

Transfer in a Conflict Model as a Reason for (Unconditional) Basic Income

Marcel Franke*

* Marcel Franke, Götz Werner Chair of Economic Policy and Constitutional Economic Theory, Albert-Ludwigs-Universität Freiburg, 79098 Freiburg, Germany

Freiburg Institute for Basic Income Studies (FRIBIS),
Albert-Ludwigs-Universität Freiburg, 79098 Freiburg,
Germany

Contact: marcel.franke@vwl.uni-freiburg.de +49 (0)761 203 2320

<https://orcid.org/0000-0002-3765-1179>

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University of Freiburg

Freiburg Institute for Basic Income Studies (FRIBIS)

Albert-Ludwigs-Universität Freiburg
Rempartstr. 10
79085 Freiburg
Germany

www.fribis.uni-freiburg.de/en

Restricting the transfer payments of members according to their behavior may limit their freedom. Respecting the freedom of an individual in society, even if maximized, ends where the freedom of another individual begins (Hobbes, 2001, pp. 118-128). Thus, taking charges from individuals for misbehaving, which is standard practice, gradually reduces a UBI effectively up to the point where the entire UBI needs to be used to pay the fines. If the UBI can be entirely consumed by fines, then there is an effective restriction on its net payment of behaving according to the law. Thus, it is conditional. Note that this depends on whether the basic income can be seized.

Further, from a constitutional perspective, one must restrict the freedom of those who hurt the freedom of others. Therefore, imprisonment as a last resort is still necessary. In such circumstances the imprisoned may be excluded from society. In this way, a non-universalistic basic income payment for outlaws is rejected or the behavioral side of a conditional basic income may be violated. This case shows the gradual nature of the terms "conditionality" and "universality".

We have discussed the case that the matter of exclusion may be designed in hypothetical agreement from a constitutional perspective. This allows for impartial decisions on what society wants. Protecting society against negative migrations shows another limitation that may have similar roots to the exclusion of citizens. Nevertheless, the right to the exclusion of outlaws is necessary to maintain the constitutional order for everyone in society. Thus, we conclude that exclusion rules can be justified. While calling a transfer "unconditional" or "universal" may communicate strong ideals, these ideals do not fit real-world societies without restriction. Therefore, the careful discussion of the details in the payment conditions cannot be neglected either way.

5. The perspective of the New Ordoliberalism

Out of the constitutional reasoning introduced in the previous section, the condition to obey the law may be justified. The question of how a basic income affects the constitution from a constitutional design perspective remains to be addressed in this section. We therefore introduce the New Ordoliberalism to provide a continuation of the constitutional perspective concerning the feasibility and stability of a constitutional design. This allows the discussion of the effects of such a UBI on constitutional design concerning the stability of the constitution that goes into detail concerning an enduring endorsement with the constitution (Midtgaard, 2008).

The transfer payment from reasoning of buying others out of their conflict calculus implements the demands of the New Ordoliberalism in several aspects. In addition to a constitutional unanimous agreement, New Ordoliberalism requires a constitution to be free of conflict, renegotiation proof, and free of strategic manipulation. These aspects must be secured ex-post. Therefore, a constitution must plan ex-ante on securing these, which makes the constitution self-enforcing. Thus compliance with the rules is endogenously ensured since strategic interests of deviation from the constitution are ruled out (Neumärker, 2017, p. 836). In this way, the concept continues the idea of Ordoliberalism. Dold and Krieger (2021) provide an overview and discussion of the traditional Ordoliberalism (Dold & Krieger, 2021).

The basic income payment manages the ex-post demands, for example, conflict potential, very well. By paying people out of their conflict intentions, the constitution will have less

of an issue with violations ex-post, and therefore this policy reduces conflict. The New Ordoliberalism also considers social preferences, especially the robustness of the constitution concerning harmful negative social preferences, such as envy and blame (Neumärker, 2017, p. 836). Envy gradually gets reduced by a decrease in inequality (Varian, 1974). A basic income always takes the form of redistribution, thus reducing inequality, which lowers economic reasons for envy. Blame, on the other hand, considers whether the actions of other individuals were justified (Schotter, 1990, pp. 121-131). Being in desperate need of money may also cause some individuals to conduct criminal activities. A basic income gets rid of this desperation for all citizens including desperation crimes. One should mention that blame may also increase due to the redistribution other citizens do not want to pay for, for example, the Malibu surfers.

The government does not need a significantly larger state capacity to pay a basic income. The budget will increase to pay the money but financing it will make many citizens net payers, so the overall free money the government can give away is less (Tondani, 2009, pp. 248-249). In addition, reducing defense spending and activities may be an argument for a smaller state capacity required to enforce the law, which the government is obliged to do anyway. However, the government must be sufficiently strong to enforce its social policy in the long term (Goldschmidt & Neumärker, 2008).

Making a constitution renegotiation proof can be achieved through the concept of the tolerance premium (Neumärker, 2017, p. 837). Paying a basic income regardless of the citizens' performance and luck with the current constitution reduces their absolute loss compared to a reference point such as anarchy. Thus, it reduces the incentives to attack the constitution in the hope of successful renegotiation since they benefit from it at least by the living standards provided by the basic income. This concept was presented as a tolerance premium in the last section already. It effectively stabilizes the constitution and leads to acceptance even by the losers of "the game of life" (Binmore, 2005, p. 171).

Having the same payment for everyone is likely to make the constitution free of strategic manipulation since receivers are not incentivized to communicate higher success in engaging in conflict. Therefore, higher transfer payments are justified, as is the case with rent-seeking activities or targeted programs (Nitzan, 1994). The government may set the level of transfer in a cost-reducing way, concerning the effectiveness of the transfer payment in comparison to the money spent, paralleling individual tax systems (Blankart, 2017, pp. 207-226). Since a basic income has several effects, this is a task for an encompassing study on the efficiency of the measure and the incentives of the government considering valid alternatives, like Danziger and Wheeler (1975) provide (Danziger & Wheeler, 1975). Depending on the conditions for receiving the basic income, there may be room for strategic manipulation. For example, by not being allowed to consume any drugs to be eligible to receive the payment, some may still consume drugs and give a false report. In its connection to crime, it can be concluded again and in line with the model's findings in section 1 that the detection of crime still needs to be fostered. Further, simple eligibility requirements, which a UBI relative to alternative social security programs offers, improve the governmental implementation of a transfer system (Gentilini, Grosh, Rigolini, & Yemtsov, 2019, p. 224),

From the constitutional point of view, the citizens implement their rules themselves due to a lack of a third party that could externally enforce rules. Thus, the constitution must be self-enforcing to be enforced at all. This means the people are clearly interested in

enforcing the contract (Homann, 1997, p. 16). Since the government is willing to pay the transfer it is incentivized to do so. And its willingness to pay the transfer is guaranteed for Pareto-improvements. Neumärker and Pech (2002) analyze why a government should obey constitutional taxation rules (Neumärker & Pech, 2002). These incentives support a self-enforcing contract by the basic income from the reasoning for conflict in a constitution. In addition, it helps in enforcing other parts of the constitution, e.g., basic rights, by providing additional incentives to the citizens to respect the law. Further, internalization of the benefits may help in enforcing a constitution via intrinsic motivations (Cooter R. , 2006), (Acemoglu & Jackson, 2017).

Franke and Neumärker (2022) also raise the question of who can offer a transfer (Franke & Neumärker, 2022, p. 121). This issue can intuitively be solved by considering the restriction of PLAYER 1 to make trustworthy announcements of a transfer scheme to the other PLAYER. Trustworthy announcements are reasonable for a government set up by a constitution, whereas a single citizen may not be that trustworthy to others. Thus, the government is likely to fit into the role of PLAYER 1. In any case, a study of the pregame of the selection of PLAYER 1 may be interesting for further research.

Overall, we conclude that a basic income inspired by the reduction of economically motivated conflict fits the demands of New Ordoliberalism well. Therefore, this analysis suggests considering a basic income for the sake of enforcement of a constitution. Even if the basic income must introduce incentives to accept the constitutional rules, these can be legitimate from the constitutional perspective. Whether such a basic income should be called “unconditional” or “universal” is an important question to add to the basic income discussion. With this paper, we argue that this question is a matter worthy of debate.

6. Conclusion

This article deals with the application of the conflict model by Franke and Neumärker (2022) on the basic income in a society (Franke & Neumärker, 2022). The results suggest incentives for a Pareto-optimal transfer that could take the form of a basic income. The basic income payments must be linked to obedience to the law of the recipients to reduce conflict in society. Further, even if the transfer payment reduces crime, the government should maintain an effective detection and law system. The transfer payments may optimally differ from individual to individual.

Nevertheless, the information necessary for generating an efficiently differentiated transfer scheme may be hard to gather. Therefore, as a second-best policy, a basic income may be adequate. Concerns about the government running into the public goods dilemma when paying multiple other PLAYERS are relatively few since the government can be considered a large PLAYER or even a joint project best suited to handle the public goods dilemma.

The conditionality of obeying the law may be less appealing when considering a UBI from the perspective of freedom. Indeed, it may be no longer unconditional at all if the payment depends on “specific circumstances and life situation” (Neumärker, Blum, Yalcin, & Yalcin, 2021, p. 24). Nevertheless, this conditionality is mandatory for running society as it is required to protect the freedom of one citizen from another. One way or another, living together needs structure. The government may efficiently provide this by

linking the basic income payments to behavior in line with the law – a practice that is already common to some extent.

But who designs the law? The constitutional perspective can answer this question. Individuals may unanimously restrict their freedom of action in a constitution to their mutual benefit justifying restrictions of freedom for the sake of a better living together. Then, enforcing these restrictions by exclusion or deprivation of financial means efficiently is in the interest of every citizen who agrees with the constitution.

This constitutional perspective provides further insight by applying the New Ordoliberalism. New Ordoliberalism claims that a constitution must contain its means of rule enforcement. Therefore, a basic income may help in several aspects, such as reducing conflict directly and reducing conflict potential from envy, further, by providing a tolerance premium combating renegotiation interests. The design of fixed payments to every citizen is resistant to strategic manipulation, for example, exploiting possible information asymmetries. Finally, the government has a reason itself to pay the basic income, as long as this measure serves the task of combating criminal behavior efficiently.

While providing exciting results, this concept has several limitations that motivate further studies. First, and most notably, the model does not perfectly fit the situation of a government paying a transfer. The government is treated equally as a monolithic PLAYER here. While this brings an interesting perspective, it is limited to a Leviathan government that deals with only this one aspect. A realistic government would consider a social policy and its budgetary implications, which are ignored in this paper.

Further, an analysis of the efficiency of this strategy of combating crime is required compared to the traditional tools (Polinsky, 2006), deterrence by punishment, and a higher detection rate. This includes the analysis of a first-best transfer design and a comparison to basic income. Finally, the content of a constitution is an empiric matter (Neumärker, 2017, p. 835). An empirical study on constitutional reasons for a UBI could help disentangle the weight that can be given to the different arguments in the UBI discussion, including the view of a UBI for obedience to the law.

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University of Freiburg

Freiburg Institute for Basic Income Studies (FRIBIS)

Albert-Ludwigs-Universität Freiburg
Rempartstr. 10
79085 Freiburg
Germany

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