependent on a social system.

If a person begins with the ability and the resources to live independently, and society takes those resources away, making her dependent on social production, it is clear why society owes her sufficient compensation so that she can maintain her independence even if it involves consuming goods produced by others. But if people are naturally interdependent it is less clear why society is obliged to create independence artificially. It is tempting to conclude without further argument that society is under no obligation to create it economic independence artificially, or even to conclude that society is under an obligation *not* to create it artificially, because to do so would make it possible for people to shirk a duty that interdependence naturally imposes on individuals. But that conclusion is too quick.

Suppose Gilligan's Island needs a well. Everyone will die of thirst unless one of the seven stranded castaways digs a well. It does not follow necessarily that everyone must share in the digging of the well or that everyone must actively do some kind of work for the person who digs the well. Suppose Mr. Howell is glad to dig the well in exchange for a larger share of external assets. Everyone else passively contributes to digging the well by accepting a smaller share of property rights in external assets. In this situation, there is no necessary reason why this work has to be shared. If everyone

equally enjoys the rewards society sets for digging, everyone will contribute equally, if some people enjoy those rewards more than others, it is possible that everyone is better off if those who enjoy those rewards more contribute more and those who contribute less.

This conclusion does not imply that there are no equity issues in the island's search for a digger. Suppose that, although everyone needs a well, everyone has a pretty good idea that if they offer no reward to the digger, Skipper will eventually dig the well either out of a sense of social responsibility or because he is less able to live with the pains of extreme thirst than everyone else. There is an equity issue if everyone else tries to get away without rewarding Skipper, but the issue is one of getting an adequate reward for Skipper, not necessarily one of putting everyone under an obligation to help.

Therefore, it will take a lot to show that the existence of interdependence implies that everyone has an obligation to actively contribute to production rather than to make sure that those who do are adequately rewarded. However, the well example addresses only the argument that society is under an obligation not to create independence artificially. It does not put society under an obligation to provide the economic independence necessary to secure ECSO freedom to somebody who could not provide it for herself. To address that issue, I will have to examine interdependence more carefully.

## **The Lifeboat**

This section examines the case for duty from interdependence by discussing examples with various amounts of interdependence.

Lifeboat example 1: After passing out in a terrible storm, Gilligan awakens to find himself alone and without water in a lifeboat in the middle of a calm ocean on a sunny day. The only way he can avoid dying of thirst is to row to the nearest island that he knows is beyond the horizon to the east.

Because Gilligan's only alternative to rowing is thoroughly bad in an absolute sense, he is not free from the toil of rowing. He is not unfree in the sense of effective control self-ownership, which is defined as a social relationship. He is in this position because of natural causes, and he has no social relationships while is in this position. It is hard to say Gilligan has a *duty* to row. Presumably he wants to row more than he wants to die, and he will row.

Lifeboat example 2: After being drugged by Skipper, Gilligan wakes up to find himself in a lifeboat in the middle the Ocean with Skipper, who has plenty of drinking water (which he stole from Gilligan). Skipper refuses to let Gilligan drink. He lets Gilligan decide weather to row to the island. If Gilligan does not, Skipper will row after Gilligan dies.

Although Gilligan faces the same choice in example 2 as in example 1 (row or die of thirst), in this example he is effectively unfree. He has been forced, by Skipper, into a position where he has no effective power to refuse to provide a service for Skipper. Again it is hard to make a case that Gilligan has duty under these circumstances.

Lifeboat example 3: After passing out in a terrible storm, Gilligan and Skipper both wake up without water in a lifeboat with one set of oars in the middle of the ocean. The only way they can avoid dying of thirst is if one of them rows—or both of them take turns rowing—to the nearest island.

This example is an environmental emergency that provides a very plausible case for an enforceable duty to participate in a joint project. Natural causes force Gilligan and skipper—as a group—to row to the island, but individually, nature doesn't necessarily force either of them to row at all. If Gilligan does all of the rowing, Skipper does not need to row at all, and vice versa. Hopefully, both of them would volunteer to row, taking each other's needs into account, and saying things like, "I'll take over anytime you want a break." But if at least one of them behaves selfishly, he can create a game of chicken in which each refuses to row, and the one who is least afraid of death (or most motivated by the common good) does all of the rowing. Both of those two extreme outcomes are consistent with noninterference. Neither Skipper nor Gilligan forces the other to do anything. By refusing to row Skipper allows nature to force Gilligan to row. By rowing, Gilligan prevents nature from forcing Skipper to row.

The intuitive unfairness of the outcome of a game of chicken motivates some desire to force participation: Assume there is no joint property to provide a positive incentive for rowing. Both will receive the same benefit (reaching safety), and therefore both should contribute some fair portion of the necessary effort. Determining the fair contribution is no easy matter. There are many arguably fair distributions. For example, each rows half of the time; each rows half of the distance; each contributes equal effort;

each contributes at least some minimum amount; the loser of a random lottery does all of the rowing; each contributes according to his ability. The last example could put only one of them under a duty. Suppose Skipper is a much better rower, and it is in both of their interest to get to the island as soon as possible. Therefore, it is not unreasonable for a person to declare that the Skipper should do all of the rowing, even if Gilligan is capable of doing some of it.

If both agree, there is no problem. If they disagree but an impartial enforcer knows which notion of fairness is the moral truth, it could force both Gilligan and Skipper to do their duty. But if both have differing opinions about fairness, it is problematic to say that one of them ought to be able to impose their opinion of fairness on the other, but it is also problematic to allow the game of chicken. Although it is not unproblematic, I concede that a democracy can enforce participation under these circumstances, but I will argue below that this will not provide a case for a general duty to participate in the labor market.

Lifeboat example 4: Gilligan and Skipper find themselves in a lifeboat built for two oarsmen on a river with a swift current carrying them toward a high falls. They will surely go over the falls and die unless both of them simultaneously row hard enough to literally pull their own weight. If one of them leaves the boat the other has the strength to row safely up river by himself.

This example seems to give a clear example of an enforceable duty. By assumption, the only reason Gilligan might refuse to row is if he is suicidal. If he refuses

to row, and Skipper pushes him out of the boat for failing to row, Gilligan will die only slightly faster than he would if he remained in the boat. The only substantive difference is that he will not be able to force Skipper to die with him. Skipper clearly has reason to threaten to throw Gilligan overboard if he does not row with all his might. Thus, cases in which universal compliance is necessary for survival provide the best case for an enforceable duty.

Lifeboat example 5: Gilligan and Skipper find themselves on the river above the falls. They must both simultaneously row hard enough to pull the weight of the heavy lifeboat. If one of them leaves the boat, the other does *not* have the strength to row safely up river by himself.

Here, even Gilligan jumps out of the boat, he will allow Skipper to die by refusing to help Skipper get to safety. Does Skipper have the right to force Gilligan to row, saying that Gilligan can commit suicide as soon as he fulfills his duty to help Skipper is safely upriver? Assuming a person can be both suicidal and rational, this example is the same as the Able and Infirm example above. The answer depends on whether Skipper's interference is substantive or trivial compared to his needs.

Lifeboat example 6: Gilligan and Skipper find themselves in a lifeboat on a calm ocean. Both of them believe that their only hope for survival is to row to an island beyond the horizon to the east. But they are mistaken. In fact, their only hope for

survival is to sit still and let the current take them to an island over the horizon to the west.

In this example, if both of them row, they will both contribute to the death of the other, but only because they have both made a horrible misjudgment. The outcome is tragic but not unjust.

Lifeboat example 7: Gilligan and Skipper find themselves in a lifeboat on a calm ocean. Skipper believes that their only hope for survival is to row to an island beyond the horizon to the east. Gilligan believes that their only hope for survival is to sit still and let the current take them to an island over the horizon to the west.

This example has fundamental disagreement about the goals of the joint project. Yet, forcing one person to *participate* in the project is not the major issue. The major issue is whose theory to pursue. If Skipper takes control of the boat, he will take the boat to the east, even if he has to do all the rowing himself. If Skipper turns out to be wrong, it will be small consolation to Gilligan if Skipper is able to say, "At least I didn't force you to actively participate in my project of rowing to the East." Gilligan will be much more concerned with his imminent death than the small amount of effort he saved. If Skipper turns out to be right, Gilligan will thank him profusely for forcing the good on Gilligan against his will. Gilligan will apologize much more for suggesting an alternative that would have lead to death for both of them and much less for his failure to help row. But the power to refuse could be an important institutional tool in circumstances like this. A

society with the draft might be more likely to begin a disastrous war than one that relied on an all-volunteer military.

Lifeboat example 8: Gilligan, Skipper, and the Professor find themselves in a large lifeboat. They have the same disagreement as in example 7; the professor sides with Skipper, making a majority. Tied to the lifeboat is a small dingy suitable for only one person. If Gilligan goes west on the dingy, it will become more difficult and risky for the others to reach the island they believe to be to the east.

In this case, in which it is possible to split up and each party to pursue their own goal, it is difficult to make the case for a duty to participate in a joint project no matter how large the majority in favor of it. It shows an extreme lack of concern for Gilligan's self-determination to refuse to allow him to pursue his own goal. The principle here seems to be that the majority must avoid forcing individuals to participate in their project if it is possible not to.

Lifeboat example 9: Waking up after a storm, Gilligan, the Skipper, and the Professor find themselves in a lifeboat on a calm ocean. Gilligan wants to row to the nearest island, which is known to be just over the horizon to the west. Skipper and the Professor want to row to another more prosperous island much farther away to the east. Because Skipper and the Professor constitute the majority and

because they are more powerful, they decide where the boat will go, but Gilligan refuses to row.

This example has disagreement about the goals of the joint project, but not about the most fundamental goal of the project. All three are willing to row to safety, but not all three agree where the destination should be. Skipper and the Professor have two arguments for forcing Gilligan to row. All three will benefit from reaching the more prosperous island, and rowing remains a necessity no matter which destination they choose. But they are poor arguments. Gilligan has considered the benefits and decided that for him, they are not worth the cost. Rowing remains a necessity, but rowing east is not a necessity. Any amount of rowing to the east takes Gilligan farther from his goal of reaching the western island. This argument implies the principle: If an enforceable duty is justified by necessity, those imposing the duty have the responsibility of getting out of the emergency as soon as possible and/or minimizing the affects of the emergency as much as possible. If this principle is violated, the argument that the duty derives from necessity is lost.

A form of the game of chicken is possible in this example. Gilligan could say that he wants to go to the nearby island, when he actually wants to go to the same island as everyone else, because he hopes by doing so, he will get a free ride to the more distant island. However, in this example, the others have a reasonable possibility of calling Gilligan's bluff. They can agree to row to the nearest island—doing so is not thoroughly bad in an absolute sense.

Lifeboat example 10: Gilligan, Skipper, and the Professor are on the lifeboat, and agree about the direction the lifeboat should go, and agree that people generally have a duty to row. The Skipper and the Professor believe that Professor is exempt from that duty because he performs some other service. Gilligan disagrees with the majority's decision to exempt the Professor, and refuses to do his duty unless the Professor does his (or refuses to do extra duty to take up the Professor's slack).

The majority's argument that interdependence compels one person to participate is undermined if it exempts anyone else from participating—at least if the exempted person is capable of participating. The underlying principle is that *forced* obligations must be shared as equally as possible. The majority can reply that the Professor is exempt from contributing to the project because his contribution benefits the rowers. However, Gilligan can respond that he disagrees with the value of the professor's contribution, the rate of reward for the professor, or the fairness of the process by which the professor was selected.

Suppose there is an economy in which the majority can say that they have applied Rawls's liberty principle and Rawls's liberty principle and difference principle, in which to the best of their ability any deviations from strict equality are consistent with equal opportunity and to the greatest advantaged of the least advantaged people. There are many jobs with different working conditions and different rewards. Some are more desirable and some are less desirable. The least advantaged individuals are only effectively able to choose between the least desirable jobs. If any member of that group

says that this is not enough, and she would rather everyone share the necessary duties equally, the ruling coalition loses a claim that the joint project is so much in her interest that she has a duty to participate. If they allow the least advantaged person to refuse participation, they must allow everyone else to refuse or risk making other potential dissenters into the least advantaged individual.

Suppose society holds the least advantaged to the obligation to contribute only to genuinely necessary work and only up to the point they would have to do so if everyone participated, but allowed more talented individuals to be exempt from the least desirable contributions by paying others to do extra amounts of the undesirable work. In this case the exempt individuals can argue that no one else is burdened by their exemption, and quite possibly, everyone else benefits. The United States government had a policy like this in the Civil War. People who were drafted could get out of the draft by paying a noncitizen to serve for them. One could argue that everyone benefited from this policy in efficiency terms, but it is hard to argue that the person who did not have the earnings capacity to pay a noncitizen had no reason to object to this policy or to say that it had no effect on his moral obligation to fulfill a duty. It is far from outrageous for the individual with the worst, riskiest, lowest rewarded job to say, "If this job is not so essential that you have to force everyone to share it, it is not essential enough to force me to do it." If passive contribution to the most arduous essential work is good enough for people with high incomes, why isn't it enough for the people with less earnings capacity? Why, at least, can't they claim the same power to command people with higher earnings capacity that others claim over them?

This argument implies a very substantial limit on society's ability to enforce duties. The ruling coalition in society cannot force individuals to fulfill duties unless they enforce those duties as equally as possible—requiring everyone to do the same or similar work for the same reward. Equality does not mean people share equally in every instance, but it could imply that everyone has the equal probability of fulfilling the duty. For example, a rule that any person must throw a line off a bridge if she happens to be crossing the bridge when someone is drowning can be equally applied to everyone even though only a few people will actually end up crossing the bridge while a person is drowning.

## **Duty and the limits to mandatory social participation**

The argument above implies three limits for the imposition of mandatory duties: (1) necessity, (2) minimization, and (3) equality. The duty must be necessary. Society must make every effort to minimize the force it applies and the affect of that force on individuals' lives. Everyone must share equally as equally as possible in the duty in every relevant sense. What do these limits imply for the justifications for mandatory participation?

### *Population emergency*

Suppose the ruling coalition in society introduces mandatory social participation because the population is so high that dividing resources equally will not give any

individual enough to provide for her own needs. Thus, some form of social cooperation is essential, and the ruling coalition feels justified in making it mandatory. If they do so, they have taken on the responsibility of getting out of the population emergency as soon as possible. Anyone who is forced to participate is at liberty to say, “I will contribute while the emergency lasts, as long as you commit yourselves to getting out of the emergency as soon as possible.” This argument gives the ruling coalition the responsibility to make radical birth control measures mandatory to get the population down to levels at which people can have the option to withdraw from social participation as soon as it possibly can. If the ruling coalition responds, “We don’t *want* to get the size of the population down. The size of the population is sustainable given the productivity of our society,” they have given up the claim that the size of the population is an emergency that compels participation. The size of the population has become a chosen goal that not everyone shares, and thus it is not one that requires the mandatory participation of everyone. They can keep the population large and growing if they want to, but they can no longer use it as an excuse to make social contribution mandatory, even if allowing people the power to refuse means giving those who do not wish the equivalent of a disproportionate share of the value of natural resources. However, it does not mean that they will have a disproportionate share of external assets or income. Anyone who refuses to seek social rewards for work still receives less than anyone who does. Although they receive a share of the social project, they receive a smaller share than anyone else.

## *Permanent environmental emergencies*

Some aspects of modern social cooperation fit permanent into the category of environmental emergency described above. Notwithstanding the arguments about passive contribution, the lifeboat arguments give reason that a government could force individuals to participate in these kinds of activities, but only if it does so equally and only for the necessary activities. Thus, if necessary, society can force people into some kind of service, but to keep it within these limits it must be some kind of compulsory national service that no one can get out of—rich or poor. It would be consistent with *equal* freedom from interference if all people had to spend one year, two years, or five years of their life doing the same sort of work for some essential national service, receiving something like a basic income as a pension for their compliance. However, if people with higher earnings capacity are allowed to buy their way out of the service, the program is no longer consistent with equal freedom and becomes effectively the slavery of the untalented.

Thus, the conditions for mandatory social participation that amounts to equal interference with everyone are very high, and they may not be conditions that the relatively better off would be willing to impose on themselves. If they will not impose those conditions on themselves, they cannot impose those conditions on the propertyless, and they must rely entirely on positive rewards to elicit contribution from everyone.

## **The Floating Casino**

Imagine a large Roman galleon with rows of oars on the lower decks and plenty of other resources and space available for cooks, navigators, officers, janitors, people who work the riggings, people who keep the beat for the rowers, entertainers, artisans, business managers, and business managers' personal assistants. Although the galleon is not in any immediate danger, in the long run, rowing is just as essential for the galleon as it was for the lifeboat. If no one rows, the galleon will become becalmed in the middle of the sea and all aboard will eventually die. There are no lifeboats on which someone might take leave of the group and row only for themselves. Therefore, some people could refuse to participate in the social product, but underlying this economy is at least an essential duty. It is not possible for everyone to refuse all social participation at the same time and for a sustained period.

The galleon's economy is complex. Most of what people do is valuable, but it is hard to tell exactly what is essential and whether the galleon's opportunities are distributed according to any standard of fairness or justice. There is some luck and some casino element to the galleon's economy, but some part of what it does must be done cooperatively and is essential to every individual's wellbeing. This interdependence provides the best case for an enforceable duty. The earlier chapters of this book have argued that to assure that the system of cooperation works for everyone, society must give every individual the power to refuse, and then make the rewards to participation so attractive that people will choose to participate even though they are not forced to do so. Certainly, if that strategy produced universal cooperation, it would be more desirable than forced participation.

If that strategy does not work, proponents of a work obligation believe that the ruling coalition can think hard about what contribution satisfies an individual's duty, and then force everyone to comply whether they agree or not. I have not argued that there is no such thing as an enforceable duty. I have only argued that there ought to be strong limits on that ability. The group imposing the duty must minimize its impact on individuals down to what is truly necessary, and they must apply the duty equally. A work obligation in a complex economy with more and less desirable jobs forces a duty onto the less advantaged that is more onerous than everyone else. If people are to be equally free given the existence of a mandatory duty, the ruling coalition can either force the same duty onto everyone or no duty onto anyone. If a mandatory obligation to contribute is applied within these limits, it cannot be a lifetime obligation to participate in a hierarchical economy, but it would have to be something like a national service, in which everyone did the same unattractive jobs for a set number of years early in their life, after which they earn the right to choose or refuse participation in the complex game of an industrial economy. If people with relatively high earnings potential are unwilling to submit to such a duty by force, they must ask for voluntary contributions from people with low earnings potential as well.