

*Workfare's Persistent  
Philosophical and Legal Issues*

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Forced Labour, Reciprocity,  
the Uniqueness of Work, and Basic Income

# 1. Workfare as Forced Labour?

- Rejected by a series of courts. But justifiably?
- Plug: (Seven) badges of (Modern) Slavery and FL:
  - Humiliation
  - Ownership of people
  - Exploitation of the vulnerable.
  - Lack of consent
  - Terms and conditions of employment
  - Limits on the power to end the relationship
  - Denial of rights outside the relationship.

The legal basis for such objections is unconvincing. A well-established line of precedent holds that Thirteenth Amendment prohibitions extend only to physical restraint or a threat of legal confinement. They do not apply if individuals may choose freedom at a price. Since sanctions for refusing pro bono work would not include incarceration, most courts have rejected involuntary servitude challenges.

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But Deborah Rhode

*Siliadin, Kozminski*

— cf

It is not possible to make the distinction between the *vagrant and the loafer* on the one hand and the *bona fide workman* on the other, except in conjunction with some elaborate and effective system of testing willingness to work such as is afforded by the system of labour exchanges

Winston Churchill

ECONOMIC DESERT (means testing)

- Moral desert: willingness to work.
- Workfare: operates on a symbolic level.

Under Giuliani, “Work Experience Program constitute[d] a low-cost labor force that did a substantial amount of the work that had been done by municipal employees before [the] Mayor reduced the city payroll by about 20,000 employees, or about 10 percent”

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back to FL)

**Effects:** not only on the only when they refuse, but they *comply*.



### 3. Reciprocity (QpQ)

- No 'some' principle: It is hard to see the difference between giving me \$100 in exchange for my contributing \$100 in return, and simply giving me nothing. In other words, what is offered as a gesture of inclusion and equality may simply mask a refusal of support
- White; and the words, what is offered as a gesture of inclusion and equality may simply mask a refusal of support
- Using words: mask a refusal of support
- Berg & Noah Zatz
- Refusal of support, undermining the right to welfare

# Two Questions

1. Abolition of income poverty.
2. Protection against vulnerability
3. Self-realisation at work
4. Educational opportunities
5. Non-discrimination.

Where ideal conditions are not met, there is no immediate answer as to what is expected of individuals in terms of their reciprocating effort

Stuart White

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# 4. Basic Income

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The implications, for present purposes:

1. Who are the parasites? Those in work have hold of a scarce resource that others crave.
2. On reciprocity:
  - Questioning the premise – strengthening the rt to welfare; or...
  - Creating the conditions *for* reciprocity.