

Divisions of Labour: Essays on the Organisation of Work

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Abstract

This thesis concerns the relationship between justice and work. Inspired by recent developments in both practices and perceptions of work since the COVID-19 pandemic, the thesis explores new directions in the philosophy of work. It is comprised of six chapters: an introduction, a literature review, three discrete articles, and a conclusion. The first article, ‘Working from Home and Gender Justice’, asks whether a default employee entitlement to work from home would help or hinder gender justice; I argue that feminists should on balance support this policy on the grounds that it will significantly improve the employment opportunities of many caregivers, who are predominantly women. The second article, ‘Must Everyone Do Essential Work?’, distinguishes the question of *who* does essential work from *how much* they are compensated; I contend that while it could in theory be fair to allocate essential work via the market, the same is not true when it comes to the compensation of essential workers. The third article, ‘Publicly Justified Sin Taxes on Production’, adopts what is known as a public reason framework and asks whether it is legitimate for a liberal state to invoke contributive duties to justify public policies; answering in the affirmative, I argue that the state would be entitled to impose a higher rate of income tax on citizens who work in ‘sin’ industries on the grounds that they violate their contributive duties. The three articles, while concerned with distinct issues, are united by the question of how societies should organise work. The current publication status of the three articles is as follows:

Article	Title	Status
A1	Working from Home and Gender Justice	Forthcoming in <i>Social Theory and Practice</i>
A2	Must Everyone Do Essential Work?	Invited to revise and resubmit
A3	Publicly Justified Sin Taxes on Production	Under review

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1 Introduction

Context

Since John Rawls' *A Theory of Justice*, questions of *distributive* justice – namely, how to fairly distribute the benefits and burdens of social cooperation – have dominated the study of liberal political philosophy.¹ It is only recently that there has been a significant shift in focus towards questions of *contributive* justice – namely, how to fairly organise social cooperation itself. There is now a burgeoning literature in the philosophy of work²; emerging themes range from

¹ Katrina Forrester, *In the Shadow of Justice: Postwar Liberalism and the Remaking of Political Philosophy*, with JSTOR (Princeton University Press, 2019), ix.

² Stuart White, *The Civic Minimum* (Oxford University Press, 2003); Russell Muirhead, *Just Work* (Harvard University Press, 2004), <https://doi.org/10.2307/j.ctv1q8tgdk>; Iris Marion Young, 'Taking the Basic Structure Seriously', *Perspectives on Politics* 4, no. 1 (2006): 91–97, <https://doi.org/10.1017/S1537592706060099>; Paul Gomberg, *How to Make Opportunity Equal: Race and Contributive Justice* (Blackwell, 2007); Nien-hê Hsieh, 'Survey Article: Justice in Production', *Journal of Political Philosophy* 16, no. 1 (2008): 72–100, <https://doi.org/10.1111/j.1467-9760.2007.00290.x>; Lucas Stanczyk, 'Productive Justice', *Philosophy and Public Affairs* 40, no. 2 (2012): 144–64, <https://doi.org/10.1111/j.1088-4963.2012.01212.x>; Anca Gheaus and Lisa Herzog, 'The Goods of Work (Other Than Money!)', *Journal of Social Philosophy* 47, no. 1 (2016): 70–89, <https://doi.org/10.1111/josp.12140>; Andrea Veltman, *Meaningful Work*, 1st edn (Oxford University Press, 2016), <https://doi.org/10.1093/acprof:oso/9780190618179.001.0001>; Julie L. Rose, *Free Time* (Princeton University Press, 2016), <https://doi.org/10.23943/princeton/9780691163451.001.0001>; Elizabeth Anderson, *Private Government: How Employers Rule Our Lives (and Why We Don't Talk about It)*, with Stephen Macedo, The University Center for Human Values Series 44 (Princeton University Press, 2017), <https://doi.org/10.1515/9781400887781>; Gina Schouten, *Liberalism, Neutrality, and the Gendered Division of Labor* (Oxford University Press, 2019); John Danaher, *Automation and Utopia: Human Flourishing in a World without Work* (Harvard University Press, 2019), <https://doi.org/10.4159/9780674242203>; Kwame Anthony Appiah, "'Work: What Is It? Do Most of Us Need It, and Why?'" Tanner Lecture on Human Values', University of Michigan, 16 September 2021; Michael Cholbi, 'Philosophical Approaches to Work and Labor', in *The Stanford Encyclopedia of Philosophy*, Spring 2022, ed. Edward N. Zalta (Metaphysics Research Lab, Stanford University, 2022), <https://plato.stanford.edu/archives/spr2022/entries/work-labor/>; Elizabeth Anderson, *Hijacked: How Neoliberalism Turned the Work Ethic against Workers and How Workers Can Take It Back*, 1st ed., The Seeley Lectures (Cambridge University Press, 2023); Denise Celentano, *Debating a Post-Work Future: Perspectives from Philosophy and the Social Sciences.*, 1st ed., with Michael Cholbi et al. (Taylor & Francis Group, 2024); Markus Furendal

republican critiques of the workplace³ to meaningful work⁴ to the desirability of workplace democracy.⁵ The explosion of writing in this field has been driven at least in part by the disruption to normal working patterns caused by the COVID-19 pandemic. In its wake has emerged new working practices such as working from home, a socially salient group of ‘key’ workers, and greater recognition of the mismatch between wages and social contribution.

This DPhil thesis explores new questions around how work should be organised that are inspired by these recent developments. In it, I ask whether there should be a legal right to work from home, what it would take for essential workers to be fairly compensated, and how a liberal state may legitimately respond to citizens who violate their contributive duties. In answering these questions, the thesis offers novel contributions to the emerging scholarship on the philosophy of work.

Problems addressed

All three articles are united by a single overarching question: what does justice demand in the context of work? Nevertheless, each article addresses a distinct question:

- A1: Would a default employee entitlement to work from home help or hinder the pursuit of gender justice?

et al., ‘The Future of the Philosophy of Work’, *Journal of Applied Philosophy* 41, no. 2 (2024): 181–201, <https://doi.org/10.1111/japp.12730>.

³ Alex Gourevitch, ‘Labor Republicanism and the Transformation of Work’, *Political Theory* 41, no. 4 (2013): 591–617, <https://doi.org/10.1177/0090591713485370>; Tom O’Shea, ‘Socialist Republicanism’, *Political Theory* 48, no. 5 (2020): 548–72, <https://doi.org/10.1177/0090591719876889>.

⁴ Samuel Clark, ‘Good Work’, *Journal of Applied Philosophy* 34, no. 1 (2015): 61–73, <https://doi.org/10.1111/japp.12137>; Veltman, *Meaningful Work*.

⁵ Iñigo González-Ricoy, ‘The Republican Case for Workplace Democracy’, *Social Theory and Practice* 40, no. 2 (2014): 232–54, <https://doi.org/10.5840/soctheorpract201440215>; Roberto Frega et al., ‘Workplace Democracy—The Recent Debate’, *Philosophy Compass* 14, no. 4 (2019): e12574, <https://doi.org/10.1111/phc3.12574>.

- A2: Are essential workers owed anything distinctive as a matter of justice?
- A3: How may the state legitimately respond to citizens who violate contributive duties?

In A1 ('Working from Home and Gender Justice'), I bring the growing empirical literature on the effects of working from home into conversation with normative political philosophy to discuss whether a default employee entitlement to work from home would promote or hinder the pursuit of gender justice. Working from home is yet to receive much attention among political philosophers⁶; I address this gap in the literature and argue that feminists face a dilemma regarding whether to support a default entitlement to work from home. While such a policy would likely improve the employment prospects of women with significant caregiving responsibilities, I show that this could come at the expense of creating a new glass ceiling and exacerbating the gendered division of labour. I argue on pragmatic grounds that feminists should nevertheless endorse the policy on balance in tandem with measures to mitigate these negative effects. At a time when many firms are rolling back the ability to work from home⁷, this result is both socially significant and politically timely.

In A2 ('Must Everyone Do Essential Work?'), I ask who should produce vital goods and services that people are plausibly owed as a matter of justice, such as food, clean water and medical care. While political philosophers have recently turned their attention to the question

⁶ The sole exceptions to this that I am aware of are Lisa Herzog, 'Bodies at Work: The Normative Dimensions of the Geography of Work', *Social Theory and Practice* 50, no. 1 (2024): 57–79; Tom Parr, 'Towards a Legal Right to Work from Home', in *Empowering Workers in an Age of Automation: Social Justice, Technology, and the Future of Work* (Oxford University Press, 2025), <https://doi.org/10.1093/9780191883378.003.0010>.

⁷ Ashley Armstrong et al., 'City Firms Order Workers Back to the Office as WFH Perks End', Working from Home, *Financial Times*, 12 June 2025, <https://www.ft.com/content/f5833281-1fb6-419b-bd73-f545cc226b9b>; Emma Goldberg, 'C.E.O.s, and President Trump, Want Workers Back in the Office', Business, *The New York Times*, 21 January 2025, <https://www.nytimes.com/2025/01/21/business/return-to-office-remote-work.html>.

of what should be done when a society faces a shortage of essential workers⁸, this article moves beyond this question to consider instances where there are enough essential workers. Once the practical problem of ensuring that enough people do essential work has been solved, moral questions remain – for instance, over who should do the work, whether it can be fair for some people to do the work on others’ behalf, how much they should be compensated and by whom, and so on. In contemporary Western societies, the question of who does essential work and how much they are compensated is largely settled by the market mechanism. I argue that using the market to organise essential work is unfair in principle because the rest of society lets these workers discharge the collective duty to provide essential goods and services without offering a fitting return to these workers, and thereby unfairly free rides on them. Thus, I show that considerations of fairness offer a strong *pro tanto* reason not to rely on the market as the primary mechanism by which society allocates essential work. In its place, I propose that essential workers should be fairly compensated via a tax and transfer system: citizens who are not essential workers should pay higher taxes, with the tax revenue used to top up the incomes of essential workers. Finally, I show that this proposal is more attractive than a recent suggestion that the state should conscript its citizens to do essential work⁹ on the grounds of freedom, efficiency, and preference-satisfaction.

In A3 (‘Publicly Justified Sin Taxes on Production’), I begin by considering three standard objections to the public justifiability of sin taxes on consumption such as an excise duty on cigarettes: they are paternalistic, regressive, and ineffective. Adopting a public reason approach, I show that these same objections do not apply to sin taxes on production due to the different rationale behind the tax. To establish this asymmetry result, I argue that a sin tax on

⁸ Fabre, *Whose Body Is It Anyway?*; Stanczyk, ‘Productive Justice’; Muñoz, ‘Essential Services, Workers’ Freedom, and Distributive Justice’.

⁹ Kandiyali, ‘Sharing Burdensome Work’.

production can be justified on the grounds that citizens have a *pro tanto* duty of justice to do their fair share towards making a genuine social contribution, and that working in an industry that produces ‘sin’ goods such as cigarettes undermines the basic interests of people *qua* free and equal citizens by promoting addiction and spreading misinformation. A sin tax on production in the form of a higher rate of income tax on employees in ‘sin’ industries would serve to discourage people from working in these industries and, to the extent that offsetting is possible, would ensure that people who work in these industries make up for doing a harmful job by contributing more to public finances.

Key concepts

Two concepts are particularly central to this DPhil thesis: work and justice. In light of this, I will briefly outline my understanding of these two concepts, starting with *work*.

Defining ‘work’ is no easy task.¹⁰ Nevertheless, a useful sketch of the concept is provided by Raymond Geuss, who identifies three core features of work: work is *strenuous*, *necessary* and *productive*.¹¹ The three articles that comprise this thesis are predominantly concerned with *paid* work in the form of a job, although each article is concerned with a particular kind of job. A1 focuses on *working from home*, defined as paid work that takes place inside one’s own home using digital technology. A2 is about *essential work*, understood as paid work that produces goods and services that at least some people require to live a minimally decent life. Finally, A3 is concerned with *harmful jobs*, where a job is harmful if it makes a significant negative social contribution, defined relative to the interests of persons as free and equal citizens who are

¹⁰ Reflecting on the definition of ‘work’, Russell Muirhead laments that work “cannot be hemmed in by natural definition”, whilst Samuel Clark, echoing Nietzsche, cautions that “I doubt that things with histories can have precise definitions.” Muirhead, *Just Work*, 4; Clark, ‘Good Work’, 62.

¹¹ Raymond Geuss, *A Philosopher Looks at Work*, A Philosopher Looks At (Cambridge University Press, 2021), 5, <https://doi.org/10.1017/9781108946216>. In a similar fashion, Clark defines work as an *activity* that is *necessary* and *productive*. Clark, ‘Good Work’, 62.

committed to an ideal of society as a fair system of cooperation and to the reasonable acceptability principle.

The question of what *justice* is has preoccupied contemporary liberal political philosophy. Rather than subscribing to a particular theory of justice, such as luck egalitarianism or right-libertarianism, this DPhil thesis remains largely neutral between competing theories.¹² A major upshot of this approach is that my arguments can gain purchase among readers of different political persuasions.

Nevertheless, throughout the thesis, I make a few key assumptions about the nature of justice. First, I assume that justice can demand things of *individuals*. For instance, I argue that individuals have *pro tanto* duties of justice to do their fair share towards discharging a collective obligation to produce essential goods (A2) and making a genuine social contribution (A3). Second, I assume that *fairness* – which requires that people act in a manner that is appropriately impartial, where ‘appropriateness’ varies by context¹³ – is a central component of justice (A2, A3). Third, I assume that justice can be compartmentalised into discrete subcategories, such as *gender justice* (A1) and *productive justice* (A1-3).

Methodology

¹² I say ‘largely’ because A3 adopts a public reason view and consequently is incompatible with theories of justice that reasonable citizens (defined in a Rawlsian sense) could not endorse. Nevertheless, public reason views are still compatible with a range of theories of justice.

¹³ Garrett Cullity, ‘Public Goods and Fairness’, *Australasian Journal of Philosophy* 86, no. 1 (2008): 1–21, <https://doi.org/10.1080/00048400701846491>; Isabella Trifan, ‘What Makes Free Riding Wrongful? The Shared Preference View of Fair Play’, *Journal of Political Philosophy* 28, no. 2 (2020): 158–80, <https://doi.org/10.1111/jopp.12201>; Brookes Brown, ‘Impartiality and Fair Play Revisited’, *Journal of Political Philosophy* 31, no. 3 (2023): 315–36, <https://doi.org/10.1111/jopp.12300>.

As a piece of analytic political philosophy, I adopt the research method of *reflective equilibrium*, as popularised by John Rawls.¹⁴ The process of reflective equilibrium involves three key steps.¹⁵ First, the theorist identifies their considered judgements on a given topic. Considered judgements are “those given under conditions favourable for deliberation and judgement”; as such, they exclude judgements that are made when one is tired or upset, as well as judgements that are likely to be biased due to (say) motivated reasoning.¹⁶ I regard intuitions as a kind of considered judgement, provided that they are elicited under favourable conditions; since thought experiments are a helpful tool to clarify one’s intuitions¹⁷, they can also be used to clarify one’s considered judgements. Second, the theorist devises a set of normative principles that can accommodate one’s considered judgements. In doing so, the theorist should construct logically valid and compelling arguments in defence of these normative principles.¹⁸ If there is a discrepancy between the theorist’s considered judgements and normative principles, then the theorist proceeds to the third step: they must go back and forth between their considered judgements and normative principles, revising one or the other (or both) until they arrive at a stable equilibrium whereby their considered judgements cohere with the normative principles.

¹⁴ John Rawls, *A Theory of Justice: Revised Edition* (Harvard University Press, 1999), 40–46, <https://doi.org/10.2307/j.ctvkjb25m>.

¹⁵ Yuri Cath, ‘Reflective Equilibrium’, in *The Oxford Handbook of Philosophical Methodology*, ed. Herman Cappelen et al. (Oxford University Press, 2016), 214, <https://doi.org/10.1093/oxfordhb/9780199668779.013.32>.

¹⁶ Rawls, *A Theory of Justice*, 42.

¹⁷ Christian List and Laura Valentini, ‘The Methodology of Political Theory’, in *The Oxford Handbook of Philosophical Methodology*, ed. Herman Cappelen et al. (Oxford University Press, 2016), 542, <https://doi.org/10.1093/oxfordhb/9780199668779.013.10>.

¹⁸ This is important so that the theorist has reason to endorse the normative principles that they devise, besides from the mere fact that they cohere with the theorist’s considered judgements. As Carl Knight puts it, “we could reach equilibrium without arguments, but coherence among beliefs that have not been subjected to serious scrutiny would be of limited justificatory value.” Carl Knight, ‘Reflective Equilibrium’, in *Methods in Analytical Political Theory*, ed. Adrian Blau (Cambridge University Press, 2017), 50, <https://doi.org/10.1017/9781316162576.005>.

The discipline of political philosophy is currently experiencing a “methodological moment.”¹⁹ In light of this, this DPhil thesis experiments with methodological approaches, with each article adopting a different methodological bent. A1 adopts the method of “engaged political philosophy”²⁰, which can be summarised as follows. First, the theorist identifies a policy dilemma – for instance, whether or not there should be a default entitlement to work from home. To do this effectively, the theorist should familiarise themselves with existing empirical scholarship on the real-world issue at hand. For example, upon reading up on the sociological evidence on working from home, I discovered that working from home can “function as a double-edged sword”²¹ that both helps and harms women with caregiving responsibilities, making it ripe for normative analysis. Next, the theorist identifies normative values and/or arguments that are relevant to the issue at hand; in A1, I identify arguments for and against the claim that a default entitlement to work from home would promote the value of gender justice. Finally, the theorist evaluates a set of policy options against the relevant value(s) to arrive at a policy recommendation – in this case, I evaluate whether a default employee entitlement to work from home would on balance be better or worse vis-à-vis gender justice than the status quo where firms are left to set their own working from home policies.

By contrast, A2 is an instance of “applied political philosophy”, whereby a philosophical theory is applied to a real-world issue.²² Doing applied political philosophy is a two-step process. First, the theorist must make idealisations and abstractions so as to develop an overarching

¹⁹ Jonathan Floyd, ‘Political Philosophy’s Methodological Moment and the Rise of Public Political Philosophy’, *Society* 59, no. 2 (2022): 129–39, <https://doi.org/10.1007/s12115-022-00710-2>.

²⁰ Jonathan Wolff, ‘Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy’, in *The Routledge Handbook of Ethics and Public Policy* (Routledge, 2018).

²¹ Jaeseung Kim, ‘Workplace Flexibility and Parent–Child Interactions Among Working Parents in the U.S.’, *Social Indicators Research* 151, no. 2 (2020): 450, <https://doi.org/10.1007/s11205-018-2032-y>.

²² Wolff, ‘Method in Philosophy and Public Policy’.

philosophical theory. For example, in A2, I utilise variations of a thought experiment on saving drowning people to clarify intuitions and develop a theory about what constitutes a fair way to discharge a collective obligation. Second, the theorist must then apply this abstract theory to the issue at hand; in A2, I apply a theory of what fairness demands vis-à-vis the discharging collective obligations to the real-world context of essential work.

In A3, I adopt the perspective of a public reason theorist. ‘Public reason views’ are defined as those that endorse the ‘Reasonable Acceptability Principle’ (RAP), according to which “the exercise of political power ought to be acceptable to all reasonable citizens.”²³ This imposes a constraint on what arguments the theorist can employ in defence of the exercise of political power – a theorist who endorses a public reason view can only appeal to ‘public’ reasons, i.e. those which all reasonable citizens would endorse. A standard rationale for endorsing the RAP is the idea that political rules should be in some sense justifiable to everyone who is subject to them; as Laura Valentini and Christian List put it, “a key desideratum here is that our theories be, at least in principle, acceptable to individuals holding reasonable but conflicting moral views within pluralistic societies.”²⁴ A3 adopts the high justificatory bar of the RAP and asks whether a liberal state may legitimately enact policies by appealing to contributive duties, given that reasonable citizens will disagree about their nature and content.

Despite their differences, all three articles are united by the aim of offering policy recommendations; as such, they are all instances of *policy-driven* political philosophy.²⁵ One common accusation against this kind of enterprise is that, by offering policy prescriptions, the

²³ Paul Billingham and Anthony Taylor, ‘A Framework for Analyzing Public Reason Theories’, *European Journal of Political Theory* 21, no. 4 (2022): 671, <https://doi.org/10.1177/1474885120925381>.

²⁴ List and Valentini, ‘The Methodology of Political Theory’, 547.

²⁵ See, for instance, Will Abel et al., *Introducing Political Philosophy: A Policy-Driven Approach*, Politics Trove. (University Press, 2021).

theorist seeks to supplant democratic politics. Against this charge, Adam Swift and Stuart White argue that the theorist is better understood as a “democratic underlabourer” who clarifies value trade-offs and *offers* (rather than imposes) their prescriptive judgement for democratic deliberation.²⁶ In a similar vein, Ingrid Robeyns describes policy suggestions provided by theorists as “a *proposal* to be offered to citizens for debate (and subsequent endorsement, modification, or rejection) in their democratic deliberations.”²⁷ In adopting a policy-driven approach, I hope that some of the ideas contained in this thesis could spark fruitful debates about specific policies as well as contributive justice more broadly.

²⁶ Adam Swift and Stuart White, ‘Political Theory, Social Science, and Real Politics’, in *Political Theory: Methods and Approaches*, ed. Marc Stears and David Leopold (Oxford University Press, Incorporated, 2008), 54, <http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=415667>.

²⁷ Ingrid Robeyns, ‘Limiting Lifetime Inheritances and Gifts’, *Politics, Philosophy & Economics*, 5 September 2024, 2, <https://doi.org/10.1177/1470594X241277959>.

2 Literature Review

Throughout history, philosophers have reflected on the nature of work and its impact on individuals and society. In recent years, however, there has been an explosion of writing in the philosophy of work.¹ Rather than attempting to provide an overview of this entire field, I will narrow my scope to literature that is directly relevant to the three articles in this DPhil thesis.

2.1 ‘Working from Home and Gender Justice’

This article draws on both empirical and normative literature on working from home, as detailed below.

Empirical Literature

There is an extensive empirical literature on working from home. One major theme in the literature focuses on the increasing *prevalence* of the practice. In a recent global study across 34 countries in Europe, North America, Latin America, Asia, and South Africa, Aksoy et al. found that full-time employees on average work from home approximately one day per week.² This number is considerably higher in certain countries and industries. For example, 40% of US employees and 43% of UK employees now work from home for part or all of their work

¹ White, *The Civic Minimum*; Muirhead, *Just Work*; Young, ‘Taking the Basic Structure Seriously’; Gomberg, *How to Make Opportunity Equal*; Hsieh, ‘Survey Article’; Stanczyk, ‘Productive Justice’; Gheaus and Herzog, ‘The Goods of Work (Other Than Money!)’; Veltman, *Meaningful Work*; Rose, *Free Time*; Anderson, *Private Government*; Schouten, *Liberalism, Neutrality, and the Gendered Division of Labor*; Danaher, *Automation and Utopia*; Frega et al., ‘Workplace Democracy—The Recent Debate’; Appiah, “‘Work: What Is It? Do Most of Us Need It, and Why?’”, Tanner Lecture on Human Values’; Michael Cholbi, ‘The Duty to Work’, *Ethical Theory and Moral Practice* 21, no. 5 (2018): 1119–33, <https://doi.org/10.1007/s10677-018-9942-2>; Anderson, *Hijacked*; Celentano, *Debating a Post-Work Future*; Furendal et al., ‘The Future of the Philosophy of Work’.

² Cevat Giray Aksoy et al., ‘Working from Home Around the World’, Working Paper no. 30446, Working Paper Series (National Bureau of Economic Research, September 2022), <https://doi.org/10.3386/w30446>.

week, which is respectively a five-fold and four-fold increase on the pre-pandemic figures.³ The sudden uptick in working from home since the COVID-19 pandemic shows little sign of a reversal.⁴

Another reoccurring theme in this literature is the *gendered effects* of working from home. These manifest in a couple of ways. First, individuals' motivations to work from home have historically been highly gendered. For instance, Sullivan and Lewis found that while men tended to work from home for work-related reasons, women tended to work from home so that they could continue to provide childcare while in paid employment; to this end, Sullivan and Lewis remarked that many female teleworkers saw working from home as "the only way to overcome the high cost and low availability of childcare", rendering it "at best, a constrained choice."⁵ This is not simply a historical artifact: Barrero, Bloom and Davis find that female US college graduates with children under 12 want to work from home full-time 40% more than their male counterparts.⁶ Similarly, Mas and Pallais found that women tend to have a higher willingness to pay to work from home than men.⁷

This is not without good reason. Several studies have found that the ability to work from home is associated with improved labour market outcomes for women with caregiving responsibilities. One study found that women with the ability to work from home are

³ Jose Maria Barrero et al., 'The Evolution of Work from Home', Working Paper no. 31686, Working Paper Series (National Bureau of Economic Research, September 2023), <https://doi.org/10.3386/w31686>; Office for National Statistics, 'ONS Opinions and Lifestyle Survey, Covid-19 Module, 2020-2023: Secure Access', 2023, <https://doi.org/10.5255/UKDA-SN-8635-8>.

⁴ Jose Maria Barrero et al., 'Why Working From Home Will Stick', SSRN Scholarly Paper no. 3741644, Rochester, NY, 22 April 2021, <https://doi.org/10.2139/ssrn.3741644>.

⁵ Cath Sullivan and Suzan Lewis, 'Home-Based Telework, Gender, and the Synchronization of Work and Family: Perspectives of Teleworkers and Their Co-Residents', *Gender, Work & Organization* 8, no. 2 (2001): 130, 125, 139, <https://doi.org/10.1111/1468-0432.00125>.

⁶ Barrero et al., 'Why Working From Home Will Stick', fig. A.3.

⁷ Alexandre Mas and Amanda Pallais, 'Valuing Alternative Work Arrangements', preprint, 2016, 3751–53.

considerably less likely to reduce their working hours after childbirth and thus are able to avoid at least part of the so-called ‘motherhood penalty’ by retaining higher paid full-time work.⁸ A recent US study found that a 10% increase in working from home among mothers with college degrees was associated with a 1% increase in their employment rate.⁹ A further study across several South American countries found that working from home led to a 4 percentage point drop in a motherhood penalty in employment, from 17% to 13%.¹⁰

Second, studies show that the experience of working from home is itself highly gendered. In a 2001 study, Sullivan and Lewis reported that men who work from home tended to work longer hours, while women who work from home tended to spend more time on family commitments.¹¹ This result has been replicated in recent years. One recent study found that mothers spend on average three hours longer on childcare as well as one hour long on paid work when working from home, while fathers who work from home spend on average three hours longer on paid work without increasing the time spent on childcare.¹² In another study, it was found that working from home increased parent-child interactions for mothers but not for fathers.¹³ A further study in Poland found that working from home was associated with less

⁸ Heejung Chung and Mariska van der Horst, ‘Women’s Employment Patterns after Childbirth and the Perceived Access to and Use of Flexitime and Teleworking’, *Human Relations* 71, no. 1 (2018): 47–72, <https://doi.org/10.1177/0018726717713828>.

⁹ Emma Harrington and Matthew E. Kahn, ‘Has the Rise of Work from Home Reduced the Motherhood Penalty in the Labor Market?’, Working Paper no. 34147, Working Paper Series (National Bureau of Economic Research, August 2025), <https://doi.org/10.3386/w34147>.

¹⁰ Pablo Zarate, ‘Remote Work and Child Penalties’, SSRN Scholarly Paper no. 5360652 (Social Science Research Network, 21 July 2025), <https://doi.org/10.2139/ssrn.5360652>.

¹¹ Sullivan and Lewis, ‘Home-Based Telework, Gender, and the Synchronization of Work and Family’, 136.

¹² Yvonne Lott, *Weniger Arbeit, mehr Freizeit? Wofür Mütter und Väter flexible Arbeitsarrangements nutzen*, Research Report no. 47 (WSI Report, 2019), <https://www.econstor.eu/handle/10419/225410>.

¹³ Kim, ‘Workplace Flexibility and Parent–Child Interactions Among Working Parents in the U.S.’

free time for women but more free time for men, although this result was not replicated in Sweden.¹⁴

A final theme in the empirical literature on working from home that I wish to highlight is the career penalties that can occur from working from home. For example, in a 2015 randomised control trial, employees who worked-from-home were 50% less likely to get promoted than their in-person colleagues over a two-year period.¹⁵ In another study, Glass and Noonan found that the wage penalty associated with working from home only emerges after the first 40 hours of work during overtime, and that mothers' wages are particularly sensitive to whether they work in-person or from home.¹⁶ One reason for this wage penalty is offered by Cristea and Leonardi, who outline the importance of face time in the workplace for signalling one's productivity.¹⁷ However, it should be noted that all of these studies took place before the COVID-19 pandemic; given this, we should be cautious about extrapolating a lot from these results.

What is currently missing from the empirical literature is transparency about the implicit normative assumptions that inform the conclusions drawn from the analysis. For example, in a recent paper, Inga Laß and Mark Wooden remarked that working from home “will allow [women] to incorporate the needs of other family members into their workday, such as driving

¹⁴ Anna Kurowska, ‘Gendered Effects of Home-Based Work on Parents’ Capability to Balance Work with Non-Work: Two Countries with Different Models of Division of Labour Compared’, *Social Indicators Research* 151, no. 2 (2020): 405–25, <https://doi.org/10.1007/s11205-018-2034-9>.

¹⁵ Nicholas Bloom et al., ‘Does Working from Home Work? Evidence from a Chinese Experiment’, *The Quarterly Journal of Economics* 130, no. 1 (2015): 165–218.

¹⁶ Jennifer L. Glass and Mary C. Noonan, ‘Telecommuting and Earnings Trajectories Among American Women and Men 1989–2008’, *Social Forces* 95, no. 1 (2016): 238, <https://doi.org/10.1093/sf/sow034>.

¹⁷ Ioana C. Cristea and Paul M. Leonardi, ‘Get Noticed and Die Trying: Signals, Sacrifice, and the Production of Face Time in Distributed Work’, *Organization Science* 30, no. 3 (2019): 552–72, <https://doi.org/10.1287/orsc.2018.1265>.

children to school or social activities or preparing family meals”, and that therefore women will “benefit more than men from working from home.”¹⁸ Notice that this language of benefits leaves untouched gendered expectations around the division of domestic labour. Responding to the same phenomenon, Heejung Chung et al concluded that working from home “enables the exploitation of women both at home and in the labor market, because it enables women to carry out paid work without reducing their unpaid work hours or intensity.”¹⁹ My article attempts to make some of these underlying normative assumptions explicit.

Normative Literature

Working from home is yet to receive much critical attention from political philosophers. To date, there are only two philosophical pieces on the topic. In her paper ‘Bodies at Work’, Lisa Herzog presents five normative criteria for evaluating the geography of the workplace: “employees’ well-being and protection from harm, employees’ autonomy, non-discrimination, environmental impact, and the role of workplaces as spaces of social integration.”²⁰ To resolve conflicts between them, Herzog recommends that we “*proceduralize* decisions by giving employees more rights to *decide together* how to organize their geography of work, based on their concrete situations’ with ‘special attention to vulnerable workers.”²¹

Meanwhile, in his chapter ‘Towards a Legal Right to Work from Home’, Tom Parr applies his ‘Empowerment Model’ to the issue of working from home. According to the Empowerment Model, labour market policymakers should aim to equalise bargaining power between

¹⁸ Inga Laß and Mark Wooden, ‘Working from Home and Work–Family Conflict’, *Work, Employment and Society* 37, no. 1 (2023): 181, <https://doi.org/10.1177/09500170221082474>.

¹⁹ Heejung Chung et al., ‘Covid-19, Flexible Working, and Implications for Gender Equality in the United Kingdom’, *Gender & Society* 35, no. 2 (2021): 220, <https://doi.org/10.1177/08912432211001304>.

²⁰ Herzog, ‘Bodies at Work: The Normative Dimensions of the Geography of Work’, 58.

²¹ Herzog, ‘Bodies at Work: The Normative Dimensions of the Geography of Work’, 17, 25.

individuals unless the opportunity costs of doing so are too high – in which case, policymakers should aim to protect disadvantaged workers from the risks that they face due to a lack of bargaining power (where the level of protection is determined by what fairly situated individuals would choose behind a hypothetical veil of ignorance).²² Applied to working from home, Parr argues that fairly situated citizens behind a veil of ignorance would insure themselves against the risk of employers not granting them geographical flexibility with respect to work, a risk which is highest among disadvantaged workers with comparatively little bargaining power. On this basis, he argues in favour of a legal right to work from home.²³

Herzog gestures towards a feminist analysis of working from home; for instance, she suggests that “the opportunity to work from home might be used more frequently by individuals who are in some way disadvantaged, e.g., because they carry high burdens of care work or because they have longer commutes. This could lead to career disadvantages for these groups.”²⁴ Parr also shows concern for the possible drawbacks of greater opportunities to work from home on gender justice, though he ultimately concludes that “it’s difficult to say anything in general terms about whether the move to greater working from home would be positive or negative, from the perspective of a concern for gender justice.”²⁵ While both pieces raise the issue of gender equality, their attempt to sketch a comprehensive picture of the normative considerations that bear on working from home means that they are not able to fully explore the possible connections between working from home and gender justice.

²² Tom Parr, ‘The Empowerment Model’, in *Empowering Workers in an Age of Automation: Social Justice, Technology, and the Future of Work* (Oxford University Press, 2025), <https://doi.org/10.1093/9780191883378.003.0003>.

²³ Parr, ‘Towards a Legal Right to Work from Home’, chapter 7.

²⁴ Herzog, ‘Bodies at Work: The Normative Dimensions of the Geography of Work’, 67.

²⁵ Parr, ‘Towards a Legal Right to Work from Home’, 246.

There is an extensive philosophical literature on gender justice. Of particular relevance is the feminist literature on universal basic income (UBI), understood as a non-means-tested cash payment which is regularly given to every individual regardless of their employment status. Feminists are divided on the topic of UBI. On the one hand, feminist proponents of UBI believe that it would be good for women because it would bolster the autonomy and status of women who exclusively perform unpaid reproductive labour.²⁶ On the other hand, feminist opponents of UBI believe that a UBI would be bad for women because it would likely lead to higher drop-out rates of women from the labour force; this would have various negative effects, including that it would hinder the promotion opportunities of women *qua* women due to statistical discrimination.²⁷ On balance, Anca Gheaus argues that feminists ought to endorse a UBI, contending that “we should give priority to protecting women from the worst consequences of the gendered division of labour over the abolition of the gendered division of labour itself”²⁸ since it is “highly plausible that the interests of the worst-off ought to be given priority.”²⁹ In the article, I show that there is a structural analogy between feminist debates over UBI and a default employee entitlement to work from home.

2.2 ‘Must Everyone Do Essential Work?’

In recent years, there has been a growing interest in questions of *productive justice*. This term was initially coined by Lucas Stanczyk and refers to questions concerning the just organization of productive activity, as opposed to the just distribution of goods that result from or are

²⁶ John Baker, ‘All Things Considered, Should Feminists Embrace Basic Income?’, *Basic Income Studies* 3, no. 3 (2008), <https://doi.org/10.2202/1932-0183.1129>.

²⁷ Anca Gheaus, ‘Basic Income, Gender Justice and the Costs of Gender-Symmetrical Lifestyles’, *Basic Income Studies* 3, no. 3 (2008).

²⁸ Anca Gheaus, ‘Feminism for Working-Class Women Is the Best Feminism’, *Justice Everywhere*, 9 January 2020, <http://justice-everywhere.org/gender/feminism-for-the-worse-off-women-is-the-best-feminism/>.

²⁹ Anca Gheaus, ‘The Feminist Argument Against Supporting Care’, *Journal of Practical Ethics* 8, no. 1 (2020): 1–27.

constitutive of productive activity.³⁰ In this seminal article, Stanczyk argues that there are certain goods such as medical care that must be provided in a just society; given this, when a just society is faced with a shortage of essential workers, he contends that “justice must either directly constrain occupational choice, or permit the state to forcibly assign jobs, or both.”³¹ This has sparked philosophical discussions about what policies it is morally permissible for a state to enact when confronted with a dearth of essential workers – for instance, whether it is permissible to restrict the freedom of movement of essential workers or prohibit them from going on strike.³² However, there is a gap in the literature regarding how a just society should organize the production of these goods when there is no shortage of essential workers.

Jan Kandiyali and Julia Maskivker have recently turned their attention to the question of how a just society should organise essential work.³³ Focusing on essential work that is dangerous and degrading (‘burdensome work’), Kandiyali contends that it is unjust for only some people to suffer from the harms of doing this work given that it is feasible to distribute these harms more evenly (for instance, if all citizens were conscripted to spend a fraction of their time doing essential work).³⁴ Meanwhile, Maskivker argues that citizens currently violate duties of reciprocity that they owe to essential workers for their life-sustaining work, and thus are guilty of “not playing fairly with them.”³⁵

³⁰ Stanczyk, ‘Productive Justice’.

³¹ Stanczyk, ‘Productive Justice’, 145.

³² Cristian Pérez Muñoz, ‘Essential Services, Workers’ Freedom, and Distributive Justice’, *Social Theory and Practice* 40, no. 4 (2014): 649–72; Alex Sager, ‘Productive Justice and Compulsory Service’, *Ethics and Global Politics* 9, no. 1 (2016): 33499, <https://doi.org/10.3402/egp.v9.33499>.

³³ Jan Kandiyali, ‘Sharing Burdensome Work’, *The Philosophical Quarterly* 73, no. 1 (2023): 143–63, <https://doi.org/10.1093/pq/pqac023>; Julia Maskivker, ‘Justice and Contribution: A Narrow Argument for Living Wages’, *The Journal of Philosophy* 120, no. 7 (2023): 341–67, <https://doi.org/10.5840/jphil2023120719>.

³⁴ Kandiyali, ‘Sharing Burdensome Work’, 148.

³⁵ Maskivker, ‘Justice and Contribution’, 344.

To determine what it would mean to fairly organise essential work, we need to have a good grip on what fairness requires. The notion of fairness as appropriate impartiality is found in the works of Garrett Cullity, Isabella Trifan, and Brookes Brown.³⁶ All three authors are concerned with what it means to treat others fairly, both at an individual and a collective level. On their view, an agent acts unfairly when they fail to be appropriately impartial³⁷, which involves an agent “unjustifiably making an exception of herself.”³⁸

Turning to potential solutions, there is a divide in the literature between sharing versus compensation models of organising essential work. Kandiyali advocates for the conscription of burdensome work as a means to fairly organise this work as well as achieve other valuable ends such as breaking down class snobbery.³⁹ Against this view, Tom Parr argues that “rather than demand that everyone share in this work, we might ensure that those who carry it out receive the offer of fair remuneration for the burdens that they bear. The crucial thought is, when the overt content of the work involves drudgery, why not improve the overall bundle of benefits and burdens by offering to pay individuals more generously?”⁴⁰ However, Parr does not provide details about what this fair remuneration model would look like and how it would work in practice.

2.3 ‘Publicly Justified Sin Taxes on Production’

In this article, I marry two philosophical literatures: one on public justification and sin taxes, and another on the nature and content of contributive duties. Below is a review of each in turn.

³⁶ Garrett Cullity, ‘Moral Free Riding’, *Philosophy & Public Affairs* 24, no. 1 (1995): 3–34; Trifan, ‘What Makes Free Riding Wrongful?’; Brown, ‘Impartiality and Fair Play Revisited’.

³⁷ Cullity, ‘Public Goods and Fairness’, 3.

³⁸ Trifan, ‘What Makes Free Riding Wrongful?’, 163.

³⁹ Kandiyali, ‘Sharing Burdensome Work’.

⁴⁰ Tom Parr, ‘In Cash We Trust?’, *Journal of Applied Philosophy* 41, no. 2 (2022): 13, <https://doi.org/10.1111/japp.12583>.

When considering the legitimacy of the exercise of state power in liberal societies in light of widespread disagreement, one standard approach is to adopt a public reason framework. Public reason views endorse the ‘Reasonable Acceptability Principle’ (RAP), which holds that “the exercise of political power ought to be acceptable to all reasonable citizens.”⁴¹ According to Paul Billingham and Antony Taylor, public reason views should be able to answer four key questions:

1. Who counts as ‘reasonable citizens’?
2. What is required for the exercise of political power to be acceptable to all reasonable citizens?
3. Why endorse the RAP?
4. What laws are acceptable to all reasonable citizens on this view?⁴²

To illustrate, take a prominent public reason view advocated by Jonathan Quong. First, Quong argues that reasonable citizens are those committed to Rawlsian substantive values: the freedom and equality of citizens, an ideal of society as a fair system of cooperation, and the RAP.⁴³ Second, Quong contends that state policies must be acceptable to all reasonable citizens.⁴⁴ Third, the value of justice itself underpins the RAP; according to Quong, state policies must be justifiable to all reasonable citizens to be just.⁴⁵ Fourth, Quong argues in the negative that “laws that prohibit or restrict gambling, prostitution, pornography, or recreational

⁴¹ Billingham and Taylor, ‘A Framework for Analyzing Public Reason Theories’, 671.

⁴² Billingham and Taylor, ‘A Framework for Analyzing Public Reason Theories’.

⁴³ Jonathan Quong, *Liberalism without Perfection* (Oxford University Press, 2011), 37–39.

⁴⁴ Quong, *Liberalism without Perfection*, 255–90.

⁴⁵ Jonathan Quong, ‘On the Idea of Public Reason’, in *A Companion to Rawls*, ed. Jon Mandle and David A. Reidy (Wiley-Blackwell, 2013), 273–75.

drug use on the grounds that these activities are either immoral or disvaluable fail the test of public justification, and so cannot provide a legitimate basis for the exercise of state power.”⁴⁶

‘Sin goods’ refer to addictive goods and services that cause harm to users; examples include cigarettes, gambling, and hard drugs. Many governments impose taxes on sin goods at the point of consumption (‘sin taxes on consumption’) on the grounds that consuming sin goods is immoral or disvaluable. However, as public reason theorists such as Quong point out, sin taxes cannot be publicly justified on this basis, since the rationale involves an appeal to a particular conception of the good life (for instance, a smoking-free life is a better life) which would not be endorsed by all reasonable citizens.

There is limited literature on the question of whether sin taxes can nevertheless be publicly justified. Morten Ebbe Juul Nielsen and Jørgen Dejgaard Jensen have recently attempted to show that a sin tax on consumption could be publicly justified on the grounds that consuming sin goods is bad for you. Against this argument, they raise a concern about the regressiveness of sin taxes on consumption, which tend to disproportionately hit the pockets of the worst-off. This runs counter to the Rawlsian egalitarian commitment to permit inequalities only to the extent that they benefit the worst-off⁴⁷; if the constituency of reasonable citizens is defined in such a way that they have substantive Rawlsian commitments, then the regressive nature of sin taxes on consumption poses a problem for the public justifiability of sin taxes on consumption. Responding to this concern, they point out that the worst-off are likely to gain large health benefits from the tax, which would mean that the tax will often turn out not to be regressive overall. Notably missing from their assessment, however, is an addressment of whether the paternalistic aspect of a sin tax on consumption undermines its legitimacy. The thought here is

⁴⁶ Quong, *Liberalism without Perfection*, 4.

⁴⁷ Rawls, *A Theory of Justice*, 65–73.

that a paternalistic rationale for a sin tax on consumption involves the state treating its citizens “as children, not as free and equal citizens.”⁴⁸ However, this is a concern that they assume away.⁴⁹

In another recent article on sin taxes, Douglas MacKay and Alexandria Huber-Disla ask what would count as a just soda tax. In it, they raise concerns about both the paternalistic nature of the tax and its likely regressive effects.⁵⁰ The authors also mention that there tends to be inelastic demand for sin goods⁵¹; this gives rise to further concerns over the effectiveness of the tax. It would thus seem that *prima facie* sin taxes on consumption cannot be publicly justified, on the grounds that they are paternalistic, regressive, and ineffective. My article takes up the question of whether these three objections equally apply to a sin tax on *production*, which has been absent from the discussion.

Literature on Contributive Duties

The idea that citizens owe contributive duties as a matter of justice has been recently endorsed by several political philosophers.⁵² On the flip side, it is often considered to be unfair for a citizen who voluntarily chooses not to work to still enjoy the social product that his fellow

⁴⁸ Quong, *Liberalism without Perfection*, 101, 106.

⁴⁹ As they put it, “we do not want to rule out paternalist policies by definition, so we assume some level of idealization where paternalist policies *might* be acceptable (or nonrejectable) to all.” Morten Ebbe Juul Nielsen and Jørgen Dejgaard Jensen, ‘Sin Taxes, Paternalism, and Justifiability to All: Can Paternalistic Taxes Be Justified on a Public Reason-Sensitive Account?’, *Journal of Social Philosophy* 47, no. 1 (2016): 57, <https://doi.org/10.1111/josp.12139>.

⁵⁰ Douglas MacKay and Alexandria Huber-Disla, ‘Designing a Just Soda Tax’, *Economics & Philosophy* 40, no. 2 (2024): 353–73, <https://doi.org/10.1017/S0266267123000172>.

⁵¹ MacKay and Huber-Disla, ‘Designing a Just Soda Tax’, 631.

⁵² See, for example, Lawrence C. Becker, ‘The Obligation to Work’, *Ethics* 91, no. 1 (1980): 35–49; Brian Berkey, ‘Obligations of Productive Justice: Individual or Institutional?’, *Critical Review of International Social and Political Philosophy* 21, no. 6 (2018): 726–53, <https://doi.org/10.1080/13698230.2016.1262315>; Joseph H. Carens, ‘Rights and Duties in an Egalitarian Society’, *Political Theory* 14, no. 1 (1986): 31–49; White, *The Civic Minimum*.

citizens have worked hard to provide.⁵³ Somewhat surprisingly, however, not much attention has been paid to what activities count towards the discharging of one's contributive duties – and, in particular, what jobs count.

The work of Markus Furendal and Stuart White are rare exceptions to this rule. In a recent paper, Furendal asks “what should count as making a socially valuable contribution?”⁵⁴ One possible answer is what Furendal dubs the ‘market solution’, according to which “market prices of labour indicate the social value of a contribution.”⁵⁵ Implicit to the market solution is the idea that if someone values a good or service, then jobs that provide that good or service make a genuine social contribution. While this can serve as a good proxy, both Furendal and White reject reading off the social value of labour from the wage. Just because the *buyer* values a good or service, it does not follow that the provision of that good or service has a net positive *social* value; after all, the buyer could have preferences for (say) discrimination or inflicting pain on others, the fulfilment of which does not generate social value.⁵⁶ White and Furendal identify three circumstances where a job fails to make a genuine social contribution: the job is (i) “harmful to (some) citizens’ basic interests”, (ii) involves “an excessively high risk of self-harm”, or (iii) perpetuates injustice.⁵⁷ However, whether these circumstances obtain will be subject to reasonable disagreement. In light of this, there is a current gap in the literature regarding which jobs fail to make a genuine social contribution about which reasonable citizens will agree.

⁵³ As John Rawls put it, “those who surf all day off Malibu must find a way to support themselves and would not be entitled to public funds.” John Rawls, ‘The Priority of Right and Ideas of the Good’, *Philosophy & Public Affairs* 17, no. 4 (1988): 257 fn7.

⁵⁴ Markus Furendal, ‘Defining the Duty to Contribute: Against the Market Solution’, *European Journal of Political Theory* 18, no. 4 (2019): 470, <https://doi.org/10.1177/1474885117693401>.

⁵⁵ Furendal, ‘Defining the Duty to Contribute’, 470.

⁵⁶ See Furendal, ‘Defining the Duty to Contribute’, 479; White, *The Civic Minimum*, 99.

⁵⁷ White, *The Civic Minimum*, 99, 100; Furendal, ‘Defining the Duty to Contribute’, 477.

3 Working from Home and Gender Justice

Abstract

Working from home has rapidly become commonplace in recent years, expedited by the COVID-19 pandemic. This paper asks whether a default employee entitlement to work from home would promote or hinder the pursuit of gender justice. While such a policy would likely improve the employment prospects of women with significant caregiving responsibilities, this could come at the expense of creating a new glass ceiling and exacerbating the gendered division of labour. I argue on pragmatic grounds that feminists should nevertheless endorse the policy, in tandem with measures to mitigate these negative effects.

1. Introduction

“One change is so potentially revolutionary, and so alien to our experience, it needs far more attention than it has received so far. This is, of course, the shift of work out of the office and factory and back into the home.”¹ These remarks, made in 1980 by the futurist Alvin Toffler, foreshadowed the dramatic shift towards working from home that has taken place in recent years, expedited by the COVID-19 pandemic. This is a truly global trend, with high rates of working from home in countries ranging from Canada to India to Nigeria.² Working from home is no longer an obscure working arrangement, but rather a widespread phenomenon – in the UK, for instance, 43% of employees now work from home for part or all of their working

¹ Alvin Toffler, *The Third Wave*, 1st edn (William Morrow and Company, 1980), 233.

² Cevat Aksoy et al., ‘The Global Persistence of Work from Home’, SSRN Scholarly Paper no. 5253261 (Social Science Research Network, 5 May 2025), <https://doi.org/10.2139/ssrn.5253261>. Nevertheless, the highest rates of working from home are concentrated in Anglophone countries in North America and Europe, and hence my analysis will primarily concern these regions.

week.³ Its rise has also been sharp; in the US, for example, there has been a five-fold increase in rates of working from home compared to pre-pandemic levels.⁴

While the emerging philosophical literature on work has begun to turn its attention to non-standard forms of employment such as self-employment, gig work, and part-time work⁵, the relocation of office work into the home has yet to receive much critical attention.⁶ This stands in stark contrast to a rapidly growing body of empirical work on the topic.⁷ This paper counters this trend by considering how working from home intersects with gender justice.

By ‘working from home’, I refer to paid work that occurs within one’s place of residence (‘home’) using digital technology.⁸ This paper is concerned with the *choice architecture* around working from home, as opposed to whether any given individual should choose to work from home, and in particular a choice architecture where workers have a default entitlement to work from home. Ways in which this entitlement could be instantiated include a legal right to work from home, or individual firms giving their employees the option to work from home.⁹

³ Office for National Statistics, ‘ONS Opinions and Lifestyle Survey, Covid-19 Module, 2020-2023: Secure Access’.

⁴ Barrero et al., ‘The Evolution of Work from Home’.

⁵ Friedemann Bieber and Jakob Moggia, ‘Risk Shifts in the Gig Economy: The Normative Case for an Insurance Scheme against the Effects of Precarious Work*’, *Journal of Political Philosophy* 29, no. 3 (2021): 281–304, <https://doi.org/10.1111/jopp.12233>; Malte Jauch, ‘Greedy Work and the New Gendered Division of Labour’, *Social Theory and Practice*, forthcoming; Jahel Queral, ‘The Goods (and Bads) of Self-Employment’, *Journal of Political Philosophy* 31, no. 3 (2023): 271–93, <https://doi.org/10.1111/jopp.12287>.

⁶ The only exceptions to this that I am aware of are Herzog, ‘Bodies at Work: The Normative Dimensions of the Geography of Work’ and Parr, ‘Towards a Legal Right to Work from Home’.

⁷ For a range of studies on the topic, see WFH Research Team, ‘WFH Research and the Survey of Working Arrangements and Attitudes’, accessed 9 September 2024, <https://wfhresearch.com/research-and-policy/>.

⁸ Only jobs that can be done outside of a designated physical space are compatible with working from home; for a classification of remote-compatible jobs, see Jonathan I. Dingel and Brent Neiman, ‘How Many Jobs Can Be Done at Home?’, *Journal of Public Economics* 189 (September 2020): 104235, <https://doi.org/10.1016/j.jpubeco.2020.104235>.

⁹ These options may not be equally desirable. According to the economist Jill Rubery, “flexible working arrangements trap women into working for the employer with whom they have

Should employees in jobs that are compatible with working outside of a designated physical space have a default entitlement to work from home? There are many potentially relevant considerations, from workers' autonomy to firms' profitability.¹⁰ This paper homes in on one important consideration: gender justice. The question of whether employees should have a default entitlement to work from home is particularly interesting to consider from a feminist perspective.¹¹ As I will show, reasons of gender justice pull in opposing directions on this issue. Extrapolating from current empirical trends, we can reasonably predict that a default employee entitlement to work from home would improve the employment prospects of women with significant caregiving responsibilities; however, this is likely to come at the expense of disproportionately harming the career progression of women in white collar jobs and exacerbating the gendered division of labour in heterosexual couples. Given this, it is not obvious whether a default employee entitlement to work from home would advance or set back gender justice. I will consider both principled and pragmatic ways to resolve this dilemma and conclude that feminists should endorse the policy on pragmatic grounds: namely, that it would be more feasible to use other policy levers to address the detrimental effects of a default entitlement to work from home than to enable more women with caregiving responsibilities to enter the labour force.

The paper proceeds as follows. In §2, I draw on recent empirical evidence to make four predictions about the gendered effects of a default employee entitlement to work from home.

negotiated a reasonable working arrangement. They cannot, if you like, port that right to another employer.” Jill Rubery, ‘Oral Evidence: Unequal Impact? Coronavirus and the Gendered Economic Impact, HC 385. In: House of Commons Women and Equalities Select Committee.’, 2020.

¹⁰ For an overview of several important considerations, see Herzog, ‘Bodies at Work: The Normative Dimensions of the Geography of Work’.

¹¹ For simplicity, I assume that feminists should support a policy if it promotes gender justice. For those who regard feminism as a thicker project whose commitments extend beyond the promotion of gender justice, there will remain a further question as to whether feminists should endorse a default entitlement to work from home *all-things-considered*.

In §3, I present the feminist case for a default employee entitlement to work from home: such a policy is likely to significantly improve caregivers’ employment prospects, who are predominantly women. In §§4-5, I identify and evaluate two feminist arguments against a default employee entitlement to work from home. According to what I call the *Career Disadvantage Argument*, a default entitlement to work from home will result in women unjustly suffering from career penalties. Despite this argument being endorsed by several social scientists¹², I argue that this argument is largely unconvincing – with the exception that we should be concerned if a default entitlement to work from home hinders the career prospects of working professional women who do *not* choose to work from home. According to what I term the *Second Shift Argument*, a default entitlement to work from home will exacerbate the gender-unjust social practice whereby women in heterosexual couples tend to do most of the unpaid domestic labour on top of their paid job. In §6, I show that this dilemma is structurally analogous to feminist debates over a universal basic income and exploit this observation to resolve the dilemma; I suggest that a reasonable way to balance these competing considerations is for feminists to support a default entitlement to work from home subject to certain restrictions. §7 considers possible policy implications of my analysis, and §8 concludes.

2. Empirical Predictions

To motivate the philosophical problem, I begin by reviewing the empirical literature on working from home. I outline four empirical trends concerning working from home that I draw

¹² For instance, see Heejung Chung, *The Flexibility Paradox: Why Flexible Working Leads to (Self-)Exploitation* (Bristol University Press, 2022), 174, <https://doi.org/10.46692/9781447354796>; Claudia Goldin, ‘Understanding the Economic Impact of COVID-19 on Women’, Working Paper no. 29974, Working Paper Series (National Bureau of Economic Research, April 2022), 27, <https://doi.org/10.3386/w29974>; Mark Sweney, ‘Women Working from Home Risk Being Caught in a “She-Cession”’, *Business, The Guardian*, 12 November 2021, <https://www.theguardian.com/money/2021/nov/12/women-working-from-home-risk-being-caught-in-a-she-cession>.

from the sociological literature. Extrapolating from these trends, I make four empirical predictions about the potential gendered consequences of a default employee entitlement to work from home. Taken together, these four empirical predictions present feminists with a dilemma about whether to endorse a default employee entitlement to work from home, a question which I take up in the remainder of the paper.

First, the ability to work from home tends to improve the labour market outcomes of mothers with young children.¹³ One of the primary causes of the gender pay gap is that women often reduce their working hours or drop out of the labour market altogether after childbirth.¹⁴ As the economist Claudia Goldin put it in her Nobel lecture, “the weight of the evidence is that the earnings of women plummet with the event of a birth and do not recover. Furthermore, most of the change comes from a reduction in hours of work.”¹⁵ Women are much less likely to reduce their working hours or change jobs post-childbirth if they can work from home. A UK study found that women with access to working from home were 20 percentage points less

¹³ I focus here on mothers with young children since this is the demographic that empirical studies tend to focus on. However, it is plausible that the ability to work from home tends to improve the labour market outcomes of *caregivers* in general – a broader category which encompasses both men and women, as well as caregiving responsibilities other than childcare such as looking after elderly parents or people with disabilities.

¹⁴ Nikolay Angelov et al., ‘Parenthood and the Gender Gap in Pay’, *Journal of Labor Economics* 34, no. 3 (2016): 545–79, <https://doi.org/10.1086/684851>; Patricia Cortés and Jessica Pan, ‘Children and the Remaining Gender Gaps in the Labor Market’, *Journal of Economic Literature* 61, no. 4 (2023): 1359–409, <https://doi.org/10.1257/jel.20221549>; Claudia Goldin et al., ‘The Parental Pay Gap over the Life Cycle: Children, Jobs, and Labor Supply’, *Journal of Economic Dynamics and Control*, 4 September 2024, 104963, <https://doi.org/10.1016/j.jedc.2024.104963>; Henrik Kleven et al., ‘Children and Gender Inequality: Evidence from Denmark’, *American Economic Journal: Applied Economics* 11, no. 4 (2019): 181–209, <https://doi.org/10.1257/app.20180010>. For example, Cortés and Pan find that “more than two-thirds of the overall gender earnings gap can be accounted for by the differential impacts of children on women and men.” Cortés and Pan, ‘Children and the Remaining Gender Gaps in the Labor Market’, 1359.

¹⁵ Claudia Goldin, ‘Nobel Lecture: An Evolving Economic Force’, *American Economic Review* 114, no. 6 (2024): 1530–31, <https://doi.org/10.1257/aer.114.6.1515>.

likely to reduce their working hours after childbirth than women without such access¹⁶, while a recent US study found that a 10% increase in working from home was associated with a 1% increase in employment among college-educated mothers.¹⁷ As a result, the ability to work from home also has the potential to lessen the gender pay gap at a population level. For example, a recent study across several South American countries found that when women work from home, the motherhood penalty drops significantly from 17% to 13%.¹⁸ Based on this, we can reasonably predict that if there were a default employee entitlement to work from home, mothers with young children would enjoy greater and more lucrative employment prospects. Caregiving must be done somehow; if working from home is not a viable option, then it becomes more difficult to combine caregiving with paid employment.

Nevertheless, not all mothers with young children will benefit from a default entitlement to work from home. Instead, the employment benefits will be confined to women with young children who do jobs that are compatible with working from home. Within this category, those who will benefit most are those who need to work in a paid job to support their living costs and cannot outsource their caregiving responsibilities by (say) paying for daycare or asking a family member to help out. The benefits to caregivers of a default employee entitlement to work from home will vary across countries depending on factors such as the affordability of childcare,

¹⁶ Chung and van der Horst, 'Women's Employment Patterns after Childbirth and the Perceived Access to and Use of Flexitime and Teleworking', 60.

¹⁷ Harrington and Kahn, 'Has the Rise of Work from Home Reduced the Motherhood Penalty in the Labor Market?'

¹⁸ Zarate, 'Remote Work and Child Penalties'. This finding is also supported by a Canadian study which found that working from home reduced the pay gap associated with motherhood by roughly 4 percentage points. Sylvia Fuller and C. Elizabeth Hirsh, "'Family-Friendly' Jobs and Motherhood Pay Penalties: The Impact of Flexible Work Arrangements Across the Educational Spectrum', *Work and Occupations* 46, no. 1 (2019): 24, <https://doi.org/10.1177/0730888418771116>.

average commuting times, and personal prep times; for example, the benefits will likely be greater in countries with higher childcare costs and less state-provided childcare.

A second empirical trend is that women with young children appear to have a significantly stronger preference to work from home than men with young children.¹⁹ One study found that among US college graduates with young children, women wanted to work from home full-time 40% more than men.²⁰ From this trend, it is reasonable to extrapolate that if there were a default entitlement to working from home, then within a given firm, female employees with young children would tend to work from home at a higher rate than male employees with young children.

Third, empirical evidence suggests that employees who work from home tend to fare worse in terms of their career advancement relative to their in-person colleagues. In a randomised control trial, employees who worked from home were 50% less likely to get promoted than their in-person colleagues.²¹ Another study found that earnings growth was significantly lower for employees who worked overtime from home compared to employees who worked overtime in the office.²² One possible reason for this wage penalty is the importance of face time in the workplace for signalling one's productivity.²³ Interestingly, wage differentials between home-working and in-office colleagues are concentrated among college-educated employees in high status jobs, perhaps because face time is viewed as particularly important in such jobs.²⁴ Based

¹⁹ Barrero et al., 'Why Working From Home Will Stick'; Mas and Pallais, 'Valuing Alternative Work Arrangements', 3753.

²⁰ Barrero et al., 'Why Working From Home Will Stick', fig. A.3.

²¹ Bloom et al., 'Does Working from Home Work?' This trial took place between 2010-12; it is yet to be shown whether and to what extent the career penalty from working from home has changed as the arrangement has become more commonplace.

²² Glass and Noonan, 'Telecommuting and Earnings Trajectories Among American Women and Men 1989–2008'. Given the age of this study, we should be cautious about extrapolating too much from it alone.

²³ Cristea and Leonardi, 'Get Noticed and Die Trying'.

²⁴ Fuller and Hirsh, "Family-Friendly" Jobs and Motherhood Pay Penalties', 31.

on the empirical evidence, we can reasonably predict that a default entitlement to work from home would set back the career progression and reduce the relative lifetime earnings of employees who work from home relative to their in-person colleagues.

Fourthly, working from home is associated with a more traditional gendered division of labour.²⁵ More specifically, it is associated with an exacerbation of the *second shift*, a social practice whereby women in heterosexual households do a disproportionate amount of domestic labour on top of a full-time paid job.²⁶ Among heterosexual couples, women who work from home tend to do significantly more domestic labour than otherwise, while this is not true of men who work from home.²⁷ A recent German study found that mothers spend on average three hours longer on childcare as well as one hour longer on paid work when working from home, while fathers who work from home spend on average three hours longer on paid work without increasing the time spent on childcare.²⁸ Similarly, a US study found that working from home increased parent-child interactions for mothers but not for fathers.²⁹ Finally, a study in Poland found that women who worked from home increased the total amount of time spent doing paid

²⁵ Heejung Chung and Cara Booker, 'Flexible Working and the Division of Housework and Childcare: Examining Divisions across Arrangement and Occupational Lines', *Work, Employment and Society* 37, no. 1 (2023): 236–56, <https://doi.org/10.1177/09500170221096586>; Margo Hilbrecht et al., 'Remixing Work, Family and Leisure: Teleworkers' Experiences of Everyday Life', *New Technology, Work and Employment* 28, no. 2 (2013): 130–44, <https://doi.org/10.1111/ntwe.12010>; Kim, 'Workplace Flexibility and Parent–Child Interactions Among Working Parents in the U.S.'; Kurowska, 'Gendered Effects of Home-Based Work on Parents' Capability to Balance Work with Non-Work'; Lott, *Weniger Arbeit, mehr Freizeit?*; Sullivan and Lewis, 'Home-Based Telework, Gender, and the Synchronization of Work and Family'; Senhu Wang and Cheng Cheng, 'Opportunity or Exploitation? A Longitudinal Dyadic Analysis of Flexible Working Arrangements and Gender Household Labor Inequality', *Social Forces* 102, no. 4 (2024): 1446–66, <https://doi.org/10.1093/sf/soad125>.

²⁶ Arlie Russell Hochschild, *The Second Shift*, with Anne Machung (Avon Books, 1990).

²⁷ Wang and Cheng, 'Opportunity or Exploitation?'

²⁸ Lott, *Weniger Arbeit, mehr Freizeit?*

²⁹ Kim, 'Workplace Flexibility and Parent–Child Interactions Among Working Parents in the U.S.'

and domestic work, while men who worked from home enjoyed more free time.³⁰ Based on these trends, I predict that if there were a default employee entitlement to work from home, this would result in an exacerbation of the second shift within heterosexual households.

However, it is important not to overgeneralise from these findings. How working from home affects the division of domestic labour within a given heterosexual couple depends on various factors including background gender norms, the employment status of one's partner, and one's motivation to work from home. That same study from Poland found that working from home did not tend to reinforce traditional gender norms in Sweden, which the author attributes to the fact that Sweden is a more gender-egalitarian society.³¹ Another study found that while working from home is associated with men doing less routine housework when their partner does not work full-time, it is associated with men doing *more* routine housework when their partner does work full-time.³² Thus, a default employee entitlement to work from home would not necessarily exacerbate the second shift – whether this occurs plausibly depends on other contingent factors.

Table 1 gives an overview of the empirical evidence that I draw on (see first column) to predict what is likely to occur if there were a default employee entitlement to work from home (see second column), and how these predictions underpin the normative arguments I make in the rest of the article (see third column).

<i>Evidence</i>	<i>Prediction</i>	<i>Normative relevance</i>
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³⁰ Kurowska, 'Gendered Effects of Home-Based Work on Parents' Capability to Balance Work with Non-Work'.

³¹ Kurowska, 'Gendered Effects of Home-Based Work on Parents' Capability to Balance Work with Non-Work'.

³² Daniel L. Carlson et al., 'Flexplace Work and Partnered Fathers' Time in Housework and Childcare', *Men and Masculinities* 24, no. 4 (2021): 547–70, <https://doi.org/10.1177/1097184X211014929>.

The ability to work from home tends to improve the labour market outcomes of women with young children.	Women with significant caregiving responsibilities would enjoy greater and more lucrative employment prospects.	The Feminist Case for Working from Home (§3)
Women with young children on average have a stronger preference to work from home than men with young children.	In a given firm, women with young children would work from home at a higher rate than men with young children.	Career Disadvantage Argument (§4)
Employees who work from home tend to fare worse in terms of their career advancement than their in-person colleagues.	Employees who work from home would fare worse in terms of their career advancement than their in-person colleagues.	
In societies with strong gender norms, women who work from home tend to do more domestic labour than they would otherwise, but the same is not true for men.	In societies with strong gender norms, there would be an exacerbation of the second shift within heterosexual couples.	Second Shift Argument (§5)

Table 1

The empirical picture that emerges is that a default employee entitlement to work from home would tend to improve the employment prospects of women with young children across society writ-large, but at the expense of increasing the gender gap in career advancement and earnings within firms and exacerbating the second shift in the home. This tension has been observed by sociologists, who remark that working from home “may both increase opportunities for

flexibility, and in doing so also contribute to and perpetuate the disadvantage of women”³³, and thereby “function as a double-edged sword that allows mothers to engage in both work and caregiving activities but also that intensifies traditional gender roles at home.”³⁴ This presents a dilemma for feminists over whether a default employee entitlement to work from home would help or hinder gender justice all-things-considered. The remainder of this paper is concerned with this question.

3. The Feminist Case for Working from Home

Flexible working – by which I mean any working arrangement that gives workers some degree of control over where or when they work, of which working from home is one example – has long been a demand of feminists and is often touted as a means to promote gender justice.³⁵ One reason for this is that the ability to work flexibly tends to reduce the disadvantage faced by caregivers in contemporary capitalist economies, who are disproportionately women. A feminist argument for a default employee entitlement to work from home along these lines can be put as follows:

Premise 1 Caregivers in contemporary capitalist economies tend to be disadvantaged.

Premise 2 Caregivers are disproportionately women.

Premise 3 A default entitlement to work from home would reduce the disadvantages faced by caregivers.

³³ Sullivan and Lewis, ‘Home-Based Telework, Gender, and the Synchronization of Work and Family’, 139.

³⁴ Kim, ‘Workplace Flexibility and Parent–Child Interactions Among Working Parents in the U.S.’, 450.

³⁵ For an overview, see Sarah Stoller, ‘How Did Flexible Work Turn from a Feminist Ideal to a Trap? | Aeon Essays’, *Aeon*, 21 July 2020, <https://aeon.co/essays/how-did-flexible-work-turn-from-a-feminist-ideal-to-a-trap>.

Conclusion A default entitlement to work from home would reduce the disadvantages disproportionately faced by women.

Given the current setup of contemporary capitalist economies, paid employment is a primary means to access certain valuable goods. These goods include being less economically dependent on (and thus vulnerable to being exploited by) a partner, social recognition, and a sense of community.³⁶ As noted earlier, empirical studies show that people with caregiving responsibilities tend to have considerably fewer employment opportunities than those without, with many excluded from the labour market or only having the option of doing low-paid part-time work.³⁷ It follows that caregivers tend to have fewer opportunities to access certain valuable goods and are disadvantaged as a result. Combined with the empirical fact that caregivers across the world are disproportionately women³⁸, this disadvantage is disproportionately faced by women.

Under a choice architecture where workers have a default entitlement to work from home, caregivers would have greater and more lucrative employment prospects³⁹; this would lessen caregivers' disadvantage by reducing their economic dependency on family members,

³⁶ For an account of the non-monetary goods that individuals may derive from doing paid work, see Gheaus and Herzog, 'The Goods of Work (Other Than Money!)'. This is not to deny that there are also many harms associated with paid employment. As bell hooks rightly noted, the view that paid employment is essential for women's liberation, espoused by middle-class white feminists such as Betty Friedan, ignores the experiences of many working-class women for whom "work was neither personally fulfilling nor liberatory – that it was for the most part exploitative and dehumanizing." bell hooks, *Feminist Theory: From Margin to Center*, Second edition. (Pluto, 2000), 97.

³⁷ Alan Manning and Barbara Petrongolo, 'The Part-Time Pay Penalty for Women in Britain', *The Economic Journal* 118, no. 526 (2008): F28–51, <https://doi.org/10.1111/j.1468-0297.2007.02115.x>; Angelov et al., 'Parenthood and the Gender Gap in Pay'; Kleven et al., 'Children and Gender Inequality'; Goldin et al., 'The Parental Pay Gap over the Life Cycle'.

³⁸ Oxfam International, 'Not All Gaps Are Created Equal: The True Value of Care Work', *Oxfam International*, 25 May 2022, <https://www.oxfam.org/en/not-all-gaps-are-created-equal-true-value-care-work>.

³⁹ For preliminary support for this prediction, see Harrington and Kahn, 'Has the Rise of Work from Home Reduced the Motherhood Penalty in the Labor Market?'

increasing their social status, and bolstering their bargaining power. This is particularly so if paired with flexitime, since this combination would enable caregivers to do paid work in parts of the day which are less intensive from a caring perspective. Note that the *default* aspect of the policy is important: in many countries, working from home is a niche job perk available at a small number of firms and which can only be requested after having worked at a company for a considerable length of time; the result of this is to restrict the number of job opportunities available to caregivers as well as to undermine the bargaining power of caregivers who are in home-working jobs out of a need to care for a family member.

It follows from these three premises that a default entitlement to work from home would reduce the disadvantage disproportionately faced by women.⁴⁰ If a central aim of gender justice is to lessen disadvantages disproportionately faced by women, then feminists have a *pro tanto* reason to endorse default entitlement to work from home. Nevertheless, there may be reasons of gender justice to be concerned by a choice architecture that gives workers a default entitlement to work from home. In Sections 4 and 5, I outline and evaluate two such reasons: that it would unjustly disadvantage women with caregiving responsibilities relative to their in-person male colleagues, and that it would stabilise a gender-unjust social practice (namely, the second shift).

4. The Career Disadvantage Argument

While working from home has occurred at low levels since the 1980s, it is only since the COVID-19 pandemic that many firms have allowed their employees to work from home. In effect, a new choice has been created. On the face of it, the option to work from home benefits

⁴⁰ I am not claiming that one should unconditionally support women's participation in the workforce on this basis – indeed, acknowledging that paid employment is a primary means to access certain valuable goods is compatible with opposing work-centric societies and believing that the difficulty in accessing valuable goods such as social recognition outside of the workplace is itself a function of injustice.

all workers by giving them more autonomy over the location of their work. However, while it is commonly assumed that more choice is better than less, this is not always the case. One reason for this is that the very existence of a choice can create a new axis of disadvantage.⁴¹ For example, following the invention of the stiletto high heel shoe in 1950, many women faced new social costs if they did *not* wear the shoe since they would now be perceived as unattractive; as a result, many women chose to wear stiletto high heels, despite this causing them painful foot conditions.

Several economists and sociologists have cautioned that the option to work from home will lead to the emergence of “two tracks” or a “two-tiered system where women with care demands and other disadvantaged workers end up working from home while other workers go back to the office.”⁴² Call this the Career Disadvantage Argument. In a recent paper, Lisa Herzog sketches a version of this argument:

“The opportunity to work from home might be used more frequently by individuals who are in some way disadvantaged, e.g., because they carry high burdens of care work or because they have longer commutes. This could lead to career disadvantages for these groups. If, for example, single young men continue to work in the office five days a week, while working mothers choose more frequently to work from home, this could lead to an imbalance: attractive projects, promotions, etc. might go more frequently to those who are present more often.”⁴³

⁴¹ As Gerald Dworkin puts it, “the fact that one has new possibilities for choice opens the possibility of social and legal sanctions being brought to bear on the maker of that choice.” See Gerald Dworkin, ‘Is More Choice Better Than Less?’, *Midwest Studies in Philosophy* 7, no. 1 (1982): 51, <https://doi.org/10.1111/j.1475-4975.1982.tb00083.x>.

⁴² Sweney, ‘Women Working from Home Risk Being Caught in a “She-Cession”’; Chung, *The Flexibility Paradox*, 174.

⁴³ Herzog, ‘Bodies at Work: The Normative Dimensions of the Geography of Work’, 67.

To avoid the resulting “diversity crisis”, Nicholas Bloom has concluded that employers should not give workers any choice about which days they work from home.⁴⁴

4.1 Reconstructing the Argument

It is not immediately obvious what would be morally objectionable if a certain group of people were to disproportionately take up a flexible working arrangement, provided that they were fully informed about the consequences of doing so. To illustrate, consider two types of employees – careerists and leisure-lovers – who are all given the option to work from home, and are all aware that working from home is likely to harm their career progression within the firm. The careerists prioritise career advancement and decide to work in-person to increase their chance of promotion, while the leisure-lovers prioritise their free time and decide to work from home to avoid a lengthy commute. After six months, the careerists are promoted, while the leisure-lovers are not. Intuitively, this difference is not unjust, since it is the result of the careerists’ and leisure lovers’ voluntary choices. It is along similar lines that Brian Barry has argued that there would be no injustice if “women were as highly qualified as men but disproportionately chose to devote their lives to activities incompatible with reaching the top of a large corporation”.⁴⁵ Thus, even if we accept that employees who work from home face worse career prospects as a result of their choice to work from home, and that a certain group of employees are more likely to make this choice than others, it does not immediately follow from this that the outcome is unjust.

To motivate the idea that there is something amiss when *women with significant caregiving responsibilities* disproportionately choose to take a hit to their careers by working from home,

⁴⁴ Nicholas Bloom, ‘Don’t Let Employees Pick Their WFH Days’, *Managing People*, *Harvard Business Review*, 25 May 2021, <https://hbr.org/2021/05/dont-let-employees-pick-their-wfh-days>.

⁴⁵ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Harvard University Press, 2002), 93.

it is important to emphasise the role that social norms may play in influencing this choice.⁴⁶ In heterosexual couples with young children, gender norms tend to direct men and women towards breadwinning and caregiving roles respectively. Clare Chambers argues that the outcome of an individual's choice is unjust if the individual is *influenced* to make a choice that *disadvantages* them.⁴⁷ Chambers gives the example of female genital cosmetic surgery (FGCS); according to Chambers, women face significant pressure to undergo FGCS (for instance, as a result of pornographic images) and are disadvantaged as a result (for instance, due to the pain of the surgery and its financial cost).⁴⁸ Applied to the choice to work from home, the thought would be that women with young children face social pressure to work from home to meet caring responsibilities and are disadvantaged as a result; as a result, the career penalties faced by these women are unjust. With this in mind, the Career Disadvantage Argument can be reconstructed as follows:

Premise 1 If (i) there is a higher level of social pressure for some social group X compared to some social group Y to ϕ , and (ii) ϕ -ing routinely disadvantages those who ϕ , then the resulting inequality between members of group X who ϕ and members of group Y who do not ϕ is unjust.

Premise 2 There is a higher level of social pressure on women with young children than men with young children to work from home.

⁴⁶ To simplify the following discussion, I will henceforth focus on childcare responsibilities. However, the Career Disadvantage Argument can be extended to encompass other kinds of caregiving responsibilities.

⁴⁷ Clare Chambers, *Sex, Culture, and Justice: The Limits of Choice* (Penn State Press, 2008), 118, 120.

⁴⁸ Clare Chambers, 'Choice and Female Genital Cosmetic Surgery', in *Female Genital Cosmetic Surgery: Solution to What Problem?*, ed. Lih-Mei Liao and Sarah M. Creighton (Cambridge University Press, 2019), <https://doi.org/10.1017/9781108394673.008>.

Premise 3 Working from home routinely disadvantages those who do it relative to their in-person colleagues.

Conclusion The disadvantage faced by women with young children who work from home relative to their male colleagues with young children is unjust.

For present purposes, I grant Premise 1 and instead subject Premise 2 (the ‘Influence Premise’) and Premise 3 (the ‘Disadvantage Premise’) to critical scrutiny, as well as Bloom’s suggested policy implications.

4.2 Influence Premise

Let’s start by considering the *Influence Premise*:

There is a higher level of social pressure on women with young children than men with young children to work from home.

In countries like the US, parents of young children typically face three options when it comes to balancing work and caring responsibilities.⁴⁹ First, both parents can work full time and pay an exorbitant amount for childcare. Second, one parent can work full-time while the other parent stays at home for at least part of the time to look after the child. Third, one parent can work *in person* full time while the other works *from home* and looks after the child. For many couples, this third option is the most financially viable.

When it comes to the question of *who* works from home, the likely answer is that, among heterosexual couples with young children, the woman will do so. One possible explanation is that social norms direct women towards taking on most of the caregiving responsibilities and penalise men who take on primary caregiving responsibilities; this can then feed through into

⁴⁹ I am grateful to an anonymous reviewer for outlining these three options.

social pressure for women in heterosexual couples with young children to work from home.⁵⁰ This social pressure can be subtle – for instance, it could materialise in women typically feeling more guilt than their male counterparts when the dishes are unwashed. On the flipside, many men face stigma if they prioritise their family life over their career; consequently, it is plausible that there is also social pressure on men *not* to work from home.⁵¹ A downstream effect of this is that women with young children are socially influenced to make the choice to work from home while men with young children are not, thus vindicating the Influence Premise.

However, this is not the only possible explanation for why women with young children are likely to work from home more frequently than men with young children. Couples will often decide on financial grounds that the lower earner should take on most of the caregiving responsibilities post-childbirth. In heterosexual couples, the lower-earner is typically the woman – for instance, because men in heterosexual couples tend to be the older partner and so are often at a more advanced stage in their career at the time of childbirth. Thus, it is arguably most rational from a financial point of view for men in heterosexual couples with young children to continue to work in-person while women opt to work from home.⁵² This would suggest that even in the absence of social pressure, women in heterosexual couples with young

⁵⁰ One study found that for many women who work from home, “combining homework and childcare is not a choice but the only way to overcome the high cost and low availability of childcare.” Sullivan and Lewis, ‘Home-Based Telework, Gender, and the Synchronization of Work and Family’, 125.

⁵¹ Thanks to an anonymous reviewer for raising this possibility.

⁵² I am grateful to an anonymous reviewer for raising this. While I will not pursue this line of argument, the very fact that it is financially rational for the lower earner in a heterosexual couple, who is typically a woman, to prioritise caregiving responsibilities over career advancement could itself be seen as unjust – for the backward looking reason that men tend to be the older partner due to the eroticisation of hierarchy under patriarchy, or the forward looking reason that this decision procedure results in women being systematically economically disadvantaged. Thanks to Rachel Fraser for these suggestions.

children would be more likely than men in heterosexual couples with young children to work from home.

This observation by itself does not undermine the Influence Premise as currently specified, which simply holds that there is a higher level of social pressure on women than men in heterosexual relationships with young children to work from home. However, insofar as the outcome of a disadvantageous choice should be regarded as unjust only if the choice was made *as a result* of social pressure (rather than simply *in the presence of* social pressure), then we should revise the Influence and Injustice Premises to require that the choice is caused by the existence of social pressure to make that choice; if we were to revise the premises in this way, then the fact that some women with young children disproportionately choose to work from home for purely financial reasons would imply that there is nothing unjust about the resulting career disadvantage for these women.

4.3 Disadvantage Premise

Let's now turn to the *Disadvantage Premise*:

Working from home routinely disadvantages those who do it relative to their in-person colleagues.

Recall from Section 2 that empirical evidence suggests that employees who work from home fare worse in terms of career advancement and earnings growth than their in-person colleagues. This translates into reduced purchasing power and less financial independence, both of which are disadvantageous for an individual.

However, it does not immediately follow from this that working from home disadvantages an individual *overall*. This is because there are also clear benefits to working from home, such as avoiding a lengthy commute and spending more time with one's family. Within the category of

women with caregiving responsibilities, the benefits and costs of a default entitlement to work from home would plausibly differ between women who embrace these responsibilities and those who only reluctantly take them on. For women who embrace caregiving responsibilities and only reluctantly work a paid job, a default employee entitlement to work from home is especially likely to be regarded as a net improvement to their lives by enabling them to spend more time caring for others.⁵³ Where the benefits are subjectively experienced by an individual to be greater than the costs of working from home, working from home does not plausibly disadvantage that individual overall.

In response, a defender of the Career Disadvantage Argument might respond that what is relevant here is that individuals are disadvantaged *with respect to their career prospects*, as opposed to in every respect or overall. In light of this, the Disadvantage Premise should be amended to specify that the disadvantage in question is with respect to career prospects. However, this argumentative manoeuvre preserves the plausibility of the argument at the expense of significantly reducing its potential policy implications, as I will now show.

4.4 Policy Implications

Suppose that one grants that the disadvantage faced by women with young children who work from home relative to their in-person male colleagues with young children with respect to their career prospects is unjust. To move from this claim to the conclusion that feminists should oppose choice architectures on which there is a default entitlement to work from home, we would need to supplement the claim with the following:

⁵³ Thanks to an anonymous reviewer for pressing me on this point.

Premise 4 Under a choice architecture where workers have a default entitlement to work from home, women with young children who choose to work from home will be unjustly disadvantaged with respect to their career prospects.

Premise 5 If a choice architecture imposes unjust disadvantages on some group of women, then feminists should oppose it.

Conclusion Therefore, feminists should oppose a default entitlement to work from home.

However, Premise 5 is false, and thus the conclusion does not follow. There are at least two reasons for this. First, as suggested above, it may be that women with young children who work from home are very happy to sacrifice a future promotion so that they can spend more time with their family and hence are not disadvantaged *overall*, even if they are disadvantaged *with respect to* their career prospects. If working from home only disadvantages individuals in one respect (namely, their career prospects), which is then compensated for by the various advantages associated with working from home, then the *pro tanto* unjust disadvantage experienced by women with young children who work from home clearly does not justify feminists opposing a default entitlement to work from home.⁵⁴

Second, choice architecture may disadvantage women with young children unjustly, but *less unjustly* than the alternatives.⁵⁵ As I argued in Section 3, while working from home harms the employment prospects of those who do it relative to their in-person colleagues, it improves their employment prospects *relative to not working at all*. Even if a practice unjustly disadvantages a group, we may still have reasons to defend said practice if the alternative counterfactual would unjustly disadvantage the group *even more*.⁵⁶ Thus, even if it is true that

⁵⁴ Thanks to Stuart White and Thomas Sinclair for pressing me on this point.

⁵⁵ I am grateful to Tom Parr and Rachel Fraser to helping me to formulate this idea.

⁵⁶ Another reason to reject the second premise would be if one believes that working from home benefits an individual *overall*, even if it disadvantages an individual with respect to their

women with young children who choose to work from home are unjustly disadvantaged relative to their in-person male counterparts, it does not follow from this that feminists should oppose a default entitlement to work from home. This is because young women with children would likely fare *even worse* on average in terms of their career prospects in the counterfactual scenario where there is no default entitlement to work from home at all.

Before moving on, it is worth flagging that there is another way in which a default entitlement to work from home could unjustly disadvantage women in terms of their career prospects that is not addressed by these two rejoinders: namely, the policy could have negative third-party effects by harming the career prospects of working professional women who do *not* work from home. For instance, a default entitlement to work from home would plausibly result in fewer women reaching senior positions over time by hindering the career progression of home-working employees, who are likely to be disproportionately women. This could have knock-on impacts on how many women are hired in the future, through mechanisms such as implicit bias in the hiring process and a dearth of female role models.⁵⁷ This career setback would be experienced by working professional women who do *not* choose to work from home, and hence are not compensated by the advantages of working from home, nor better off than they would be in the counterfactual scenario in which working from home is not an available option. Thus, feminists may nevertheless have a *pro tanto* reason to oppose a default entitlement to work from home – not out of concern for the career advancement of women who choose to work from home, but rather those who do not.

5. The Second Shift Argument

career progression – if this is the case, then clearly it does not follow that feminists should oppose a default entitlement to work from home.

⁵⁷ Thanks to Rachel Fraser for suggesting these mechanisms.

A more compelling argument for why feminists should oppose a default employee entitlement to work from home is that such a policy is likely to exacerbate the unjust social practice whereby women with paid jobs also do most of the unpaid domestic work at home ('the second shift'⁵⁸). It is in this vein that sociologists have warned that the ability to work from home "enables women to carry out paid work without reducing their unpaid work hours or intensity" and consequently is a "way of perpetuating the exploitation of women."⁵⁹ This Second Shift Argument can be formulated as follows:

Premise 1 If there were a default employee entitlement to work from home, this would be likely to exacerbate the second shift.

Premise 2 The second shift is a gender-unjust social practice.

Conclusion A default employee entitlement to work from home would be likely to exacerbate a gender-unjust social practice.

As outlined in Section 2, it is reasonable to predict based on existing studies that a default entitlement to work from home would exacerbate the second shift in many heterosexual households, at least in societies with strong gender norms. Given this, I will grant the first premise. Let's instead turn our attention to the second premise. Feminists have offered many compelling reasons to regard the second shift as an instance of gender injustice. Gina Schouten distinguishes between two kinds of justice-based feminist critiques of the gendered division of labour: those grounded in the *unjust distribution* of important social goods that *results* from the gendered division of labour, and those grounded in the *unjust social constraints* that *cause* the

⁵⁸ Hochschild, *The Second Shift*.

⁵⁹ See Chung et al., 'Covid-19, Flexible Working, and Implications for Gender Equality in the United Kingdom', 220; Sullivan and Lewis, 'Home-Based Telework, Gender, and the Synchronization of Work and Family', 124.

gendered division of labour.⁶⁰ Since the second shift is a particularly egregious instantiation of the gendered division of labour, both kinds of critiques are particularly pertinent when applied to it.

First, the second shift involves an unjust distribution of the benefits and burdens of domestic cooperation. In a two-person heterosexual household in which both individuals do full-time paid jobs, the double shifter (usually the woman) takes on more burdens than their partner without any compensation – this by itself is unfair. Moreover, their partner directly benefits from this by enjoying more free time, while the double shifter is deprived of their fair share of free time.⁶¹ As Anca Gheaus puts it,

“In a just society, nobody has to systematically take on more burdens than others – unless they freely choose to *and* are offered proper compensation [...] Even if the double shifters in our example were to take on the excessive burdens voluntarily, the injustice comes from a systematic failure to fully compensate them, or even to offer such compensation.”⁶²

Moving onto the second kind of critique, we might also be concerned that the double shifter’s decision to shoulder most of the domestic labour on top of a paid job was not autonomously chosen, but rather the result of “social norms [that] differentiate between men and women and push them into social roles that might not best suit their interests and temperament.”⁶³

⁶⁰ Gina Schouten, ‘Is the Gendered Division of Labor a Problem of Distribution?’, in *Oxford Studies in Political Philosophy, Volume 2*, ed. David Sobel et al. (Oxford University Press, 2016), <https://doi.org/10.1093/acprof:oso/9780198759621.003.0008>.

⁶¹ For a defence of the view that people are entitled to their fair share of free time, see Rose, *Free Time*.

⁶² Anca Gheaus, ‘Gender Justice’, *Journal of Ethics and Social Philosophy* 6, no. 1 (2011): 5, <https://doi.org/10.26556/jesp.v6i1.60>.

⁶³ Gina Schouten, ‘Does the Gendered Division of Labor Undermine Citizenship?’, in *The Equal Society* (Lexington Books/Fortress Academic, 2015), 301.

According to Schouten, then, the second shift is also objectionable on the grounds that the social norms that generate it are “inimical to comprehensive autonomy.”⁶⁴ Insofar as a default entitlement to work from home would be likely to exacerbate the second shift, we have reasons to be concerned about this as a matter of gender justice.

One might push back that most women are biologically wired to want to spend time more with their children than men; if so (the thought goes), then there is nothing wrong about the fact that a default entitlement to work from home would be likely to result in women, but not men, increasing the amount of time spent on childcare. In response to this, I would make three points. First, I think that we should be very sceptical of arguments that appeal to biological differences between men and women to naturalise women’s role as caregivers, since we lack any robust evidence about how men and women would behave in the absence of gender norms that encourage women to take on this role. Second, the fact that something is natural does not entail that it is right – I argue that it would nevertheless be unjust for women in heterosexual couples to typically do most of the domestic labour on top of a paid job, even if this were the result of genuine preferences rooted in biological differences between sexes. Third, even if one were to concede the point, I would strongly resist the idea that there is any plausible biological explanation for why most women would be inclined to do more housework than men. Yet we see from the evidence that working from home tends to increase the amount of time that women in heterosexual households spend doing routine chores, while the flipside is not true of men.⁶⁵ This indicates that a default entitlement to work from home would plausibly perpetuate gender injustice, *even if* one were to grant that most women have an innately stronger preference than men to care for children.

⁶⁴ Schouten, *Liberalism, Neutrality, and the Gendered Division of Labor*, 202.

⁶⁵ See, for instance, Wang and Cheng, ‘Opportunity or Exploitation?’, tbl. 3.

Thus, we arrive at the conclusion that a default entitlement to work from home would be likely to exacerbate a gender-unjust social practice. To get from this conclusion to the prescriptive judgement that feminists should oppose choice architectures in which there is a default entitlement to work from home, we would need to supplement this conclusion with the following claim:

Premise 3 If a choice architecture will exacerbate a gender-unjust social practice, and it will do so more than the relevant alternatives, then feminists should oppose it.

As I noted in Section 4, it is important that this additional premise is comparative. In this case, it is plausible that a default employee entitlement to work from home would not only exacerbate the second shift but do so to a *greater extent* than if such an entitlement did not exist. However, as it is currently specified, the interpretation of ‘should’ is left ambiguous. While the Second Shift Argument gives feminists a *pro tanto* reason to oppose a default entitlement to work from home, it does not immediately follow that feminists should oppose the choice architecture *all things considered*. This is because there are also countervailing feminist reasons to support a choice architecture whereby employees have a default entitlement to work from home, as argued in Section 3.

6. A Feminist Dilemma

Feminists are thus faced with a dilemma. On the one hand, a default entitlement to work from home would improve the lives of many caregivers by enhancing their employment prospects. On the other hand, such a policy would exacerbate a gender-unjust social practice, namely the second shift, and may also harm the career prospects of working professional women who do not choose to work from home. This tension speaks to the fact that gender justice is a multi-faceted value. Borrowing from Anca Gheaus, gender justice has two aims: (1) to mitigate the disadvantages generated by unjustified gender norms and practices, (2) to eliminate unjustified

gender norms and practices.⁶⁶ These aims come into conflict with one another in the case of a default entitlement to work from home because it would mitigate the disadvantages suffered by female caregivers (generated by unjustified gender norms), but at the expense of exacerbating the second shift and potentially creating a new glass ceiling (unjustified gender practices).

In this respect, there is a structural similarity with feminist debates over a universal basic income (UBI). This is because a UBI is predicted to lessen the economic dependence of caregivers on their partners but at the expense of exacerbating the gendered division of labour. To help resolve this dilemma, then, one natural place to turn is to the argumentative strategies used in the feminist UBI debate. Gina Schouten writes that we can adjudicate between policy proposals based on “the relative *moral* importance of distinct policy aims” or “on strategic grounds.”⁶⁷ More broadly, we can say that policy dilemmas of this kind can be resolved on principled or pragmatic grounds. Principled considerations could include determining whose interests should be prioritised or which harm is weightier, while a pragmatic consideration could involve establishing that there are mitigating policies available for only one policy option.

Let’s start by considering principled considerations. To resolve the feminist UBI debate, Gheaus asks which injustice feminists should care more about. Appealing to the intuitive principle that we should prioritise the lives of the most marginalised women in society⁶⁸, Gheaus identifies the worst-off women impacted by a UBI as caregivers, whose lives would be

⁶⁶ Anca Gheaus, ‘Ordeals, Women and Gender Justice’, *Economics and Philosophy* 37, no. 1 (2021): 8–22, <https://doi.org/10.1017/s0266267120000280>.

⁶⁷ Gina Schouten, *The Anatomy of Justice: On the Shape, Substance, and Power of Liberal Egalitarianism*, First edition., Oxford Scholarship Online (University Press, 2024), 121, <https://doi.org/10.1093/9780191999772.001.0001>.

⁶⁸ Gheaus contends that it is “highly plausible that the interests of the worst-off ought to be given priority.” Gheaus, ‘The Feminist Argument Against Supporting Care’, 2.

improved by its introduction; on this basis, she argues that feminists should endorse a UBI.⁶⁹ At first glance, this reasoning lends support to a default entitlement to work from home: some of the women who stand to benefit most from the policy are those with significant caregiving responsibilities who cannot afford to pay for childcare nor stay at home full-time, who are plausibly disadvantaged members of society. By contrast, career-ambitious professional women who do not work from home, and whose career progression may be hindered by a default entitlement to work from home, are already relatively well-off members of society.

However, there are reasons to be sceptical about using this strategy to resolve the feminist dilemma regarding whether to endorse a default employee entitlement to work from home. Firstly, when we dig deeper, it is not clear who are the worst-off women who would be impacted by a default entitlement to work from home. This is because there may also be other women who do not work from home who are harmed by a default entitlement to work from home: think of a female cleaner who is now under constant surveillance by her boss who works from home, or a housewife who suffers from more domestic abuse by her partner who is now around the apartment more often. Given this, it is by no means obvious how to apply the prioritarian principle. Secondly, I am doubtful that simply appealing to the ‘worst off’ is sufficient to resolve the dilemma. For one thing, some of the biggest beneficiaries of a default entitlement to work from home (namely, women with significant caregiving responsibilities) are the *very same women* who will also end up doing more domestic labour at home as a result. Moreover, I argue that which way the argumentative balance tips should partly depend on contingent empirical matters. For instance, if it turned out that instantiating a default entitlement to work from home significantly exacerbated the second shift and only marginally improved caregivers’

⁶⁹ Gheaus, ‘The Feminist Argument Against Supporting Care’.

employment prospects, then it is plausible that on balance feminists should oppose such a policy.

In my view, the feminist dilemma is best resolved on pragmatic grounds. Turning to pragmatic considerations, it is plausible that whichever injustice is easier to ameliorate using other measures should be the one that ‘gives’ when it comes to whether there should be a default entitlement to work from home. I would posit that it is more feasible to prevent the exacerbation of the second shift than to improve the employment opportunities of caregivers by using policy levers aside from a default entitlement to work from home.⁷⁰ In the absence of flexible working policies such as working from home, lessening the disadvantage faced by caregivers would likely require the radical restructuring of society or very expensive measures such as a UBI.⁷¹ By contrast, there are ways to implement a default employee entitlement to work from home that would minimise the extent to which it would exacerbate the second shift, as I will discuss below. Given this, the most appropriate response to concerns over exacerbating the second shift is not to deny people the option of working from home, but to encourage people to use this option in a gender egalitarian way. In a similar vein, I argue that opposing a default entitlement to work from home is not the most appropriate response to the potential harmful third-party effects outlined above, since it fails to address the root cause of (say) the low pay of cleaners or high rates of domestic violence. Likewise, for readers who are convinced by the Career Disadvantage Argument, policymakers should not take the career disadvantage faced by home-working employees as a given – to the extent that their career setbacks are the result of unjustified social stigma and bias rather than productivity losses, a more appropriate solution

⁷⁰ Thanks to Rachel Fraser for this suggestion.

⁷¹ For instance, when contrasting flexible working with other moderate policy measures, Joshua Preiss notes that “given current sources of gender inequality, increasing employment flexibility would likely make a much greater impact in the United States than legislation that treats the issue as one of wage or employment discrimination.” Joshua Preiss, *Just Work for All: The American Dream in the 21st Century*, 1st ed. (Routledge, 2021), 116.

would be for the state to more rigorously enforce anti-discrimination law, rather than to deny employees the choice of working from home. This would also address concerns over career setbacks to working professional women who do *not* work from home. Thus, I argue that a reasonable balancing of these competing considerations would give workers a default entitlement to work from home (enacted, for example, through a legal right to work from home), subject to certain restrictions or in combination with other policies that mitigate its unfavourable consequences.

7. Policy Proposals

What policy implications follow from this analysis? We can distinguish between two kinds of proposals. First, a default employee entitlement to work from home could be designed in such a way as to mitigate its detrimental effects. Second, the default entitlement could be implemented as a policy package, whereby it is complemented by other policies that aim at counteracting its negative consequences.

An example of the former would be to make a default employee entitlement to work from home *conditional* on the entitlement being used in a gender egalitarian fashion. In Portugal, for example, parents with children between three and eight-years-old have a legal right to work from home; however, where both partners can do so, they only have this legal right *so long as* each parent exercises this right in consecutive periods of equivalent length, up to a maximum of six months at a time.⁷² At the level of the firm, employers could give their employees the option of working from home, but mandate that men with young children work from home at least one day a week. These restrictions could mitigate the negative effects of a default entitlement to work from home. For instance, the Portuguese-style policy could encourage men

⁷² Código Do Trabalho [Labour Code], Article 166-A, Subsections 3 and 5. (2022), <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2009-34546475>. Note that parents of children under three-years-old have an unconditional legal right to work from home.

in heterosexual couples to do more domestic labour and thereby reduce the extent to which a default entitlement to work from home would exacerbate the gendered division of labour⁷³, while the firm-level policy could reduce the inequality in career and earnings progression between male and female employees with young children.

Of course, gender justice is not the only value that we care about. Even if one accepts that a Portuguese-style legal right to work from home that is made conditional on partners equally splitting up their time spent working from home would be good vis-à-vis gender justice, one might nevertheless oppose the policy on the grounds that it would unjustifiably curtail individuals' freedom. Anca Gheaus and Ingrid Robeyns oppose an analogous parental leave policy on similar grounds, arguing that it "sacrifices too much of the good of individual choice for the sake of advancing [...] gender fairness."⁷⁴ When it comes to the firm-level policy, one might similarly object that the policy is too freedom-restricting, and that it is unacceptably intrusive for employers to know the details of their employees' domestic arrangements. To avoid these concerns, a default entitlement to work from home could instead be implemented alongside measures that aim to reduce the stigma around men with young children taking up this entitlement; for example, the state could mandate that firms report on the gender balance of the uptake of working from home, or firms could internally encourage male employees with young children to take it up. However, the downside of this alternative is that it would likely be less effective at mitigating the downsides of a default entitlement to work from home.

⁷³ One study found that men in heterosexual relationships who work from home tend to increase the amount of domestic labour that they do, so long as their female partner works in-person full-time. Carlson et al., 'Flexplace Work and Partnered Fathers' Time in Housework and Childcare'.

⁷⁴ Anca Gheaus and Ingrid Robeyns, 'Equality-Promoting Parental Leave', *Journal of Social Philosophy* 42, no. 2 (2011): 177, <https://doi.org/10.1111/j.1467-9833.2011.01525.x>.

This takes us neatly to the idea of implementing a policy package. Complementary policies should have at least one of the following two aims: (1) to counteract the negative effects of the default entitlement, and (2) to reduce the size of the negative effects of the default entitlement. To give a simple analogy, the former involves mopping up a spilled drink on the floor, while the latter involves spilling less of one's drink to begin with. An example of a policy that could realise the former aim would be a social media campaign that encourages men to do more domestic labour in their free time. This would counteract the exacerbation of the second shift brought on by a default entitlement to work from home. An example of a policy that could realise the latter aim would be free childcare provision.⁷⁵ If free childcare were readily available, then this would lessen the downsides of a default entitlement to work from home. First, among heterosexual couples in which only one partner works from home, the home-working partner would be less likely to end up spending significantly more time on childcare than their partner. This would lessen the concern captured by the Second Shift Argument that a default entitlement to work from home would end up exacerbating the gendered division of labour. Second, there would be less social pressure on parents (and particularly mothers, given existing gender norms) to work from home for childcare reasons. For readers concerned by the Career Disadvantage Argument, this would reduce its bite insofar as the choice to work from home would be made more autonomously.⁷⁶

8. Conclusion

⁷⁵ I am grateful to Sophie Smith and an anonymous reviewer for prompting me to consider this particular policy package.

⁷⁶ A further benefit is that it would address the concern that an arrangement where a home-working parent looks after their child while doing their paid job is against the interests of the child. While I have argued that a default entitlement to work from home would be an improvement upon the status quo from a caregiver's perspective, I do not regard its use for balancing work and care commitments as ideal from the child's perspective. Thanks to Caleb Althorpe for raising this concern.

One of the biggest upheavals in the world of work in recent years has been the widespread relocation of paid work away from the office and into the home. The rise of working from home has the potential to greatly impact societies' ability to realise many values that we care deeply about. In this paper, I have considered one such value – gender justice – and argued that, on balance, feminists should endorse a default entitlement to work from home on the grounds it would greatly improve the labour market outcomes of working mothers with young children, and particularly those who cannot afford to pay for childcare. This is despite the danger that this policy poses in creating a new 'glass ceiling' and exacerbating the gendered division of labour. I hope to have shown that the former concern is largely misplaced, and the latter is best addressed through other policy measures.

Working from home is of particular interest now as firms increasingly issue 'return to office' mandates to their employees.⁷⁷ Alongside the fact that these mandates limit employees' autonomy and are likely to reduce individuals' wellbeing, I have argued that the weighty normative consideration of *gender justice* speaks against such moves. Insofar as firms are unlikely to take important normative considerations such as gender justice into account when making decisions about flexible working policies, governments should consider intervening directly by introducing a legal right to work from home, alongside measures to counteract its negative effects.

⁷⁷ Nicky Ford and Victoria Cook, 'Could We Be Seeing the End of Working from Home?', London, *BBC News*, 9 January 2025, <https://www.bbc.com/news/articles/c8ew0jrjxz9o>.

4 Must Everyone Do Essential Work?

Abstract

Food, clean water, medical care – these goods are owed to people as a matter of justice. How should their production be organised? This paper argues that the market mechanism is an unfair way to settle the question of how to compensate essential workers, on two grounds. First, essential workers who are privately employed to produce what I call ‘targeted’ essential goods are in principle treated unfairly by individuals who do not purchase these goods. Second, essential workers are very likely to earn a wage that is below the level that they are owed as a matter of fairness, since individuals’ pro tanto moral obligations to partake in the burdens associated with the discharging of a collective obligation are not priced into labour market decisions. In its place, I propose the fair compensation of essential workers via a tax and transfer system.

1. Introduction

Back in 2012, Lucas Stanczyk coined the term “productive justice”. Elaborating on the idea, he wrote that,

“A just society must provide a range of goods — police protection, education, medical care, legal representation, to name only a few. But how should a just society organize production of these goods? To ask this question is to broach the topic of productive justice.”¹

One pertinent question of productive justice asks what should be done when a society faces a shortage of essential workers. To illustrate this problem, Stanczyk gave the example of

¹ Stanczyk, ‘Productive Justice’, 163.

Malawi's healthcare sector: with less than three hundred doctors to serve a population of fifteen million, many sick people were left without access to the medical help that they needed.² In cases such as these, there is a clear tension between respecting individuals' freedom to choose their own occupation and meeting the demands of justice. With these examples in mind, philosophers have asked whether it is permissible for the state to conscript its citizens to do essential work, curb essential workers' ability to emigrate, or prohibit essential workers from striking.³

While these are pressing questions, this paper seeks to move beyond them and consider instances where there are enough (or, at least, not a dire shortage of) essential workers. It would be a mistake to think that questions of productive justice no longer arise in such cases. After all, a just society must not only provide essential goods but organise their production in a just manner. Once the practical problem of ensuring that enough people do essential work has been solved, moral questions remain – for instance, over who should do the work, whether it is fair for some people to do the work on others' behalf, and how much they should be compensated.

In this paper, I ask what it would mean to fairly organise essential work. In contemporary Western societies, the question of who does essential work is largely settled by the market mechanism. This has been defended on the grounds that this is both efficient and satisfies people's preferences. For instance, Brookes Brown has recently put forward an argument along these lines:

“It cannot be that all citizens are bound to work as trash collectors, nurses, stop-light repair technicians. That is not merely impractical, it is impossible. Of course, diverse

² Stanczyk, 'Productive Justice', 144.

³ Cécile Fabre, *Whose Body Is It Anyway? Justice and the Integrity of the Person* (Oxford University Press, 2006), <https://doi.org/10.1093/0199289999.001.0001>; Stanczyk, 'Productive Justice'; Muñoz, 'Essential Services, Workers' Freedom, and Distributive Justice'.

preferences in combination with ordinary market mechanisms can ensure that enough people do many of these acts. I don't need to concern myself with whether there are sufficient cardiac surgeons.”⁴

While it is true that the market mechanism can often solve the practical problem of ensuring that enough people are incentivised to do essential work, I will argue that it should not be trusted to fairly remunerate essential workers. Building on Stanczyk's postulation that there are certain goods and services that every human being is owed as a matter of justice, I mount three key theses. First, we are under a collective obligation to ensure that essential goods and services are produced ('Collective Obligation Thesis'). Second, the burdens associated with discharging a collective obligation owed by agents A and B to ϕ should *pro tanto* be fairly distributed among A and B ('*Pro Tanto* Fairness Thesis'). Third, the burdens associated with discharging a collective obligation owed by A and B to ϕ are fairly distributed among A and B if (i) A and B do their fair share of ϕ ing, or (ii) B fairly compensates A for ϕ ing ('Fair Discharging Thesis'). Under the simplifying assumption that everyone bears a collective obligation to produce essential goods and services, it follows that essential work should *pro tanto* be organised such that either (i) everyone does their fair share of essential work or (ii) non-essential workers fairly compensate essential workers for providing essential goods and services.

Having established this, I turn my attention to the present organisation of essential work in Western societies and put forward two arguments that speak against leaving the remuneration of essential workers to private employers. First, I show that individuals who neither do essential work nor purchase what I call 'targeted' essential goods do not fairly compensate privately employed essential workers who produce these goods ('Necessity Argument'). Potential policies to remedy this unfairness include the public employment of these workers or state

⁴ Brookes Brown, 'Reciprocity Without Compliance', *Philosophy & Public Affairs* 48, no. 4 (2020): 413–14, <https://doi.org/10.1111/papa.12176>.

subsidies to firms that produce these goods. Second, I suggest that essential workers are unlikely to receive a sufficiently high wage to count as fair compensation ('Threshold Argument'). To address this, the state should offer additional compensation to essential workers, for instance by granting these workers a more generous pension or a lower retirement age.

The final section of the paper turns to the question of how society should organise essential work *all-things-considered*. While fairness is a weighty normative consideration, other relevant considerations that bear on this question include efficiency, liberty, and respect for individual preferences. Indeed, one way to construe the existing debate between those who wish to leave the question of who does essential work up to the labour market forces of demand and supply⁵ and those who advocate for conscripting citizens to do essential work⁶ is that the disagreement stems from different weightings being placed on these considerations. I aim to cut through the existing stalemate by showing that compensation-based policy proposals can accommodate the intuitions of fairness that pull us towards conscription without making as significant sacrifices to individuals' liberty, efficiency or preference satisfaction.

The paper's contribution to existing literature is three-fold. First, I show that the market mechanism is not a fair way to settle the question of how to compensate essential workers. Second, I identify important yet overlooked differences between types of essential work which matter for determining how the work should be distributed and who should compensate whom for doing it. Third, I argue that, as a matter of public policy, essential workers ought to receive additional compensation from the state.

2. Collective Obligation Thesis

⁵ Brown, 'Reciprocity Without Compliance'.

⁶ Kandiyali, 'Sharing Burdensome Work'.

“By wide agreement justice requires society to ensure more than merely liberties.”⁷ I take this as my starting point and assume that there are certain goods and services (call them ‘essential goods’) that individuals are owed as a matter of justice.⁸ There are many possible ways to ground this claim which cut across a variety of political traditions – for instance, one could appeal to human rights, the capabilities approach, relational egalitarianism, or Rawlsian political liberalism.⁹

What exact goods are owed, and how much, is subject to debate. At a minimum, I assume that individuals are owed whatever is required to meet their basic needs, such as “food, clean drinking water, housing, education, and healthcare.”¹⁰ Of course, what is considered a ‘basic need’ is itself society-dependent and varies between cultures. To get around this problem, I borrow from Julia Maskivker, who defines essential goods as “goods and services that we would be hard-pressed to forsake without sacrificing something of objective moral importance

⁷ Stanczyk, ‘Productive Justice’, 149.

⁸ If you are unconvinced that essential goods are owed to people as a matter of justice, you can instead read my argument as building on the weaker and highly intuitive claim that these goods are owed to people in virtue of a duty of *beneficence* to prevent unnecessary suffering. The only difference that this weaker reading makes to my overall argument is in the final section; insofar as only duties of *justice* can legitimately be enforced, the weaker reading cannot vindicate my proposal for governments to levy higher taxes on citizens who do not do essential work. Thanks to Rachel Fraser for bringing my attention to the relevance of the grounding of the claim for enforceability.

⁹ For example, Henry Shue argues that humans have “basic rights” which include the right to “unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal preventive public health care.” Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, Fortieth anniversary edition., with Henry Shue, Princeton Scholarship Online (University Press, 2021), 19, 23, <https://doi.org/10.1515/9780691200835>. Meanwhile, Elizabeth Anderson argues that “people are entitled to whatever capabilities are necessary to enable them to avoid or escape entanglement in oppressive social relationships” as well as “to the capabilities necessary for functioning as an equal citizen in a democratic state”, on the grounds that this is needed to function as an equal citizen. Elizabeth S. Anderson, ‘What Is the Point of Equality?’, *Ethics* (Chicago, IL) 109, no. 2 (1999): 316, <https://doi.org/10.1086/233897>. Finally, John Rawls defends a social minimum that “covers at least the basic needs essential to a decent life, and presumably more” on the basis that this is required to “assure that the strains of commitment are not excessive.” John Rawls, *Justice As Fairness: A Restatement*, 1st edn (Harvard University Press, 2001), 130, 128.

¹⁰ Kandiyali, ‘Sharing Burdensome Work’, 144.

– namely, something that we need to have (not just want) so that our life is livable *enough* according to the standards of the historical epoch in which we live.”¹¹ While it is plausible that individuals are owed considerably more than this as a matter of justice¹², I adopt this less demanding category of goods so that my argument is more ecumenical.

Once we grant that there are certain goods whose provision is demanded by justice, we are immediately confronted with the question of *who* should produce these goods – after all, as Jan Kandiyali quips, “these goods are not manna from heaven.”¹³ Who should farm, build housing, supply clean water, maintain sewage systems, care for the sick, educate children and more? Lucas Stanczyk poses the question as follows: “How are the goods whose distribution justice governs to be produced in the first place? By whom, in what quantity, and on what terms?”¹⁴

I assume that if X is owed to some agent A, then there must exist some agent B who has an obligation to provide X to A.¹⁵ Nonetheless, it could be that A and B are identical – if this is the case, then agent A is both owed X and has an obligation to provide themselves with X. In

¹¹ Maskivker, ‘Justice and Contribution’, 343. (Italics in original)

¹² For instance, Cécile Fabre argues that “individuals have rights to the resources they need in order to live a minimally flourishing life”, which “does not merely consist in subsisting” but also in being autonomous; consequently, individuals are owed “a range of opportunities to choose from, and access – time and resources – to some of those opportunities.” Fabre, *Whose Body Is It Anyway?*, 4, 32.

¹³ Kandiyali, ‘Sharing Burdensome Work’, 144.

¹⁴ Stanczyk, ‘Productive Justice’, 144. One might dismiss this question as redundant as post-industrial capitalist societies move towards a techno-utopian future in which all work is automated. Even if this is the case (and there are reasons to be sceptical), the question is nevertheless of crucial importance in the here-and-now while this work is not currently automated. Moreover, there are some essential goods and services such as care work that would arguably be inappropriate to automate. For a similar point, see Kandiyali, ‘Sharing Burdensome Work’, 145.

¹⁵ One might object to this as follows: if I am on trial, I have a right to a defence lawyer, yet no particular lawyer owes it to me to defend me; thus, the fact that X is owed to agent A does not entail that there exists an agent B who has a duty to provide X to A. In response, I would reply that the legal system has an obligation to ensure that I am defended, even if no particular lawyer has a duty to defend me. The implication of this is that collective obligations do not always generate derivative duties that are attributable to particular individuals. Thanks to Rachel Fraser for pressing me on this point.

the case where X refers to essential goods, this would imply that individuals are obligated to do essential work themselves to produce the goods that they are owed.

However, it is not feasible for every individual to produce the essential goods that they are owed. There are different sources of this infeasibility. One reason is that profound vulnerabilities render some people dependent on others for their survival. For instance, young children, many elderly people, and people with significant physical or cognitive disabilities are unable to be self-sufficient and must depend on others to have their basic needs met. A second source of infeasibility lies in the structure of post-industrial capitalist societies. In such societies, most people cannot easily produce essential goods; for instance, if you live in a high-rise urban flat without a garden, you cannot easily grow your own food. A third source of inability lies in the fact that certain essential goods (such as sewage systems, transport infrastructure, and water purification systems) exhibit very large economies of scale, and consequently require cooperation to make it worthwhile to produce them.

Given these various sources of infeasibility, it is not plausible that people are individually obligated to produce the essential goods that they are owed. Moreover, such an obligation would be extremely demanding, since it would require everyone who is owed these goods to grow their own food, fetch and purify their own water, build their own home, and so on. Instead, it is much more plausible to say that there is a *collective* obligation to produce essential goods, where the bearer of the obligation is a group rather than any particular individual.¹⁶ I will call this the *Collective Obligation Thesis*.

¹⁶ Who is the collective that bears this obligation? This depends on what justification one endorses for the prior claim that people are owed certain goods and services as a matter of justice. If, on the one hand, this claim is grounded in the moral importance of avoiding the frustration of basic needs, then this concern stretches across borders and implies that the global population is the bearer of this collective obligation. If, on the other hand, the initial claim is grounded in (say) the moral importance of attaining relational equality between citizens, which would be undermined if some citizens did not have their basic needs met, then the bearer of

3. Fairness and Collective Obligations

We ordinarily think that the burdens of discharging a collective obligation should be fairly distributed among those who make up the collective. We can see this most clearly by considering examples of discharging a collective obligation that are patently unfair. All else being equal, it is unfair if one parent always watches the television while the other parent feeds the baby, or if a state refuses to take in any refugees while another accepts large numbers. Note that on my view, this ‘should’ is *pro tanto*, since fairness is not the only consideration that is relevant to the distribution of the burdens of discharging a collective obligation – others may include efficiency and liberty. Let’s call this the *Pro Tanto Fairness Thesis*.

To explain what is unfair about these cases, let me begin by asking what fairness involves. In line with Garrett Cullity and Isabella Trifan, I take fairness (at a minimum) to require appropriate impartiality.¹⁷ The content of this impartiality varies by context: in a shop queue, fairness as impartiality requires that I join the back of the line; when marking exams, fairness as impartiality requires that the examiner mark the students’ work using the same criteria for each student. An individual acts unfairly when they fail to be appropriately impartial by “unjustifiably making an exception”¹⁸ of themselves or others – for instance, by jumping the queue or marking attractive students’ exams more leniently.¹⁹ To return to the example involving a collective obligation, the parent who always watches TV makes an unjustifiable

this obligation is citizens in the domestic polity. The answer to this question does not impinge on my overall argument, and so I set it aside in this paper.

¹⁷ Cullity, ‘Public Goods and Fairness’; Trifan, ‘What Makes Free Riding Wrongful?’

¹⁸ Trifan, ‘What Makes Free Riding Wrongful?’, 163.

¹⁹ One possible way to pin down the content of ‘unjustifiably’ is to appeal to a contractualist framework, according to which an exception is unjustifiable if the reasons given for the exception are not acceptable to all reasonable parties affected.

exemption of themselves and thus acts unfairly – unless of course the parent *is* justifiably exempt, for instance because they are sick with the flu.

What does fairness as impartiality require in the context of discharging a collective obligation? Here are two plausible candidate arrangements. First, every bearer of the collective obligation does their *fair share* of duty-discharging acts – for example, both parents take it in turns to feed the baby. Call this the Act-Sharing Model. Second, some bearers of a collective obligation *compensate* others who do more than their fair share of duty-discharging acts. This would occur, for instance, if one parent always feeds the baby while the other always does the laundry, or if a state pays another to take in a certain number of refugees.²⁰ Call this the Compensation Model.

I take it as self-evident that the Act-Sharing Model constitutes a fair distribution of the burdens of discharging a collective obligation; thus, I will use the Act-Sharing Model as a fair baseline and ask under what conditions it is fair to deviate from it. In the next section, I will attempt to show that the Compensation Model also constitutes a fair way to distribute the burdens associated with discharging a collective obligation. If this is correct, then it follows that the burdens associated with discharging a collective obligation should *pro tanto* be distributed among bearers of the obligation according to the Act-Sharing or Compensation Model.²¹

4. Compensation Model

²⁰ As these examples illustrate, compensation can take different forms: in the former case, the would-be slacker compensates by discharging a different collective obligation; in the latter case, the would-be slacker compensates via monetary payment.

²¹ Or according to another model, so long as it can also be shown to constitute a fair distribution of the burdens associated with discharging a collective obligation.

Is it fair for some duty-bearers to compensate others to do more than their fair share of duty-discharging acts?²² To answer this, we need to establish whether this unjustifiably makes an exception of oneself or others. I will attempt to do so by posing a series of thought experiments. In doing so, I will assume that the collective obligation owed by bystanders in rescue cases is relevantly analogous to the collective obligation owed by the collective to provide essential goods and services. (In both cases, a collective obligation is present, and a failure to satisfy the obligation has fatal consequences.) With this assumption to hand, consider the following toy example:

Rescue. Andy and Bob are two strangers on a beach with no one else around. They spot ten drowning people out at sea. Andy and Bob are equally strong swimmers and would not be endangered by attempting to rescue these people.

In *Rescue*, Andy and Bob have a collective duty to attempt to rescue the ten.²³ One fair way to distribute the burdens of discharging this collective duty would be for Andy and Bob to each save five people. If Bob were to simply carry on walking and leave Andy to save all ten people (assuming that Andy would in fact do this), then Bob would unfairly free ride off Andy.²⁴ However, there may be other fair ways to distribute this collective obligation. One possible view is that, so long as an individual B adequately *compensates* another individual A for also

²² One might worry that it is *unfitting* for a duty-bearer to buy their way out of doing their fair share of a collective obligation, whether that is conscription, jury duty, or essential work. For my present purposes, I will set concerns around fittingness aside on the basis that (i) they are distinct from concerns around fairness and (ii) my target audience (namely, those who defend leaving the organisation of essential work to the market) are unlikely to be swayed by them.

²³ One might doubt that this is a genuine collective duty and instead claim that Andy and Bob both have an individual duty to save the ten people. However, we can see that the duty to save the ten is a collective one by the fact that violating this duty would intuitively wrong the other rescuer: if Bob were to walk off without helping Andy save the ten, then intuitively Bob not only wrongs the ten, but *Andy* too. If this is correct, then this implies that there is a collective duty of rescue jointly owed by Andy and Bob.

²⁴ Unless, of course, Bob is justifiably exempt (for instance, because Bob cannot swim, through no fault of his own).

doing B's fair share of a collective obligation, then this is also a fair way to distribute a collective duty. To think through the plausibility of this response, consider the following variation of *Rescue*:

Rescue with Interpersonal Transaction. Like *Rescue*, but Bob offers Andy \$100 to save an additional five drowning people (Bob's fair share).

Is the resulting outcome fair? To get a sense of our intuitions here, suppose we supplement *Rescue with Interpersonal Transaction* with some additional information: Andy is penniless, while Bob is a billionaire. Intuitively, it now seems clearly unfair for Bob to pay Andy \$100 to get out of doing his fair share of rescuing. Why is this? Here are two possible explanations. On a proceduralist view of fairness in transactions, the distribution of burdens is fair if it is the result of bargaining between duty-bearers under fair background conditions. The reason why this example is intuitively unfair, then, is due to an underlying suspicion that the background distribution of resources between Andy and Bob is unfair. Meanwhile, on a substantive view of fairness in transactions, whether the distribution of burdens is fair will depend upon a particular account of how these burdens ought to be distributed. On one plausible account, the kind of impartiality that is appropriate for the distribution of the burdens of a collective obligation is for duty-bearers who do not perform duty-discharging acts to suffer at least as large a setback to their self-regarding interests as those who perform duty-discharging acts (where this 'setback' is measured relative to the fair baseline where each agent does their fair share of duty-discharging acts).²⁵ In this example, there is plausibly a substantial difference in the degree to which Andy's interests have been set back relative to Bob's interests (since

²⁵ This formulation bears close resemblance to Zofia Stemplowska's interpretation of Liam Murphy's account of fairly discharging a collective obligation: "for a fair distribution of the collective duty [...] the burdens of effective reasonable action in pursuit of the collective duty [must] not advantage some at the expense of others." Zofia Stemplowska, 'Doing More than One's Fair Share', *Critical Review of International Social and Political Philosophy* 19, no. 5 (2016): 594, <https://doi.org/10.1080/13698230.2016.1183753>.

rescuing ten people is likely to set back Andy's interests considerably, while a loss of \$100 is unlikely to set back Bob's interests by much given his vast wealth), and this is what explains why the distribution of burdens in discharging the collective obligation is unfair.

Regardless of which particular view of transactional fairness one adopts, I take it that there is at least some version of *Rescue with Interpersonal Transaction* where Bob compensates Andy enough such that there is a fair distribution of the burdens associated with discharging the collective obligation to rescue. Against this, one might object that some duty-discharging acts are so bad that they cannot be fairly compensated for. For an agent who performs such an act, no amount of compensation is enough to generate a fair outcome. However, this is not in fact a challenge to my account. I am happy to accept that if it turns out that certain duty-discharging acts are so bad that they cannot be fairly compensated for, then the *only* fair way for the bearers of the collective obligation to discharge it is to do their fair share of these acts. When it comes to essential work, I am neutral on the question of whether certain tasks are so bad that they cannot be fairly compensated for²⁶; my remarks on what constitutes fair compensation are only relevant with respect to tasks for which this is not the case.

However, receiving a fair amount of compensation is not all that fairness requires. To see why, consider the following case:

²⁶ According to Frauke Schmode, "bad work is incommensurable if it entails permanent and irreversible harms that negatively and severely affect the workers' life, mental and physical functioning, or their self-respect." Frauke Schmode, 'What Difference Does It Make?: UBI and the Problem of Bad Work', in *The Future of Work, Technology, and Basic Income* (Routledge, 2019), 163. A vivid example of this is given by Oscar Wilde: "to sweep a slushy crossing for eight hours, on a day when the east wind is blowing is a disgusting occupation. To sweep it with mental, moral, or physical dignity seems to me to be impossible. To sweep it with joy would be appalling." Oscar Wilde, *The Soul of Man under Socialism* (M. N. Maisel, 1915), 26, <https://hdl.handle.net/2027/mdp.39015080475539>.

Millionaire. Andy rescues the ten drowning people, while Bob carries on walking.

Upon his return to shore, a wealthy passer-by Casey is so impressed by Andy's bravery that she gives him a million dollars.

Let's assume that a million dollars exceeds the level of compensation that Andy is owed for discharging the collective obligation to rescue. If fairness simply required that Andy receives a fair level of compensation, then there would be no unfairness in *Millionaire*. But this does not seem right. Instead, it is highly intuitive that Bob unfairly free rides on Andy and still owes Andy compensation. To explain this, I would point to the fact that the duty to compensate is a *directed* duty. If two agents A and B jointly comprise a collective with a collective obligation to ϕ and A ϕ s, B incurs a directed duty to compensate A that cannot be discharged by another agent C. In *Millionaire*, compensation has not been given by the appropriate agent, and consequently Bob treats Andy unfairly.

In summary, there are two dimensions of fair compensation: *how much* is given, and *by whom*. As such, there are two ways to be unfairly compensated: an agent receives an unfair level of compensation, or compensation is not given by the appropriate party. In the next section, I will attempt to show that, absent state intervention, many essential workers are unfairly compensated in at least one of these two respects.

5. Anti-Market Thesis

If the preceding discussion is correct, then there are at least two possible ways to fairly organise essential work: all bearers of the obligation do their fair share of essential work (Act-Sharing Model), or some bearers of the obligation fairly compensate other bearers of the obligation who do essential work on their behalf (Compensation Model). In this section, I will argue that a purely market-based system for remunerating essential workers is unfair and thus cannot satisfy

the demands of productive justice.²⁷ Moreover, this would be the case *even if* the background distribution of economic resources were just. I put forward two arguments to support this conclusion, which correspond to two important ways in which *Rescue with Interpersonal Transaction* is disanalogous to how contemporary large-scale societies organise essential work. First, transactions between duty-bearers are *indirect*; as a result, a certain group of essential workers (namely, those who are privately employed and produce what I term ‘targeted’ essential goods) will be treated unfairly in principle by non-essential workers who do not purchase these goods. Call this the ‘Necessity Argument’. Second, compensation is not given under *fair background conditions*; given this, essential workers are very likely to earn a wage that is below the fair threshold. Call this the ‘Threshold Argument’. Taken together, these two arguments make a strong *pro tanto* case for the state to intervene to compensate essential workers out of considerations of fairness.

5.1 Necessity Argument

There is a rather obvious sense in which *Rescue with Interpersonal Transaction* is not analogous to how contemporary large-scale societies organise essential work – namely, people do not directly pay others to do their fair share of essential work on their behalf. Indeed, it would be deeply impractical to do so. Instead, there are some jobs that involve doing essential work (think of a doctor, sewage maintenance worker, fire fighter, bin collector); who ends up doing these jobs is determined via the labour market. In this way, the discharging of the collective duty to produce essential goods is standardly mediated by the market mechanism.

This adds a further complication since, unlike in *Rescue with Interpersonal Transaction*, duty-bearers who do not do duty-discharging acts themselves (in this case, individuals who do not

²⁷ Since a purely market-based system for remunerating essential workers bears closest resemblance to the Compensation Model, I will assess it with reference to this standard.

do essential work) do not directly transact with, and thus do not appear to give any compensation to, those who do more than their fair share of duty-discharging acts (in this case, essential workers). At first glance, then, non-essential workers do not compensate essential workers for discharging a collective obligation on their behalf, and thereby unfairly free ride on these workers.

One might worry that the preceding argument is too quick in overlooking important ways in which non-essential workers (henceforth, N-Es²⁸) compensate essential workers (henceforth, Es). One potential compensatory mechanism through which N-Es could be said to compensate Es is through the production of non-essential but life-enriching goods and services, be that hairdressing, films, or football matches.²⁹ However, while there is a sense in which Es benefit from this work being done (so that they have the option of paying to have a haircut, watch a film, or attend a football match), it is counterintuitive to think of this work as *compensatory*. To return to the previous analogy, suppose that in *Rescue*, Andy saves the ten drowning people while Bob makes a refreshing drink that Andy can purchase upon his return to shore. Intuitively, Bob has not *compensated* Andy for discharging the collective obligation to save the ten by making a drink that Andy can purchase – the work of making the drink would only count as compensatory if Bob gave Andy the drink for free. Similarly, the fact that N-Es work to produce life-enriching goods and services is not sufficient to compensate for the burdens undertaken by Es when discharging the collective obligation to produce essential goods and services.

A second, more plausible mechanism through which N-Es compensate Es is the purchase of essential goods and payment of taxes. The thought here is that N-Es give Es compensation via

²⁸ Note that ‘non-essential workers’ refers to all bearers of the collective obligation to ensure that essential goods and services are provided who are not essential workers, as opposed to all other workers.

²⁹ Thanks to Rachel Fraser for raising this point.

an intermediary I, where I represents either a private or public employer. For instance, N-Es give farmers (a subset of Es) compensation by purchasing food from a supermarket (I), who then uses some of this money to pay farmers for their crops. To give another example, N-Es give firefighters (a subset of Es) compensation via paying tax to the state (I), who uses some of this money to pay the wages of firefighters.

Let's suppose we take this latter mechanism to be genuinely compensatory. However, an important feature of it is that certain groups of essential workers will be unfairly compensated in principle. To see why, it is useful to separate out the question of who provides essential goods and services ('Operational Question') and who compensates essential workers ('Compensation Question').³⁰ With this in mind, I wish to make two further distinctions. First, we can distinguish between essential workers who are *publicly* employed by the state and those who are *privately* employed.³¹ Here, we can see that the Operational Question often bears on the Compensation Question. For example, when essential goods are provided by publicly employed workers, then these workers are indirectly compensated by all taxpayers; by contrast, when essential goods are provided by privately employed workers, then (absent state intervention) these workers are indirectly compensated only by consumers of the good provided. Second, I wish to distinguish between two categories of essential goods. *Universal* essential goods are those goods that everyone requires to live a minimally decent life – for instance, food, clean water, and shelter. By contrast, *targeted* essential goods are those goods that only a subset of people require to live a minimally decent life – examples include elder care, insulin, and malaria nets.

³⁰ This distinction is inspired by a recent talk. Kieran Oberman, 'By Donation or Taxation', Law, Ethics and Justice (LEJ) Group, The London School of Economics and Political Science, 7 October 2025.

³¹ Note that I include self-employed essential workers in the latter category.

Drawing on these two distinctions, we can delineate four categories of essential workers: (1) *publicly* employed Es who provide *universal* essential goods (e.g., a firefighter); (2) *publicly* employed Es who provide *targeted* essential goods (e.g., a special educational needs teacher at a state school); (3) *privately* employed Es who provide *universal* essential goods (e.g., a farmer); and (4) *privately* employed Es who provide *targeted* essential goods (e.g., a private optician). In the first two cases, N-Es give Es compensation by paying tax to the state, who uses some of this money to pay their wages. In the third case, N-Es give (say) Es compensation by purchasing universal goods from a private provider, who then uses some of this money to pay their wages.

However, when it comes to the fourth category of essential workers, this compensatory mechanism breaks down. To see why, consider the fact that some N-Es do not personally require targeted essential goods. When these goods are privately bought and sold on the market, N-Es with no need to purchase targeted essential goods can escape paying any costs associated with their production. In effect, these N-Es' portion of the collective obligation to produce targeted essential goods is discharged at no cost to them – they do not compensate the Es who produce these goods in any sense. Thus, without further intervention, these N-Es will inevitably unfairly free ride on Es who produce targeted goods.³² This is analogous to Bob unfairly free riding on Andy in *Millionaire*. To make matters worse, it is often only the people who need

³² Stuart White makes a similar point when he argues that insofar as there is “a community-wide obligation to help ensure that the basic needs of the infirm are met”, those who look after the infirm “are, in effect, taking the full burden of this community-wide obligation upon their own shoulders. They are individually discharging what is in fact a collective obligation.” White, *The Civic Minimum*, 111.

targeted essential goods who pay for them³³ – this is akin to Andy being compensated by the *rescuees*, a blatantly unfair outcome.³⁴

Thus, it turns out that when we drill down into the normative texture of the collective obligation to produce essential goods, there is an important normative distinction to be made between essential workers who are *privately* employed to produce *targeted* essential goods and where there is *no state intervention* to broaden this compensatory base beyond consumers, and all other essential workers. For only the former can be said to be unfairly compensated *in principle*. One upshot of this argument is that it provides an additional reason to oppose the marketisation of essential goods such as healthcare – not simply because people are morally entitled to these goods (as the standard argument goes), but to ensure that the *workers themselves* are fairly compensated. In this way, the Necessity Argument bolsters the case for the public provision of targeted essential goods and contributes to philosophical discussions of the moral limits of markets by considering fairness in the *production* of essential goods and services.

It is important to emphasise, however, that the public-private distinction is only decisive in the absence of state intervention that would introduce a compensatory mechanism for privately employed essential workers of targeted goods.³⁵ One could imagine, for instance, a situation where elder care is privately provided, but where the state gives all citizens vouchers with which to pay for elder care, and hence privately employed care home workers are nevertheless compensated by all taxpayers. What follows from this is that privately employed essential workers of targeted essential goods can be fairly compensated *so long as* the state introduces a compensatory mechanism to ensure that all taxpayers (and not just direct consumers of these

³³ For example, a 2016 study found that diabetic people living in the US paid on average \$210 per month for insulin. ‘The Human Cost of Insulin in America’, US & Canada, *BBC News*, 14 March 2019, <https://www.bbc.com/news/world-us-canada-47491964>.

³⁴ Thanks to Rachel Fraser for clarifying this point.

³⁵ I am grateful to my examiners for encouraging me to clarify this.

goods) fairly compensate these workers, such as through a voucher system or by giving these workers generous benefits funded via general taxation. In this way, state intervention can render the public-private distinction irrelevant with respect to achieving fair compensation for essential workers.

5.2 Threshold Argument

There is a second important disanalogy between *Rescue with Interpersonal Transaction* and the way in which essential work is presently organised: when it comes to the organisation of essential work, the pre-contractual baseline is not one in which individuals do their fair share of duty-discharging acts. An important implication of this is that the market clearing wage for essential workers is very likely to be below the amount that they are owed as a matter of justice. This is the case irrespective of whether one endorses a procedural or substantive account of transactional fairness.

To see why, let's first suppose you endorse a procedural account of transactional fairness, whereby the distribution of the burdens associated with discharging a collective obligation is fair if it is the result of bargaining between duty-bearers under fair background conditions. Crucially, those fair background conditions *include* the fair distribution of the 'negative resource' of doing one's fair share of duty-discharging acts. In *Rescue with Interpersonal Transaction*, this 'negative resource' is priced into the transaction between Andy and Bob. Put in more general terms, the pre-contractual baseline is one where all duty-bearers do their fair share of duty-discharging acts (Act-Sharing Model); from this baseline, some duty-bearers then pay others to take on their fair share of duty-discharging acts. Here, the moral obligation to do one's fair share towards the discharging of a collective obligation is priced into the market, thereby ensuring that all duty-bearers partake in the burdens associated with discharging the

collective obligation, either by doing duty-discharging acts themselves, or by paying others to do this work on their behalf.

Notice that this is not the case in contemporary labour markets – nor would it be, even if the background distribution of economic resources were just. In effect, there is a positive externality that is not being incorporated into individuals' decision-making about what jobs to pursue. The positive externality that I am referring to is the benefit enjoyed by a duty-bearer when an obligation that they bear is discharged at no cost to themselves. To illustrate, consider the following case:

Parents. A group of parents each have a duty to ensure that their teenage kid arrives home safely after a party. One of the parents is a taxi driver. The kids (including the taxi driver's) pay this parent for their taxi service and arrive home safely.

In *Parents*, the other parents have had their duty discharged at no cost to themselves: this is a positive externality. In a similar way, non-essential workers enjoy a positive externality: their collective obligation to ensure that essential goods and services are produced is discharged at no cost to themselves.

In standard economic theory, the existence of a positive externality means that, all else being equal, the resulting price for the good or service in question will be below the socially optimal level. Assuming that people do not take into account their collective duty to ensure essential goods are produced when making labour market decisions, the market clearing wage (that is, the equilibrium wage where labour supply and demand are equal) for essential workers will be below the hypothetical pre-contractual fair baseline where duty-bearers could trade their 'fair share' of essential work with each other. This is because the positive externality enjoyed by non-essential workers (namely, that a collective duty is discharged on their behalf at no cost to themselves) is not priced into the market.

However, it does not follow from this that essential workers' wages will *always* fall below the fair threshold in reality. This can be explained by the fact that in real-world labour markets, there are often artificial constraints on labour demand and supply which cause wages to deviate from the market-clearing level – for example, collective bargaining and professional licensing can push wages above the market-clearing level.

In theory, society could rectify this unfairness by internalising the external benefits of some individuals doing essential work on others' behalf. This could be done, for instance, by the state giving out 'negative vouchers' that impose a requirement on each citizen to do their fair share of essential work (unless they are deemed justifiably exempt), which citizens could then trade with each other.³⁶ However, as noted in Section 5.1, it would be extremely impractical for citizens to directly transact with each other in this way in modern societies. Given this, a more feasible, albeit second-best, solution would be to use the levers of the state to increase the wages of essential workers – I will return to the issue of specific policy proposals in Section 7.

Let's now suppose you endorse a substantive account of transactional fairness. On one plausible account, fairness requires that duty-bearers who perform more than their fair share of duty discharging acts are compensated by other duty-bearers by at least as much as the burden incurred from performing the duty-discharging acts above their fair share. This requirement is arguably even more demanding than that specified by the procedural account; this is because even in a hypothetical scenario where duty-bearers bargain with each other under fair background conditions to determine who performs the duty-discharging acts, there is no reason to suppose that the gains of this trade will favour the agent who performs the duty-discharging acts. It is especially implausible that essential workers' interests are better served than non-essential workers' interests relative to the Act-Sharing baseline where everyone does their fair

³⁶ I am grateful to Ian Carroll for raising this suggestion.

share of essential work. This is because essential workers *also* purchase universal essential goods and pay taxes that go towards the wages of publicly employed essential workers; given this, it is highly likely that essential workers' self-regarding interests are set back by more than non-essential workers, relative to the Act-Sharing Model. Thus, there are strong grounds to believe that the market clearing wage will be below the fair level of compensation owed to essential workers, irrespective of whether one adopts a procedural or substantive account of transactional fairness.

6. Differentiating My Account

A different account of what fairness requires with respect to the organisation of essential work has recently been put forward by Julia Maskivker. According to Maskivker,

“Basic intuitions of reciprocity suggest that, if some individuals contribute to establishing the conditions that make other individuals in society free in one morally important respect, society owes those individuals access to the same conditions of freedom. Society may do this by rewarding them sufficiently well so that they can live decently.”³⁷

On the face of it, it may appear as though the main difference between my account and Maskivker's is that only the latter is concerned with duties of reciprocity. However, this does not accurately capture the deep normative difference between our views. If one so wished, one could reframe my argument in terms of duties of reciprocity, where the 'benefit' received is that of being relieved of having to do essential work oneself, and the 'duty to reciprocate' refers to the would-be slacker's duty to compensate those who do more than their fair share of duty-discharging acts.

³⁷ Maskivker, 'Justice and Contribution', 349.

Instead, the distinguishing feature between our accounts is the kind of unfair free riding with which we are concerned. According to Trifan, there are two ways to unfairly free ride on another.³⁸ The first is to fail to reciprocate for the receipt of a benefit that another has provided, provided further conditions obtain.³⁹ On a plausible interpretation of her view, this is the kind of unfair free riding that Maskivker invokes; on her view, individuals who do not do essential work themselves unfairly free ride on essential workers when they receive essential goods such as food and clean water without adequately reciprocating for this benefit. On this view, the purchasing of essential goods and services can generate (or, at the very least, not prevent the generation of) duties to reciprocate. In support of this interpretation, Maskivker explicitly states that “the goods and services that life-sustaining workers produce are generally purchased in the market, or we pay the government to provide them to us – hence, it is reasonable to think that we accept them willingly”⁴⁰; this voluntary acceptance is an important part of her argument as to why we can incur duties to reciprocate towards life-sustaining workers.

There is, however, a second way to unfairly free ride: by letting others discharge a collective duty that also applies to oneself.⁴¹ For example, there is a collective duty for states to protect the human rights of refugees; when a state refuses to admit its fair share of refugees, it unfairly free rides on other states who take up the slack. It is this second kind of unfair free riding that

³⁸ Trifan, ‘What Makes Free Riding Wrongful?’, 166, 170.

³⁹ Normally, we cannot foist benefits onto non-consenting others and thereby generate obligations for them to reciprocate for the benefit they received; as Robert Nozick quips, “you may not decide to give me something, for example a book, and then grab money from me to pay for it, even if I have nothing better to spend the money on.” Robert Nozick, *Anarchy, State, and Utopia* (Basic Books, 1974), 95. I specify some further necessary conditions below.

⁴⁰ Maskivker, ‘Justice and Contribution’, 352. Elsewhere, she writes that “the goods produced by basic-task workers are willingly accepted by those who consume them. This is clear from the fact that individuals consuming these goods and services pay for them in order to get them.” Maskivker, ‘Justice and Contribution’, 353.

⁴¹ Note that it is not simply to fail to do your fair share to discharge a collective duty – if no one else takes up the slack, then you do not free ride of anyone (though you wrong the agent to whom the collective duty was owed).

I am concerned with; on my view, individuals who do not do essential work themselves unfairly free ride on essential workers when they fail to fairly compensate essential workers for doing this work on their behalf.

These two accounts are not mutually exclusive. Nevertheless, I wish to flag two problems facing Maskivker's view that my account is not susceptible to. First, Maskivker is unable to deliver the result that individuals who do not do essential work can unfairly free ride on the private provision of essential goods. This is a problem since the majority of essential goods are *not* provided by the state: more than 85% of essential workers are employed in the private sector worldwide.⁴² Moreover, this result is especially troublesome for Maskivker since her argument is unable to cover precisely the cases that she wants it to, given that her central argument is for private employers to pay a living wage to essential workers.⁴³

We can see why Maskivker's argument cannot cover the private provision of essential goods once we insert some plausible necessary conditions for an agent to incur a reciprocal obligation towards another. On standard accounts of reciprocity, an agent B can incur a duty of reciprocity towards agent A only if A (i) performs a burdensome act (ii) that benefits B (iii) where that benefit is received outside of standard consent mechanisms.⁴⁴ By 'standard consent mechanisms', I am referring to social practices such as making promises and agreements.

However, condition (iii) clearly does not obtain in the case of the private provision of essential goods such as food and clean water. Maskivker herself acknowledges that "we do not receive them [essential goods] if we do not pay for them. They are not, generally speaking, thrust upon

⁴² International Labour Organization, *World Employment and Social Outlook 2023: The Value of Essential Work* (Geneva: International Labour Office, 2023), XXV, <https://webapps.ilo.org/digitalguides/en-gb/story/weso2023-key-workers#home>.

⁴³ Maskivker, 'Justice and Contribution', 362.

⁴⁴ Note that this is only a list of necessary, rather than sufficient, conditions.

us against our will or without our prior consent.”⁴⁵ However, this is enough to render the idea that we owe obligations of reciprocity upon receiving these goods a non-starter. When you purchase a good and thereby receive a benefit via a standard consent mechanism, you do not incur duties of reciprocity towards the provider of that good – if you pay for an apple, you do not *also* incur a duty to reciprocate to the apple seller for receiving the apple. To say otherwise is to commit the error of double counting. Thus, essential goods that are bought and sold on the market are not the kinds of goods whose provision can give rise to duties of reciprocity; while Maskivker’s argument holds for the *public* provision of essential goods and services (e.g., a public firefighting service), it cannot apply to essential goods that are provided by the private sector (e.g., food, private rentals).

The second problem facing Maskivker’s account is that it cannot deliver the plausible result that people who do not personally benefit from certain essential goods can nevertheless unfairly free ride from their provision. In grounding her argument for fair compensation in the *receipt of essential goods* rather than the *collective obligation owed* by an agent to produce essential goods, Maskivker is unable to explain why citizens who do not personally receive certain essential goods (for example, a young person who does not receive elder care) can nevertheless unfairly free ride off those who provide these goods.

By contrast, my view can explain how individuals can unfairly free ride on the private provision of essential goods from which they do not personally benefit. As per the Necessity Argument, non-essential workers who do not purchase targeted essential goods (e.g., elder care, insulin, malaria nets) fail to compensate privately employed essential workers who produce these goods for doing more than their fair share towards discharging the collective obligation to produce essential goods. Moreover, according to the Threshold Argument, it is highly likely that many

⁴⁵ Maskivker, ‘Justice and Contribution’, 352–53.

essential workers (whether publicly or privately employed) do not receive a sufficiently high wage to surpass the amount that they are owed as a matter of justice.

There is a second interpretation of Maskivker's view that it is worth flagging, according to which Maskivker is instead concerned with reciprocity for the system as a whole, where the benefits and burdens of social cooperation should be roughly equal between citizens.⁴⁶ To put it in Rawlsian terms: "reciprocity is a relation between citizens expressed by principles of justice that regulate a social world in which everyone benefits judged with respect to an appropriate benchmark of equality defined with respect to that world."⁴⁷ To this, I would reply that, packaged in terms of reciprocity, my argument differs from Maskivker's since I am concerned with *individual, directed* duties of reciprocity which are owed to individuals in virtue of their discharging of a collective duty on others' behalf, rather than more general reciprocity norms for society as a whole.

7. Fair Compensation: A Policy Proposal

Thus far, I have outlined two possible ways to fairly organise essential work: fairly *share out the work* among all duty bearers, or fairly *compensate* duty bearers who do essential work on other bearers' behalf. A proposal of the first kind has recently been put forward by Jan Kandiyali, who argues that the state should conscript its citizens into doing essential work.⁴⁸ In this section, I will sketch how fair compensation for essential workers might be realised in

⁴⁶ Thanks to my examiners for bringing this to my attention.

⁴⁷ John Rawls, *Political Liberalism*, Expanded edition., Columbia Classics in Philosophy (Columbia University Press, 2005), 17.

⁴⁸ There are different ways in which conscription could be enacted. One version would be akin to military service: upon reaching adulthood, every citizen would be drafted for a year to do some form of burdensome work (unless they are unable to do so). Another version would require citizens to do burdensome work over the course of a lifetime, for instance doing two weeks per year upon reaching adulthood until retirement.

practice. I will do this by considering what kind of compensation is needed to adequately respond to the Necessity and Threshold Arguments in turn.⁴⁹

Recall that, according to the Necessity Argument, privately employed essential workers who produce targeted essential goods are treated in a manner that is inherently unfair, since they are not compensated by the appropriate parties. To rectify this unfairness, we would need to establish a compensatory mechanism between non-essential workers who do not purchase targeted essential goods and privately employed essential workers who produce these goods. Here are three policy options that would accomplish this. First, the state could *nationalise* these industries and publicly employ these workers. Second, the state could *subsidise* private companies who produce targeted goods, with the hope that this would feed through into the wages of their workers. Third, the state could give *vouchers* to citizens who require targeted essential goods to pay for (e.g.) pharmacists and opticians directly. This latter option has the additional upshot that it would ensure that all individuals who are morally entitled to these goods do in fact receive them. Enacting any of these policies would ensure that all citizens fairly contribute towards the costs of producing these goods, as opposed to just those who are reliant on targeted essential goods to live a minimally decent life.

I have argued via the Threshold Argument that the market clearing wage for essential workers is very likely to be below the amount that they are owed as a matter of justice. Of course, to determine which essential workers' wages are below the threshold and to what extent (and thus *who* should be compensated and by *how much*), we need to say more about what the fair level

⁴⁹ I am not the first to suggest that essential workers should be fairly compensated, rather than everyone conscripted to do essential work. In a recent paper, Tom Parr argues that “rather than demand that everyone share in this [burdensome essential] work, we might ensure that those who carry it out receive the offer of fair remuneration for the burdens that they bear.” Parr, ‘In Cash We Trust?’, 13. However, Parr does not specify any details about what this might look like in practice; one way to read my argument is an attempt to clarify the nature of fair compensation.

of compensation is. On a procedural account of transactional fairness, the fair level of compensation that essential workers are owed is the amount that they would be paid by non-essential workers to do duty-discharging acts on their behalf under fair background conditions (which includes a fair distribution of the ‘negative resource’ of doing one’s fair share of essential work). Meanwhile, on a substantive account of transactional fairness, the amount of compensation that essential workers are owed is at least as much as is needed to ensure that essential workers are not relatively disadvantaged compared to non-essential workers from deviating from the Act-Sharing Model to the Compensation Model.

One obvious problem at the level of policy implementation is how to work out the precise level of compensation owed. To determine the fair level of compensation that essential workers are owed, the policymaker would need to estimate either how much individuals would be prepared to pay others to do different essential tasks under fair background conditions (for the procedural account), or the difference between how much essential workers and non-essential workers respectively gain from deviating from a situation where everyone does their fair share of essential work (for the substantive account). Given individuals’ divergent preferences, the fact that some essential tasks will set back individuals’ interests more than others, and the fact that some people’s interests will be set back more than others from doing the same task, one would expect that the level of fair compensation owed will vary by task and even by worker.

Given this, I would venture that it is too informationally demanding for the fair level of compensation to be determined at the granular level of individual workers or even particular jobs. Instead, one way to approximate fair compensation would be for the public to agree upon a list of essential jobs that are deemed burdensome⁵⁰, and for the state to provide workers in

⁵⁰ I specify burdensome essential jobs since it is the *burdens* associated with discharging a collective obligation that should *pro tanto* be fairly distributed among duty-bearers (cf. the *Pro Tanto* Fairness Thesis). As such, if a given essential task is not burdensome, then the duty-bearer who performs this task is not owed any further compensation by the rest of society. This

these jobs with a set amount of compensation. While I have exclusively focused on monetary compensation, I am also open to non-monetary forms of compensation such as a lower retirement age for essential workers⁵¹ or the state giving essential workers privileged access to social housing, a higher pension, and free childcare.⁵²

8. Contrasting Policies

We can now evaluate the respective advantages of conscription and state compensation. Are there good reasons to opt for one arrangement over the other? In his argument for conscripting burdensome essential work, Kandiyali considers three potential objections to his proposal: that it would limit individuals' *freedom*, that it would be *inefficient*, and that it would fail to respect people's *preferences*. Against all three objections, state compensation performs better than conscription, while being able to accommodate the intuitions of fairness that pull us towards conscription in the first place.

Let's start with freedom. One obvious objection to conscripting citizens to do essential work is that this would unacceptably curtail individuals' freedom to choose their occupation.

is why Brown's example of cardiac surgeons (cited in Section 1) in defence of the market is so deceptive – compared to many other essential workers, cardiac surgeons' work is not particularly burdensome given that surgeons are typically well remunerated, receive considerable social recognition, and attain excellence in their work.

⁵¹ For instance, in France, sewage workers have a retirement age of 52 and refuse collectors of 57. Benjamin Dodman, 'Rubbish Piles up in Streets of Paris as France's Pension Battle Enters Final Stretch', *France 24*, 13 March 2023, <https://www.france24.com/en/france/20230313-rubbish-piles-up-in-streets-of-paris-as-france-s-pension-battle-enters-final-stretch>.

⁵² For example, in the UK, designated "key workers" are entitled to state housing assistance, while long-standing members of the armed forces are entitled to early departure payment. HM Revenue & Customs, 'EIM21735 - Particular Benefits: Housing for Key Workers - Overview: Eligibility', 2024, <https://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim21735>; Ministry of Defence, 'Armed Forces Pension Scheme 2015 and Early Departure Payments Scheme 2015 (JSP 905, Part One)', GOV.UK, 15 October 2020, <https://www.gov.uk/government/publications/armed-forces-pension-scheme-2015-and-early-departure-payments-scheme-2015-jsp-905-part-one>.

Regardless of how compelling one finds this objection, it is clear that state compensation is not subject to the same criticism, since individuals can choose whether to do essential work.⁵³ Moreover, the fact that essential work would be fairly compensated means that it would be a reasonable alternative to other well-paid occupations, and so it would be more freely chosen than under the status quo.

From the point of view of efficiency, it is also better to fairly compensate essential workers than to fairly share out essential work.⁵⁴ Why is this? As Kandiyali himself acknowledges, conscripting essential work is likely to be inefficient since (a) the work is likely to be done to a worse standard and/or take longer compared to if it were done by a subset of individuals specialised in the role, and (b) the time spent by highly skilled citizens doing essential work could have been used to do other valuable activities.⁵⁵ Both prongs of this objection could be avoided by instead fairly compensating essential workers, since this would allow workers to continue to specialise in their respective tasks.

Finally, one might object to conscripting citizens to do essential work on the basis that it prevents them from engaging in Pareto-improving transactions that would better satisfy their preferences. Conscription does not allow for this, to its detriment; by contrast, this problem

⁵³ One might object that state compensation nevertheless curtails the freedom of citizens who do not do essential work due to the higher tax burden placed on them, assuming that money is a form of freedom. Thanks to Jan Kandiyali for raising this point. In response, I note that I merely wish to make the comparative claim that state compensation restricts individuals' freedom by *less* than conscription. I take this to be highly plausible given that state compensation restricts the freedom of fewer people (only those who do not do essential work, as opposed to everyone who is able to do essential work), and in a less intrusive way (by reducing some individuals' disposable income, as opposed to directing people to spend their time doing certain activities).

⁵⁴ Trifan writes that "the collective duty to produce certain goods [...] is a duty for which it is usually not practically or morally required that every member of our community act so as to discharge it, as it can be effectively discharged by only some people's bearing the relevant costs." Trifan, 'What Makes Free Riding Wrongful?', 171.

⁵⁵ Kandiyali, 'Sharing Burdensome Work', 157.

does not arise with state compensation, since individuals can choose whether to apply to become an essential worker.

Thus, when we contrast these two policies for fairly arranging essential work against the values of freedom, efficiency and preference satisfaction, we arrive at a provisional case for the state compensating essential workers.⁵⁶ The only exception to this is if essential work is so bad that it cannot be fairly compensated for – if this is the case, then the only fair solution is to share out the work among all those who are not justifiably exempt. Indeed, much of the debate between those who favour conscription (such as Kandiyali) and those who favour compensation (such as Parr) comes down to an disagreement about whether the particular tasks involved in doing burdensome essential work are so bad that they cannot be fairly compensated for.⁵⁷ My argument for fair compensation only holds under the assumption that the tasks in question are not incommensurably bad in this sense.⁵⁸

⁵⁶ This is not to deny that there may be other reasons that favour conscription. For instance, conscription is likely to cultivate certain qualities of character among citizens (what neo-republicans call “civic virtues”) such as having a moral bond with the community, a sense of obligation towards it, and a willingness to make sacrifices to promote the common good; this solidaristic social ethos cannot easily be taught and would likely be undermined by state compensation. While I am sympathetic to this defence of conscription, I take my primary audience to be those who are largely unperturbed by organising essential work via the labour market. I suspect that such readers are more likely to be swayed by considerations of freedom, efficiency and respect for preferences than by communitarian considerations, and consequently I take state compensation to be the more attractive of the two based on the values which market proponents themselves hold.

⁵⁷ According to Kandiyali, objectionable status hierarchies between those who do burdensome essential work and those who do not are likely to emerge over time, since the former kind of work does not provide opportunities to flourish; to avoid this, everyone must have some experience of doing this work. Kandiyali, ‘Sharing Burdensome Work’, 160, 153–54. By contrast, Parr argues that if essential workers are paid enough, their social status will rise accordingly. Parr, ‘In Cash We Trust?’, 257–58. How entrenched these status hierarchies are will depend on whether we regard the tasks in question to be inherently unpleasant, degrading and undignified, or only contingently so.

⁵⁸ As a proxy, I would suggest that if a task remains undesirable despite being extremely well compensated, then this indicates that the task is incommensurably bad.

9. Conclusion

A central question of productive justice asks how society should arrange essential work. Two recent events have brought this question to the fore. The first is the COVID-19 pandemic, which highlighted both the social necessity of certain types of work as well as its unequal reward and distribution among the population. The second is growing speculation about AI replacing huge swathes of jobs, leaving only a few essential but non-automatable jobs remaining.

While we have reasons of fairness to avoid relying on the market mechanism to compensate essential workers, it does not follow from this that we must all do essential work. This is because sharing essential work is not the only way to fairly distribute the burdens of discharging the collective obligation to produce essential goods. An alternative way is to fairly compensate essential workers for the burdens that they endure to produce these goods. This could be done by the state supplementing the incomes of essential workers or publicly employing essential workers. This institutional arrangement would be significantly fairer than leaving the remuneration of essential workers up to the laissez-faire market, while being superior to conscription vis-à-vis the values of freedom, efficiency, and respect for individuals' preferences.

5 Publicly Justified Sin Taxes on Production

Abstract

Consider two policies: a tax on cigarettes at the point of sale or production. Critics of sin taxes regard the former as illegitimate since it is paternalistic, regressive, and ineffective. Yet even if these objections succeed against consumption taxes, they do not extend to production taxes. This paper explains this asymmetry by appealing to the different rationales behind the two taxes: while the former invokes citizens' *own good*, the latter invokes citizens' *duties of justice* to make a genuine social contribution. I argue that citizens who work in 'sin' industries undermine the interests of persons as free and equal citizens. On this basis, I defend the public justifiability of a targeted income tax to discourage citizens from working in these industries and to ensure that citizens who do offset this social cost. Finally, I show that this sin tax on production avoids standard objections levelled at sin taxes on consumption.

1. Introduction

Consider two policies: a tax on cigarettes at the point of sale, and a tax on their production. Critics of sin taxes regard the former as an illegitimate use of state power – because it is paternalistic ('smoking is bad for you!'), regressive (the disadvantaged are hit hardest), or ineffective (people will buy them anyway). Yet even if these objections succeed against consumption taxes, they do not extend to production taxes – or so I will argue. In short, there is an important asymmetry between the public justifiability of sin taxes on consumption and production. This paper explains this asymmetry by appealing to the different rationales behind the two taxes: while the former invokes citizens' *own good*, the latter invokes citizens' *duties of justice* to make a genuine social contribution.

While it is widely believed that people should make a genuine social contribution as a matter of justice¹, surprisingly little has been written on what jobs count towards the discharging of one's contributive duties.² I buck this trend and argue that reasonable citizens, understood in a Rawlsian sense, would agree that citizens working in 'sin' industries (such as tobacco lobbyists and slot machine designers) fail to discharge their contributive duties. On this basis, I argue that the state is entitled to introduce a higher rate of income tax on employees in sin industries to disincentivise citizens from entering these industries ('Incentives Argument') – or, to the extent that offsetting is possible, to ensure that employees pay sufficient tax to offset the harmful effects of their jobs ('Recoupment Argument'). Following this, I show that none of the three obstacles to the public justifiability of an excise tax on sin goods apply to an income tax on employees who work in sin industries and thus establish an asymmetry between the public justifiability of a sin tax on consumption and production.

The article proceeds as follows. In Section 2, I identify three major objections to the legitimacy of a sin tax on consumption: the tax would be paternalistic, regressive, and ineffective. Section 3 develops an account of the duty to contribute within a public reason framework. In Section 4, I apply this account to sin industries and argue that citizens who work in these industries violate their contributive duties. Section 5 puts forward a case for a higher rate of income tax on citizens who do jobs in sin industries. In Section 6, I respond to two objections to my argument: that principles of justice do not apply directly to the conduct of individuals

¹ For recent defences of contributive duties, see Becker, 'The Obligation to Work'; Berkey, 'Obligations of Productive Justice'; Carens, 'Rights and Duties in an Egalitarian Society'; White, *The Civic Minimum*. For an excellent overview of arguments in defence of a contributive duty, I would direct the reader towards Markus Furendal's doctoral dissertation. Markus Furendal, 'Do Your Bit, Claim Your Share: Justice, Ethos, and the Individual Duty to Contribute' (Doctoral Thesis in Political Science, Stockholm: Department of Political Science, Stockholm University, 2020).

² The sole exceptions that I am aware of are the work of Stuart White and Markus Furendal. Furendal, 'Defining the Duty to Contribute'; White, *The Civic Minimum*, chapter five.

(Institutionalist Objection), and that citizens who work in sin industries are not morally culpable for their actions (Culpability Objection). In Section 7, I show that a sin tax on production avoids the objections that plague a sin tax on consumption and thereby establish the asymmetry thesis. Section 8 concludes.

2. Sin Tax on Consumption

Governments often try to justify taxing goods like cigarettes, alcohol and gambling ('sin taxes') on the grounds that smoking, drinking and gambling are bad for you. Is this a legitimate exercise of state power? A standard way to approach this question is to adopt a public reason framework. Following Billingham and Taylor, I define *public reason theorists* as those that endorse the following requirement:

Reasonable Acceptability Principle (RAP): "the exercise of political power ought to be acceptable to all reasonable citizens."³

In line with John Rawls, I define the constituency of reasonable citizens as those who are committed to the ideal of society as a fair system of cooperation between free and equal people and who endorse the RAP.⁴ According to Rawls, citizens are free if they have "the moral power to have a conception of the good", whereby they are "capable of revising and changing this conception on reasonable and rational grounds, and they may do this if they so desire."⁵ Reasonable citizens, understood in this sense, all share an interest in being able to pursue and revise their own conception of the good, regardless of its content.

³ Billingham and Taylor, 'A Framework for Analyzing Public Reason Theories', 671. As John Rawls himself put it, "[o]ur exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational." Rawls, *Political Liberalism*, 217.

⁴ Rawls, *Political Liberalism*, Lecture I.

⁵ Rawls, *Political Liberalism*, 30.

At first blush, it is plausible that all reasonable citizens would endorse a policy that protects this interest. With this in mind, consider the following argument for the public justifiability of a sin tax on consumption, using tobacco as an example:

- (P1) A smoking addiction inhibits one's ability to revise and pursue one's own conception of the good.
- (P2) Smoking tends to lead to a smoking addiction.
- (P3) If an activity tends to lead to the inhibition of one's ability to revise and pursue one's own conception of the good, then it is legitimate for the state to discourage people from doing that activity.
- (P4) An effective way for the state to discourage people from doing an activity is by taxing a good that is constitutive of the activity.
- (C) Therefore, it is legitimate for the state to tax cigarettes.

Here are three major objections to this argument.⁶ First, there is the *Paternalism Objection* (reject P3): if a tax is justified on paternalistic grounds, then it is not legitimate. A tax is justified on paternalistic grounds if it is justified on the basis that it is good *for you*. Quong argues that this poses a problem for the legitimacy of a tax since it involves the state treating citizens who (say) smoke as “lacking the ability to rationally pursue his or her own good”, and thereby treating them “as children, not as free and equal citizens.”⁷ If reasonable citizens would always reject state policy justified on paternalistic grounds, then a sin tax on consumption that is justified on the grounds that it will discourage people from doing self-harming activities cannot be publicly justified.

⁶ I am grateful to Rachel Fraser for raising and discussing several of these objections.

⁷ Quong, *Liberalism without Perfection*, 101, 106.

Second, there is the *Regressive Objection* (reject P3): if a tax is regressive, then it is not legitimate. A tax is regressive if it disproportionately hits the incomes of citizens with lower incomes. This undermines the legitimacy of a tax on a Rawlsian public reason view, since the regressive effects of a tax “count against Rawlsian egalitarian concerns” that are endorsed by all reasonable citizens.⁸ This poses a problem for sin taxes in particular since they tend to have regressive effects: people with lower incomes tend to spend a larger percentage of their income on sin taxes than those with higher incomes.

Third, there is the *Ineffective Objection* (reject P4): if a tax is justified on the grounds that it will discourage people from doing and it fails to do that, then it is not legitimate. Insofar as the purpose of a sin tax on consumption is to discourage people from purchasing sin goods, this is the metric against which the tax should be assessed. Since sin goods are very addictive, demand for sin goods tends to be price inelastic. As a result, a tax on (say) cigarettes is unlikely to discourage many people from smoking, despite the higher price of cigarettes; insofar as this was the aim of the tax, it is illegitimate.

For the sake of argument, let’s grant that these three objections are compelling, and consequently that sin taxes on consumption involve an illegitimate exercise of state power. Is the same true of sin taxes in general? It is notable that there is far less discussion of the legitimacy of the state imposing a sin tax that targets the *producer*. The rationale behind this tax, instead of appealing to the consumer’s own good, could be grounded in the producer’s duty to contribute. The idea here is that tobacco producers violate their duty to contribute by deliberately creating and marketing a product that inhibits others’ ability to revise and pursue their conception of the good, and this justifies imposing a higher tax on them – either to

⁸ Juul Nielsen and Jensen, ‘Sin Taxes, Paternalism, and Justifiability to All’, 59.

dissuade them from doing the job, or to enable society to recoup enough money to render their actions net contributive. This line of argument will be the subject of the remainder of the paper.

3. The Duty to Contribute: A Public Reason Account

What account of contributive duties would all reasonable citizens endorse? It is to this question that I now turn. Reasonable citizens by definition all endorse a *political* conception of justice comprised of three key ideals: “society as a fair system of cooperation over time”, “citizens [...] as free and equal persons”, and “a well-ordered society as a society effectively regarded by a political conception of justice.”⁹ Thus, we can draw on resources implicit within a political conception of justice to investigate questions about the existence and nature of contributive duties, and thereby arrive at *public reasons* for policies that appeal to contributive duties.

3.1 Existence of Contributive Duties

All reasonable citizens would agree that citizens have a defeasible duty of justice to do their fair share towards making a genuine social contribution – that is, they would agree that a duty to contribute exists. To see why, recall that all reasonable citizens endorse an ideal of society as a fair system of social cooperation for mutual benefit between free and equal people. It is on this basis that Quong contends that, “reasonable persons believe not merely that everyone should benefit from social cooperation, they believe that the burdens and benefits of social cooperation are to be fairly distributed.”¹⁰

To see what this involves, consider a cooperative enterprise that mirrors this ideal of society and so serves as a useful analogy for our purposes: a camping trip.¹¹ Imagine a camping trip

⁹ Rawls, *Political Liberalism*, 14.

¹⁰ Quong, *Liberalism without Perfection*, 38.

¹¹ G. A. Cohen, *Why Not Socialism?* (Princeton University Press, 2009), <https://doi.org/10.1515/9781400830633>.

where one camper refuses to do any helpful tasks, while all the other campers beaver away putting up the tent, collecting the firewood, washing the dishes and so on. This would be a flagrantly unfair distribution of the burdens and benefits of social cooperation. From this, it follows that part of what it means to endorse an ideal of society as a fair system of social cooperation is that you are committed to making a genuine social contribution. In this way, contributive duties flow from a political conception of justice which is shared by all reasonable citizens, irrespective of their particular conception of the good.

Before proceeding, there two important features about this duty that I wish to flag. First, the duty is to do one's *fair share* towards making a social contribution, rather than (say) making the best possible use of one's talents.¹² A fair system of social cooperation, such as a well-run camping trip, does not require that participants do maximally beneficial tasks, but simply that each does their bit. Second, the duty to contribute is *defeasible* and can be overridden by other important considerations.¹³ For example, if a camper is sick with the flu and needs rest to recover, then this consideration overrides their duty to contribute. The *pro tanto* nature of the duty to contribute follows from a commitment to a fair system of social cooperation, where a system of social cooperation is fair if no one makes an unjustifiable exception of themselves.¹⁴

3.2 The Social Contribution of a Job

¹² Carens, 'Rights and Duties in an Egalitarian Society', 35; Michael Cholbi, 'The Ethics of Choosing Careers and Jobs', in *College Ethics: A Reader on Moral Issues That Affect You*, ed. Bob Fischer (Oxford University Press, 2016), 885, <https://philarchive.org/rec/CHOTEO-14>.

¹³ As Joseph Carens puts it, "the duty to contribute is not binding if it becomes too demanding or too costly to oneself." Carens, 'Rights and Duties in an Egalitarian Society', 42. In a similar vein, both Stuart White and Tommie Shelby argue that people who are victims of structural injustice are not bound by contributive duties. Tommie Shelby, 'Justice, Deviance, and the Dark Ghetto', *Philosophy and Public Affairs* 35, no. 2 (2007): 126–60, <https://doi.org/10.1111/j.1088-4963.2007.00106.x>; White, *The Civic Minimum*, 98.

¹⁴ This draws on a recent account of fairness whereby you act unfairly if you make an unjustifiable exception of yourself. See Trifan, 'What Makes Free Riding Wrongful?'

There are many sorts of activities that make a valuable contribution. For my present purposes, I will focus on jobs. When it comes to its social contribution, a job has two relevant dimensions:

1. The activity itself.
2. The income earned.

A job can make a social contribution through either of these two dimensions. First, and most obviously, the activity involved in doing a job can make a social contribution. If you are surgeon, for example, then your job literally involves saving lives. Second, the income earned from doing a job can also make a social contribution. This can occur in several ways. Provided that you are working legally, part of your income will go towards paying taxes and so boost the public finances. Some of your income will be spent on buying goods and services – this money will go into another person’s pockets, who will then go and spend part of it themselves, thereby stimulating economic activity.¹⁵ You might even choose to donate some of your income to charity. Thus, there are many ways that a job can make a social contribution – whether directly through the activity itself, or indirectly as a downstream consequence of the income earned.

With this in mind, imagine that you do a job where the activity itself does not make any social contribution: digging and refilling holes, for instance. Let’s suppose that you pay your taxes and spend a sizeable portion of your disposable income; as a result, the income that you earn from your job improves the public finances via tax revenues and sparks an upward spiral of economic activity via consumer spending.¹⁶ Do you fulfil your contributive duty by doing this job? Perhaps. On a thin version of the duty to contribute, it is relatively easy to discharge your contributive duties – you make a genuine social contribution by doing a job if it involves doing

¹⁵ This economic process is known as the multiplier effect.

¹⁶ On the surprising economic benefits of pointless jobs, see John Maynard Keynes, *The General Theory of Employment, Interest, and Money*, 1st ed. 2018. (Springer International Publishing, 2018), 115, <https://doi.org/10.1007/978-3-319-70344-2>.

a socially valuable activity or if the income earned from your job makes a social contribution. On this view, you fulfil your contributive duty even if your job involves an activity as futile as digging and refilling holes. By contrast, on a thick version of the duty to contribute, you make a genuine social contribution through your job only if it involves doing a socially valuable activity; on this version of the duty, you don't fulfil your contributive duty by working as a hole-digger-refiller. For my present purposes, I will not commit to either version of the duty to contribute. In §5, I will make a narrower claim: namely, that you cannot fulfil your contributive duty if you do a harmful job, irrespective of the size of your income. But first, what is a 'harmful job'? It is to this question that I now turn.

3.3 Harmful Jobs and Public Reason

While reasonable citizens would agree that citizens have contributive duties, they may disagree strongly about the content of these duties. For instance, Evangelicals and atheists vehemently disagree about whether religious missionaries make a social contribution. To give another example, pacifists view weapons manufacturing as deeply harmful while hawks see it as vital to protecting the nation state. Provided that those on both sides of the disagreement could (at least in theory) be committed to the ideal of society as a fair system of social cooperation between free and equal people and respect the RAP, there will be reasonable disagreement about what counts as a social contribution.¹⁷ Put another way, how one answers the question of what counts as a socially valuable contribution will differ depending on one's particular conception of the good. One worry, then, is that by appealing to contributive duties, the state will take a particular side in moral disputes and thereby breach the principle of liberal neutrality.

¹⁷ As Stuart White aptly puts it, "there will also be reasonable disagreement at the margins about exactly which kinds of paid (or potentially paid) employment count as civic labour", where civic labour refers to labour which counts towards the discharging of one's contributive duty. White, *The Civic Minimum*, 100.

It is easier to pick out what reasonable citizens would agree *doesn't* count as a social contribution. For instance, reasonable citizens would agree that being a hitman doesn't count; killing another citizen for payment clearly fails to respect their equal moral status and freedom. Given this, I will focus on the question of what reasonable citizens would agree counts as a *disvaluable* contribution. I suggest that reasonable citizens with different conceptions of the good can nevertheless agree that a certain category of jobs make a disvaluable social contribution: namely, jobs that undermine the interests of persons as free and equal citizens who are committed to the ideal of society as a fair system of cooperation and the RAP (henceforth, 'harmful jobs'). People *qua* free and equal citizens with these commitments have interests in the following¹⁸:

1. *Equality*: Social conditions that protect and promote *equal citizenship*.
2. *Freedom*: Social conditions that protect and promote citizens' *freedom*.
3. *Contributive Capacities*: Social conditions that facilitate the development and exercise of capacities needed to contribute towards a *fair system of cooperation*.
4. *Reciprocal respect for the RAP*: Social conditions that facilitate the democratic exchange of reasons that are believed to be acceptable to others *qua* free and equal citizens.

I assume that all reasonable citizens would agree that a job makes a significant negative social contribution (and hence is a 'harmful job') if it undermines at least one of these interests. Let's briefly go through each interest in turn. Assessed against the criterion of *equality*, a job is bad

¹⁸ This list is inspired by Christie Hartley and Lori Watson, 'On Equal Citizenship and Public Reason: Reply to Critics', *Journal of Applied Philosophy* 37, no. 5 (2020): 889, <https://doi.org/10.1111/japp.12466>.

insofar as it undermines people's standing as equal citizens; an example would be running a racially segregated bus company.¹⁹

Let's now turn to citizens' interest in social conditions that protect and promote citizens' *freedom*. Crucial here is how we understand freedom. For instance, jobs that undermine some citizens' negative freedom plausibly make a positive social contribution – a building safety inspector who enforces fire regulations reduces the negative freedom of the developer (who now faces more external obstacles to achieve their desired plan), but intuitively the job makes a positive social contribution. Instead, we should home in on a particularly important subspecies of freedom: basic liberties. These include freedom of conscience, freedom of association, and political liberties.²⁰ A citizen is unfree in the relevant sense if they are denied these basic liberties. An example of a job that undermines this interest in the protection of basic liberties is working for the secret police; quashing political opposition and arbitrarily imprisoning people evidently undermines citizens' basic liberties and hence is a harmful job. According to Rawls, basic liberties are a prerequisite for the development, pursuit and revision of one's conception of the good and sense of justice – these are known as the two moral powers.²¹ Thus, from citizens' interest in social conditions that protect and promote citizens' freedom, we can also derive an interest in social conditions that facilitate the development and exercise of the two moral powers; a job is bad insofar as it undermines these moral powers.

Next, take citizens' interest in *contributive capacities*. A job is bad insofar as it impairs a person's capacity to contribute towards a system of social cooperation.²² The thought here is that you cannot discharge your contributive duty by doing a job that impairs other citizens'

¹⁹ The latter example is taken from Furendal, 'Defining the Duty to Contribute', 477.

²⁰ Rawls, *Political Liberalism*, 291.

²¹ Rawls, *Political Liberalism*, 19.

²² I am grateful to Rachel Fraser for suggesting this idea to me.

capacity to discharge their contributive duty (else your contributive duty would be self-defeating). An example is dealing heroin, since heroin use is likely to inhibit one’s ability to do socially valuable activities such as doing a socially useful job or care work.

Finally, consider citizens’ interest in *reciprocal respect for the RAP*. According to Rawls, this “requires that when those terms are proposed as the most reasonable terms of fair cooperation, those proposing them must also think it at least reasonable for others to accept them, as free and equal citizens, and *not as dominated or manipulated, or under the pressure of an inferior political or social position*.”²³ An example of a job that undermines this interest could be a job as a lobbyist for a fossil fuel company where the aim is to deliberately mislead public officials about the dangers of climate change to achieve the company’s desired policy outcome.

A summary of these interests and examples of jobs that undermine them can be found in the table below:

<i>Interest undermined</i>	<i>Example</i>
Equality	Running a racially segregated bus company
Freedom	Being a member of the secret police
Contributive capacities	Dealing heroin
Reciprocal respect for the RAP	Deceptive lobbying for fossil fuel companies

Table 1

4. Application to Sin Industries

I now want to home in on a particular category of jobs: those in sin industries (‘sin jobs’ for short). I use this term to refer to jobs in industries that produce addictive goods that cause harm

²³ John Rawls, ‘The Idea of Public Reason Revisited’, *The University of Chicago Law Review* 64, no. 3 (1997): 770 [italics added], <https://doi.org/10.2307/1600311>.

to users ('sin goods'); these goods include drugs such as heroin, tobacco and alcohol, gambling, fast food, and possibly social media. In this section, I will seek to show that sin jobs undermine the interests of people *qua* free and equal citizens with the normative commitments specified above and hence would be considered 'harmful jobs' by reasonable citizens.

While the category of harmful jobs extends well beyond those in sin industries (see Table 1 for examples), I focus on sin jobs for two reasons. First, as I will show later on, there is an interesting asymmetry between the public justifiability of a tax on the consumption of sin goods and a tax on their production. It has often been thought that sin taxes cannot be publicly justified since they rely on a particular conception of the good; against this standard view, I will show that a certain category of sin taxes can be endorsed by all reasonable citizens.

Second, the few philosophers who have written on the content of contributive duties have cited sin jobs as a paradigmatic example of a job that does not count towards the discharging of one's contributive duties²⁴ – yet they have failed to provide public reasons in defence of this. For example, Markus Furendal contends that, "the duty to contribute should not gear one towards drug trafficking [...] since the market price of addictive goods is higher than their social value."²⁵ However, how one determines the social value of addictive goods plausibly depends on one's conception about the good, about which citizens reasonable disagree. Meanwhile, Stuart White justifies this position on the grounds that if the "consumption of a specific good involves an excessively high risk of self-harm", then any job that produces this good does not count towards the discharging of one's contributive duties.²⁶ Against this, one could counter that how one conceives of harm will differ depending on one's views about the good life about

²⁴ For example, both Markus Furendal and Stuart White single out heroin-dealing as a job that does not count towards the discharging of one's contributive duty. White, *The Civic Minimum*, 100; Furendal, 'Defining the Duty to Contribute', 477.

²⁵ Furendal, 'Defining the Duty to Contribute', 477.

²⁶ White, *The Civic Minimum*, 100.

which citizens reasonably disagree; moreover, even if reasonable citizens all agree that (say) smoking harms users by shortening their lifespan, there will plausibly still be reasonable disagreement about whether *producing* cigarettes is a socially valuable activity, since some people really enjoy smoking despite the high risk of self-harm.

By contrast, over the next two sections, I will provide public reasons as to why citizens fail to discharge their contributive duty when they do a sin job. I begin with the claim that sin jobs undermine the interests of reasonable citizens in several ways. First, jobs that encourage greater consumption of sin goods (e.g., marketing for a gambling company) and design them to be as addictive as possible (e.g. scientist at a food fast company) undermine citizens' interest in freedom. This is because addiction severely inhibits a person's ability to revise and pursue their own conception of the good. Take smoking, for example. Cigarettes are "dangerous by design"²⁷; even tobacco companies themselves admit that they have "intentionally designed cigarettes to make them more addictive."²⁸ For example, tobacco companies have genetically engineered tobacco crops to contain twice the amount of nicotine²⁹, and have deliberately increased the sugar content of cigarettes over time to increase their appeal to younger people and women in particular.³⁰ Addiction compromises a person's ability to stop using the addictive product. Studies suggest that up to 70% of current smokers want to quit, but that 30 quit

²⁷ Robert N. Proctor, 'The Cigarette Catastrophe Continues', *The Lancet* 385, no. 9972 (2015): 938, [https://doi.org/10.1016/S0140-6736\(15\)60519-0](https://doi.org/10.1016/S0140-6736(15)60519-0).

²⁸ 'Corrective Statements Important Moment in Tobacco Control - NCI', cgvBlogPost, 28 November 2017, nciglobal,ncienterprise, <https://www.cancer.gov/news-events/cancer-currents-blog/2017/tobacco-corrective-statements>.

²⁹ Warren E. Leary, 'Cigarette Company Developed Tobacco With Stronger Nicotine; Head of F.D.A. Tells of Chemical Manipulation', U.S., *The New York Times*, 22 June 1994, <https://www.nytimes.com/1994/06/22/us/cigarette-company-developed-tobacco-with-stronger-nicotine-head-fda-tells.html>.

³⁰ Natasha A. Sokol et al., 'The Role of Cocoa as a Cigarette Additive: Opportunities for Product Regulation', *Nicotine & Tobacco Research* 16, no. 7 (2014): 984-91, <https://doi.org/10.1093/ntr/ntu017>.

attempts are needed on average before someone successfully quits smoking.³¹ These results suggest that smoking tends to undermine many people's freedom to revise and pursue their own conception of the good as most people cannot easily give up smoking despite a desire to lead a smoking-free life.

Second, consuming sin goods often undermines the development and exercise of one's contributive capacities. This is because addiction, if severe enough, inhibits a person's capacity to do activities such as doing a socially useful job and caring for others. For example, a gambling addiction increases the likelihood of losing one's job and family breakdown.³² In light of this, jobs involved in the production and sale of sin goods often undermine citizens' interest in the development and exercise of their capacity to make a social contribution.

Third, jobs that involve spreading disinformation about the health effects of sin goods and manipulating public officials undermine citizens' interest in reciprocal respect for the RAP. For example, the tobacco industry engaged in a decades-long disinformation campaign to obscure the harmful effects of cigarettes dating back to 1953, when tobacco company CEOs paid the lobbying firm Hill and Knowlton to cast doubt on scientific findings about the health risks of smoking.³³ Those involved in this disinformation campaign, ranging from tobacco company CEOs to in-house lawyers to lobbyists, actively undermined reciprocal respect for the RAP.

³¹ Nancy A. Rigotti et al., 'Treatment of Tobacco Smoking: A Review', *JAMA* 327, no. 6 (2022): 566–77, <https://doi.org/10.1001/jama.2022.0395>; Michael Chaiton et al., 'Estimating the Number of Quit Attempts It Takes to Quit Smoking Successfully in a Longitudinal Cohort of Smokers', *Addiction, BMJ Open* 6, no. 6 (2016): e011045, <https://doi.org/10.1136/bmjopen-2016-011045>.

³² Heather Wardle et al., 'The Lancet Public Health Commission on Gambling', *The Lancet Public Health* 9, no. 11 (2024): e950–94, [https://doi.org/10.1016/S2468-2667\(24\)00167-1](https://doi.org/10.1016/S2468-2667(24)00167-1).

³³ Rutger Bregman, *Abolish the Tobacco Industry — No One Should Be Allowed to Addict and Poison Others on an Industrial Scale*, 8 May 2024, <https://www.morambition.org/stories/abolish-the-tobacco-industry>.

In this way, sin jobs typically undermine at least one of the basic interests of persons as free and equal citizens who are committed to the ideal of society as a fair system of cooperation and the RAP. As a result, all reasonable citizens would agree that citizens who do sin jobs make a negative social contribution.

At this point, one might object that acts of limiting one's future freedom (for example, getting married) do not always undermine one's core interests. Given this, the mere fact that consuming sin goods limits one's future freedom (for example, smoking now makes it harder to quit later) does not on its own entail that this act undermines one's core interests.³⁴ In response to this objection, it is important to emphasise that the kind of freedom which all reasonable citizens have an interest in is not option-freedom but basic liberties, since these are a pre-requisite for exercising one's moral powers. While both marriage and smoking reduce the size of one's future option set (and hence one's option-freedom), this is not the relevant kind of freedom at stake. Importantly, the decision to get married and to smoke are disanalogous with respect to how they affect one's capacity to exercise one's moral powers. While the former decision is often (i) the result of substantial deliberation and (ii) does not compromise one's future capacity to revise one's conception of the good, the latter decision is often (i) made under conditions that are not conducive to exercising one's moral powers due to misinformation and hostile scaffolding by sin industries as well as social pressure and (ii) compromises one's future capacity to revise one's conception of the good due to its addictive nature. On this basis, reasonable citizens can object to sin industries on the grounds that they make a negative social contribution without objecting to other acts that limit one's future freedom, such as marriage or religious vows.

³⁴ I am grateful to my examiners for raising this objection.

One might also wonder why I do not place the health harms associated with the consumption of sin goods more centrally in my justification as to why producing sin goods undermines reasonable citizens' core interests.³⁵ One way in which health harms could be incorporated into a Rawlsian public reason framework would be to conceptualise the social bases of health as a Rawlsian primary social good which is desired by all reasonable citizens.³⁶ The idea would be that reasonable citizens all desire protection from social conditions that compromise their capacity to exercise and revise their conception of the good, which includes addiction-promoting environments. Since sin industries create addiction-promoting environments, they reduce reasonable citizens' access to the primary social good of the social bases of health.

However, I wish to avoid making this move since it is controversial whether the social bases of health should be included as a Rawlsian primary social good. Given this, incorporating health harms into my analysis could leave me open to the accusation that I sneak in a conception of the good through the backdoor by assuming that (say) a longer healthier life is more valuable than a shorter hedonistic life. Since my other justifications are independently sufficient to establish that the production of sin goods undermine reasonable citizens' basic interests, there is no need for me to wade into these controversial waters.

5. A Case for a Sin Tax on Production

Thus far, I have argued that employees in sin industries systematically violate their contributive duties. What practical implications, if any, follow from this? One natural thought is that the state should ban these industries.³⁷ If reasonable citizens believe that sin industries tend to

³⁵ Thanks to my examiners for raising this concern.

³⁶ For defences of this position, see Jayna Fishman and Douglas MacKay, 'Rawlsian Justice and the Social Determinants of Health', *Journal of Applied Philosophy* 36, no. 4 (2018): 608–25, <https://doi.org/10.1111/japp.12339>; Johannes Kniess, 'Justice in the Social Distribution of Health', *Social Theory and Practice* 45, no. 3 (2019): 397–425.

³⁷ Interestingly, Stuart White has previously put forward almost an exact inverse of this reasoning: if the state should ban certain industries such as heroin, then it follows that doing a

undermine at least one their core interests, then why should society permit their existence?³⁸ A similar line of argument is adopted by Christie Hartley and Lori Watson, who argue from the fact that sex work undermines the interests of women *qua* free and equal citizens to the conclusion that paying for sex work should be illegal.³⁹ Banning sin industries would also be in line with how many governments respond to instances of contributive duty violations already discussed in §3, ranging from contract killing to heroin dealing.

However, in this section I will argue that there are both principled and pragmatic reasons that speak against criminalising sin industries against banning sin industries. Instead, I propose that liberal states should impose a higher rate of income tax on employees who work in these industries in order to dissuade people from entering these industries or otherwise offset the harm caused.

5.1 Why Not Ban?

Not all violations of contributive duties demand the same policy response, for both principled and pragmatic reasons. Let's start with the principled. Here's a plausible general claim: a prospective duty violation does not always justify the enforcement of said duty. To illustrate this idea, Christian Barry and Emily McTernan contrast two cases: a bystander may justifiably restrain someone who is about to break the limbs of an innocent non-threatening person, but they would not be justified in restraining someone in a monogamous relationship who is about

job in these industries does not count towards the discharging of one's contributive duties. White, *The Civic Minimum*, 100.

³⁸ Thanks to Catarina Neves and my examiners for pressing me on this issue.

³⁹ Christie Hartley and Lori Watson, *Equal Citizenship and Public Reason: A Feminist Political Liberalism* (Oxford University Press, 2018), chapter 7, <https://doi.org/10.1093/oso/9780190683023.001.0001>.

to cheat on their partner.⁴⁰ Reflecting on this, Barry and McTernan distinguish between duties that are *enforcement-apt* and *inapt*.⁴¹ Whether a duty is enforcement-apt plausibly depends on the nature of the duty, the severity of the prospective violation, and the proposed enforcement mechanism (among other considerations).

With this in mind, let's home in on contributive duties. Are they enforcement-apt and, if so, under what conditions and using what enforcement mechanism? One important consideration that bears on this question is the severity of the duty violation caused by working in a harmful job – the more severe the duty violation, the greater the justifiability of enforcement and the use of more coercive enforcement mechanisms. Factors that inform the severity of the duty violation include: (i) whether reasonable citizens *consent* to having their interests undermined, (ii) whether the undermining of reasonable citizens' interests is a *necessary* outcome of working in that job, and (iii) the *degree* to which reasonable citizens' interests are undermined. Another important consideration that bears on the enforcement-aptness of the duty is whether there is *reasonable disagreement* about the justifiability of a given enforcement mechanism – where this is the case, a liberal state should instead adopt a weaker enforcement mechanism about which there is agreement among reasonable citizens.

To illustrate how violations of contributive duties can differ along these dimensions, let us contrast the 'services' of a hit man and a gambling company. The 'services' of a hit man are (i) not consented to, (ii) necessarily undermine reasonable citizens' interests in freedom, and (iii) undermine these interests to the utmost degree.⁴² Moreover, there is no countervailing benefit

⁴⁰ Christian Barry and Emily McTernan, 'A Puzzle of Enforceability: Why Do Moral Duties Differ in Their Enforceability?', *Journal of Moral Philosophy* 19, no. 3 (2021): 230, <https://doi.org/10.1163/17455243-20213535>.

⁴¹ Barry and McTernan, 'A Puzzle of Enforceability'.

⁴² According to Don Marquis, "killing someone is wrong, primarily because the killing inflicts (one of) the greatest possible losses on the victim" – namely, losing one's life "deprives one of all the experiences, activities, projects, and enjoyments that would otherwise have constituted

that would cause reasonable citizens to object to a ban on this industry. Contrast this with gambling. The ‘services’ of a casino are (i) consented to (at least to an extent), (ii) probably rather than necessarily undermine reasonable citizens’ interest in freedom (since it is possible to gamble without being addicted), and (iii) undermine these interests to a lesser degree than the case of contract killing. Moreover, insofar as some reasonable citizens take gambling to be part of their conception of the good (since, for instance, they are willing to risk becoming addicted for the sake of entertainment), banning gambling is not publicly justifiable. Given this, a liberal state should instead pursue a weaker enforcement mechanism of contributive duties in the case of the gambling industry, such as by using tax policy to discourage contributive duty violations.

Finally, pragmatic considerations also speak against banning sin industries. Banning an industry often causes it to be pushed underground, which can have harmful unintended consequences. For example, Juno Mac and Molly Smith show that criminalising the purchase of sex work causes sex workers to work in more dangerous conditions.⁴³ There are many historical examples that demonstrate the ineffective and often counterproductive effects of banning sin industries, such as the banning of alcohol during the US Prohibition era.⁴⁴ In light of this, one should be cautious about recommending that sin industries are criminalised.

Given these concerns, I will instead focus on establishing the weaker claim that it is legitimate for the state to use tax policy to respond to the problem of harmful jobs. Before proceeding, let me clarify some terminology. By taxes on *consumption*, I refer to taxes on the purchase of a good (e.g., sales tax, excise tax). By taxes on *production*, I refer to taxes on the earnings of

one's future.” Don Marquis, ‘Why Abortion Is Immoral’, *Journal of Philosophy* 86, no. 4 (1989): 189, <https://doi.org/10.2307/2026961>.

⁴³ Juno Mac and Molly Smith, *Revolting Prostitutes the Fight for Sex Workers’ Rights* (Verso, 2018), chapter 6.

⁴⁴ Sarah Conly, *Against Autonomy: Justifying Coercive Paternalism* (Cambridge University Press, 2012), chapter 6, <https://doi.org/10.1017/CBO9781139176101>.

producers, where the ‘producer’ could be the company itself (e.g., payroll tax) or employees (e.g., income tax).

With this terminology to hand, I will now put forward a case for a specific kind of production tax: a higher rate of income tax levied on employees in sin industries.⁴⁵ For reasons that I will explain in Section 6.2, the tax would only apply to employees who earn above a certain threshold. I will argue for this tax on two grounds. First, the tax would discourage citizens from acting unreasonably by entering sin industries (Incentives Argument). Second, to the extent that it is possible to compensate for doing a harmful job by contributing more to the public purse, the tax would ensure that this offsetting occurs (Recoupment Argument).

5.2 Incentives Argument

In this section, I will defend what I call the *Incentives Argument*:

- (P1) Citizens have a *pro tanto* duty of justice to do their fair share towards making a genuine social contribution.
- (P2) If a citizen does a harmful job, then they necessarily fail to discharge their contributive duty.
- (IC) Therefore, citizens have a derivative duty of justice not to do a harmful job.
- (P3) If citizens have a derivative duty of justice not to do a harmful job, then it is legitimate for the state to discourage citizens from doing harmful jobs.

⁴⁵ Historical precedents for an additional income tax levied on people in specific industries include the UK bank payroll tax and French banking bonus tax in 2009, which imposed a 50% tax on banker bonuses above a certain threshold. Graeme Wearden, ‘France Poised to Join UK in Taxing Bankers’ Bonuses’, Business, *The Guardian*, 10 December 2009, <https://www.theguardian.com/business/2009/dec/10/brown-and-sarkozy-tax-bankers>.

(P4) An effective way for the state to discourage citizens from doing harmful jobs, absent a ban, is by imposing a higher rate of income tax on citizens who do harmful jobs.

(C) Therefore, it is legitimate for the state to impose a higher rate of income tax on citizens who do harmful jobs.

We can break this argument down into two steps. First, I argue that citizens who do harmful jobs violate their contributive duties; thus, citizens have a *derivative duty* of justice not to do a harmful job (intermediate conclusion IC). Second, I argue that the state is entitled to use income tax policy to discourage citizens from violating their derivative duty of justice not to do a harmful job (conclusion C).

Let's start by evaluating the first step. I have already defended (P1) in Section 3. To establish the intermediate conclusion that citizens have a derivative duty of justice not to do a harmful job, then, I need to defend (P2). To motivate this claim, consider the following example:

Landmines I. You plant landmines around town, and charge residents for the service of deactivating them. You earn a handsome amount of money from this business, which you use to pay a substantial amount in tax⁴⁶, spend on goods and services, and donate to charity.

In *Landmines I*, the social contribution of the activity involved in doing your job is clearly negative (you are endangering people's lives to extort money from them!), while the social contribution from the income earned from the job is positive (you pay plenty of tax, stimulate the economy through spending, and donate to charity). Have you discharged your contributive duty? Intuitively not. I want to suggest that this result holds *irrespective* of the size of your

⁴⁶ Suspend your disbelief about the legality of this job.

financial contribution: even if you earned vastly more than everyone else in town and paid far more in tax than all the other residents, this would not compensate for the badness of your job. If this is correct, then this suggests that the socially disvaluable nature of a harmful job cannot be offset by the social benefits derived from the income earned from it – i.e., we should reject *Income-Offsetting*. Now consider a modified version of this example:

Landmines 2. You plant landmines around town, and charge residents for the service of deactivating them. In your free time, you run a local food bank and provide free legal advice to asylum seekers.

Again, intuitively you have not discharged your contributive duty. This is despite all the do-gooding that you do in your free time. The thought here is that certain jobs involve doing activities that are *so* bad that reasonable citizens would reject the idea that they could be compensated for through other means. From this, it follows that you necessarily violate your contributive duty if you do a harmful job (and, by extension, if you work in a sin industry).

The fact that offsetting is not possible in the context of discharging one's contributive duties tells us something interesting about the nature of social cooperation. Doing your fair share towards making a social contribution is not a matter of totting up a moral balance sheet of socially valuable and disvaluable actions. Instead, you only do your fair share towards making a social contribution if reasonable citizens, understood as free and equal people in a fair system of social cooperation, could endorse your actions; this follows from a commitment to reciprocal respect for the RAP. But reasonable citizens could not endorse you (say) planting landmines around town even if you contribute in other aspects of your life, since this puts the basic liberties of other citizens under threat.

Let's now evaluate the second step of the argument. According to P3, if citizens a derivative duty of justice not to do a harmful job, then it is legitimate for the state to discourage citizens

from doing harmful jobs. The underlying idea here is that the state is entitled to disincentivise unreasonable behaviour; as John Rawls put it, the right response to citizens who act unreasonably is to “contain them” so as to ensure the stability of a reasonably just society.⁴⁷ Against this, one might worry that reasonable citizens would object to the state using non-rational means such as tax policy to discourage citizens from acting unreasonably. However, while I agree that appealing to people’s rationality via persuasion is *ceteris paribus* a preferable means to get people to change their behaviour, this will not always be effective at discouraging people from acting unreasonably. For instance, tobacco executives and lobbyists presumably know that they are acting unreasonably when they lie to the public about the dangers of cigarettes; if so, then rational persuasion is unlikely to stop them doing so. Another way to frame the policy is as a correction for a market failure: the targeted tax on the income of people who do harmful jobs forces people to internalise the negative external costs of harmful jobs when making their career choice. On this basis, I argue that an additional income tax on these citizens would be endorsed by reasonable citizens to disincentivise citizens from doing these jobs.

Turning now to P4, I posit two mechanisms through which a higher rate of income tax on citizens who do harmful jobs would be effective at reducing the number of citizens doing harmful jobs in the long run. First, it would incentivise citizens who currently work in these industries to change job; second, it would discourage citizens from entering the industry in the first place. These incentives would be monetary in nature (since employees’ real disposable income would be hit by the tax), but I suspect also status-related, since the expressive effect of the tax would be to mark out these jobs as socially disvaluable. Through these two mechanisms,

⁴⁷ Rawls, *Political Liberalism*, xvii.

I expect that a targeted tax on income in sin industries would reduce the number of people working in sin industries in the long run.

5.3 Recoupment Argument

Suppose you were unconvinced by my argument that someone who does a harmful job necessarily fails to discharge their contributive duty. Instead, you believe that a citizen who does a harmful job can nevertheless discharge their contributive duty so long as they pay enough in tax and/or do another activity outside of employment that is sufficiently socially valuable. On this basis, you might object that if citizens do not have a derivative duty of justice not to do a harmful job, then it is illegitimate for the state to attempt to discourage citizens from doing a harmful job.

Perhaps surprisingly, I will now show that *even if* I concede that offsetting in the context of discharging one's contributive duties is possible, this does not fatally undermine the case for imposing a higher rate of income tax on citizens who work in sin industries. This is because there is a *different* public reason that can also justify a sin tax on production. In defence of this claim, consider the *Recoupment Argument*:

- (P1) If citizens will necessarily fail to discharge their duty of justice by doing a harmful job unless they make a sufficient social contribution elsewhere, then it is legitimate for the state to ensure that citizens who do harmful jobs nonetheless make a sufficient social contribution.
- (P2) The most effective way for the state to ensure that citizens who do harmful jobs make a sufficient social contribution is by imposing a higher rate of income tax on citizens who do harmful jobs.

(C) Therefore, it is legitimate for the state to impose a higher rate of income tax on citizens who do harmful jobs.

In essence, the state is entitled to use taxes to forcibly recoup money from citizens who do harmful jobs to ensure that they discharge their contributive duty. This is because duties of justice which are endorsed by all reasonable citizens are enforceable by the state. A sin tax on production is a way that society could effectively ensure that citizens who do harmful jobs offset this by forcibly recouping the costs; in effect, the tax becomes a means to get more of a contribution from citizens and ensures that the contributive duty is met.⁴⁸

Against P1, one might object that if the only way to offset doing a harmful job is to do an *activity* that is sufficiently socially valuable (i.e. paying tax won't cut it), then it is illegitimate for the state to impose a tax in an ill-fated attempt to recoup the costs. To this, I would respond as follows. First, it is especially implausible to think that someone can compensate for doing a harmful job by doing an *unrelated* socially valuable activity in another aspect of their life, as opposed to by paying lots of tax, where the taxable income is derived from the harmful job – let alone that it is the *sole* way to compensate. Second, so long as citizens who do harmful jobs are *very unlikely* to do another activity that is sufficiently socially valuable, then I argue that the state is still entitled to disincentivise citizens from doing harmful jobs.⁴⁹ This is plausible in the vast majority of cases, in part because the kind of people who do harmful jobs despite having reasonable alternatives are unlikely to do lots of do-gooding activities in their free time, and in part because the kind of do-gooding activities required to offset doing a harmful job need to be truly exceptional. According to a revised version of the Incentives Argument, then,

⁴⁸ I am grateful to discussions with Paul Billingham and Rachel Fraser for prompting this idea.

⁴⁹ Notice that I do not think that the same applies to a *ban* on sin jobs; this would be very hard to publicly justify if fulfilling one's contributive duty is technically compatible with doing a harmful job.

if citizens *typically* violate their duty of justice by doing a harmful job, then it is legitimate for the state to discourage citizens from doing harmful jobs to ensure a high level of compliance with the demands of justice.

Against P2, one might object that a more effective way for the state to ensure that citizens who do harmful jobs make a sufficient social contribution is by mandating that they do community service. Granting for the sake of argument that activity-offsetting is possible, a tax remains the more attractive policy lever for the state to pull as it is the least coercive of the two.

How much tax do citizens who do harmful jobs need to pay to offset the negative effects of doing a harmful job? One might argue that citizens who do harmful jobs are often highly paid and so do in fact pay a lot of tax; given this, the thought goes, people who do harmful jobs already discharge their contributive duties by paying a very large tax bill. If this is correct, then state would not be justified in implementing an *additional* income tax targeting people who do harmful jobs. However, this isn't quite right. To see why, consider the following example. Suppose there are two people – call them Tobacco Lobbyist and Doctor, named after their jobs – who pay the same amount in tax. Tobacco Lobbyist only makes a social contribution via paying tax, while Doctor makes a genuine social contribution via *both* the content of their work and by paying tax. There is at least a *prima facie* case for unfairness here. For Tobacco Lobbyist to do their fair share towards making a genuine social contribution, they would need to pay a lot more tax than Doctor. Given this, it is plausible that there needs to be an additional income tax that specifically targets citizens like Tobacco Lobbyist, so that they pay *more* tax than citizens like Doctor.

In this way, even if I were to concede that it is possible for someone who does a harmful job to still fully discharge their contributive duty if they pay enough tax, the state would still be justified in setting a higher rate of income tax on citizens who do harmful jobs to ensure that

they do their fair share towards making a genuine social contribution. While the Incentives Argument is forward-looking and justifies this tax on the grounds that it will disincentivise unreasonable behaviour in the future, the Recoupment Argument is backward-looking and justifies a tax to ensure that offsetting occurs.

6. Objections and Replies

Critics might object that individuals are the *wrong target* of critique. It's important to distinguish between two versions of this objection. First, individuals do not have contributive objections to begin with, since principles of justice only apply to the basic structure of society (Institutionalist Objection). Second, individuals who do harmful jobs are not morally culpable given that their choice was unjustly constrained (Culpability Objection). I will defend a sin tax on production against these two objections in turn.

6.1 Institutional Objection

One way to object to my argument thus far is to deny my initial premise that individuals have *pro tanto* contributive duties. One way to deny this is to insist that principles of justice do not apply directly to the conduct of individuals but rather apply to major social institutions⁵⁰, which refer to “the political constitution and the principal economic and social arrangements.”⁵¹ On this view, people do not have individual duties of justice (and hence do not have contributive duties) – instead, principles of justice should guide how we design institutions, and then people are free to act as they like within the confines of these institutions. This view is known as *Institutionalism*, and can be summarised as follows:

⁵⁰ For instance, John Rawls argued that “the principles of justice for institutions must not be confused with the principles which apply to individuals and their actions in particular circumstances.” Rawls, *A Theory of Justice*, 47.

⁵¹ Rawls, *A Theory of Justice*, 6.

Institutionalism: “The principles of justice apply directly to the institutions of the basic structure of society, and not to the conduct of individuals. In other words, the aims prescribed by the principles of justice are aims that must guide the process of structuring the institutions of the basic structure, as well as the policies and practices of those institutions. They are not, however, aims that individuals must directly promote in their personal conduct.”⁵²

If one accepts Institutionalism, the thought goes, then this fatally undermines the case for an additional tax on people who work in sin industries. This is because no one has violated a contributive duty and consequently there are no grounds for state intervention.

To this, I would respond as follows. First, there are good reasons to reject Institutionalism. For one thing, many of the justifications given in defence Institutionalism do not stand up to scrutiny.⁵³ For example, a standard justification for Institutionalism is that the basic structure has “effects [that] are so profound”⁵⁴ – yet the cumulative effect of individuals’ actions can also have profound effects. For another thing, the implications of Institutionalism are counterintuitive. G.A. Cohen notes that if Institutionalism is correct, then it would be impossible for a society with just institutions of the basic structure to be made *more* just simply by a change in individuals’ actions.⁵⁵ But this is implausible. Suppose, for instance, that citizens live under just social institutions, but the wealthy become willing to accept lower wages to help the worst off – if you think that that society has become more just, then it follows that the basic

⁵² Brian Berkey, ‘Against Rawlsian Institutionalism about Justice’, *Social Theory and Practice* 42, no. 4 (2016): 707.

⁵³ For a systematic refutation of the various justifications for Institutionalism, see Berkey, ‘Against Rawlsian Institutionalism about Justice’.

⁵⁴ Rawls, *A Theory of Justice*, 7.

⁵⁵ G. A. Cohen, *If You’re an Egalitarian, How Come You’re So Rich?* (Harvard University Press, 2000), chapter 9, <https://doi.org/10.2307/j.ctvjz82m8>; G. A. Cohen, *Rescuing Justice and Equality* (Harvard University Press, 2008), chapter 3, <https://doi.org/10.4159/9780674262713>.

structure extends beyond major social institutions to encompass “the social ethos, and the choices of individuals.”⁵⁶

Second, *even if* you endorse Institutionalism, you should still endorse a sin tax on production. This is because a sin tax on production is a way of changing the incentives that society offers at an institutional level to bring us closer to a just society whereby the benefits and burdens of social cooperation are fairly divided, without directly mandating that people act in certain ways. As Rawls himself put it, “the priority of liberty means that we cannot be forced to engage in work that is highly productive in terms of material goods. What kind of work people do, and how hard they do it, is up to them to decide *in light of the various incentives society offers*.”⁵⁷ Insofar as harmful jobs threaten the ideal of society as a fair system of cooperation, the state is justified in altering incentives to uphold just institutions.

6.2 Culpability Objection

A second way to object to my argument is to deny that citizens should be held morally responsible for working in harmful jobs. The objection can be put as follows. If citizens lack any reasonable alternative to doing a harmful job, where a ‘reasonable alternative’ is a job that would satisfy their basic welfare or flourishing (a ‘decent job’), then their *pro tanto* duty to contribute – and, by extension, their derivative duty not to do a harmful job – has been overridden by their need to have their basic needs met. In light of this, it would be illegitimate for the state to impose a higher rate of income tax on citizens who do harmful jobs with the aim of discouraging them from doing these jobs (Incentives Argument) or extracting a greater social contribution out of them (Recoupment Argument). Instead, the tax ought to be imposed

⁵⁶ Cohen, *If You’re an Egalitarian, How Come You’re So Rich?*, 143.

⁵⁷ Rawls, *Justice As Fairness*, 64 [italics added].

on *companies* who profit from their labour – they are the ones who should be held responsible for employing people to do harmful jobs in the first place.⁵⁸

My response to this objection is two-fold. First, I agree that under conditions where the only decent jobs are harmful jobs, it would be illegitimate for the state to impose a higher rate of income tax on citizens who do harmful jobs. Instead, the state ought to address the fact that there are no decent jobs that are not also harmful jobs. However, I dispute that this is an accurate reflection of reality. It's important to distinguish between two cases: one in which someone has no reasonable alternative to doing a harmful job, and one in which someone has a reasonable-but-worse alternative to doing a harmful job. While many people find themselves in the former situation, there are at least some well-off individuals who find themselves in the latter situation. In this latter case, you cannot legitimately claim that your *pro tanto* duty to contribute has been overridden on the grounds that doing a good-but-less-cushy job would somewhat reduce your wealth. To illustrate, consider an analogy to other moral duties: it would equally be illegitimate to reason from the fact that giving to charity would reduce your wealth to the claim that you have no duty to donate all-things-considered.⁵⁹ When well-off individuals choose to work in harmful jobs to earn a lot of money despite having sufficiently good alternative options, they violate their duty to contribute and bear moral responsibility for doing a harmful job.

My proposed tax on production would ideally only apply to citizens who work in harmful jobs and have reasonable alternatives available to them; to accommodate this, I use 'earning an above average salary' as a proxy for having reasonable alternatives. This will turn out to be overinclusive in some select cases – for instance, someone who works in a highly paid job designing addictive slot machines, but who needs the money to pay for the expensive medical

⁵⁸ Thanks to Sophie Smith for pressing this objection.

⁵⁹ Thanks to Rachel Fraser for helping me to articulate this claim and suggesting this example.

treatment of their family member and who wasn't able to land another job. Nevertheless, at the level of policymaking, I suspect that earning a high income is a fairly good proxy for having a feasible alternative of working in a decent job that is not a harmful job.

Second, imposing a sin tax on employees is perfectly compatible with imposing one on companies, for instance on the grounds that companies violated their derivative duty not to supply harmful jobs.. While this paper has focused on the former, I am sympathetic to a tax on the revenue of companies which targets the design incentives behind sin goods that undermine the interests of reasonable citizens. An example of a tax of this sort is the UK soft drinks industry levy, which imposes a higher tax rate on beverage producers who manufacture soft drinks with a higher sugar content.⁶⁰ Nevertheless, the point remains that this is still a sin tax at the point of production which can be justified by an appeal to contributive duties.

7. Establishing an Asymmetry

We now return full circle. As outlined in Section 2, there are three obstacles to the public justifiability of a sin tax on consumption: it is *paternalistic*, *regressive*, and *ineffective*. None of these three objections apply to a sin tax on production; thus, I establish a principled asymmetry between the public justifiability of the two taxes.

Let's start with the paternalism objection. Recall that a sin tax on consumption relied on the paternalistic claim that the state is entitled to implement a policy on the grounds that the policy is *good for you*, where what is good for you is defined by your interests *qua* free and equal citizen. To this, it was objected that a policy that is justified on paternalistic grounds would be rejected by reasonable citizens since it fails to treat people as capable to self-rule. By contrast,

⁶⁰ Tobi Thomas et al., 'UK Sugar Tax Explained: What Is It and Has It Worked?', *Business, The Guardian*, 9 July 2024, <https://www.theguardian.com/business/article/2024/jul/09/uk-sugar-tax-explained-what-is-it-and-has-it-worked>.

an additional income tax on citizens who work in sin industries does not rely on this sort of paternalistic claim about what is *good for you*. Instead, the tax is justified by the idea that it is legitimate for the state to discourage citizens from acting in an unreasonable manner by doing harmful jobs (Incentives Argument), or otherwise to offset the negative effects (Recoupment Argument). Either way, a sin tax on production is justified on the grounds that sin jobs undermine *others'* interests, rather than that certain activities undermine one's *own* interests.

However, one might worry that the Incentives Argument for a sin tax on production is still paternalistic, albeit in a different way. While a sin tax on production does not seek to discourage people from ϕ ing because ϕ ing is bad for you, it does treat people as though they lack the ability to act in a reasonable manner without government interference. Moreover, since the tax offers material incentives not to ϕ rather than rational arguments, the state treats people in a manipulative manner, as though they lack the ability to rationally respond to moral persuasion. In their discussion of a soda tax, Douglas MacKay and Alexandria Huber-Disla put the point as follows: “implicit in the resort to a soda *tax* is the judgement that consumers cannot be persuaded to make appropriate consumption choices, but instead must be moved or directed by nonrational forms of influence to act in one way rather than another.”⁶¹ Consequently, a sin tax on production arguably still treats people as children rather than morally autonomous adults, which is often seen as constitutive of paternalism.⁶²

To this, I would respond as follows. I am willing to concede that a targeted income tax on sin industries does in some sense treat people like children. In the case of the Incentives Argument, it bypasses people's rationality and instead imposes costs that factor into people's payoffs; in the case of the Recoupment Argument, it assumes that people will otherwise fail to discharge

⁶¹ MacKay and Huber-Disla, ‘Designing a Just Soda Tax’, 355.

⁶² See, for instance, Quong, *Liberalism without Perfection*, 106.

their contributive duties absent state intervention. However, treating someone like a child is not enough for an action to count as paternalistic. There *is* an important moral difference between the state to discouraging a person from ϕ ing because ϕ ing is bad for *them* and because ϕ ing is bad for *others*. For example, consider a law against murder. One way of framing this law is that it seeks to disincentivise people from violating a moral duty in a way that bypasses their rationality – it just imposes a cost to murder that people factor into their payoffs when making decisions. However, even if we frame a law against murder in that way, we would not call this *paternalistic*. Similarly, a sin tax on production is not paternalistic despite not employing rational persuasion.

Next, let's turn to the regressive objection. To this, I would respond that my proposed sin tax on production is *progressive* rather than regressive in nature. This is because the tax that only applies once an individual earns a sufficiently high salary. However, one might object that even if the tax is progressive when it comes to people who work in sin jobs, it could nevertheless have regressive effects on consumers if the tax feeds through into higher prices of sin goods, which would disproportionately hit the incomes of people on lower incomes. This is a legitimate concern, which I address below.

Finally, let's turn to the effectiveness of a sin tax on production. Recall that a sin tax on consumption is likely to be ineffective at decreasing consumption because consumers are addicted to sin goods and so will carry on buying them anyway. The same reasoning does not apply to a sin tax on production: employees are not 'addicted' to working in sin industries and will try to exit these industries if the pay and status become significantly worse. According to the Incentives Argument, the aim of the tax is to discourage citizens from doing sin jobs. If people know that there is a higher rate of income tax that is specifically imposed on people who work in sin jobs, then this is likely to act as a strong disincentive from working in sin industries; one would expect that this would lead to a sizeable drop in the number of people

working in that industry over the long run, as people are financially incentivised to work in other industries instead. Turning now to the Recoupment Argument, the aim of the tax is to ensure that citizens who do harmful jobs offset their significant negative social contribution. A targeted tax on income in sin industries would likely be effective at this aim by extracting additional income tax from citizens who do harmful jobs. Thus, unlike with a tax on sin goods, a higher rate of income tax on employees in sin industries is likely to be effective at achieving its goal of discouraging people from entering the industry and/or recouping social costs and hence cannot be found to be illegitimate on account of ineffectiveness.

One might object that I have been assuming that the statutory incidence of the tax (i.e. who is liable to pay it) is the same as its economic incidence (i.e. who bears the costs of the tax). But standard economic theory predicts that this is false: if agents are perfectly rational, then the statutory incidence of a tax should not bear on its economic incidence, which is instead determined by the relative elasticities of supply and demand.⁶³ This seems to pose a problem for my arguments that a sin tax on production would not be regressive on consumers and would be effective at discouraging people from entering the industry, since it could turn out that the cost of the tax is borne by companies (who make less profit) or, worse, by consumers (who pay higher prices). In this way, the tax could end up being both regressive towards consumers and ineffective at discouraging people from entering the industry.⁶⁴

To this concern, I have three replies. First, a recent study suggests that the statutory incidence of a tax often *does* bear on its economic incidence.⁶⁵ This is because people are *not* fully rational – individuals are likely to change their behaviour to a greater degree if they are legally liable

⁶³ Joseph E. Stiglitz, *Economics of the Public Sector*, 3rd ed. (W. W. Norton, 2000), 514.

⁶⁴ I am grateful to my examiners and Richard Endörfer for raising this concern.

⁶⁵ Enda Hargaden and Barra Roantree, 'Does Statutory Incidence Matter?: Earnings Responses to Social Security Contributions', University of Oxford, Saïd Business School, Centre for Business Taxation, 2019, https://www.hargaden.com/enda/StatutoryIncidence_HargadenRoantree_v15.pdf.

to pay a tax due to its greater salience to them. Given this, I would predict that an increase in the income tax rate of employees in sin industries would prompt employees to leave the industry at a greater rate than other taxes of equivalent size. Second, to the extent that the economic incidence of the tax would nevertheless fall predominantly on consumers absent state intervention (and thereby render the policy both regressive and ineffective), then the state should adopt a policy *package* and use complementary legal mechanisms to prevent this pass through from occurring – for example, by imposing a maximum price ceiling on cigarettes. Third, regardless of where the economic incidence of the tax lies, the statutory incidence of a tax is likely to nevertheless have the expressive effect of communicating disapproval; this could serve as an additional disincentive from entering the industry as well as an incentive for workers to leave the industry. Thus, even if the economic incidence of my proposed sin tax on production were to diverge significantly from its statutory incidence, the tax could still remain non-regressive and effective.

These results are summarised below:

<i>Objection</i>	<i>Sin Tax on Consumption</i>	<i>Sin Tax on Production</i>
Regressive	Yes	No
Paternalistic	Yes	No
Ineffective	Yes	No

Table 2

It is worth noting that this result is not exclusive to a sin tax on the income of citizens who work in harmful jobs. A sin tax on production that targets companies rather than employees would also plausibly avoid the three objections pressed on sin taxes on consumption: this is because it is not paternalistic (the tax concerns preventing harm to *others*), it is effective (for example, beverage producers responded very quickly in reducing the sugar content of drinks

following the UK soft drinks industry levy⁶⁶), and – to the extent that it would end up being regressive if companies passed on the tax to consumers via higher prices – the state could introduce complementary measures such as a price cap to mitigate this.

8. Conclusion

This paper has provided a novel defence of so-called sin taxes – in particular, a targeted income tax on people who work in sin industries – which can be endorsed by public reason theorists. I have presented two arguments in defence of this position; which argument you find most convincing will depend upon whether you believe that someone who does a job that makes a significant negative social contribution can nevertheless fully discharge their contributive duty if they pay enough tax. If so, then a higher rate of income tax on people who do sin jobs is justified in order to ensure that they fully discharge their collective obligation (‘Recoupment Argument’); if not, then this tax is justified to discourage citizens from acting unreasonably by doing in jobs (‘Incentives Argument’).

A key upshot of my analysis is that there is an interesting asymmetry between the public justifiability of sin taxes on consumption and production. For instance, a tobacco duty on cigarettes plausibly lacks public justification since it is regressive, paternalistic, and ineffective; by contrast, a higher rate of income tax on employees in the tobacco industry who earn above a certain threshold avoids these objections and would be endorsed by reasonable citizens. This speaks to the need for a fine-grained analysis when it comes to assessing the public justifiability of taxes and other public policies.

⁶⁶ Thomas et al., ‘UK Sugar Tax Explained’.

6 Conclusion

This DPhil thesis has explored the overarching question of what justice demands in the context of employment. Nonetheless, since the sub-question addressed in each article is distinct, there is no single conclusion to be drawn. In its place, I will summarise the key contributions of each article, identify unifying themes that connect the results of the three articles, and suggest ideas for a future research agenda.

Contributions

In ‘Working from Home and Gender Justice’, I argued that considerations of gender justice provide a *pro tanto* reason in favour of a default employee entitlement to work from home. To arrive at this conclusion, I showed that concerns about the creation of a new glass ceiling are misplaced, and that it is comparatively easier to reduce the disadvantage faced by caregivers using working from home policy than it is to reduce the gendered division of labour. Turning to policy implications, I argued for a default employee entitlement to work from home, complemented by policies that mitigate the exacerbation of the gendered division of labour (such as by making a legal right to work from home conditional on being used in a gender-egalitarian fashion, or providing paternity leave on a use-it-or-lose-it basis).

In ‘Must Everyone Do Essential Work?’, I contended that the burdens of essential work should be fairly distributed among everyone who shares a collective obligation to produce essential goods and who are not justifiably exempt. If only some duty-bearers do essential work, then they are owed compensation by other duty bearers. An important policy implication of my argument is that, all else being equal, citizens who are not essential workers should pay higher

taxes than essential workers. Finally, I argued that this would be preferable to a recent policy suggestion to conscript everyone to do essential work.¹

In ‘Publicly Justified Sin Taxes on Production’, I argued that citizens have a *pro tanto* duty of justice to do their fair share towards making a genuine social contribution. On this basis, I contended that the state may legitimately impose a higher rate of income tax on citizens who do harmful jobs (such as jobs in the tobacco or gambling industries) and earn above a certain threshold. A further contribution of this paper is that it established a principled asymmetry in the public justifiability of sin taxes on consumption and production.

Unifying Themes

Despite their differences, there are several key themes that unite the three articles. First, each paper grapples in its own way with the moral significance of the wage. While A1 conceives of the wage as a form of *advantage* of which caregivers are often deprived, A2 regards the wage as a form of *compensation* for doing burdensome work, and A3 views the wage as an *incentive* that the state can manipulate using taxes. These different perspectives reflect existing philosophical disagreement about how best to conceptualise the wage.²

Second, and relatedly, all three articles identify a mismatch between wages and social contribution. In A1, I argue that unpaid caregivers are unjustly disadvantaged in contemporary capitalist societies, which can be attributed at least in part to the fact that they do not earn a wage, which renders them vulnerable to exploitation. A2 takes issue with the fact that essential workers are often low-paid and importantly are not compensated by the right people. Finally, in A3, I object to the fact that citizens who work in industries such as tobacco and gambling

¹ Kandiyali, ‘Sharing Burdensome Work’.

² Jeffrey Moriarty, ‘What’s in a Wage? A New Approach to the Justification of Pay’, *Business Ethics Quarterly* 30, no. 1 (2020): 119–37, <https://doi.org/10.1017/beq.2019.42>.

are often well-renumerated despite the harmful effects of their work. Indeed, A2 and A3 can be seen as two sides of the same coin: I argue that essential workers should receive a tax break (A2) while workers in sin industries should be hit with a higher tax bill (A3), in light of how socially valuable and *disvaluable* their work is respectively.

Third, all three articles share an anti-market sentiment. In particular, they are united by their scepticism about the desirability of unregulated labour markets. In unregulated labour markets, employers will ‘undersupply’ working from home relative to what would be optimal vis-à-vis gender justice (A1), essential workers will not be fairly compensated by non-essential workers (A2), and employees in ‘sin’ industries will fail to fulfil their contributive duties (A3). To overcome these problems, the three articles all argue in favour of policy intervention – for instance, the state should implement a legal right to work from home (A1), directly compensate essential workers (A2), and impose an additional income tax on well-paid employees in sin industries (A3).

Future Research

There are many potential directions for future research based on this DPhil thesis. In this final section, I will sketch three possibilities. First, one could attempt to provide a comprehensive account of what constitutes a *just wage*. For instance, should wages track social contribution? Answering in the negative, Joseph Heath contends that “there is an important and easily defensible principle underlying the market determination of wages – the system is designed to channel labour to its best employment.”³ On this view, wages should not reward workers’ social contribution but should instead signal the relative demand and supply of labour to deliver an

³ Joseph Heath, ‘On the Very Idea of a Just Wage’, *Erasmus Journal for Philosophy and Economics* 11, no. 2 (2018): 2, <https://doi.org/10.23941/ejpe.v11i2.326>.

efficient allocation of labour. One task for future research is to evaluate the philosophical coherence and content of a ‘just wage’ and, relatedly, what it means for a wage to be unjust.

Second, one could focus on the question of what justice demands in the context of *unpaid* work. While this thesis has focused on paid work, a lot of work – notably, caregiving work – is unpaid. There are many interesting philosophical questions to ask with respect to the organisation of unpaid caregiving work. For instance, should parents be compensated for the unpaid labour involved in bringing up children? Should everyone be conscripted to do care work? And what do we gain by conceptualising caregiving *as work* to begin with?

Third, one could consider new philosophical challenges that face societies in response to recent developments in *artificial intelligence* (AI). This DPhil thesis was inspired by changes to the workplace in the wake of the COVID-19 pandemic. With the pandemic now firmly in the past, a new major driver of changes to the world of work is AI. Left unchecked, developments in AI could result in labour-displacing automation that significantly increases technological unemployment, worsens the quality of many jobs, and exacerbates economic inequality. An important new frontier for research in the philosophy of work, then, is to consider how policymakers should respond to technological progress in AI.

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