

# Land restitution as an exit option<sup>\*</sup>

Aïda Palacios Morales

Calendars and clocks exist to measure time, but that signifies little  
because we all know that an hour can seem as eternity or pass in a flash,  
according to how we spend it.  
(Michael Ende, 1984: 55)

Those who defend market economy claim voluntary trade as source of legitimation. But, what happens when someone lacks propriety, that is, when her only resources are her body, time and abilities? In our world, natural resources –and most of the means of production– are in few hands. Since we all are human beings, that is, animals, we all have basic needs. At that point, dispossessed have only one way to meet our needs without breaking the law: selling our labour power. Nevertheless, as many political philosophers defend, nobody had an initial greater right over natural resources. Is it just, then, for those who become dispossessed to be forced to work in order to survive because others hoarded all the resources?

I shall sketch the link between the allocation of natural resources and waged work, and stand for the pursuing of an exit option from labour market. I shall defend land restitution as a solution both to over-acquisition and to waged work –the latter understood as the *only* choice for dispossessed. Section I affirms that each of us has a claim for an equal share of natural resources and why a liberal system should, at least, allow an exit option for those dispossessed who do not want or cannot have a job. Section II explains two options of universal grant, a common proposal that opens a door for an exit option, and examines some criticisms to this measure. Section III formulates a proposal on land restitution as an exit option, somewhat based on the old idea of "Forty acres and a mule".

---

<sup>\*</sup> "Land Restitution as an Exit Option" was written in December 2014, within the MA in Political Philosophy at Universitat Pompeu Fabra (Barcelona, Spain). I am profoundly grateful to Paula Casal for her guidance and intriguing ideas and to Karl Widerquist for his generous assistance. I want to thank also Lydia Basabe Monteiro-Freire and Laura Carmona Dalmases for their comments.  
E-mail: apalacmo8@alumnes.ub.edu

My aim is examining the relation between over-acquisition and waged labour and some problem-solving proposals. I am aware of how old this conflict is, and do not pretend to find *the* solution. But I will be glad if some clear ideas arise.

– I –

John Locke, Robert Nozick and Michael Otsuka affirm that the world was unowned before someone claimed property over a plot of land (Locke, 1988; Nozick, 1974; Otsuka, 1998). Locke's proviso, from which all derive in some measure, announce that an individual has a right to own property when mixed with her own labour *and if* leaving "enough and as good" to others (Locke, 1988: sec. 27). So, we can deduce that nobody has any greater right to natural resources: every new owner has to be aware of others' needs and a first-take-all policy is unfair, because that first owner does not hold a right that the others lack and worsens off the expectations of the others. Otsuka and Nozick differ on the depth in which it is permissible to ban access to resources to the dispossessed, and emphasize the necessity of compensating us or, at least, not worsening our previous expectations.

But before and apart from human beings there were and are other living beings. Moreover, the fact that nobody made this claim before *does not mean* that this land was unused. We can take a look at the usurpations –others shall say appropriations– that occurred all long and wide through humanity history, on the enclosures and conquests of *new* territories (Federici: 2004) and reflect on what did these mean to those who become dispossessed. Trade defenders as Nozick vindicate the utility of private property in the liberal economy. In spite of that, it seems clear to me that dispossessed are worse off since our autonomy has been grabbed. By autonomy I mean having a range of choices; instead, the only feasible option for us is waged work because the others –stealing, prostituting, dealing...– are prohibited by law and moral. Hence, an economical theory based on voluntary trade *forces* the dispossessed to join it and, therefore, liberal economy loses its voluntary component –and one of its justifications.

Nobody can be *truly* free if cannot meet their needs. In our world almost each natural resource has an owner and many of us own nothing more than ourselves. Then, the specific link without becoming dispossessed and having needs turns out into a blackmail: if a dispossessed decides not to join the labour market, her life is condemned whether to misery, opprobrium or jail. So, as a matter of fact, dispossessed are obliged to work for meeting our needs since the alternatives are openly worse. Direct access to basic resources would provide an exit option, that is, an alternative for a decent and free life, waged work apart.

– II –

As the common idea for providing an exit option leads us to universal grant, I shall examine two approaches to that measure, related to over-acquisition's compensation. This kind of grant, if its amount was enough, could provide an exit option without involving changes in the actual allocation of natural resources. Both options would provide an equal income for all, but differ on the grounds of *what* should be shared and on their purposes.

Phillipe Van Parijs defends a Universal Basic Income (Van der Veen and van Parijs: 1986; Van Parijs: 1991). Relying on a liberal theory of justice and with exploitation in the spotlight, focuses on the concept of real freedom –that is, not being prevented from acting on your own will *and* possessing the resources for living your own good life (Van Parijs, 1991). Van Parijs defends that your success on achieving that life cannot depend on whether having or not wealth, skills or a job; so, through taxing wages everyone would earn a basic income ensuring with which pursue her good life, without economical reasons forcing her to marry or being exploited.

Another perspective has the Hillel Steiner's Global Fund, derived from the Lockean proviso: since everyone has a claim to an equal portion of the planet, everyone deserves a compensation for her dispossession –or shall pay for his over-acquisition. The Global Fund would have two sources of revenue: a 100% tax on bequests and a 100% tax on natural resource ownership. The Fund must be

equally distributed among all human beings because of the equal liberty to use and occupy land (Steiner, 2011).

Many objections have been made against universal grants, whatever the particular proposal. I shall focus on three of them, quite usual and to which my later proposal is consistent. The first, and most common, spins around the idea that those who do not work but have a guaranteed income are parasites. As Steiner expressed: "the [Van Parijs'] proposal goes against a widely accepted notion of justice: it is unfair for able-bodied to live off the labor of others" (Steiner: 1987, 719). Van Parijs replies that paid work is an asset which value has to be shared because, first, there are involuntary unemployed people; and, second, "those who, for whatever reason (...) give up their share of that resource and thereby leave more of it for others should not therefore be deprived of a fair share of the value of the resource" (Van Parijs: 1991, 126). Moreover, a job provides the actual workers with non-monetary opportunities, such as social recognition.

Second, having a guaranteed income would be like a net protecting us from falling death, that could diminish our survival instinct. Jon Elster is concerned about this income leading "to more people needing the net, by reducing the incentive to survive without it" (Elster, 1986: 711). An answer to that could well be that *the incentive* he is talking about *is the wretched life* aforementioned. It is not an incentive but the violent threat of starvation. But still we can ask which personal consequences would suffer those who chose not to work. Maybe those non-monetary profits could get lost, since an occupation supplies identity, self-realisation and a lifestyle. Or may be that people would not know how to spend their time, so get bored or depressed, and mental diseases, addictions and social conflicts may arise.

And third, although labour market and the whole economy would undergo many changes because of universal grant, other things would stay just the same. Supplying with a guaranteed grant might solve great issues, say, exploitation and dependence, and also may provide an exit option. But it would not change a thing in worrying matters such as environmental destruction and population density.

– III –

Universal grants are based on the compensation's idea, that is, making amends for over-acquisition. But, as I tried to point out, the actual world-ownership system is neither fair nor consistent with our supposed equal claims over resources. What about materialising the equal share? I mean, another option is a physical restitution of this equality, giving to each one of us our belonging plot of land –I am not settling here the definite grounds of this distribution, though natural reserves and barren soils should be kept aside. This would also imply landowners losing their land surplus, until each of us owned as much as the rest.

Land restitution would be based on a material allocation, according to the Lockean proviso. Dispossessed would have the option of living from our own harvest, without depending on an employer and, also, without being forced to waged work for survival. Evidently, people could organise as we thought it better, say, as individuals, families or cooperatively. Maybe it would be hard to make up our minds to a "rural return", while it might be considered a more sustainable way of living as specie in a finite world. This measure could provide an exit option, more autonomy and ecological benefits.

As I mentioned before, this proposal is consistent with the aforementioned criticisms to universal grants. First, nobody is parasiting others. Even if someone has no employment, for sowing you have to reap, and the harvest can meet your basic needs. Second, people have not a net under their feet –nor a threat– while the struggle for survival is kept, and so motivation, identity and self-realisation. And third, urban areas would decrease population density and the environment would be no more an abstraction, but the plot of land from which we eat.

Obviously, land restitution is not immune to criticisms. It can be asked what would happen to injured, disabled or old people. I shall reply that we cannot exclude mutually supportive relationships within communities. If not, there is still the option of relinquish land and having part of the harvest in return.

A second criticism could be that it would be difficult to lodge all the people living big cities near them, and we should face the fact that moving people against our will is banishment (Widerquist, 2013: 13). But, we cannot be so sure that, once dispossessed have an exit option, we would still want to live near the cities. Cities grew since the dispossessed migrate there *because of* the waged labour they offered, and for that reason many remain there. Without this appeal, could be that many people want to move to other places.

The harder criticism, noted both by Susan Moller Okin and Karl Widerquist, is that we are not living in a hunter-gatherer nor agrarian society, therefore a plot of land is not an option. That could make sense if we thought that through implementing that measure people would not work, if they wanted to. But we do not conclude that when referring to universal grants, and there is no reason to think that with land restitution would be different. With that proposal, the dispossessed can choose between a waged labour or an exit option that supplies a decent life consistently with the common criticisms to universal grants. If an individual desires something more than what she takes from land, can search for a job and get it, if worthy. I am not talking about primitivism, but about meeting our basic needs.

### Conclusion

A society announcing freedom in its theoretical basis cannot force the vast majority of its members to obtain an employment for keeping alive. Especially when that happens after privatising the resources to which access is necessary to provide a decent live and to which we are supposed to have an equal claim. Land restitution supplies with an exit option: allows the dispossessed to take back our autonomy.

---

References

- Casal, P. (2011) "Global Taxes on Natural Resources", *Journal of Moral Philosophy*, 8: 307–327.
- Cohen, G. A. (1995) "Self-ownership, world-ownership, and equality" in Cohen, G. A., *Self-ownership, freedom, and equality*, Cambridge: Cambridge University Press: 67-91
- Elster, J. (1986) "Comment on van der Veen and Van Parijs", *Theory and Society*, Vol. 15, No. 5 (Sep.): 709-721.
- Ende, M. (1984) *Momo*, London: Puffin.
- Locke, J. (1988) *Two Treatises of Government*, Laslett, P. (ed.), New York: Cambridge University Press.
- Nozick, R. (1974) *Anarchy, State and Utopia*, New York: Basic Books. Cited by Otsuka, M. (1998).
- Okin, S. M. (2005) "'Forty Acres and a Mule' for Women: Rawls and Feminism", *Politics Philosophy Economics*, Vol. 4, No. 2 (June): 233-248.
- Otsuka, M. (1998) "Self-Ownership and Equality: A Lockean Reconciliation", *Philosophy & Public Affairs*, Vol. 27, No. 1 (Winter): 65-92.
- Pogge, T. (2011) "Allowing the Poor to Share the Earth", *Journal of Moral Philosophy*, 8: 335–352.
- Steiner, H. (2011) "The *Global Fund*, A Reply to Casal", *Journal of Moral Philosophy*, 8: 328–334.
- Van der Veen, R. J. and van Parijs, P. (1986) "A Capitalist Road to Communism", *Theory and Society*, Vol. 15, No. 5 (Sep.): 635-655.
- Van Parijs, P. (1991) "Why Surfers Should be Fed: The Liberal Case for an Unconditional Basic Income", *Philosophy & Public Affairs*, Vol. 20, No. 2 (Spring): 101-131.
- Widerquist, K. (2011) "The Physical Basis of Voluntary Trade", *Human Rights Review* 11 (1): 83-103.
- Widerquist, K. (2011) "Why we Demand an Unconditional Basic Income: the ECSO Freedom Case", in Gosseries, A. and Vanderborght, Y. (eds.), *Arguing about Justice. Essays for Philippe Van Parijs*, Louvain-la-Neuve: Presses Universitaires de Louvain.
- Widerquist, K. (2013) "Forty Acres and a Mule? Implications of Respect for Personal Independence", in Widerquist, K., *Independence, Propertylessness, and Basic Income: A Theory of Freedom as the Power to Say No*, New York: Palgrave Macmillan.