Labour Commodification and Global Justice

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Abstract

In this article, I maintain that the social process of labour commodification, through which the individual capability to uphold a decent welfare is bound to participation in the labour market, poses a problem of justice from the republican prospective on freedom as non-domination. I first discuss the reasons we might hold that capitalism brings a form of systemic domination by virtue of one of its intrinsic features: unequal access to the means of production. Then, I argue for a minimum de-commodification of labour power as a criterion of justice, adding that it should be conceived as a cosmopolitan proviso because states unfairly suffer from their limited economic capacity to neutralize capitalist systemic domination. Lastly, I compare the normative account of global justice that I am proposing in this article with sufficientarianism, with the capability approach, and with Thomas Pogge's 'Global Resources Dividend'.

Keywords: *global justice, freedom, domination, republicanism, labour commodification, minimum de-commodification*

Introduction

Cosmopolitan theories of justice—or theories of global justice, if we prefer—can be distinguished into those that bring forward positive duties of global justice and those that focus on negative ones. The former hold that we ought to undertake some actions in favour of poor foreigners, in order to ameliorate their dire living conditions. Meanwhile, the latter maintain that we have to redistribute something to them as a compensation for having somehow caused them harm. This same difference exists at a domestic level between paying a tax on property to guarantee schooling and healthcare for poor children (a positive duty of distributive justice) and paying some money to a person because you have crashed

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into her car (a compensation stemming from the negative duty to not cause avoidable harm to others).

In this article, I speculate on whether the operating principles of global capitalism can provide valid reasons to justify a global redistribution of wealth by virtue of the infringement of the negative duty to not pose avoidable and significant constraints to the individual autonomy of others. My argument is that capitalism entails a systemic obstacle to the achievement of freedom as non-domination for those persons who have been deprived of an acceptable alternative to selling their labour performance in the market at exploitative conditions because of the unequal distribution of productive assets. The restoration of individual autonomy would require what I define as a minimum de-commodification of labour power (MDL), a social mechanism through which the individual capability to uphold a decent standard of living is progressively decoupled from participation in the labour market.

So far, the most influential theories of global justice based on the idea of positive duties have followed three main directions. Global egalitarians have sought to demonstrate, in the wake of Rawlsian contractualism, that the process of globalization has created such an intricate web of economic and social interactions among single countries as to require the introduction of global principles of distributive justice, in order to regulate the allocation of burdens and benefits stemming from global cooperation fairly[1]. Utilitarians, prioritarians, and sufficientarians have based their demands of global justice on the fact that every human being represents a potential agent of maximization of utility or value, regardless of any consideration of global cooperation[2]. Lastly, proponents of the capability approach have developed a rights-based account of global justice out of the Aristotelian conception of humans as limited beings who need social intervention to lead a flourishing life[3].

All these cosmopolitan approaches propose different schemes of redistributions on the basis of different philosophical justifications. But they all agree that the current global distribution of resources should be changed because of the consequences it triggers rather than because of the way we arrived at it[4]. So, global egalitarians criticize global inequality because it falls short of the optimal arrangement that free individuals would agree upon in a hypothetical session of the global contract. Utilitarians recommend that the rich should give a considerable part of their wealth to the poor because the latter would yield greater utility from it. The capability approach maintains that every human being exerts a moral claim to live a life with dignity, and that a global redistribution

of resources could accomplish this goal.

Here, I aim to go beyond the idea of positive duties of global justice. Instead of criticizing the current distribution of resources only because it falls short of a positive account of justice, I think it at least as urgent to demonstrate that there are serious problems of justice in the economic interactions that have brought about this unequal distribution—more precisely in the phenomenon of labour commodification, which is one of the intrinsic features of market capitalism. In doing this, I shall recur to the idea of negative duties of justice. Other theorists have questioned the procedure that has led to global inequality and, hence, have advocated a compensation for the world poor. In particular, Thomas Pogge has argued that the current global order is causing avoidable harm to the world poor, and that in providing political support to it, people living in developed countries are violating a negative duty of justice[5]. Yet, I believe that so far negative theorists of global justice á la Pogge have not given the right weight to the forms of injustice that can emerge from the simple fact of living in a capitalist society—that is, in a social system in which the means of production have been privatized and labour is sold as a commodity[6].

In the following pages, I shall first clarify why capitalist systemic domination infringes individual freedom. Then, I will argue for MDL as a criterion of justice, insisting on the reasons as to why this principle should be interpreted as cosmopolitan. Lastly, I shall dwell on the philosophical differences and compatibilities between the normative reasons that can support MDL on the one hand, and the philosophical justifications for sufficientarianism, the capability approach, and Pogge's 'Global Resources Dividend' on the other.

In this article I develop four claims that are strictly interrelated. The first is a systemic claim based on the idea that it is extremely important to bring about MDL to render every individual free from capitalist domination. The second claim is relational, stems directly from the previous one and holds that with MDL in place, no economic agent would be in a position to unjustly benefit from the unfreedom of commodified workers; hence a worker that has been minimally de-commodified can surely be exploited but cannot be exploited in virtue of her (systemic) unfreedom. The third claim is obligational and maintains that the distributive effort needed to implement MDL globally involves all those people who contribute to keeping in place a global set of economic rules determining a form of structural domination and who obtain unjust enrichment from it. Accordingly, the obligational claim is negative and

as such, differs from the classic theories of global socio-economic justice discussed above. Lastly, a policy claim holds that freedom from capitalist domination can only be achieved through welfare provisions that are not dependent on the recipient taking part, or engaging in taking part, in the labour market. In this sense, according to the policy claim, MDL cannot be obtained with all those benefits that the recipient might lose after turning down a certain number of job offers[7].

I

The commodification of labour power is the social process through which the capability of the individual to support her welfare (or even to secure her survival, depending on the degree of commodification) is made contingent upon her participation in the labour market (i.e. wage-income). To measure the degree of commodification of someone's labour, we should not look at the way the transaction gets finalized on the market—namely, the job contract and the job tasks that stem from it. Rather, we should focus on the reasons that induce the person to supply her labour power on the labour market. As the British economist Guy Standing has rightly pointed out, 'commodification is always a matter of degree'. When someone sells her labour performance for 'instrumental reasons' in a situation of 'economic insecurity', her labour is commodified[8]. The more relevant the instrumental reasons in her decision to enter the labour market, the higher the degree of commodification of her labour.

It is important to emphasize that labour commodification is not the same thing as poverty. Two persons can be equally poor but differently commodified. Imagine a person living in a developing country and owning a small field and cattle that provides her with enough to feed her family and sell something in exchange for money. Then imagine another person, living in the same place, but born without property and compelled to work for an employer. The two persons experience exactly the same standards of living, but the welfare, and more generally the survival, of the latter person is completely contingent on someone else's willingness to let her work. If an economic downturn or a change in consumer preferences should lead to a shortage of available jobs, this second person would have no other alternative than to desperately look for a new employer who may be willing to hire her. Meanwhile, even if the first person were no longer able to find customers, she would still be minimally resilient to the economic shocks thanks to market-free assets.

In other words, she would still obtain sustenance from her natural assets.

Labour commodification is a pre-condition of the capitalist system of production, in the sense that a market economy cannot exist unless people are free to dispose of their labour performance and to sell it on the market[9]. As soon as people were released from formal social obstacles in mastering their destiny, and a market for labour was created, power, wealth, influence and prestige did progressively cease to be dependent on 'noncontractual relations', as was the case in pre-capitalist societies, and increasingly became the result of individual achievements in the market competition[10]. Nonetheless, if on the one hand the fact that most people have been turned into wage-workers has been the source of social mobility–at least in theory–, on the other hand the commodification of labour has meant the introduction of a social system in which many have been left without any source of income that is independent from the market.

In other words, those individuals whose labour has been commodified up to the degree that they have no option other than to seek survival in getting hired by others, lack any acceptable alternative to engaging a market relation. For those who manage to get a good living by selling their labour, the fact that they started their lives in a condition of labour commodification does not necessarily represent a problem. Actually, many people are able to conduct a very good life thanks to the money they earn through job contracts. They are content with the situation, some of them do even manage to get partially de-commodified by saving money on their salary, meaning that they can accumulate enough resources in the market to live off a private income without falling below a threshold of decency.

Nonetheless, labour commodification poses a serious problem of justice in those cases in which all the job offers wage-workers receive are of an exploitative kind–this may occur either for individual reasons or market contingencies. Under these circumstances, the absence of a market-free option is the reason why employers can exploit wage-workers, that is to say, they can impose on the weakest parties contract conditions that we could judge as unfair because they are determined by asymmetries in bargaining power that are due to an extremely unequal distribution of resources and of productive assets.

The preliminary question that is relevant for us here is the following: Can domination occur in the market without any form of deception or constriction? Put in another way, can an agent be said to dominate another agent for the mere reason of profiting from unequal power relations

to impose conditions that we would judge as unfair but that have been 'freely' accepted? In response, I move from the neo-republican ideal of freedom as non-domination, as proposed by Philip Pettit: an individual is free as long as she is not dominated, and an agent is considered as dominating another agent in a particular choice simply by being in the position to reduce her ability to choose, or (and) to remove (or seem to remove) or (and) to replace (or seem to replace) one of the options at the person's disposal before the two agents began to interact—three actions that amount to 'arbitrary interference'[11]. My argument is that within global capitalism, commodified workers are interactionally exploited but not dominated, whereas domination occurs at a systemic level.

In upholding this position, I agree with labour republicans—whose view has been recently reconstructed by Alex Gourevitch[12]—contending that the contemporary unfreedom of the commodified worker is not due to an individual (or a group of individuals) who has the power to arbitrarily interfere with a second individual (or a group of individuals) in relation to certain choices that the latter is in a position to make, rather it is the result of the commodified worker living under unequal structures of power that deny—usually at birth—access to any available asset, except for mere self-ownership, to an incredibly large group of individuals[13]. Yet, I disagree both with neo-republicans like Philip Pettit, who overlook the issue of structural domination, and who argue that if one party has the capacity to let the other fall below the minimum threshold of a decent life, then the former is in the position to practice arbitrary interference and, hence, is exercising domination[14], and then also with labour republicans, as long as they maintain that the structural domination of the worker due to an unequal property system excluding a consistent group of people from the ownership of productive assets also reverberates into interactional domination over the workplace[15].

This is so because no matter how bad the remuneration the weaker party gets from the asset he commercializes—be it a commodity or a labour performance—the stronger party does not deprive him of anything he had before. More simply, assume that the stronger party offers an execrable contract to the weaker party. If the latter rejects the contract, he remains with what he had before, while if he accepts it this would entail that he is judging it as preferable to remaining with what he had before. In both cases, nothing has been arbitrarily subtracted from him.

Endorsing this account of exploitation without (interpersonal) domination might seem absolutory for the employer that offers contemptible

contracts. Yet, such a reductionist conclusion would be misleading because this employer would surely remain blameworthy for exploiting the commodified employee. The only difference, in comparison with Pettit's account of domination, is that the employer would not be directly responsible for the unfreedom of the employee; rather, he would share this blame with all those other people who grant their political support to the social structure that leads to structural domination[16]. In this sense, while this account partially relieves the stronger counterpart in a market interaction, it also has the advantage of widening the scope of responsibility for individual unfreedom beyond the single market interaction that results in exploitation[17]. This advantage is also shared with labour republicanism, but, differently from the latter, if we maintain that capitalist structural domination does not automatically lead to domination in the workplace, we avoid the theoretical mistake of re-proposing the same arbitrary interference.

Obviously, justice in distribution and freedom from domination are not mutually exclusive, rather they are complementary, in the sense that it would be unsatisfactory to tackle the distributive issue without considering whether those people who participated in producing the wealth that we want to redistribute were free or rather dominated individuals. Yet, at the same time, once we have guaranteed freedom from capitalist domination, we cannot exclude that we would have further normative reasons to redistribute wealth and resources across political borders—personally, I would tend to believe so. Therefore, for the purpose of this article, I shall remain agnostic with regard to positive theories of global justice and focus on what it takes to be free within global capitalism[18].

II

To sum it up, the privatization of productive assets and their unequal distribution represent a problem of justice from the republican perspective on domination. Those people who are structurally deprived of a valid alternative to seeking survival in a labour contract have suffered a form of arbitrary interference[19]. This is not necessarily true in a diachronic sense—that is to say, taking a pre-capitalist moment in history as our baseline, but as I shall argue in more detail later on, the arbitrary interference suffered by proletarians should be properly interpreted subjunctively, in relation to a hypothetical alternative that is achievable within capitalism, in which freedom from domination is preserved.

Consequently, if it is true that a consistent number of people in the world enters the labour market in a condition of domination, the reasons for which are both global and systemic, it is not enough, from the point of view of justice, to criticise the unequal allocation of global wealth only from a distributive perspective. We should rather consider that the majority of people who take part in social cooperation do not do it out of a free choice. This fact entails two consequences. First, systemic domination matters *per se*, because it infringes on individual freedom, and this accounts for the systemic claim that I briefly discussed in the previous section. Second, systemic domination poses a further problem of justice when it paves the way to serious cases of exploitation and unjust enrichment[20], and this leads us logically to the second, relational claim of the article.

Exploitation occurs when the agent who is structurally dominated in the capitalist economy is forced to accept an unfair contract because she has been excluded from the control of any productive asset except for her labour power, or rather is obliged to remain in an unfair job relation at any cost because of lack of exit options[21]. By unfair contract, I refer to an agreement that the stronger party is able to impose on the weaker counterpart in virtue of an inequality of powers that derives from the structural domination suffered by the commodified worker—i.e. exclusion from the means of production. In this sense, the systemic claim is strictly connected to the relational one, in the sense that the latter gathers its normative force from the former.

In order to render this discourse less abstract, it is sufficient to look at some data. In 2016, there were about 16 million people in forced labour in the private economy. More than half of them were in debt bondage, meaning that they had been coerced into working to repay a debt usually due to an economic shock[22]. In 2017, there were 1,4 billion in 'vulnerable employment', that is to say in a condition in which they both lack social security and any form of bargaining power with their employers[23]. Another interesting prospective from which we can examine the phenomenon of labour commodification is through data concerning the rising number of rural migrants in the world and of people living in urban slums. Market and trade liberalisation have mostly meant the privatisation of rural land, hence millions of workers who were previously relying on rural assets—either private or public—have been deprived of land and forced to look for a job contract in the industrial sector, thus populating the suburbs of big cities and megalopolises[24]. To this, we should add the impact that climate change, extensive farming and

extensive agriculture are having upon the yield of rural land[25]. Lastly, we should also bring into the picture the fact that these people usually live in developing countries where they lack the social provisions that might help in absorbing the economic downturns they have to undergo.

In the same way, unjust enrichment is itself a relational consequence of structural domination, and refers to the extra profits that those people who monopolise the productive assets are able to yield in the global market, in comparison with a hypothetical situation in which their salaried counterparts have been given a valuable alternative to seeking survival in a market relation. However, unjust enrichment is not simply a prerogative of entrepreneurs, but also of all those people who benefit from the taxes levied on the extra profits. Consider, for example, a multinational company which exploits workers in Country X and then gets taxed in Country Y. People from Country Y would have their welfare provision financed—only in part, obviously—through extra profits that could not have been raised had everyone been free from capitalist domination[26].

Accordingly, the responsibility for tackling structural injustice related to labour commodification is broad and distributed on different levels. Those who benefit the most and who stand in a position to foster major changes bear a greater responsibility for tackling capitalist structural domination and bringing about MDL, compared to those who benefit only indirectly, for example. This means that the obligational claim of my argument is twofold. On the one hand, we have the disseminated responsibility, described also by labour republicans, for contributing to keeping in place a global economic system that determines structural domination. On the other hand, there is the more specific responsibility of benefiting from exploitative practices and unjust extra profits made possible by capitalist domination.

III

In developing the obligational claim, I move from the premise that the unequal privatization of the means of production is an intrinsic feature of capitalism, in the sense that a society in which the means of production are not privately owned cannot be conceived as a capitalist one. Furthermore, capitalism is a mode of production that in absolute terms, and keeping aside the ecological issue, has proven able to produce an unparalleled level of wealth, on which a large number of capabilities depend. It would thus be stretching it to question the same existence of capitalism on the ground of aggregate freedoms.

Therefore, if we start from the double assumption that capitalism is—at least for the foreseeable future—'the only game in town'[27] and that this mode of production does inevitably infringe on individual autonomy, we should look for a solution to defend freedom in the face of capitalist structural domination. To those who interpret the first assumption in the sense that within capitalism we are all aggregately better-off, the solution to capitalist structural domination could be considered as an ideal one. On the contrary, those who regret living within capitalism may interpret the first assumption in the sense that it is highly unrealistic to expect a global redistribution of the means of production in the near future, hence for them, the solution to capitalist systemic domination would be a non-ideal one.

Given that we cannot (and maybe do not even want to) eliminate the source of capitalist domination[28]—as we would do with other forms of domination—justice requires the mitigation of its negative consequences by enhancing human resilience to economic shocks. This can be obtained by amending the capitalist social system with the clause that those who are excluded or decide to opt out of the labour market are guaranteed a minimum livelihood in terms of health and nutrition—that is, with the minimum for reproducing themselves independently of the labour market. In other words, the clause would consist in a minimum de-commodification of labour power (MDL), a process through which the individual capacity to survive gets disentangled from the availability of a job offer.

MDL can be obtained through any of the following provisions or a mix of them: unconditional basic income, social assistance, public services, community benefits, unconditional unemployment benefits. Nonetheless, I would tend to set unconditional basic income (UBI) apart for two reasons—one normative and the other empirical. First, given that the aim of MDL is to protect from structural domination commodified individuals, those who already happen to be more than minimally de-commodified (because they possess private or social alternatives to wage-income) do not have any claim to MDL, at least for the moment. Second, even though it might be argued that in general it is cheaper to make the basic income universal rather than shoulder the costs of targeting those mostly in need, MDL is such a low-level provision that it might make sense, even from the point of view of mere efficiency, to spend time and money in identifying those who are entitled to it.

Therefore, the proper way to implement MDL is to subordinate the provision to an extreme level of labour commodification—that is to say,

to a condition in which the bond between the participation of an individual in the labour market and her welfare is strong enough that we might reasonably expect that, were this person to voluntarily or involuntarily leave the labour market, her wellbeing would fall below the threshold of decency. Moreover, the provision should be unconditional. The unemployment help that you lose after declining a given number of job offers—a conditional unemployment benefit (CUB)—does not fully counter the negative consequences of what we have identified as the most undesirable effect of systemic domination: the subjection of survival to market participation. With a CUB being in place, you might still be forced to accept a horrible job offer for the simple fact that systemic domination made you extremely commodified. If under the threat of losing your minimum income, you accept a lousy job offer that you would not have accepted had your minimum livelihood been unconditionally guaranteed, CUB has not met the requirement set by MDL.

Another important issue is my reason for holding that countering capitalism's systemic domination requires disembedding only survival from the market. Keeping aside the problem of economic realism, someone might object, on purely normative grounds, that freedom from capitalist systemic domination requires more. I think that here we have no other option but to be counterfactual. I have maintained that extremely commodified individuals are systemically dominated insofar as they are excluded from the ownership of any other productive asset except for their labour power. Countering this systemic domination means leading these individuals to a condition they would have experienced had they not been deprived of access to productive assets. The crucial point here is this: what is the welfare level that defines this condition we should restore?

My response is the level of mere survival in terms of basic health and nutrition. Protecting freedom from capitalist systemic domination does not allow for more. It is surely true that had a specific person not been relegated to the proletarian group, she might have obtained a higher livelihood through her talent and effort, but the contrary might also be possible. It is obviously impossible to analyse the potentiality of every single living individual and tailor a personalized de-commodification. But even if it were possible, which point of her life would we take as a reference for measuring her productive potential? MDL solves all these problems by allowing us to restore an initial neutral situation[29].

It is important to note that MDL is not a compensation stemming from a diachronic conception of harm[30]. In other words, I am not hold-

ing that proletarians should be compensated for something that they had before capitalism, but rather for something they could have within capitalism. Karl Polanyi adopts a diachronic conception of harm related to labour commodification when he says that before the market principle got hold of the disembedded economic sphere, individual survival was not at risk because it was guaranteed by social norms, regardless of how unfair and undesirable these norms were. Within such a view, it would be possible to be much more trenchant than I am and hold that the advent of capitalism has produced an unparalleled absolute level of wealth at the cost of the most vulnerable individuals systemically losing something: namely the capability to survive without offering their labour in the market[31]. Therefore, those who benefit from the existence of capitalism have to compensate extremely commodified individuals by restoring the safety net they had before capitalism.

I accept Polanyi's thesis that proletarians are harmed in a capitalist society, but I remain neutral with regard to the diachronic nature of such harm, both because I think it unnecessary to insist on this second point and because I want to avoid the historical objection that there is much less misery today than in the past. The proper way to interpret the harm stemming from labour commodification is through what Pogge defines as a 'moralized subjunctive baseline'[32]—not in relation to what the extremely commodified individual might have had as her worst-off outcome had capitalism never appeared, but rather in relation to the worst-off outcome she might have, were capitalist profits so redistributed as to neutralize the effects of capitalist structural domination.

In sum, MDL should be interpreted as a wellbeing standard below which it would be unjust for any individual to be allowed to fall. The standard indicates the point at which the commodified worker could be considered as compensated for the arbitrary interference she suffered in being excluded from the control of the means of production. The MDL standard is similar in its logic to the threshold(s) advocated in the capability approach and by sufficientarian thinkers. Yet, as we shall see in section V, what really marks the peculiarity of the policy claim I am proposing here is the fact that it should be read in the light of the structural claim. In this regard, MDL does not emerge from a positive account of justice, but rather from the need to compensate the victims of domination.

Moreover, and apart from the justification, MDL differs from the classic formulation of the capability/sufficiency threshold in that it is not simply supposed to give us a point of reference with regards to

freedoms and (or) wellbeing; rather it also takes into account whether freedoms and (or) wellbeing are sufficiently independent from market participation. In section V, I shall also discuss whether this feature of the MDL standard could be reconciled within a set of multiple capability thresholds.

IV

MDL should be conceived as a cosmopolitan principle of justice; it should be moulded so as to respect the three general tenets of cosmopolitanism: individualism, universality, and generality[33]. First, the addressees of MDL are individuals, not social organizations such as states. Second, every living human being should have the right to MDL, regardless of gender, ethnicity, or nationality. Third, the duty to contribute to MDL falls upon every member of the group that has not been excluded from the control of productive assets; the degrees of their contribution would vary depending on how much they benefit from the existing capitalist order.

Why so? Could we not simply think of MDL as a principle of justice that holds at the state level? No, because the source of capitalist structural domination is global. States are no longer able to control it, and even if they were able to implement MDL nationally, thus successfully countering structural domination, to limit to fellow nationals the duty of contributing to MDL would be unfair, for the owners of capital who contribute to and benefit from the existence of extremely commodified individuals in a given country might be resident in another country.

I shall start from this last point. As I mentioned earlier, capital is now global while labour is still local. Or, at least, labour is much more local than capital. Owners of capital can explore the world labour market and search for the best place to temporarily invest—the place where the ratio between productivity and cheap labour is optimal, or just the place where labour is cheaper. Meanwhile, proletarians are mostly dependent for their survival on someone who invests capital to hire their labour performance. But the point is that in the global economy, owners of capital are able to move their productive assets out of the reach of proletarians, thus exacerbating the consequences of the fact that proletarians are not autonomous in producing for basic sustenance.

Just consider closely the case of delocalization. Industries can yield huge profits because they are able to keep costs constantly low by chasing the lowest available labour on a world scale. However, commodified

workers cannot follow the capital as easily. When the industry delocalizes, they usually have no alternative but to remain where they are, look for something else, or wait for another job offer, possibly coming from another foreign investor. Their state can even try to attract capital by offering a better environment for business through lowering taxes—in other words, cutting down on social expenditures and welfare.

In the case of delocalization, the owner of capital exploits extremely commodified individuals to get high profits because he benefits from their condition and from the asymmetry in the freedom of movement of capital vis-à-vis labour to impose on them an unfair contract in terms of remuneration and job conditions. Nonetheless, when the foreign investor arrives with his money, he does not deprive local workers of any available option they had before. He simply makes an offer—a clearly unfair one—that they are perfectly free to decline. Moreover, we can also expect that he contributes to local social expenditures by paying taxes on his profits. So, an objector might argue, the investor already pays his part in guaranteeing basic services to the workers he interacts with. Why should he also be required to contribute to MDL for individuals living in countries with which he has never had business, or for the workers living in a country from which he has just delocalized?

He has to do it because a consistent part of the profits he is able to raise is due to the possibility of lowering costs in the global labour market, which is a consequence of the existence of a world class of people living in a condition of extreme commodification. At the time of contracting, the investor manages to get his exploitative and non-arbitrary offer accepted because the counterpart has previously been made vulnerable by a form of systemic domination and because the counterpart knows that were he to refuse the offer, there is an indefinite number of extremely commodified people in other countries that might accept those same contract conditions[34]. Both contingencies are the result of a capitalist global order that the investor clearly supports by implicitly accepting the privatization of global productive assets and their unequal distribution.

The second reason we cannot delegate the implementation of MDL to single states is that they are no longer as free as they used to be in the Westphalian epoch. As rightly explained by Cécile Laborde and Miriam Ronzoni, in the current global order, states suffer domination by other state and non-state agents[35]. States are forced to be a part of a global order governed by supranational institutions that have been shaped by powerful states in their own interest and that now reflect

the imbalance of power that lies at their origin. The power that the global system exercises over weaker states is thus dominating because it is unchecked. On the other hand, non-state actors are sometimes economically more powerful than the states they interact with. They can invest, delocalize, move capital in and out, buy public debt, and bet on states' default. Both kinds of power are dominating because they clearly limit states in their capacity to fully implement national decision-making. In the words of Laborde and Ronzoni, 'even ostensibly democratic and independent states are often unable adequately to shield their domestic decision-making processes from such forces'[36].

Moreover, James Bohman has correctly stressed that economic globalisation has created 'deterritorialized and denationalized forms of authority' that operate in the financial market, mainly through financial institutions, which have completely inverted the 'principal/agent relations' with states. These institutions are no longer accountable to the states, quite the opposite. And the people they represent, on the contrary, usually have no influence on their functioning and encounter insurmountable difficulties in questioning the 'experts' that rule them[37].

The systemic domination of states by other states, by financial institutions, and by non-state agents is a different matter from the systemic domination stemming from the capitalist separation between owners and non-owners of capital. The two forms of domination should be dealt with separately and in different ways. The first form of domination can be eliminated by institutional adjustments at the inter-state level. Laborde and Ronzoni have argued for republican internationalism. They hold that states are called to counter basic domination wherever it occurs, guaranteeing to every people the capacity of setting up and maintaining a republic. Basic non-domination, the object of international republican justice, is the prerequisite to optimal non-domination, something that the individual can only achieve within her republic[38]. Basic domination can be countered, Laborde and Ronzoni maintain, through five strategies: power countering—the building of coalitions of the weak or the neutralization of powerful states; global redistribution of economic resources; democratization of international organizations; global constitutionalization of fundamental rights; and global regulation of taxes, labour, and transnational companies[39]. In contrast, Bohman insists on the fact that we can expunge international domination through establishing a 'transnational and democratic political community', provided that it is backed by coercive juridical institutions that are 'democratically accountable'[40].

On the contrary, the second form of domination—capitalist systemic domination—cannot be eliminated[41]; rather, we can seek to neutralize its negative effects through redistributive mechanisms. Nonetheless, the first form of domination is linked to the second, insofar as it serves as one of the justifications for making these redistributive mechanisms global. For the first form of domination limits the economic capacity of single states to correct the negative effects of the second form of domination.

Third, states and non-state agents are often responsible for the unequal distribution of assets in other states. When capital is free to flee across borders, it also contributes to making foreign people more commodified. The most typical case is land acquisition in developing countries by foreign public and private investors. In her excellent book on expulsions, Saskia Sassen reminds us that between 2006 and 2011, more than 200 million hectares of land were acquired by foreign actors, both states and private funds. The most severely hit areas are Latin America, Africa, former Soviet countries, and East Asia[42]. The buyers are mainly rich Gulf states, China, Japan, India, South Korea, United States, Europe, and private companies scattered all around the world, from China to Sweden[43].

A relevant part of existing land has now been commodified and financialized. Millions of smallholders have been evicted from their natural environment, given a modest compensation, and turned into rural migrants. On the one hand, the international commodification of land has also meant the commodification of human beings. Thus, a farmer expelled from his land and forced to move to a city slum becomes dangerously tied to wage-income. On the other hand, when land is only treated as a commodity that is used for raising huge profits, no care is provided for its inextricable natural component. Land commodification has so far gone hand in hand with a rise in the level of toxicity and pollution. As Sassen explains:

> "*One outcome has been hunger in areas where there used to be little if any hunger even if they were poor: soya has replaced black beans, which were a source of income and food for poor farmers. And many of them have had no option other than to migrate to the slums of large cities. The new hunger is further accentuated by the toxicity that large plantations bring to the surrounding area, making it difficult for the households of plantation workers to use their small pots to grow food*"[44].

Sassen goes further. She attributes the responsibility for the high level of land acquisition we are witnessing today to the restructuring and ad-

justment programmes designed for the Global South by the International Monetary Fund and the World Bank during the 80s. According to her, the main effect of such policies was implementing a sort of 'discipline' that kept states well anchored to free trade and privatizations. The same thing is happening, 30 years later, in the Global North[45]. The advantage of an approach based on capitalist structural domination is that we do not need to go so far to justify countering it. It suffices us noticing that foreign actors play a determinant role in commodifying people globally for the sake of profit. This simple fact makes those who benefit from 'expulsions' responsible for disentangling the survival of the 'expelled' from wage-income.

The fourth reason for justifying a global implementation of MDL is that, unless we do it, individuals living in developed countries would run the serious risk of benefiting from the exploitation of poor workers, which is made possible by capitalist systemic domination. Think of a person in Amsterdam who goes to buy a cheap t-shirt produced in a Pakistani sweatshop. The consumer is paying a very low price because the owner of the company producing t-shirts was able to get his exploitative job offer accepted. This fact alone does not account for alien control. But if the worker who has produced the t-shirt was working for survival—that is, he was not minimally de-commodified—he was suffering the consequences of capitalist systemic domination. This means that there is a direct link between the low price paid by the consumer in Amsterdam and the unfreedom of the Pakistani worker. If, on the other hand, the Pakistani worker were minimally de-commodified, the consumer would have only benefited from his exploitation, but not from his unfreedom.

Obviously, someone might say, another way to avoid benefiting from workers' structural domination consists in selective consumption. Would it not be easier to avoid the kind of t-shirt I was writing about instead of minimally de-commodifying every person in the world? No, I do not think so, for the cost of tracking the origin of a cheap item to capitalist structural domination is incredibly high. Were we simply to assess whether the item is exploitation-free, our task would be relatively easier. We might simply distinguish between items that are produced in sweatshops and those that are not. But assessing whether an item is domination(structural)-free would require us to distinguish, among the items that are produced in sweatshops, between those that are realized by extremely commodified individuals and those that are not. This is clearly impossible. It might happen that the same company is selling some exploitation-free t-shirts and some domination-free t-shirts in the

same collection. Then, basing selective consumption on the company alone—as usually happens with sweatshops—or even on a single collection would not be enough, for in the same sweatshop might happen to work persons who require MDL and some others who do not.

Yet, against the four arguments in favour of a global interpretation of the duty to contribute to MDL, it might be objected that not every member of the global group who controls productive assets is an entrepreneur, lives in a state that benefits from international domination, is responsible for the commodification and the financialisation of land and goes buying clothes that have been manufactured abroad by very poor workers. In response to this objection, I shall firstly underline that those cases illustrated here are only some of the most representative among the argumentations that can be used to demonstrate the causal global connection between the economic benefits of some people and the structural domination of others, but they do not suffice to exhaust the whole discourse. Then, it is equally important to stress that the principle of unjust enrichment extends the chain of responsibility for benefiting from capitalist structural domination way beyond those agents who directly carry out the market transactions that give rise to unjust extra profits—i.e. marginal profits that could not have been raised had the counterpart not been structurally dominated.

As I have outlined above, those people who live in the countries where multinational companies pay taxes on the unjust extra profits obtained in the global market do indirectly benefit from the unfreedom of foreigners in terms of extra resources accruing to their welfare systems. The same holds true for the shareholders and for the people who unwittingly entrust their savings to banks which transfer the money to investment funds that buy the stocks of these companies. At the same time, consumers in developed countries also benefit from the fact that corporations relying on foreign dominated workers manage to lower the prices of the goods they commercialise. Furthermore, many other people who do not interact directly with companies involved in exploitation benefit from other consumers having more money to invest in the national economy, in comparison with a hypothetical situation in which nobody has been able to save money on products yielded by dominated workers[46]. With land commodification, the chain of responsibility follows the same tendency. Those states and those funds that buy up arable land abroad, thus turning foreigners into rural migrants, do so for the pursuit of profits, and the economic advantages of the market operations that determine what Sassen calls 'expulsion' spill over to all the people who

benefit from their countries or their funds having more resources than they would have, had smallholders not been deprived of any means of production.

Lastly, we should never lose sight of the fact that the obligational claim I am making in this article is twofold. Therefore, even if a person were able to demonstrate not being involved in any unjust enrichment at the expense of commodified people, in their turn victims of structural domination, there would remain her political responsibility for contributing to keeping in place a global system of economic rules that brings about structural domination. In sum, the obligational claim is linked to both the structural and the relational claims. It is linked to the structural claim in proportion to the cultural, political, social and economic power that every single person has to neutralise the negative consequences of capitalist domination—that is to say to bring about MDL[47]. It is linked to the relational claim in proportion to the unjust enrichment every single person obtains, in more direct or indirect ways, from economic transactions in which the victims of capitalist domination are involved.

V

In these last two paragraphs, I wish to deal with the issue of what the minimum de-commodification of labour power (MDL) has to add to the global justice debate. Isn't MDL an abstruse way of putting forward something that has already been proposed in other theories of justice? I will begin with the first doubt that I had when I started thinking about the subject of this work. Isn't sufficientarianism enough? After all, sufficientarianism is the theory according to which justice only requires everyone to have 'enough'[48], and MDL means, quite similarly, preventing every human being from falling below a modest wellbeing threshold. Moreover, the same doubt can be extended to the capability approach. Isn't MDL just a wordy discourse around the fact that, as Martha Nussbaum has brilliantly argued, we have cogent reasons to protect basic capabilities regardless of national affiliations?[49]

Sufficientarianism and the capability approach have some things in common but they also differ on other fundamental theoretical aspects, both related to the philosophical justifications of the two theories of justice and to their structures. What both accounts share somehow is the idea of the threshold. In Nussbaum's work, the threshold relates to the situation in which an individual enjoys the set of the ten combined capa-

bilities that she deems as basic, as the precondition for a human life to flourish. For Nussbaum, there are ten different thresholds related to each of the basic combined capabilities, and each threshold must be respected for an individual to live with dignity, because she does not allow for any trade-off between these central capabilities[50], whereas in sufficientarianism the idea of the threshold has been used in many different ways. There are, on the one hand, subjective thresholds that are supposed to indicate when a person can be said to have enough according to a subjective evaluation. This subjective evaluation can be personal, as for Harry Frankfurt and for Robert Huseby's maximal sufficiency threshold, or based on the evaluation of an impartial spectator, as postulated by Roger Crisp[51]. The difference between these subjective sufficientarian thresholds and the conception of the threshold employed by both the capability approach and MDL is clear, for the former indicate a maximal level of welfare above which duties of justices expire[52], while the latter is supposed to indicate a bare social minimum—the minimum, according to Nussbaum, for living a life with dignity[53], the minimum, according to MDL, for being free from capitalist systemic domination—that does not exhaust the discourse on socioeconomic justice. Above all, subjective thresholds are based on a personal evaluation of contentedness and satisfaction, while basic capabilities can be easily measured in an impartial way.

On the other hand, in sufficientarian theories, we also have objective thresholds that refer to that social minimum demanded by Nussbaum and by MDL, and that can be measured in terms of capabilities. I am referring, for example, to Huseby's minimal threshold[54] or to the theory of capabilitarian sufficiency proposed by David Axelsen and Lasse Nielsen and based on the concept of 'freedom from duress' in central areas of human life—that is to say, in a basic set of capabilities[55]. With regard to sufficientarian objective thresholds, including capabilitarian sufficiency, and to Nussbaum's theory, I owe a somehow deeper explanation about the aspects in which they differ from the MDL threshold. In providing this explanation, we can narrow down my initial doubt about the originality of MDL theory in the following question: What is the difference between decoupling the enjoyment of a capability from market participation and simply guaranteeing the enjoyment of that same capability? That is equivalent to asking what the difference is, for an individual, between meeting an MDL threshold and meeting a capability threshold.

Assume that we choose a given set of capabilities—having a decent house, being able to complete high school education, being granted ba-

sic health care—to identify a basic threshold. Then imagine that we use the same set of capabilities to identify a de-commodification standard, meaning that the standard is met when the achievement of those capabilities is made independent from labour market participation. It might surely happen that a person who meets the sufficiency threshold falls short of the de-commodification standard. For the de-commodification standard is not simply met when a person enjoys some given capabilities at a given moment, but when that person is sure of being able to continue enjoying those capabilities even if she opts out, or is excluded, from the labour market.

This problem is usually overlooked within the capability approach, particularly when it is used as a method for evaluating wellbeing. Amartya Sen, for example, is perfectly right in holding that market freedom is valuable in itself, and that if it were possible to yield the same amount of wealth from either a centralised system of production or free market, we might have good reasons for preferring the latter to the former because in it we would enjoy additional capabilities related to free choice[56]. Yet, the problem is that the mechanism does also work the other way around. As long as the individual remains in the market, human capabilities are surely enhanced, but once participation in business transactions is no longer possible, there is a risk of losing them. Accordingly, in evaluating individual freedoms to achieve things that we may value being or doing, we should also take into consideration how precarious these freedoms are.

Enjoying some capabilities is not enough for achieving human security. The latter presupposes that the enjoyment of those capabilities is reasonably guaranteed over time[57]. In the same way, at time t a person is above a capability threshold if she is enjoying those capabilities in that specific moment, but she is meeting the corresponding de-commodification threshold if at that specific moment the enjoyment of that specific set of capabilities is independent from labour market participation. That is to say, for a person to be de-commodified with respect to a given set of capabilities at time t, she needs to be sure that she will continue to enjoy that set of capabilities at time $t+n$ regardless of whether she will opt in or out of the labour market. In contrast, the assessment of whether a person is meeting a capability threshold at time t is completely independent from whether she will still be able to meet it at time $t+1$ or $t+2$.

It might be argued that both capabilitarian sufficiency and the capability approach as proposed by Nussbaum might accommodate my de-

mands for resilience through incorporating them within a scheme that is based on multidimensional thresholds. Accordingly, justice may require everyone to be above a series of horizontal thresholds, one of which might be being sufficiently de-commodified. If we introduce the further clause that there should be no trade-off between the horizontal thresholds, we might maintain that person A, who has a level W of welfare, is below sufficiency, whereas person B, who has a level W1<W of welfare, is above sufficiency, provided that both A and B meet all the other thresholds, but B is sufficiently free to leave the labour market without suffering a substantial loss in welfare, while A is not.

The only problem with this form of amended capabilitarian sufficiency consists in explaining why the de-commodification threshold matters both for descriptive and for normative purposes. If person A is able to get a better living than B from work, should it matter in terms of wellbeing evaluation that A's wellbeing is less secure than B's wellbeing? Probably yes, if we consider the discourse I was hinting at before considering human security. Yet, from the social justice prospective, the very existence of the sufficientarian de-commodification threshold might be contested. After all, it might be argued, why should it matter for positive distributive justice whether A and B get their welfare from a job contract or rather from self-production? The most rational way to defend the normative relevance of a de-commodification standard is by relying on a negative duty of justice.

Conversely, both sufficientarianism and the capability approach are based on a positive thesis. The freedom from duress advocated by Axelsen and Nielsen, for example, is based on the assumption that 'bringing people above some threshold is especially important'[58]. In this view, justice requires enabling people to succeed in central aspects of human life—like health, schooling, or having shelter. The correlative duty is of a positive kind. Those who are supposed to pay for realizing freedom from duress are provided no other reason for doing it than embracing a peculiar definition of justice; a just social order is one in which no one is left below a given wellbeing threshold.

The capability approach is also based on a positive thesis but, differently from sufficientarianism, it springs from the Aristotelian tenets that the human being is 'both capable and limited'[59] and that practical reason is an 'essential necessary condition of humanness'[60] on the one hand, and from Marx's description of humans as beings in need of different opportunities for activities, instead of mere commodities, on the other[61]. Accordingly, in Nussbaum's view, we do not have to redis-

tribute to those in dire conditions simply because justice presupposes everyone having enough of something[62], but rather because human life can only flourish when the individual develops a minimum set of combined capabilities. The latter are structurally unachievable by the single individual unless social external conditions compensate for his limitedness[63]. Hence, all members of society bear the duty to provide every individual with the right conditions for living with dignity.

The capability approach relies on a more refined philosophical argument than sufficientarianism because it refers to a specific conception of humanness, but it remains centred on a positive interpretation of socioeconomic justice. In contrast, MDL finds its justification in the violation of individual freedom—interpreted as non-domination. Here, the reasons for paying for redistribution are much stronger. We have a group of people that have been excluded from the ownership of productive assets and who are thus enslaved to wage by systemic reasons. We have a second group of people that benefits disproportionately from the artificial vulnerability of the first group and actively contributes to sustain the system that makes the first group vulnerable.

In the end, de-commodification represents a way in which capabilities are held[64]. It indicates that capabilities are secure over time because their enjoyment does not depend on the holder taking part—or continuing to take part—in a market transaction—be it a job contract, a sale, and so on. Potentially, any sort of economic capability could be put in de-commodification terms. Yet, MDL only recommends disentangling a very limited bunch of capabilities related to basic health and nutrition from market participation, for reasons that, as we have seen, stem from the structural claim of this article, hence nothing prevents both the capability approach and sufficientarianism (even more capabilitarian sufficientarianism) from recognising the existence of negative duties of justice and incorporating the concerns for freedom from market domination that are raised by MDL, in addition to their positive claims of social justice. On the other hand, MDL is, as the capability approach, only a non-exhaustive minimum account of justice; hence, it is perfectly reconcilable with broader theories of socio-economic justice[65]. Moreover, MDL has the advantage over the sufficiency principle of not remaining indifferent to the causes and the responsibilities that lie behind insufficiency. And it also overcomes the biggest limit of Nussbaum's account of justice: the link between her fascinating description of combined capabilities and the indiscriminate assignment of duties to sustain the development of these capabilities to humanity as a whole.

VI

Lastly, as I was saying at the beginning, there is nothing particularly new in talking about negative duties of global justice. Indeed, Thomas Pogge was the first philosopher to use the idea of negative duties for developing an articulated account of global justice. In order to understand Pogge and the reason why he feels the need to elaborate his own theory of global justice, we have to start from an important premise. He is not morally distant from thinkers like Peter Singer, Nussbaum, or their prioritarian and sufficientarian colleagues. In fact, he writes that 'my moral sympathies are with those who are appalled by how the vast majority of affluent people ignore the massive underfulfilment of human rights in the present world'[66]. Besides this, in more recent writings he has stressed that he is still committed to the global egalitarianism that marks his long dispute with Rawls on the scope of his principles of justice[67]. Nonetheless, he recognizes that severe poverty is not a human rights violation in itself, and in fact he adds that: 'yet, my intellectual sympathies lie with those who hold that an agent's failure at a low cost to protect and to rescue others from extreme deprivation, however morally appalling, is not a human rights violation'[68]. Pogge is even clearer on this point when he stands back from the extreme conclusions reached by act-utilitarians:

> "*An affluent person who, in order to save $80, fails to respond to an invitation to sponsor a child in Mali with the predictable result that this child dies—such a person is not morally on a par with an affluent person who kills a child for a $80 benefit*"[69].

This kind of assertion may sound like an absolution for the wealthy people of industrialized countries in the face of extreme poverty coming directly from one of the most renowned theorists of global justice. Yet, this interpretation would be misleading. What Pogge seeks to do with all his work on negative duties of global justice is to demonstrate that also his libertarian colleagues, who deny the existence of positive obligations of global justice, have cogent reasons to be concerned about world poverty in virtue of the widely accepted principle that it is wrong to cause avoidable harm to others. To put it in other terms, far from denying his well-known global interpretation of Rawlsian justice[70], Pogge maintains that even though libertarians might have arguments to resist the conclusions reached by global egalitarians, utilitarians, sufficientarians and so on, the same premises of their libertarian philosophy should

lead them to accept a theory of global justice that is entirely built on negative duties of justice[71].

Pogge's basic idea is that the current global order is harming the poor, not necessarily from a diachronic prospective, nor because the poor are treated in a sub-optimal way, but rather in the very restricted sense of causing human rights deficits that could be avoided without incurring unsustainable costs. An alternative, and more just, global order can be easily achievable at a very low cost for the richest, but affluent countries have as yet failed to make this desirable change. Therefore, people from the countries that might play a pivotal role in pursuing global reforms are indirectly violating their negative duty not to harm the poor, for the simple reason of supporting their governments and not penalising them for their indifference toward the victims of global injustice. This is the reason why the world rich owes a compensation to the world poor[72].

The compensation envisaged by Pogge is the 'Global Resources Dividend' (GRD), a global redistributive scheme that consists in those states owning natural resources—especially those owning a relatively huge amount of them—contributing to building up a fund to eradicate extreme poverty by paying a dividend on the value of any given resource every time they decide to use it for economic purposes. For example, every time an oil-rich state sells a barrel of oil, a small percentage of the money earned through this economic transaction should be put into the GRD fund. The owner of a given natural resource retains full control over the decision about what to do with it. Accordingly, if the state decides to use oil barrels for artistic purposes, exposing them as sculptures on the street, or more realistically is unwilling to extract it from underground, it is completely free to do so and is not responsible for paying anything. The dividend has to be paid every time the natural resource brings some profit[73].

MDL and the GRD are similar in their logic. The normative strength of both schemes derives from negative duties of global justice—although the GRD refers to the negative duty to not cause avoidable harm to others, while MDL appeals to the neo-republican ideal of preserving freedom from domination. Moreover, both MDL and the GRD resort to a compensatory method that calls for the participation of all those people who are blameworthy for indirectly contributing to sustaining a form of systemic injustice that is global in scope.

Yet, the GRD is much narrower in its scope as a redistributive tool because it is limited to natural resources. More precisely, in arguing in favour of the GRD, Pogge holds that the mere existence of radical

inequality at the global level does not represent a violation of negative duties of justice. An 'impervious', 'pervasive', and 'avoidable' global inequality, such that for those at the bottom it is almost impossible to ameliorate their tragic conditions, and those at the top could change for the better the lives of those at the bottom without incurring substantial costs, requires something more for invoking the violation of a negative duty of justice. We have three options, Pogge says, three different additional facts that we can add to the empirical evidence of radical inequality to denounce the violation of negative duties of justice. First, we can demonstrate that the current global order is among the causes of this pervasive global inequality, that people living in developed countries sustain their governments in shaping the global order in their interest, and that a shift to a better global order for those at the bottom can be achieved without those at the top incurring unbearable costs. Second, we can add to the facts about global inequality that some people benefit disproportionately from the use of natural resources without compensating those who are excluded. Third, we can appeal to historical wrongs that still burden developing countries—think, for example, of colonialism[74].

The GRD is 'a moderate proposal' because it rests on the second option: natural resources[75] . Yet, I believe that if global inequality is so 'impervious'—using Pogge's words—that it determines the extreme commodification of some individuals, this means that the unequal distribution of resources deprives some people of an acceptable alternative to whatever proposal they are made, including selling their labour performance in the market at exploitative conditions. In a few words, I see a direct connection between inequality and unfreedom, because I consider the option deprivation suffered by extremely commodified individuals as a form of domination that accounts for the infringement of a negative duty of justice and that calls for an immediate corrective action.

Obviously, in developing the MDL theory, I also rely on something similar to Pogge's first ground of injustice. I argue that some people are responsible for sustaining a global economic system that keeps some individuals in a state of extreme commodification and, hence, of systemic domination. But the justification for a form of global redistribution resides in the simple fact that unequal access to the means of production—or more generally of sustenance—has pervasive consequences on the freedom of individuals.

In sum, what really renders MDL different from the 'moderate proposal' in which Pogge's approach finds its concretization is that the former calls for a global redistribution of resources for preserving freedom

from domination, while the latter does it for restoring justice in acquisition. Since Pogge renounces the first and third grounds of injustice that, in his view, could be added to the fact of global inequality to invoke the violation of negative duties of justice, modelling his GRD only on the unjust appropriation of natural resources, he encounters the same limits of Georgist left-libertarianism. The only difference between the two approaches is that Pogge follows Robert Nozick in the restrictive interpretation of the Lockean proviso, according to which natural resources are initially unowned and can be unilaterally seized on the condition that the appropriator leaves the non-appropriators in a situation that is no worse than before the appropriation took place—then diverging from Nozick in holding that current inequality represents a violation of this proviso[76]—while left-libertarians maintain that natural resources are initially equally owned[77].

It is for these reasons that, like left-libertarians, Pogge lacks arguments for giving his GRD to those who are not victims of underappropriation, or to those who have already been compensated for it. Let us consider, for example, the first case. Imagine a person who is not penalized by the current allocation of global resources in comparison with a hypothetical situation in which the Lockean proviso, in its restrictive interpretation, was respected. It is not so difficult to find such a person because I think you would only have to consider a person that is not struggling for survival. Now, assume that this person, despite having started his life with an acceptable amount of resources, ends up in dire poverty, and hence is forced to look for his means of survival in a market relation. He is dominated and exploited in a terrible manner. This could have happened for any reason, because he has mismanaged his few resources, because he has taken risky gambles, because of an unpredictable economic shock, because of a natural disaster, because of an economic downturn, and so on. I guess that Pogge would be sympathetic with this person. But what arguments would Pogge have at his disposal to maintain that this person is entitled to GRD? I think none, because this person is not entitled to a compensation deriving from a violation of the Lockean proviso.

It might be rebutted that my remarks are somehow specious, because it is obviously impossible to go through the personal history of every poor individual in order to assess whether he originally was an underappropriator. We can just choose a wellbeing threshold and hold that all those below it are entitled to a redistribution. The objection might continue that this is what Pogge had in mind when he held that states

should pay a dividend on natural resources in order to eradicate extreme poverty. This is probably true, but if it is true, it means that there is an irreconcilable contradiction between the functioning of the GRD and the normative argument that supports it, for the GRD would be invoked in the name of an entitlement that cannot be evaluated. Every extremely poor person would be allocated the compensation, regardless of whether he was penalized in the restrictive Lockean sense, from the distribution of natural resources.

Conclusions

In conclusion, the advantage of focusing on domination rather than individual entitlements to resources consists in having a very elastic philosophical justification of redistribution. It does not really matter, from the prospective of MDL, why a person is now in a state of extreme commodification, whether she has fallen into the proletarian group or rather she has always been a proletarian, and whether she has already received a sort of de-commodification. Whoever happens to experience a state of extreme commodification is entitled to a minimum de-commodification, simply because this person has been deprived of any acceptable alternative for staying alive than entering into a market relation. This option-deprivation is a form of arbitrary interference that amounts to domination, and domination is a form of injustice *per se*.

Such an approach to justice allows us to target all persons that are in a condition of extreme poverty, without falling into theoretical contradictions. This is why I believe that, differently from the GRD, MDL can render people minimally resilient to the risks stemming from global capitalism. At the same time, it can render minimally sustainable a social arrangement in which individual destinies have been subjected to a competition governed by the market principle. For with MDL in place, there would be a little sphere of individual autonomy that is kept separated from market dynamics. As when you go climbing a very steep wall in a training centre, and you know that you might fall at any moment, but you do not care, because there will always be a sling to keep you from crashing to the ground. And when you are tied to this sling, during training, you experience the freedom of trying the most hazardous and dangerous moves, since you feel sure that, even if you fail, the consequences would never be drastic. This is why I think that among the supporters of MDL there should also be the defenders of unfettered market capitalism, because MDL is the sling that can allow one to bring

forward market experiments without incurring human dislocation, with all the social and political consequences that it would entail.

Notes

1 [2, pp. 125–176], [39, pp. 1056–1059], [31, pp. 241–280], [4]

2 On utilitarianism, see [42]. On prioritarianism, see [26], [14]. On sufficientarianism, see [41], [16], [1], [22].

3 See, in particular, [24, pp. 1–110], [25, pp. 273–324].

4 In relation to this, I agree with Rahel Jaeggi when she exposes the limits of approaching the economic system as if it were a 'black box', referring to 'the tendency to talk only about how one would *distribute* the wealth that is produced within an economic system, but not about how it is *produced* and *what kind* of wealth is supposed to be produced at all'. [17, p. 47].

5 [33].

6 See [48, pp. 85–86].

7 I am grateful to an anonymous reviewer for suggesting that I make a clear distinction between these four claims.

8 [44, p. 69].

9 See [20, pp. 112–119: Vol. 1, part 2, chapter 6].

10 [35, pp. 59–70; 171–173].

11 [30, pp. 106–107]; see also [27, pp. 52—66].

12 Gourevitch defines labour republicanism as the 'view' that 'took root [in the USA] in a group of late nineteenth-century editors, reformers, and activists, concentrated mainly around the Knights of Labor', a political organization that had among its most prominent members and intellectual contributors Terence Powderly, George McNeill, William H. Sylvis, and Ira Steward. See [12, pp. 594–598].

13 [13, pp. 105–115].

14 The solution, for Pettit, consists in a basic income. See [29, pp. 5–7]. Confront also with [28].

15 [13, pp. 105–115].

16 [50], [51].

17 See also Gourevitch on the structural unfreedom of the Roman slaves. [12, pp. 601–602].

18 I am grateful to an anonymous reviewer for having prompted me to clarify this position.

19 John E. Roemer has brilliantly argued that the 'differential distribution of the means of production' poses an ethical problem, and that the reason behind the Marxist exploitation of workers should be found exactly in the distribution of the means of production, rather than in what happens at the moment of production. Nonetheless, while Romer, from a Marxist prospective, identifies the ethical problem about the unequal access to the means of production in the exploitation of workers, I maintain, from a republican prospective, that the unequal access to

the means of production is to be primarily condemned because it is a source of individual unfreedom, interpreted as non-domination. See [36].

20 [5].

21 See also [46, pp. 46–65]

22 [11, pp. 10–11].

23 [49, p. 7]

24 [8, pp. 1–19].

25 [18].

26 On the principle of unjust enrichment see [5].

27 [9, p. 228].

28 Labour republicans, for example, were demanding as a solution to structural domination a 'co-operative control over work', which, as a proposal, is not so far from the Marxist ideal of proletarians clawing back the means of production in a post-capitalist society. See [12, pp. 607–610].

29 I agree with Robert S. Taylor when, from a republican prospective, he holds that workers are dominated because of the 'absence of meaningful exit options'. Yet, I believe that workers are dominated precisely—and only - because they have been deprived of a reasonable exit option from the market and not because of the consequence that the lack of exit options has upon specific market relations. Therefore, I maintain that capitalist domination can only be countered through a minimum de-commodification of labour and not by giving workers access to competitive markets—where they will keep on being commodified. See [46, pp. 46–65].

30 For the difference between negative duties invoking a diachronic conception of harm and negative duties invoking a subjunctive conception of harm, see [33, pp. 19–26]. On the more general issue of diachronic, subjunctive, and combined conceptions of harm, see [21].

31 [35, pp. 171–173].

32 [33, p. 25].

33 See [33, p. 175].

34 In other terms, following Miriam Ronzoni we might also say that, within a globalised economy, transnational competition among poor workers poses a problem of 'background injustice' as long as labour transactions are no longer conductible 'according to the normative criteria that apply to the morality of those very transactions'. See [37, pp. 253–255].

35 [19, p. 279].

36 [19, p. 281].

37 [3, pp. 346–349].

38 [19, pp. 288–290].

39 [19, pp. 291–293].

40 [3, p. 351].

41 If not at the cost of threatening the capitalist form of production.

42 [38, p. 80].

43 [38, p. 108].

44 [38, p. 82].

45 [38, pp. 83–89].

46 See also [5, pp. 273–277].

47 See also [51, pp. 125–130].

48 For a definition of sufficientarianism, see [10], [16], [6], [1], [41].

49 See [24]; [25].

50 [24, pp. 78–81].

51 [10, pp. 39–43]; [16, pp. 181–182]; [7, pp. 755–763].

52 This is the reason why, for example, Paula Casal criticizes sufficientarianism for being unable to prefer progressive to regressive taxes in all those cases in which both can guarantee sufficiency. [6, p. 311]

53 Nussbaum uses the expressions 'bare minimum' and 'basic social minimum'. See [24, p. 5].

54 [16, p. 180]. Huseby differentiates vertically between a minimal and a maximal sufficiency threshold.

55 [1, pp. 407–413; 22]. Note, however, that the thresholds employed by Axelsen and Nielsen are not minimal like Husbey's first minimal threshold. For Axelsen and Nielsen distinguish horizontally between basic thresholds related to basic capabilities, and their sum meets all the demands of socioeconomic justice, in the sense that when a person reaches all the central thresholds indicated by Axelsen and Nielsen, she exhausts all her claims of positive justice.

56 [40, pp. 26–31].

57 The difference between the capability approach and an approach based on labour de-commodification was clearly expressed, more than 20 years ago, in the *Human Development Report 1994*. In that text, the UNDP argued that the notion of sustainable human development alone was incomplete and that we needed a shift to human security. See [15, p. 23].

58 [1, p. 407].

59 [23, p. 120].

60 [23, pp. 118–119].

61 [23, p. 119]; [25, pp. 74–75].

62 See [10, p. 21]; [6, p. 297]; [1, p. 406].

63 For the distinction between 'basic', 'internal', and 'combined' capabilities, see [24, pp. 84–85].

64 I shall thank an anonymous reviewer for suggesting that I pose the issue in these terms.

65 I am grateful to an anonymous reviewer for raising this point and stimulating me to ponder it.

66 [32, p. 19].

67 [34, pp. 194–195]

68 [32, p. 19].

69 [32, p. 22].

70 [31, pp. 240–280].

71 [34, pp. 195–196]

72 [33, pp. 23–32].

73 See [33, pp. 202–221].

74 [33, pp. 203–210].

75 Pogge tells us that he opts for the second alternative because the other two grounds of injustice would support any measure that ameliorates the conditions of the global poor. [33, p. 210].

76 [33, pp. 208–209].

77 See [45]; [47, pp. 5–10].

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