

## AGAINST THE RIGHT TO WORK, FOR THE RIGHT TO CONTRIBUTE

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IS THERE a universal right to access some form of monetary income? And if so, how should the relevant entitlement be construed? In this article, I set aside the first question in the hopes of making progress on the second. For assuming a universal right to access an income exists, it is not at all obvious how such a right ought to be responded to. More specifically, there is disagreement as to whether we ought to ensure access to income by way of a universal basic income (UBI) or a right to work in the form of remunerated employment.<sup>1</sup>

One reason to prefer the former option is that it presents perhaps the simplest and most direct way of ensuring universal access to income.<sup>2</sup> Moreover, if all persons have access to the material resources necessary to meet their basic needs, then, though they may remain vulnerable to the contingent forces of the labor market, such vulnerability no longer seems problematic in the way it otherwise might. On the other hand, ensuring universal access to income by guaranteeing opportunities for remunerated employment may seem to be an equally effective way of responding to our pecuniary interests.<sup>3</sup> To be sure, such a right would need to be supplemented by a basic income for those unable to exchange their labor, but among those who are capable of working, there is

- 1 For a particularly insightful exchange on this issue, see Thomas, “Full Employment, Unconditional Basic Income and the Keynesian Critique of Rentier Capitalism”; and Merrill and Neves, “Unconditional Basic Income and State as an Employer of Last Resort.” For two attempts to demonstrate how the right to work and a policy of unconditional basic income might be complimentary, see Harvey, “The Right to Work and Basic Income Guarantees”; and Standing, “Why Basic Income Is Needed for a Right to Work.”
- 2 For some recent defenses of establishing a universal basic income, see Den Otter, “A Constitutional Right to a Universal Basic Income”; Hemel, “Basic Income as a Human Right?”; McKinnon, “Basic Income, Self-Respect and Reciprocity”; and Van Parijs and Vanderborght, *Basic Income*.
- 3 For two recent and compelling cases in favor of establishing a job guarantee, see Paul et al., “A Path to Ending Poverty by Way of Ending Unemployment”; and Tcherneva, *The Case for a Job Guarantee*. Note that my concern here is distinct from related discussions about the right to meaningful work.

no obvious reason to think it would be any more or less effective than a UBI at guaranteeing access to income.

But those who defend ensuring access to income by way of a right to work rather than through a UBI often appeal to an additional benefit of pursuing the former strategy. Whereas the benefits of a UBI seem strictly pecuniary, it is often thought that work is a source of both pecuniary *and* nonpecuniary benefits.<sup>4</sup> And, it might be argued, these additional benefits give us decisive reason to establish not a UBI but a right to work.

The first aim of this article, then, is to evaluate the claim that the nonpecuniary benefits of work generate a decisive case in favor of establishing a right to work rather than a UBI. And my ultimate contention is that they do not. To see why, consider the following proposal. The interest theory of rights argues that rights function to protect and promote interests.<sup>5</sup> That is, we are justified in ascribing a right to some good or performance, on this view, just in case the subject of the right has interests of sufficient weight so as to justify imposing a duty on another party to provide the good or performance in question. And given this understanding of rights, it stands to reason that rights—and their corresponding duties—ought to be both *effective* and *efficient* in protecting and promoting the interests that purportedly ground them. They should be effective in the sense that recognizing the right would, in actuality, serve to promote or protect the interests upon which it is grounded. And they should be efficient in the sense that there should be no alternative right that would deliver a similar package of benefits to the right holder at a lesser cost or burden to those who are duty bound by it. For any given right, then, we ought to be able to demonstrate that the right passes tests of efficacy and efficiency vis-à-vis the interests purported to ground it.

As we noted above, both a UBI and a right to work seem to be effective ways of responding to our pecuniary interests. And let us assume for the purposes of this article that they are equally efficient—that they deliver equal benefits to our pecuniary interests at equal cost or burden. The question with which we are concerned, then, is whether the additional nonpecuniary benefits of the right to work generate a decisive case in its favor.

But if this is the question with which we are concerned, then the relevant comparison cannot be between establishing a right to work versus providing a UBI. We might, in providing a UBI, make possible *other* ways of enjoying nonpecuniary benefits, but it is unlikely that the provision of a UBI would in and of itself be a direct source of such benefits. Instead, we ought to ask whether

4 Schaff, "Work, Technology, and Inequality," 107.

5 Raz, *The Morality of Freedom*, ch. 7.

there might be an altogether separate right that both is capable of being packaged alongside a UBI and delivers nonpecuniary benefits more effectively or efficiently than would a right to work. For if it is the case that such a right exists, then the nonpecuniary benefits of work no longer generate a decisive case in favor of a right to work. That is, we would have decisive reason to establish not a right to work but rather some combination of a UBI and a right to this alternative way of delivering nonpecuniary benefits.

In order to carry out the first aim of the article, then, I evaluate the efficacy and efficiency of the right to work vis-à-vis those nonpecuniary interests to which its defenders appeal in asserting its supremacy over providing a UBI. In considering the efficacy of the right to work, I show that the act of *guaranteeing* employment would be a decidedly *ineffective* way of responding to the relevant set of nonpecuniary interests. And in evaluating the efficiency of the right to work, I show that there is an alternative right—what I call the *right to contribute*—that would deliver similar (if not greater) benefits to the relevant set of nonpecuniary interests without taking on the set of costs and burdens attributable to the right to work.

If I am correct that the right to work fails to pass the tests of efficacy and efficiency in the case of its nonpecuniary benefits, then these benefits can no longer ground a decisive case in its favor. Rather, since we have assumed the equal efficacy and efficiency of the right to work and a UBI in the case of our pecuniary interests, the fact that a right to work would be less effective and more costly than a right to contribute in the case of the relevant nonpecuniary interests suggests that we have decisive reason to establish not a right to work but a UBI and a right to contribute.

Notice, then, that the article does not argue in any *direct* way for establishing a UBI. The upshot is rather that the debate between those who favor a right to work and those who favor a UBI must take on a new shape. The nonpecuniary benefits of work can no longer serve as grounds to license a preference for establishing a right to work. And this means that if there is a decisive case to be made in favor of one or the other option, it must be made from the perspective of the efficacy and efficiency with which each option responds to our pecuniary interests.

Such an analysis is, however, beyond the scope of this article. Instead, having made my case against establishing a right to work—or rather one reason for establishing a right to work—the remainder of the article takes up the secondary aim of justifying a right to contribute. In doing so, I begin by considering an existing attempt to justify a right to contribute that I attribute to Kimberley Brownlee.<sup>6</sup> Though compelling, I ultimately conclude that Brownlee's

6 See, e.g., Brownlee, "The Lonely Heart Breaks" and *Being Sure of Each Other*.

argument remains incomplete insofar as it fails to demonstrate the efficacy and efficiency of the right. I then present such a demonstration by identifying a necessary connection between social contribution and our nonpecuniary interests in self-esteem and self-realization.

The article proceeds as follows. I begin in section 1 by clarifying some of the key concepts with which we are concerned. In section 2, I motivate the requirements of efficacy and efficiency against which I assess the right to work and the right to contribute. In section 3, I list the nonpecuniary interests to which defenders of the right to work typically appeal as grounds. In section 4, I demonstrate that the right to work fails to promote these interests effectively and efficiently. In section 5, I unpack Brownlee's defense of the right to contribute and conclude that it remains incomplete. Finally, in section 6, I demonstrate the efficacy and efficiency of the right to contribute in promoting our interests in self-esteem and self-realization.

## 1. CLARIFICATORY REMARKS

### 1.1. *Rights*

There are three important details about the way I employ the term 'rights' in this article. First, when I speak of rights, I speak of *moral* rights, as opposed to *legal* rights. In other words, the present concern is whether a case can be made for the existence of a moral right to work. If it is indeed the case that such a moral right exists, then we may have legitimate grounds to insist upon the establishment of a codified legal right. Second, I use the term 'right' in the Hohfeldian sense of a claim right and not in the sense of a mere liberty right.<sup>7</sup> Thus, to say that an individual possesses a right entails that such an individual has a legitimate claim against another party (i.e., the state) to some good or performance that the other party is duty bound to provide (i.e., remunerated employment). Third and most importantly, I adopt here what is known as the *interest theory of rights*. On this view, rights function to promote and protect important interests

7 I take it that the construction of the right to work found in, for instance, the United Nations Universal Declaration of Human Rights and International Covenant on Economic, Social, and Cultural Rights (as well as the subsequent General Comments Nos. 18 and 23) is that of the *liberty* to work. Similarly, one finds an early articulation of the liberty to work in the revised Declaration of the Rights of Man and of Citizens drafted by the French National Assembly in 1793. The historical roots of the (claim-)right to work date back at least to the third French Revolution (the February Revolution of 1848), during which widespread support for a *droit au travail* resulted in the establishment of (ultimately temporary) national workshops designed to provide relief for the involuntarily unemployed. For a comprehensive historical survey of the right to work, see Spengler, "Right to Work."

of the right holder.<sup>8</sup> As such, the interest theory of rights holds that whether or not an individual has a right to some good or performance depends crucially on the interests that would be served by the recognition or exercise of such a right and whether they are sufficiently weighty as to justify regarding another party as duty bound to provide the good or performance in question.

### 1.2. *Work and Social Contribution*

As the backdrop from which this article proceeds is the increasing support one finds for policies guaranteeing employment, my use of the term ‘work’ is intended to be interchangeable with the term ‘remunerated employment.’<sup>9</sup> Nevertheless, allow me to call attention to three noteworthy features of my account of work as remunerated employment. First, I take it that work involves some form of *labor*, broadly defined. Whether it be physical, cognitive, or emotional in nature, when I speak of work, I have in mind the intentional or willing performance of some particular activity.<sup>10</sup> Second, work is assumed here to be *productive*. That is, it is assumed that the output of those activities that constitute work contributes in some way to the fulfillment of interests. Finally and crucially, work is productive labor that intends to be *remunerated*. It is not, in other words, undertaken for frivolous purposes. Indeed, when we speak of a right to work in the context of guaranteed employment, typically what we have in mind is the right to exchange one’s productive labor for an income (either in the form of pecuniary benefits or some other good of equal value).

Notice, though, that defining work as remunerated seems to narrow the sense in which work must be productive. If I spend the day gathering coconuts after having been marooned on a desert island, there is no doubt a sense in which I have engaged in a form of productive labor—I have performed an activity that serves the interests of at least one person (myself). But surely one cannot expect

8 Raz, *The Morality of Freedom*, ch. 7.

9 Note, then, that my aim here is not to define the concept of work *as such* but merely as it is employed in discussion of the right to remunerated employment. In this way, I do not mean to imply that nonremunerated forms of, say, domestic labor are not work, properly speaking, or are in any way less valuable than labor that is remunerated. Rather, my intention is merely to employ the term ‘work’ as a shorthand for remunerated employment, if only to remain consistent with existing literature on the right to remunerated employment.

10 There are two points worth clarifying here. First, the activity in question need not itself be active, strictly speaking. Someone who is paid to sleep by researchers conducting a study on sleep apnea is still engaging in a kind of work-constituting activity. Second, the work with which this article is concerned is done intentionally and willingly. I take it that those who defend the right to work do not have in mind anything like indentured servitude that happens to be remunerated. Thanks to an anonymous reviewer for urging me to clarify these two points.

to be remunerated for labor that serves only one's self-interest. Rather, work is remunerated precisely because it serves the interests of—and so is valuable to—at least one person other than the worker. Call those productive activities that serve the interests of others forms of *socially productive* labor.<sup>11</sup> Thus, when I speak of work, what I have in mind is *labor that is socially productive and remunerated*.<sup>12</sup> In contrast, something qualifies as a form of social contribution when it displays the first two features listed above. In other words, social contribution is labor that is socially productive. As such, all work involves some form of social contribution, but not all social contribution qualifies as work. To qualify as work, one's social contribution must additionally be the object of remuneration.

## 2. TWO REQUIREMENTS FOR JUSTIFYING RIGHTS

### 2.1. *The Efficacy Requirement*

The efficacy requirement, as I call it, is intended to capture the idea that rights ought to be effective at promoting the interests purported to ground them. To better understand what I mean by this, recall that the interest theory of rights holds that “a right exists where the interests of the right-holders are sufficient to hold another to be obligated” and that the relevant obligation is “to behave in a way which protects or promotes” the interests in question.<sup>13</sup> In light of this relationship between rights and duties (or obligations), Raz makes the following observation:

The fact that rights are sufficient to ground duties limits the rights one has. Only where one's interest is a reason for another to behave in a way which protects or promotes it, and only when this reason has the peremptory character of a duty, and, finally, *only when the duty is for conduct which makes a significant difference for the promotion or protection of that interest does the interest give rise to a right*.<sup>14</sup>

The efficacy requirement is thus a different way of stating Raz's claim that we are justified in recognizing a right only when the performance of the duties it

11 I thank an anonymous reviewer for raising the desert island case and encouraging me to clarify the conditions under which productive labor can be deemed a form of social contribution.

12 The claim that work consists of these three elements—activity, productivity, and remuneration—aligns with Nickel's understanding of work in “Is There a Human Right to Employment?” 154.

13 Raz, *The Morality of Freedom*, 182, 183.

14 Raz, *The Morality of Freedom*, 183 (emphasis added).

gives rise to can be expected to make a “significant difference” to the promotion or protection of the interests that ground the right. In other words, rights and the duties they impose on others must be *effective* at promoting the interests to which they appeal as grounds.

Why exactly do we need to make this specification? The most obvious answer is that it is the very efficacy of a right that justifies imposing potentially costly duties on others. If a right cannot be expected to be effective, then these costs become an unjustified imposition. But more importantly, as will soon become clear, the recognition of a right has the power to alter the relationship between a particular form of conduct and a set of relevant interests. Indeed, there are cases in which the very recognition of a right undermines the capacity of the conduct it demands from others to promote the interests upon which the right is ultimately grounded. For instance, many of us have interests in experiencing romantic love from others. Normally, this interest is served when others express their romantic love for us. But crucially, it is not clear that this would remain true if we regarded others as duty bound to perform such expressions. For we presumably think that in order to serve the relevant interest, expressions of romantic love must be “a freely bestowed gift, a spontaneous expression of the lover’s own deepest desires, rather than something one is obligated to deliver.”<sup>15</sup> And given this, we can expect that expressions of romantic love performed as a matter of duty would fail to make a “significant difference” to the promotion of the relevant interest. Put otherwise, recognizing a right to such expressions would prove to be an ineffective means by which to promote the grounding interest because it would undermine their capacity to do so.

## 2.2. *The Efficiency Requirement*

Perhaps less obvious are what it means for a right to be *efficient* and why we should expect them to be so. The impetus for such a requirement is that rights, despite delivering benefits to their holders, are nevertheless costly or burdensome for others. They are costly, perhaps most obviously, in the sense that they constrain the freedom of others by limiting how they are permitted to act and, in many cases, by requiring them to act in particular ways. But they can also be costly economically. To recognize a right to health care requires that a government levy taxes on its citizens to raise the funds necessary to carry out their duty to provide such health care. Precisely because rights impose costs on

15 Tasioulas, “On the Foundations of Human Rights,” 59. Notably, while romantic love displays this feature, other forms of love, such as parental love, do not—that is, we typically expect that a parent’s expression of love for her child will make a significant difference to her child’s interest in receiving her love even if both recognize the parent as duty bound to do so. Thanks to an anonymous reviewer for calling attention to this exception.



others, then, it seems to me that a right can be (all things considered) justified if and only if it is the most efficient way of delivering benefits to the interests on which it is grounded. In other words, if a right is justified, then we should not be able to identify an alternative right that delivers the same (or greater) benefits to the relevant interests while imposing lesser costs or burdens on others.<sup>16</sup>

This idea that rights ought to be efficient is, I hope, an intuitive and uncontroversial expectation. Nevertheless, allow me to offer an example that helps both to clarify the concept and to show why it is a legitimate expectation of rights. Suppose that we all have an interest in having access to drinking water. Moreover, suppose that this interest is weighty enough as to recognize others to be duty bound by it. How ought we to specify the right that is grounded by such an interest? One construction of the right would be to recognize a universal right to glacial water. Counting in favor of this construction is its efficacy—the regular provision of glacial water to all would no doubt make a significant difference to the promotion of our interest in having access to drinking water. But while this construction of the right would be effective at promoting the relevant interest, it is clearly not efficient at doing so. For compare it to an alternative construction of the relevant right. On the alternative construction, we might recognize a universal right to some form of drinking water—whether it be sourced from a glacier, a spring, or a well. This alternative construction seems to deliver the exact same benefits as the initial construction but at considerably lesser cost (insofar as there are greater opportunities to discharge the corresponding duty). And since there is an alternative right that would deliver the same benefits at a lesser cost, we lack any sort of compelling reason to recognize a right to glacial water. The inefficiency of the right constitutes grounds for its rejection.

### 3. THE NONPECUNIARY BENEFITS OF WORK

In this section, I identify three nonpecuniary interests promoted by work: self-esteem, self-realization, and social relations.<sup>17</sup> Let us take them each in turn.

16 Another way of putting this thought is that rights ought not to be *unduly* burdensome—either on those they bind with duties or on affected third parties. And one way in which the burdens generated by a right might be unduly burdensome is when they are not necessary to promote the interests that ground the right. In other words, if we can identify an alternative right that promotes the relevant interests without generating similar burdens, then the burdens imposed by the original right are unduly burdensome in a way that licenses rejection of the right. Thanks to an anonymous reviewer for urging me to clarify this connection.

17 The three interests I identify are derived from an attempt to distill the many and often overlapping lists of interests appealed to by both advocates and skeptics of the right to work. For particular examples, see Collins, “Is There a Human Right to Work?”; Elster, “Is There (or Should There Be) a Right to Work?”; Forstater, “Working for a Better World”; Kildal,



### 3.1. Self-Esteem

The first nonpecuniary interest promoted by work is the interest we have in experiencing self-esteem.<sup>18</sup> The idea here is that the experiences of self-esteem tend to depend at least in part on the perception that one's "person and deeds [are] appreciated and confirmed by others."<sup>19</sup> When we engage in work, we are, according to my definition, engaging in an activity that makes a productive contribution to serving the interests of others. In making such contributions, we make possible an avenue through which to be esteemed and appreciated by others, which in turn forms the basis of our self-esteem.

### 3.2. Self-Realization

Work also serves to promote our nonpecuniary interest in self-realization—that is, the development and realization of one's full potential as a rational and purposive being.<sup>20</sup> According to Jon Elster, who writes extensively on the relationship between self-realization and work, self-realization is comprised of two distinct elements.<sup>21</sup> First, it involves self-*actualization*, or the actualization of those talents, skills, and abilities that exist in the first place as mere potentialities. Second, it involves displaying these powers and abilities in a way that can be observed and evaluated by others. This is what Elster calls *self-externalization*.

To see more clearly the connection between self-realization and work, consider how the particular features of work make possible each of its elements. The active nature of work involves actualizing our latent potentialities and,

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"The Social Basis of Self-Respect"; Kirchgässer, "Critical Analysis of Some Well-Intended Proposals to Fight Unemployment"; Nickel, "Is There a Human Right to Employment?"; Schaff, "A Right to Work and Fair Conditions of Employment"; and Tool, "Employment as a Human Right." Note, however, that the provision of these nonpecuniary benefits is not exclusive to work. They are not, in other words, unavailable in a so-called "post-work" society.

18 See, e.g., Nickel, "Is There a Human Right to Employment?"; and Schaff, "A Right to Work and Fair Conditions of Employment." For arguments that dispute the claim that a right to work might be grounded in considerations of self-esteem, see Collins, "Is There a Human Right to Work?"; Elster, "Is There (or Should There Be) a Right to Work?"; and Kildal, "The Social Basis of Self-Respect."

19 Rawls, *A Theory of Justice*, 386.

20 See, e.g., Collins, "Is There a Human Right to Work?"; Forstater, "Working for a Better World"; Mundlak, "The Right to Work"; Nickel, "Is There a Human Right to Employment?"; Steinvorth, "The Right to Work and the Right to Develop One's Capabilities"; and Tool, "Employment as a Human Right." Elster offers a nuanced analysis of the relationship between self-realization and work in "Self-Realisation in Work and Politics" but nevertheless doubts that this relationship can ground a right to work in "Is There (or Should There Be) a Right to Work?"

21 Elster, "Self-Realisation in Work and Politics," 133.

ideally, honing the acuity and efficiency with which we exercise our various powers and abilities. And the productive aspect of work means externalizing our activities such that their outputs may be evaluated by managers or clients. Work thus looks to be a central means through which one might pursue an interest in self-realization.<sup>22</sup>

### 3.3. *Social Relations*

The final nonpecuniary interest that might be served by work is the interest in maintaining rewarding social relations with others.<sup>23</sup> Notably, Brownlee argues that there are in fact two interests captured by our more general interest in maintaining social relations, and indeed, they are weighty enough as to be considered basic needs.<sup>24</sup> (More on this later.) The first is the interest we have in maintaining meaningful social connections to others. Brownlee looks here to the work of psychologists Roy F. Baumeister and Mark R. Leary, who observe that “human beings have a pervasive drive to form and maintain at least a minimum quantity of lasting, positive, and significant interpersonal relationships.”<sup>25</sup> The second interest is what she calls the “need to be needed.”<sup>26</sup> Here, the idea is that we need not only to connect with others but also to be *useful* to them by way of supporting and promoting their well-being.<sup>27</sup>

How might work serve these needs? Importantly, Baumeister and Leary believe that satisfying the drive for social connection requires “frequent, affectively pleasant interactions with a few other people . . . in the context of a temporally stable and enduring framework of affective concern for each other’s

22 Nevertheless, it must be noted that not all work serves to fulfill one’s interest in self-realization. Certain conditions must be met if work is to play this kind of role. Elster notes, “Monotonous, repetitive tasks . . . are not conducive to job satisfaction,” that ideally individuals ought to be placed in positions that match their skills, abilities, and interests, and that individuals must experience a sense of agency with respect to their vocation (“Self-Realisation in Work and Politics,” 144). To the extent that such conditions are met, however, it is difficult to conceive of a greater site for self-realization than the workplace.

23 This is less commonly appealed to than the first two interests. Tool, “Employment as a Human Right”; Kildal, “The Social Basis of Self-Respect”; and Elster, “Is There (or Should There Be) a Right to Work?” all entertain (though Kildal and Elster ultimately reject) the possibility that the right to work might be grounded by an interest in maintaining robust social connections.

24 Brownlee, *Being Sure of Each Other*, ch. 1. See also Gordy et al., “The Missing Measure of Loneliness.”

25 Baumeister and Leary, “The Need to Belong,” 497.

26 Brownlee, *Being Sure of Each Other*, 16.

27 Brownlee, *Being Sure of Each Other*, 16.

welfare.”<sup>28</sup> Thus, it might be argued, work responds to our need for social connection by providing such a framework.<sup>29</sup> Moreover, because work is socially productive, it is an opportunity to meet our need to be needed by making ourselves useful to others.

#### 4. ASSESSING THE RIGHT TO WORK

We are now well placed to carry out the first aim of the article: to test the nonpecuniary benefits of work against the requirements of efficacy and efficiency. I begin by testing the efficacy with which recognizing a right to work would promote the three nonpecuniary interests listed above. Ultimately, I show that recognizing such a right would be self-defeating from the perspective of our interest in self-esteem. Moreover, I show that the capacity of such a right to make a significant difference to our interests in self-realization and social relations would require an implausibly costly construction of it. I then test the efficiency of the right by considering whether it is remuneration or merely the act of social contribution that explains work’s capacity to deliver nonpecuniary benefits. For if it can be shown that these nonpecuniary benefits are a function of merely engaging in social contribution, then we will presumably be able to deliver them by recognizing a less costly right to (socially) contribute.

##### 4.1. *The Inefficacy of the Right to Work*

I do not doubt that work is capable of promoting our interests in self-esteem, self-realization, and social relations. Nevertheless, I demonstrate here that recognizing a *right* to work would undermine the capacity of work to promote our interest in self-esteem. Moreover, I show that the capacity of work to make a significant difference to our interests in self-realization and social relations depends on our constructing the right in an implausibly costly way. Let us take each of these claims in turn.

The basis of the first claim—which is, admittedly, somewhat conjectural—derives from the fact that self-esteem is largely a function of the esteem one perceives from others. The issue is that coming to be employed through highly visible public entitlements (i.e., job guarantees) might actually prevent both us and others from seeing our work as worthy of esteem.<sup>30</sup> For others may be unlikely to see our work as worthy of esteem if it is understood to be the result

28 Baumeister and Leary, “The Need to Belong,” 497.

29 To be sure, some jobs demand solitude to be performed effectively, meaning that not all forms of work serve interests in social relations.

30 This criticism is most forcefully articulated in Kildal, “The Social Basis of Self-Respect”; and Elster, “Is There (or Should There Be) a Right to Work?”

of a “government handout” and not something we have “earned.”<sup>31</sup> Indeed, empirical evidence suggests that a different form of non-merit-based hiring—preferential selection—may have deleterious effects on the self-perceptions of its beneficiaries and may contribute to a “stigma of incompetence” in how they are perceived by others.<sup>32</sup> And we might think these issues will only be exacerbated if the productive contributions that result from one’s guaranteed employment are minimal or invisible. It is hard to believe one’s fellow citizens will come to see one as a valued contributor if the cost of providing employment outweighs one’s productive contribution. In this way, grounding a right to employment in benefits to self-esteem might be self-defeating, for the very act of guaranteeing employment might serve to sever the connection between work and self-esteem.<sup>33</sup>

Might the relationship between the right to work and our interests in self-realization and social relations be similarly self-defeating? Ultimately, I do not think such a worry obtains here (at least to the same degree). But closer scrutiny of the relationship between the right to work and these two interests does reveal how costly such a right would be if it is to effectively serve these interests. For instance, not just any form of employment will do to serve our interests

31 Note that the conjecture on offer is thus limited to societies in which such a general attitude exists. One can, in other words, imagine a society in which there is no such general attitude, in which case this conjecture would fail to apply. Nevertheless, absent compelling reasons to think such an attitude will dissipate, this particular limitation of the objection does not strike me as problematic.

32 It is difficult to find empirical data on the relationship between guaranteed employment and self-esteem given the relative absence of existing programs. However, there is a related literature on the effects of a different form of non-merit-based hiring that seems to support the conjecture on offer: preferential selection. On the harm done to the self-perception of beneficiaries of preferential selection programs, see Heilman et al., “Intentionally Favored, Unintentionally Harmed?” On the “stigma of incompetence” displayed in others’ perceptions of such beneficiaries, see Heilman et al., “Presumed Incompetent?” For a comprehensive review of this literature as it pertains to women, see Heilman, “Affirmative Action.”

33 Kavka is suspicious of the claim that the publicity of entitlements to work would interfere with the capacity of work to bring about self-esteem (“Disability and the Right to Work”). Against it, he raises two objections. First, he notes that even if it is true that jobs received through public entitlements are less effective a source of self-esteem than jobs won through merit, surely jobs received through public entitlements are a better source of self-esteem than no job at all. Second, though how one comes to be employed may be among the relevant determinants of how one’s employment is perceived by others, it is unlikely to be the sole or even most important determinant. Rather, it is more likely that the esteem of others reflects perceptions of one’s contributions while one is on the job. Neither of these observations offers a decisive reason to recognize a right to work, however, because they fail to respond to the objection from inefficiency, which is articulated below.

in social relations.<sup>34</sup> To serve this interest, employment must be enduring and stable, which might make an effective implementation of the right to work considerably more costly. The state would not be able to merely direct labor resources where they are most needed. Instead, if the supposed benefits to our interest in social relations are to be achieved, the state may have to sacrifice its ability to flexibly respond to labor shortages in particular domains in order to ensure stable employment of the kind that permits enduring relationships.

Similar considerations hold for our interest in self-realization. Employment that contributes to self-realization cannot amount to mere drudgery. Indeed, self-realization in the domain of work often requires that our employment aligns in some way with our particular interests or plans of life and that it offers a degree of complexity.<sup>35</sup> But surely providing employment that meets these conditions would be a costly endeavor. Even moderate scarcity requires that we emphasize employing persons in positions that create more resources than they consume. For this reason, we cannot, for instance, guarantee the opportunity to “direct epic color films,” even if this is one’s preferred (or sole) path to self-realization.<sup>36</sup> To dedicate resources in this way would certainly interfere with the state’s capacity to carry out other important functions. Thus, the right to work appears either to be incapable of making a significant difference to our interests in social relations and self-realization or else to require imposing what might seem to be unjustifiable costs on taxpayers and the state more generally.

#### *4.2. The Inefficiency of the Right to Work*

To assess the efficiency of the right to work at promoting the relevant set of nonpecuniary interests, I propose the following test. What we want to know is whether these benefits might be generated by the recognition of a similar but less costly or burdensome right. The obvious point of comparison here is a right to (socially) contribute without remuneration, in contrast to a right to remunerated employment. Thus, we can test the efficiency of the right to work, as opposed to a right to contribute, by considering the extent to which its purported benefits derive from the specifically remunerative aspect of work. If the benefits are derived primarily from this aspect of work, then we should expect them to be exclusive to the right to work and therefore a legitimate basis upon which to justify the recognition of this right rather than a right to contribute. In contrast, if it is the case that the benefits in question are best explained in

34 Elster, “Is There (or Should There Be) a Right to Work?” 64–66, 76.

35 For a more thorough analysis of the ways in which work must be structured if it is to allow for self-realization, see Elster, “Self-Realisation in Work and Politics.”

36 Elster, “Is There (or Should There Be) a Right to Work?” 77.

terms of making social contributions, then we should expect a right to contribute to deliver similar benefits without taking on the costs associated with remuneration. In other words, at least from the perspective of the relevant non-pecuniary interests, we would seem to lack any grounds upon which to prefer the recognition of a right to work rather than a right to contribute. As such, in what remains of this section I return to each of the interests offered as grounds for the right to work and consider what aspect of work best explains its ability to promote them.

Beginning with self-esteem, let us retrace the connection to work. We noted earlier that self-esteem is largely resultant of the esteem one perceives from others. In this way, if the remunerative aspect of work is to be the basis of its capacity to promote and protect our interest in self-esteem, it must be because our contributions are held in esteem by others only to the extent they are remunerated. Clearly this is implausible. Indeed, I take it that in all but the most exceptional of cases, the esteem we afford to others is, in the first place, a function of their social contributions and the value we attach to them. In other words, it is the contributive element, not the remunerative one, that does the work here, suggesting that a right to contribute would fare just as well (if not better) at promoting our interest in self-esteem as the right to work.

Similar considerations apply to our interest in self-realization. I see no reason why we should understand the capacity for the right to work to promote or protect such an interest to be at all a function of its remunerative guarantee. Rather, it is the two elements that work shares with social contribution that make sense of its connection to self-realization. Work allows us to realize our potential powers and abilities if and because it requires us to engage in activities that call on us to develop these powers and abilities, and it allows us to externalize our exercise of these powers and abilities so that they may be recognized and evaluated by others. That we are paid in exchange for the exercise of such powers and abilities does not seem to play any direct or necessary role in our pursuit of self-realization.

So too for our interests in social relations. If work contributes to the protection and promotion of our social connection interests, it is indirectly as a result of the fact that the activities that make up work are typically done alongside or in cooperation with others—remuneration plays no role here. And more directly, it is obvious that the need to be needed is served by contributing to the promotion and protection of others' interests. Whether or not we are remunerated for such contributions is beside the point.

It seems clear, then, that the capacity for work to promote the relevant set of nonpecuniary interests is a function of its involving social contribution rather than the mere fact of its being the object of remuneration. And assuming that

the guarantee of remuneration renders the right to work a more costly way of delivering benefits to these interests than a right to contribute, the right to work fails to meet the efficiency requirement—at least in the case of our nonpecuniary interests.

At this point, I take myself to have successfully demonstrated the inefficacy and inefficiency of the right to work vis-à-vis the relevant set of nonpecuniary interests. What this seems to entail is that defenders of construing the right to access an income in the form of a right to work rather than a UBI cannot appeal to the nonpecuniary benefits of work to defend this preference. For these nonpecuniary benefits might be met equally well (and in a less costly way) by providing opportunities to engage in nonremunerated social contribution. What must be shown, then, if the supremacy of the right to work is to be defended, is that construing the right to an income in the form of a UBI would be a less effective and/or less efficient way of promoting the relevant *pecuniary* interests.

For what remains of the article, however, I set this question aside in an effort to pursue an alternative line of inquiry. My hope is to show that where the nonpecuniary benefits identified above have failed to make a decisive case for recognizing a right to work, they are well placed to ground the right to contribute.

##### 5. BROWNLEE ON SOCIAL CONTRIBUTION

As noted above, I set aside for the remainder of the article the question of whether we ought to recognize a right to a basic income and ask instead whether the nonpecuniary benefits of social contribution detailed throughout the article ground a right to contribute. Importantly, it is not enough to merely demonstrate that social contribution does indeed deliver these benefits. For we additionally want to know whether a right to contribute would deliver these benefits effectively and efficiently. I carry out the assessment of the right to contribute along these dimensions in two steps. In this section, I further motivate the need to demonstrate the efficacy and efficiency of the right to contribute. I do so by rehearsing Brownlee's argument for recognizing the right to contribute and revealing that it remains incomplete precisely by virtue of lacking such a demonstration.<sup>37</sup> Given this, I return in the following section to the nonpecuniary interests surveyed above and demonstrate that a right to contribute would both effectively and efficiently generate benefits for at least two of these interests.

Central to Brownlee's argument for recognizing a right to contribute is the concept of a basic need. Basic needs, as I understand them here, represent a

37 Brownlee, *Being Sure of Each Other*, 75.



particularly weighty subspecies of interests. They are those “noncontingent” interests the fulfillment of which is “essential to a minimally good human life.”<sup>38</sup> As a result, we typically treat basic needs as interests that command a particular kind of moral urgency. Indeed, we might think the idea of an associated right is internal to the concept of a basic need—that the term ‘basic needs’ merely describes a category of “deep, rights-grounding interests.”<sup>39</sup> And even if this is not the case, certainly our basic needs are of sufficient weight that, though not essential to the concept, we have good reasons to recognize at least *prima facie* moral rights to their fulfillment.

Given this understanding of basic needs, then, Brownlee’s argument is quite straightforward. As we earlier noted, Brownlee holds that as human beings, we have at least two basic social needs: the need for social connection and the need to be needed. We are needed, in turn, when we have the capacity to support the well-being of others. In other words, our need to be needed is satisfied only when we have opportunities to perform activities in service of others—that is to say, opportunities for social contribution. Thus, to the extent that our basic needs ground associated rights (either as a matter of necessity or as a matter of fact), our need to be needed suggests that we ought to recognize a corresponding right to contribute.<sup>40</sup> Because Brownlee’s argument moves directly from the recognition of a basic need to the recognition of a corresponding right, to evaluate the argument is essentially to ask whether the need to be needed is, properly speaking, a basic need. On what grounds might she be making this assertion?

Brownlee seemingly makes two claims to support the assertion that the social needs she identifies are *basic* needs. Our social needs are basic needs, on her view, because they are “constitutive elements of a minimally good human life and . . . *preconditions for securing our other interests*.”<sup>41</sup> Ultimately, however, it is this second claim that appears to do the heavy lifting—at least in the case of the need to be needed. That is, Brownlee’s demonstration of the basicness of the need to be needed proceeds by identifying three antecedent interests served by social contribution. Let us take them in turn.

First, Brownlee suggests that the need to be needed can be explained in part by “narrow self-interest.”<sup>42</sup> When we contribute to the survival or well-being of others, we make ourselves valuable to them and, in doing so, generate for

38 Gordy et al., “The Missing Measure of Loneliness,” 12.

39 Brownlee, *Being Sure of Each Other*, 3.

40 Indeed, Brownlee refers interchangeably to “the need to be needed” and “social contribution needs” (*Being Sure of Each Other*, 16).

41 Brownlee, *Being Sure of Each Other*, 2 (emphasis added).

42 Brownlee, *Being Sure of Each Other*, 76.

ourselves a secure sense of belonging in the group or community within which we are recognized as a valued contributor. In contrast, when we lack this sense of security and belonging, our lives are severely impoverished.<sup>43</sup> Second, social contribution allows us to promote those interests we have in the well-being and survival of *specific* others.<sup>44</sup> When we stand in certain kinds of close personal relationships to others, we often care as much for their well-being and survival as we do our own. When we have opportunities to engage in social contribution, we can contribute directly to the interests of those close to us in important ways. Finally, Brownlee claims that our social contribution needs can be grounded in part by the interests of the groups and communities to which we belong and the ways in which group interests interact with our narrow self-interest and our interests in the well-being of those near and dear to us.<sup>45</sup> The fulfillment of social contribution needs provides us opportunities to contribute directly to the well-being of our groups, since such groups typically rely on the contributions of a great many of their members in order to carry out their central functions.<sup>46</sup> When we are able to contribute to groups such as these, we ensure the well-being of not only the group itself but also its individual members (including ourselves and those near and dear to us).

If one accepts Brownlee's claim that we have a basic need to serve as social contributors, the argument for a corresponding right follows naturally. Basic needs, as those interests the fulfillment of which is necessary to live a minimally worthwhile life, seem plausibly to be paradigmatic cases of the sorts of interests that reliably ground rights. If social contribution is indeed among such needs, as Brownlee argues, then clearly such needs ought to be responded to by recognizing a right to serve as a social contributor—the efficacy and efficiency of the right would appear to be indisputable. Thus, we seem to have grounds to recognize at least a *prima facie* right to opportunities for social contribution.

Yet we might still wonder how successful Brownlee's argument actually is. It is, for instance, slightly puzzling that she attributes the status of basic need to opportunities for social contribution only because the fulfillment of this

43 In addition, Brownlee makes the insightful observation that among our most important interests is an interest in being able to fulfill our moral responsibilities (*Being Sure of Each Other*, 76). The ability to contribute in important ways to the lives of others often makes possible a kind of moral agency through which we might take on and fulfill a variety of moral obligations.

44 Brownlee, *Being Sure of Each Other*, 77.

45 Brownlee, *Being Sure of Each Other*, 77.

46 For instance, Sangiovanni observes that states that regulate and provide important goods such as security and a stable system of property rights and entitlements rely on the contributions of citizens to do so ("Global Justice, Reciprocity, and the State").

“need” is instrumentally valuable for promoting a set of antecedent interests.<sup>47</sup> For we might thereby wonder whether it is really our narrow self-interest, interests in the well-being of specific others, and interests in the well-being of the communities to which we belong that represent our basic needs, and whether the opportunity to socially contribute represents just one way of serving these more fundamental needs rather than a *basic* need itself. As Cheshire Calhoun puts it, Brownlee’s argument “tends to imply that the right to contribute is not a basic right but is merely instrumental to securing other more basic rights.”<sup>48</sup>

Allow me to spell out the problem a bit more clearly. On one construction of Brownlee’s argument, we proceed directly from the claim that we have a basic need for opportunities to socially contribute to the claim that we have a corresponding right to such opportunities. As such, whether we accept the conclusion of the argument ultimately depends on whether or not such a basic need indeed exists (since we can be relatively certain that if it does, a right to opportunities for social contribution would be effective and efficient in responding to it). But to demonstrate the existence of such a need, Brownlee merely shows how opportunities for social contribution serve to promote three kinds of interests that seem to stand separate from the need to be needed. And this means that her argument no longer proceeds directly from the identification of a basic need to the recognition of a corresponding right. For it now seems as though social contribution is merely instrumental to the promotion of these three *other* interests rather than being an essential feature of their content.

Given this, we might further doubt that there is any sort of *necessary* connection between social contribution and feelings of belonging, the security of our loved ones, or the well-being of our communities. In other words, it remains an open question whether the instrumental value of social contribution vis-à-vis *these* interests is sufficient to justify recognizing a right to contribute. This means we need to engage in the same kind of analysis to which we subjected the right to work. We need to know whether the instrumental relation between opportunities for social contribution and these supposedly rights-grounding interests is effective and efficient. For whereas we can be reasonably certain of the efficacy and efficiency of a right to contribute vis-à-vis a basic need to contribute, we cannot make this same assumption if the relevant interests are the more diffuse interests to which Brownlee ultimately appeals.

This limitation of Brownlee’s argument suggests a need to demonstrate the efficacy and efficiency of the right to contribute vis-à-vis some set of grounding

47 The instrumental focus of Brownlee’s argument as it concerns social contribution is documented and critiqued in Calhoun, “Social Connections, Social Contributions, and Why They Matter.”

48 Calhoun, “Social Connections, Social Contributions, and Why They Matter,” 460.

interests. It is to this end that the remainder of the article is dedicated. Note, however, that I pursue this demonstration not by way of the interests Brownlee identifies but rather by way of the set of nonpecuniary interests described in section 3.

#### 6. ASSESSING THE RIGHT TO CONTRIBUTE

Recall the earlier observation that the capacity for work to deliver benefits to our interests in self-esteem, self-realization, and social relations is a result of its involving exercises of social contribution. Nevertheless, we cannot thereby conclude that a right to contribute exists. Given there will no doubt be costs associated with recognizing this kind of right, we want to be sure that such a right would effectively promote the interests in question and would do so in a way that could not be replicated by recognizing a less costly construction of the right. In what remains of this section, I show that the kind of efficacy and efficiency we were unable to identify in the case of the right to work can indeed be found in the case of the right to contribute. In particular, my strategy is to demonstrate that the very pursuit of our interests in self-esteem and self-realization depends on our having access to opportunities for recognized forms of social contribution—that there is a necessary connection between them.

To see the connection between self-esteem and social contribution, recall once more the connection between self-esteem and how we are perceived by others (or how we think we are perceived by others).<sup>49</sup> Notably, it is not just how we are perceived by others as persons that matters. According to Rawls, self-esteem, or self-respect, depends on the perception that our *deeds* are esteemed and appreciated by others.<sup>50</sup> That is to say, the satisfaction of our interests in self-esteem depends on our engaging in some activity the results of which admit of the possibility of esteem. And to admit of the possibility of esteem, it would seem, requires that the activity in question serves interests of some sort. Whether these interests are the self-interests of the actor, the interests of the appraiser, the interests of an unrelated party, or some combination of the three, it is difficult to conceive of an activity that admits of esteem but does not contribute in any way to the interests of some person or set of persons. In this way, because self-esteem itself seems to depend on the opportunity to act in ways that admit of appreciation by others and because such appreciation is largely a reflection of the degree to which one's activities contribute to the

49 Rawls, *A Theory of Justice*, 386.

50 Rawls, *A Theory of Justice*, 386–87.

fulfillment of interests, it is difficult to see how this fundamentally social aspect of self-esteem might be realized absent opportunities for social contribution.<sup>51</sup>

Similar considerations apply in the case of self-realization. Though definitions of self-realization range, and the term 'self-realization' itself may be substituted with similar terms such as 'self-development' or 'self-actualization', it nevertheless seems plausible to assume that self-realization consists to some degree or another in developing, honing, and exercising the capacities that make one *who one is*. In this way, self-realization seems to be at once a good *and* an activity. But what exactly does this activity consist of? What is the activity of developing, honing, and exercising one's capacities? I want to suggest that one develops, hones, and exercises the capacities that make one who one is by engaging or participating in acts of social contribution. I take this to be the case because of what Elster calls the self-externalizing component of self-realization.<sup>52</sup> For self-realization to occur, we must make the exercise of these capacities available to be evaluated by others. In turn, others tend to evaluate the acuity with which we exercise these capacities in terms of their contributive outcomes. Thus, to engage in the very activity of self-realization, in which we, among other things, develop and exercise capacities in a way that makes them available for evaluation, we must possess opportunities to exercise our capacities in those socially contributive ways that allow others—and ourselves—to appraise them.

Thus, it appears that fulfilling our interests in self-esteem and self-realization depends crucially on having opportunities to engage in social contribution, which in turn suggests that the right to socially contribute not only is effective but passes the test of efficiency.<sup>53</sup> What I hope to have demonstrated in this

51 It might be objected that the self-esteem derived from guaranteed opportunities for social contribution is vulnerable to the same conjecture I raise against the right to work in section 4. However, I take it that much of the stigma associated with non-merit-based hiring practices results from an attitude of resentment toward the idea of persons being remunerated for positions they did not "earn," so to speak. Because the right to contribute does not involve a right to remuneration, it strikes me as considerably less vulnerable to the conjecture raised against the right to work (if at all).

52 Elster, "Self-Realisation in Work and Politics," 133.

53 It might be wondered whether the right to contribute is vulnerable to a similar worry about efficiency as the right to work. That is, it might be the case that we could promote these interests in a less costly way by systematically misleading people into thinking social value attaches to a set of activities that are in fact without value but for which the cost of creating opportunities is low. There are two lines of response to such a worry. First, it is not clear to me that the scenario described is indeed a realistic one. It strikes me that it will always be reasonably apparent whether a given activity serves the interests or contributes to the well-being of another. Second and perhaps more importantly, even if such a state of affairs could be brought about, this merely suggests that the relevant right might be the right to contribute in whatever ways one's society *deems* valuable rather than the right to

section, then, is that despite failing to ground a right to work, we should not conclude that the nonpecuniary interests surveyed throughout this article are incapable of grounding any rights whatsoever. Where they fail to establish a decisive case for recognizing a right to work, they succeed in demonstrating the need for a right to contribute.

## 7. CONCLUSION

How should we interpret the universal right to access an income, assuming such a right exists? Two constructions of the right have seen increasing support in recent years. On the one hand, there is support for construing the right to access income in the form of a universal basic income. But others remain unconvinced that this is the most promising way to deliver on the right to access income. Instead, they argue that the relevant entitlement ought to be provided in the form of guaranteed opportunities for remunerated employment. In support of this position, it is observed that work provides not only income but a host of nonpecuniary benefits to our interests in self-esteem, self-realization, and social relations.

But if the nonpecuniary benefits of work are to play a decisive role in the case for establishing a right to work rather than a UBI, we ought to be able to demonstrate the efficacy and efficiency of the right to work in providing these benefits. I argue that no such demonstration is possible. Rather, the right to work is likely to prove both a decidedly ineffective way of promoting the relevant set of nonpecuniary interests, and inefficient in its promotion of these interests when compared against a less costly right to contribute. As such, the nonpecuniary benefits of work cannot serve as grounds upon which to assert the supremacy of the right to work as a way of construing the right to access income.

Nevertheless, where a demonstration of the efficacy and efficiency of the right to work vis-à-vis the relevant set of nonpecuniary interests proves unsuccessful, I argue that a successful demonstration is possible in the case of the right to contribute. For we have good reason to think that the fulfillment of our interests in self-esteem and self-realization depends in some essential way on our having opportunities to engage in social contribution. Thus, having laid the theoretical grounds upon which such a right may be justified, future research efforts are well placed to pursue more practical questions such as how

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make an *actual* contribution. For it is not obvious to me that the social basis of our interests in self-esteem or self-realization depends in any way on our making a contribution of objective value. All that is required is that one's contributions be esteemed by others or that they are available for their appraisal, both of which seem possible under the scenario described. Thanks to an anonymous reviewer for raising this worry.

opportunities for social contribution might be generated for or fairly distributed to those who currently lack them.<sup>54</sup>

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