

## Civil Rights and Economic Democracy

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A recent text on civil rights law begins with an illuminating parable:

Two groups—one white, the other black—are playing a game of poker. They have been playing the same game for some 300 years, during which time the white group has cheated on numerous occasions. The white group now announces that ‘from this day forward, we will stop cheating.’ ‘That’s fine,’ the black group responds, ‘but what are you going to do about all those poker chips that have stacked up on your side of the table all these years.’ ‘We’re going to give them to ‘So, whites will continue to benefit from past cheating; that’s not fair,’ the black group insists.<sup>1</sup>

The parable graphically highlights the unavoidable significance of economic issues—the distribution of poker chips in the parable—for the project for which we use the shorthand label “civil rights.” At root, civil rights struggles have consistently touched on questions, not only social and cultural, but also *economic*, questions about the organization and distribution of economic power and material goods. In this paper, I want to argue that economic democracy is integral to the quest for civil rights.

I will begin by suggesting that democracy, understood in the broadest sense as egalitarian *self-government*, must be seen as a crucial element of the civil rights agenda. The same, I suggest, is true of *economic justice*. The two concepts are not unrelated. The notion of *economic democracy*, of self-government extended to the economic arena, integrates the two.<sup>2</sup> In the remainder of the paper, I attempt to show that there are antecedents for a concern with economic democracy in the developing philosophy of the civil rights movement, and that economic democracy is an appropriate and attractive goal for the movement today.

### I. DEMOCRACY, ECONOMIC JUSTICE, AND CIVIL RIGHTS

Multiple themes, none necessarily overwhelming any of the others,

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1. ROY L. BROOKS, ET AL., *CIVIL RIGHTS LITIGATION: CASES AND MATERIALS* 3 (2d. ed. 2000).

2. Cf. HOWARD J. SHERMAN, *REINVENTING MARXISM* 322 (1995). “The object of socialists is to go beyond the formal definition of democracy in the political sphere and to extend democracy to the economic sphere.” *Id.*

rightly informed the civil rights movement during its early history and continue to inspire its adherents in the present. I wish here to suggest that the movement's commitment to racial justice can be seen as implying and inspiring commitments to democracy and economic justice.

#### *A. Democracy and Civil Rights*

Democracy is crucial to the fulfillment of the civil rights vision, both substantively and instrumentally. Instrumentally, it is a precondition for the achievement of political change. Substantively, it embodies the civil rights vision's promise of full inclusion in the life of our society.

Democracy is necessary if civil rights are to be achieved. It is not *logically* necessary, of course. After all, it is conceivable that a benevolent dictator could impose measures furthering racial justice on an unwilling population, and of course this is what some southerners maintained, effectively, that Lyndon Johnson had done. But it seems at least initially plausible to maintain that if social institutions are to be responsive to the needs of all people, the odds are greater that they will do so in a democratic political order. Growing Afro-American representation in national and state legislatures does not ensure that the interests of black and other marginal people will be respected, but it raises the odds considerably. The democratization of other social institutions can only increase the capacity of minority group members to influence policy outcomes in ways that are likely to contribute to inclusiveness and justice.

But democracy is not simply a means of affecting other goals. Democratic participation is an end in itself. Our institutions, from the national government to our workplaces and neighborhoods, are places where we are formed, where our identity is constructed. To participate in decision making in our social institutions is not simply, perhaps not even primarily, a means of furthering the interests of the various groups to which we belong. It is a matter of belonging, inclusion, overcoming alienation: only if I participate in the decisions that affect me can I reasonably regard myself as part of the institutions that shape my life. To the extent that belonging to an authentic national community was an underlying concern of the civil rights movement, democratic participation must be seen not only as a means to the movement's ends but as itself *among* those ends.

#### *B. Economic Justice and Civil Rights*

Civil rights entails a concern with economic democracy. To be sure, this focus is not always explicit in discussions of civil rights. A standard civil rights law textbook, for instance, addresses equal educational opportunity, public accommodations and housing, employment, the ad-

ministration of justice, constitutional torts, the rights of linguistic minorities and people with disabilities, and affirmative action.<sup>3</sup> Only in a chapter on voting is democracy on center stage,<sup>4</sup> and the focus even here is not on expanding the definition of democracy to include economic justice and workplace participation. The authors focus on class in part to highlight the obvious fact that racial discrimination is responsible for a *surplus* of marginality over and above that affected by economic injustice.<sup>5</sup> They are rightly concerned to reject conservative calls to abandon concern with race, and one textbook obviously cannot do everything. But a broader concern with economic justice *does* grow naturally from an underlying concern with civil rights. It does so for at least three reasons. (1) Economic justice has always been a key goal of the civil rights movement. (2) The achievement of economic justice will also contribute instrumentally to the achievement of the movement's non-economic goals. And (3) the underlying vision of the civil rights movement implies an understanding of community and human dignity from which a commitment to economic democracy flows ineluctably.

The debate inside and outside the courts in the 1950s over *Plessy v. Ferguson's*<sup>6</sup> outrageous "separate but equal" doctrine should not be allowed to obscure the fact that separation has never co-existed with equality. Segregation served a variety of psychic, cultural, and social goals that can fruitfully be disentangled from its economic consequences: it was not *simply* about preserving an economic class system. But it obviously *did* preserve such a system. Exclusion from political and economic life meant exclusion from prosperity. In a word, it meant poverty.<sup>7</sup>

In 1944, Gunnar Myrdal spelled out the economic condition of black America in stark terms:

The economic situation of the Negroes in America is pathological. Except for a small minority enjoying upper or middle class status, the masses of American Negroes, in the rural South and in the segregated slum quarters in Southern and Northern Cities, are destitute. They own little property; even their household goods are mostly inadequate and dilapidated. Their incomes are not only low but irregu-

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3. BROOKS, *supra* note 1.

4. BROOKS, *supra* note 1, at 561-682.

5. BROOKS, *supra* note 1, at 3-6.

6. 163 U.S. 537 (1896).

7. I do not intend here to enter the hotly contested debate about the role of nonracial factors in explaining black poverty in industrial cities outside the South. William Julius Wilson has argued strenuously, and controversially, for the importance of structural economic considerations in explaining this phenomenon; see WILLIAM J. WILSON, *THE BRIDGE OVER THE RACIAL DIVIDE: RISING INEQUALITY AND COALITION POLITICS* (1999); WILLIAM J. WILSON, *WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR* (1996); WILLIAM J. WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* (1987); WILLIAM J. WILSON, *THE DECLINING SIGNIFICANCE OF RACE: BLACKS AND CHANGING AMERICAN INSTITUTIONS* (2d ed. 1980).

lar. They thus live from day to day and have scant security for the future.

“The typical Southern Negro farm family,” Myrdal noted, “has an income of but a few hundred dollars a year. It is considerably lower than that of the average white farm family.”<sup>9</sup> The incomes of black people living in southern villages were also “[e]xtremely low.”<sup>10</sup> Marked differences were also evident in northern and southern urban centers.<sup>11</sup> None of this should come as any surprise, but it highlights the importance of economic injustice in defining the civil rights movement.

Demands for voting rights, for freedom from discrimination, and for affirmative action must be understood as demands for dignity and belonging. But they must also be seen as calls for practical measures to remedy the persistent effects of racial injustice. Bringing black Americans into the mainstream meant more than making interracial marriages more feasible and creating a market for situation comedies featuring happy upper class or upper middle class Afro-American characters. It meant responding to the endemic poverty partly affected and perpetuated by racial exclusion. Economic injustice was an endemic problem when the civil rights movement was born. There is little warrant for optimism about its disappearance today.<sup>12</sup>

Both the economic and non-economic goals of the civil rights movement depend on the possession of economic power by people whose voices would otherwise be silenced. The point is obvious where the movement’s economic objectives are concerned, but it is just as significant in respect of its political and cultural concerns.

A monopoly of economic power by those persons—usually white—who are already privileged enables them in turn to maintain racialized structures of power. By contrast, the inclusion of previously marginal people in American political life at the national, state, and local levels depends on their economic empowerment. This is true for both candidates and voters.

Effectiveness as a candidate for political office typically depends on education, which offers both skills vital to the analysis of relevant issues and to communication regarding those issues *and* access to networks of people who can in one way or another facilitate the achievement of one’s political goals. Education equips potential voters to make in-

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8. GUNNAR MYRDAL *ET AL.*, *AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY* 295 (2d ed. 1944).

9. *Id.* at 364-65.

10. *Id.*

11. *See id.*

12. Among numerous relevant sources, *see, e.g.*, ANDREW HACKER, *TWO NATIONS: BLACK AND WHITE, SEPARATE, HOSTILE, UNEQUAL* (1992); *A COMMON DESTINY: BLACKS AND AMERICAN SOCIETY* (Gerald David Jaynes & Robin M. Williams, Jr. eds., 1989).

formed choices and encourages them to understand themselves as part of the body politic. Public financing of higher education does not eliminate the hurdles experienced by persons with limited resources serious about educational advancement. Grants and scholarships are limited, loans impose crushing debt burdens, and devoting time, energy, and money to education may be incompatible with fulfilling family responsibilities if one lacks sufficient resources.

A candidate must have personal access to enough resources to allow she or he to seek office. It will not be possible for people holding typical jobs to take leaves of absence to campaign, or to perform job-related tasks while campaigning effectively. A serious campaign for state or federal office demands time commitments people can only make if they are working part-time or have opted to make their campaigns their jobs. Even more importantly, they must be able to fund the day-to-day operations of their campaigns—to pay staff members, transport people and things, and produce and distribute advertising. Their ability to do so depends, in turn, on their possession of sufficient personal funds to make campaigning viable or their ability to draw on the support of communities with the resources necessary to support their campaigns. Either way, expanding the economic resources available to members of marginal communities makes effective political participation by prospective candidates more likely. Similarly, people can contribute to or volunteer for campaigns only if they possess adequate resources. In either case, economic empowerment is crucial.

Economic democracy also fosters the achievement of a range of cultural goals relevant to the struggle for civil rights. The term “culture” here is a grab bag. It includes the transformation of cultural values and interpersonal and inter-group relations necessary to give minority group members a sense of dignity, inclusion, belonging, and personal power. It also includes the participation of members of minority groups in the work of cultural production—as visual artists, writers, film-makers, and musicians.

Economic well-being fosters self-respect, both by helping people to secure the resources they need to gain the approval of others in a strongly appearance-driven consumer society, and by ensuring people a level of empowerment and independence they need to exert a meaningful level of control over the circumstances of their own lives. It fosters inclusion by enabling them to exert economic pressure on those who might seek to exclude. It also fosters inclusion by reducing differences between them and members of dominant groups: well-dressed black Americans in expensive cars are still subjected to police harassment and social discrimination, but they are at least spared some of the indignities to which poverty subjects other members of minority communities.

Economic well-being makes it possible for minority group members to participate in the work of cultural production. It does so indirectly by providing them with access to education. More directly, it gives them the resources they need to take the economic risk of involving themselves in often rewarding but un-rewarded cultural activities. While there is no single “minority voice” to which members of subordinated groups involved in cultural production can be expected to give expression, empowering members of such groups to engage in cultural production increases the likelihood that previously excluded perspectives will enter the cultural mainstream to enrich understandings and change attitudes.

The civil rights movement sought *inclusion* and *equality* and resisted *subordination* and an unrealistic *individualism*. Thus, it embodied a vision of community, solidarity, and empowerment and a “transvaluation of values” with respect to the economic rights of the already powerful, as opponents of the movement clearly saw. Limitations on discrimination by retailers, hoteliers, restaurateurs, landlords and others made it clear that property rights were not absolute. How people used property could and would be restricted if other significant human claims were at stake.

In Texas in the early 1950s, a prospective employer manifested concern about hiring my father, then an accountant. Though they did not raise the issue directly, questions from the executives responsible for making the hiring decision made it clear to him that they were nervous because as a Seventh-Day Adventist he would be unable to work from sundown on Friday to sundown on Saturday. He assured them that he respected their right to refuse to hire absolutely anyone they wanted. Their property rights, he clearly believed, were absolute. Simple fairness meant declining a job rather than infringing on the economic freedom of others. Thus, he opposed employment discrimination laws that would have protected him—and that would have protected women and people of color.

It may be difficult, almost three decades later, to understand the profound attachment to individual autonomy, exemplified in absolute control of one’s real and personal property, that underlies this kind of stance. But it clearly reflected a set of basic American attitudes toward economic rights that remained very much alive as the civil rights movement gathered steam. It is crucial to see how dramatically the civil rights movement challenged and undercut this fundamental vision of property rights. Legislation and judicial decisions designed to prevent discrimination in employment, in the provision of public accommodation, even in respect of membership in some private clubs and associations made clear that taking racial justice seriously meant relativizing property

rights. To be sure, the notion of absolute property rights had always been fictive: statutory and common law had always limited the use of property. But the constraints imposed by civil rights legislation on the use of personal property seemed at least to some of those affected to represent a new and potentially substantial challenge to the independence of property owners.

The reaction of Martin Luther King and some of his civil rights movement associates to Jesse Jackson's Chicago-based work on behalf of the Southern Christian Leadership Conference's Operation Breadbasket only underscored the point that the civil rights movement represented a challenge to the existing property regime. Breadbasket sought to promote active African American involvement in the economy, promoting black employment and black enterprise.<sup>13</sup> But King and others were skeptical about "black capitalism," and King harbored "grave doubts" about Jackson's approach. SCLC executive director William Rutherford argued that Breadbasket aimed simply "to replace white bastards with black bastards."<sup>14</sup> Rutherford emphasized the inconsistency of Breadbasket with the movement's goals when he asked King: "If the whole thrust of assuring oneself profit is to exploit whoever's there, what the hell are we doing with black people, trying to put them in the same odious position where you have to exploit someone else to turn your profit?"<sup>15</sup>

As Bayard Rustin observed:

The Negro's struggle for equality in America is essentially revolutionary. While most Negroes—in their hearts—unquestionably seek only to enjoy the fruits of American society as it now exists, their quest cannot *objectively* be satisfied within the framework of existing political and economic relations. The young Negro who would demonstrate his way into the labor market may be motivated by a thoroughly bourgeois ambition and thoroughly "capitalist" considerations, but he will end up having to favor a great expansion of the public sector of the economy. At any rate, that is the position the movement will be forced to take as it looks at the number of jobs being generated by the private economy, and if it is to remain true to the masses of Negroes.<sup>16</sup>

What was necessary, Rustin suggested, was "the qualitative transformation of fundamental institutions, more or less rapidly, to the point

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13. For details, see DAVID J. GARROW, BEARING THE CROSS: MARTIN LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE 462, 470, 489, 529, 438, 459, 559, 565, 584 (1986).

14. *Id.*

15. *Id.* at 585.

16. Bayard Rustin, *From Protest to Politics: The Future of the Civil Rights Movement*, in THE CIVIL RIGHTS READER; BASIC DOCUMENTS OF THE CIVIL RIGHTS MOVEMENT 339 (Leon Friedman ed., 1968).

where the social and economic structure which they comprised can no longer be said to be the same.”<sup>17</sup> He added: “I fail to see how the movement can be victorious in the absence of radical programs for full employment, abolition of slums, the reconstruction of our educational system, new definitions of work and leisure.”<sup>18</sup> Rustin’s call here was not for violent revolution but for coalition-building with white liberals. But, like King, he had no doubt that the civil rights movement meant a challenge to the underlying assumptions shaping the American economy.

Even more fundamentally, it meant a commitment to a democratic vision of American society. Democracy is about more than the right to vote in national, state, and local elections, the right to be a candidate, and the right to influence public opinion regarding campaigns and issues. If democracy means self-government, then our progress toward democracy will be incomplete until all people are able meaningfully to influence the structures and processes that shape their environments and constrain their choices.

Racial justice in contemporary America required the reallocation of economic power—whether by effecting direct transfers of income or property through various social programs or by changing the rules of the marketplace in ways that leveled the economic playing field. This was partly because taking the humanitarian impulse that lay beneath the civil rights movement seriously meant seeking to alleviate the effects of economic injustice. Care for the poor and marginal was, and is, an integral part of the biblical vision of social justice that animated the civil rights movement. But a demand for the redistribution of wealth also reflected a claim in justice to the fruits of their labor taken at gunpoint from black Americans over hundreds of years. So much of the injustice that the civil rights movement sought to redress was itself a *product* of racial injustice. Redistribution would, thus, be remedial in character.

Economic concerns had always been part of the civil rights vision. The civil rights movement of the 1950s and 1960s emerged in part from a concern with the economic marginality of African Americans, and it reflected an underlying commitment to relativizing property rights. During the final period of his life, Martin Luther King focused his energy with increasing intensity on economic issues. Racial justice remained central to King’s agenda, but he grew more and more attentive to the links between the racial agenda of the civil rights movement and the question of economic democracy.<sup>19</sup> He proposed a “Poor People’s Campaign” featuring a new March on Washington that would call attention to the ongoing problem of economic injustice in America. His plan was

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17. *Id.*

18. *Id.* at 340.

19. See GERALD D. MCKNIGHT, *THE LAST CRUSADE: MARTIN LUTHER KING, JR., THE FBI, AND THE POOR PEOPLE’S CAMPAIGN* 13, 18-20 (1998).

to mobilize vast numbers of poor Americans, who would descend on Washington in a campaign of civil disobedience that would paralyze the nation's capital while demanding economic justice. Legislators had to enact "a massive program on the part of the federal government that will make jobs or income a reality for every American citizen."<sup>20</sup>

The "ultimate goal," King made clear, was "freedom, independence, self-determination."<sup>21</sup> Over the short term, the movement's objectives could be summed up with the slogan, "jobs or income."<sup>22</sup> King identified "a \$30 billion annual appropriation for a comprehensive anti-poverty effort" as a long-term objective, declaring that "an 'absolute minimum' would be congressional passage of (1) a full-employment commitment, (2) a guaranteed annual income measure, and (3) construction funds for at least 500,000 units of low-cost housing per year."<sup>23</sup>

In effect, King was advocating "nothing less than a radical transformation of the civil rights movement into a populist crusade calling for a redistribution of economic and political power."<sup>24</sup> At root, the civil rights agenda sits uncomfortably at best with a liberal economic model. In its stress on responsibility as well as freedom, community as well as individuality, persons as well as profits, the civil rights movement took a stand against the prevailing values of the capitalist order.

Civil rights leaders in the 1960s were hardly the first to see this. In the wake of the civil war, some Republican radicals had called for radical land reform in the reconstructed South. The slogan "forty acres and a mule"<sup>25</sup> encapsulated their vision of a redistribution of property in the South that would have begun the long and difficult process of placing freed slaves on an equal footing with whites. Even political theorists committed to more absolutist conceptions of property rights than King and his supporters could see that there was a problem with the racialized distribution of wealth in America. Not only socialists, but the anarcho-capitalist Murray Rothbard, building on a labor-based conception of absolute property rights, could argue for the appropriateness of radical land reform measures in the Reconstruction South, maintaining that the slaveholders' purported property belonged to the slaves who cultivated it.<sup>26</sup> At least in principle, affirmative action programs embody the same kind of restitutive or remedial objectives: they serve to make up for the effects of ongoing, centuries-old, discrimination.

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20. GARROW, *supra* note 13, at 579.

21. *Id.*

22. *Id.* at 593.

23. *Id.* at 595-96.

24. McKnight, *supra* note 19, at 21.

25. CLAUDE F. OUBRE, FORTY ACRES AND A MULE: THE FREEDMEN'S BUREAU AND BLACK LAND OWNERSHIP (1978).

26. See MURRAY N. ROTHBARD, THE ETHICS OF LIBERTY (1982).

I think, in any case, that there is a powerful case to be made for the view that King was not interested in effecting a profound transformation of the movement he had led, but rather in spelling out the implications of its underlying vision. A new focus on *economic justice* represented the logical next step in the civil rights movement's development.

## II. BEYOND VOTING

Democracy cannot be achieved simply by expanding opportunities for voting or candidacy. Electoral democracy—voter participation in the selection of national, state, and local political leaders—is crucial. But democracy understood as *self-government* must extend well beyond conventional electoral politics. I want to suggest that democracy must extend to the organization of economic life. The civil rights goals of democracy and economic justice are closely linked. The concept of *economic democracy* incorporates both goals. If democracy must be seen as a key goal of the civil rights movement, and if democracy must be understood as meaning more than voting—as embracing the self-government of all people at all levels—then economic democracy must be understood as a key civil rights goal.

I want to focus here on two key strategies for achieving economic democracy: *workplace participation* and *basic income*. I do not intend to suggest that these are the only means of achieving radical democracy in a way consonant with the civil rights vision; there are a variety of ways in which democracy must become an authentic component of social organization at all levels, including the living wage, for instance, or changes in the rules governing union organizing. But it is useful, I think, clearly to highlight key alternatives to contemporary social and economic arrangements as a way of emphasizing what real economic democracy looks like in practice. The choice makes sense not only because of their importance, but also because of their antecedents in the thinking in which Martin Luther King, Jr., engaged at the end of his life.

### A. *Workplace Participation*

Strengthening unions is obviously an important step toward economic democracy—unrealistic, though it may seem to be in the current climate. The decline in union membership in the new economy has clearly reduced workers' ability to influence workplace decisions—especially crucial given the unstable, chaotic environment created by globalization. Union organizing has always proved difficult when those simply calling for union representation elections have been subjected to formal or informal sanctions. The demoralization of workers with traditional “muscle jobs” in industries affected by plant closings and cross-border relocations renders organizing efforts more difficult; the fear that

rocking the boat may loosen one's already tenuous grip on a job that might leave the country tomorrow, doubtlessly keeps many workers in line. In the service industries, where many workers fear deportation for immigration law violations, there are additional reasons to shun the limelight and to decline to make waves. It is tremendously heartening that service industry workers and their supporters, like those involved in the Justice for Janitors campaign, have struggled against the odds under such circumstances to confront their marginalization and demand union representation.

Changes in labor law certainly represent a partial solution to the problem of dwindling union membership. The risks associated with advocating union representation or petitioning for representation elections under our current legal regime could be reduced or eliminated by a rule requiring every workplace without union representation to hold a representation election each year (on, say, the first Tuesday after May Day). Union strength could also be increased by eliminating rules denying union membership or representation of "supervisory" or "managerial" employees.

Unions provide workers with the ability to exercise meaningful influence on workplace decisions. They foster a sense of personal power and an awareness of workers' capacity for personal decision-making. In addition, they concentrate worker strength in ways that allow workers to affect local, national, perhaps even international political decisions.

As long as workers remain outside the structures of decision-making at their workplaces alienation from work may persist. Worker ownership and genuine involvement in management offer crucial additional opportunities to democratize work-life. As I have already suggested, movement toward this kind of workplace participation is consistent with themes articulated by King near the end of his life. King demonstrated his awareness of the importance of expanding opportunities for democratic participation when he defended "a contemporary social and economic Bill of Rights to supplement the Constitution's political Bill of Rights."<sup>27</sup> He explained that safeguarding the rights he envisioned would foster "new methods of participation in decision-making. The concept of democracy is being pushed to deeper levels of meaning—from formal exercise of voting, still an issue in much of the United States for many Negroes, to effective participation in major decisions."<sup>28</sup> King's immediate focus was on the rights of welfare recipients and tenants. But these were only examples. The clear underlying theme of his remarks was that commitment to civil rights meant commitment

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27. MARTIN LUTHER KING, JR., WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY? 199-200 (1967).

28. *Id.* at 200.

to a participatory society in which people could make or appropriately influence the decisions that determined the contours of their lives.

A key instance of effective participation, of a deeper level of meaning for democracy, is the participation by workers in the organization and management of the places where they work. Such participation is vital if people are to exercise genuine power over their own lives. The history of racial discrimination by labor unions makes workplace participation an especially critical goal for those committed to civil rights. Practical involvement in shaping workplace policies gives people who have been objects of discrimination opportunities to determine guidelines that are fair and responsive to their needs.

There are at least three broader reasons to see workplace participation as a vital goal of the radical democracy presupposed and entailed by a commitment to civil rights.<sup>29</sup> Workplace participation prepares people for the exercise of political power in other contexts. It gives them confidence that they can effectively exercise power, and thus prompts their ongoing involvement in the political process. It also ensures their control over their work lives, which play profound roles in constituting their identities, shaping their experiences, and constraining or expanding their life choices.

Democratic participation is an instance of citizenship at one level of social organization, but it is also preparation for active citizenship at others. Widespread, popular democracy depends on the possession of adequate political judgment and the capacity for policy analysis, as well as the leadership and communication skills required to defend positions on controversial issues. If democracy is to involve more than merely the periodic review by an otherwise passive citizenry of the actions of elected officials, citizens must develop and exhibit *democratic characters*, and they can only do so if they have enjoyed sufficient experience in the development of such characters.

People whose day-to-day lives are marked by limited opportunities for democratic participation will predictably fail to exhibit the capacity for effective involvement in group decision-making. If people lack chances to contribute to low-level policy choices, they will be less likely to engage appropriately in the kind of debate and reflection necessary for effective national participation. The formation of a democratic character, therefore, entails support for the principle of *subsidiarity*.

The principle of subsidiarity,<sup>30</sup> long a staple of Catholic social

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29. My discussion of the connections among these themes is indebted to CAROLE PATEMAN, *PARTICIPATION AND DEMOCRATIC THEORY* (1971). The broad justification of economic democracy I wish to offer here as a source of protection for human freedom and well being also owes a great deal to ALAN GEWIRTH, *THE COMMUNITY OF RIGHTS* 266-88 (1996).

30. Cf. CARLOS EDUARDO MALDONADO, *HUMAN RIGHTS, SOLIDARITY AND SUBSIDIARITY: ESSAYS TOWARD A SOCIAL ONTOLOGY* (1997); JOSEPH SALVATORE GEORGE, *THE PRINCIPLE OF SUBSIDIARITY: WITH SPECIAL REFERENCE TO ITS ROLE IN PAPAL AND EPISCOPAL RELATIONS IN*

teaching, suggests that a social decision should be made at the lowest organizational level possible. Decisions that do not need to be made by an entire political unit should be made by its subdivisions. Though it offers no basis for a doctrinaire commitment to localism, subsidiarity allows for local needs and traditions to be respected. Most importantly, for present purposes, it maximizes opportunities for the formation of democratic character.

While local municipal governments provide such opportunities, it is in people's workplaces that they are available most often, and where they are the most sorely needed. Most adults spend more time in their workplaces than in other non-domestic settings. It follows that their experiences at their worksites will likely affect their capacities for self-government more substantially than their experiences elsewhere. The democratic reorganization of workplaces, therefore, provides an exceptionally valuable opportunity for people to develop the capacity for self-government.

Intimately related to the capacity for self-government is the *will* to participate in political life. People who do not regard their participation in political activity as meaningful, as likely to make a difference, will be unlikely to involve themselves in self-government at any level. The sense that their convictions and commitments have an impact on their lives, by contrast, will empower them by disposing them to see that their efforts are worthwhile. People who do not regard themselves as capable of effecting change in the small-scale worlds they inhabit on a day-to-day basis will find it easy to maintain apathetic stances toward participation at other levels of decision-making. By contrast, people who experience small-scale institutions as readily affected by their choices will likely find involvement in larger social and political settings a natural outgrowth of their ongoing involvement in the practice of democracy.

At root, of course, it matters enormously that people make choices at the workplace level that shape the environments in which they function. Workplace participation is a school for wider societal participation, but it is also inherently worthwhile. While political decisions made at the national or state levels condition our lives in a variety of ways, the small-scale institutions of work, family, school, neighborhood, and worshipping community make a much greater contribution to shaping the particularities of individual existence. Self-government can be a reality, only if these small-scale institutions are democratically organized. Providing people with the opportunity democratically to control the circumstances of their daily lives makes a direct, and not merely instrumental, contribution to freedom and well-being. It is a vital part of economic

democracy and a vital extension of the civil rights vision.<sup>31</sup>

### *B. Basic Income*

Workplace participation can make a substantial contribution to the realization of economic democracy, but it will do little to affect the well being of those not engaging in paid work, and on its own it will fail to address some of the needs of those who are employed. Efforts designed to raise the minimum wage are appealing, and are simple steps in the direction of economic empowerment. Increasing the income available from work ensures that people will experience the (marginally) greater social power that comes with (marginally) greater income while linking that social power with the self-respect that comes from participation in productive work. The so-called “living wage,” a minimum wage set high enough to enable the wage-earner to be genuinely self-supporting in today’s economy, is clearly a more significant step in the right direction. Conventional minimum-wage jobs offer little in the way of real economic power; the living wage, by contrast, holds out at least some hope of making a substantial, tangible difference in people’s lives.

A living wage guarantee is, thus, an appropriate element of a movement toward economic democracy. I want to focus here instead, however, on basic income—a “social wage,” not directly linked to employment. A basic income program can provide a useful supplement to workplace participation as a means of ensuring economic democracy. Such a program guarantees every person covered by the program a minimum annual income. It provides a floor, below which no one is allowed to fall. A basic income scheme could easily co-exist with other so-

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31. On the theory and practice of workplace democracy, *see, e.g.*, the references cited in GEWIRTH, *supra* note 29, at 260-61; PATEMAN, *supra* note 29, at 67-102; SHERMAN, *supra* note 2, at 322, 326, 332; and, among Pateman’s more recent work, *Some Reflections on Participation and Democratic Theory*, in 1 INTERNATIONAL YEARBOOK OF ORGANIZATIONAL DEMOCRACY (Colin Crouch & Frank A. Heller eds., 1983); *Introduction*, in RONALD M. MASON, PARTICIPATORY AND WORKPLACE DEMOCRACY: A THEORETICAL DEVELOPMENT IN CRITIQUE OF LIBERALISM (1982); *A Contribution to the Political Theory of Organizational Democracy*, 7 ADMIN. & SOC’Y 5-26 (1975); *A Comment on Robbins on Industrial Democracy*, 15 J. INDUST. REL. 333-34 (1973). Other contributions to the discussion include DEMOCRACY AND EFFICIENCY IN THE ECONOMIC ENTERPRISE 115 (Ugo Pagano & Robert Rowthorn eds., 1996); TRADE UNIONS AND DEMOCRATIC PARTICIPATION IN EUROPE: A SCENARIO FOR THE TWENTY-FIRST CENTURY (Gerard Kester & Henri Pinaud eds., 1996); GEORGE A. POTTS, THE DEVELOPMENT OF THE SYSTEM OF REPRESENTATION IN YUGOSLAVIA WITH SPECIAL REFERENCE TO THE PERIOD SINCE 1974 (1996); CHRISTOPHER MCMAHON, AUTHORITY AND DEMOCRACY: A GENERAL THEORY OF GOVERNMENT AND MANAGEMENT (1994); DARROW SCHECHTER, GRAMSCI AND THE THEORY OF INDUSTRIAL DEMOCRACY (1991); WILLIAM MCCARTHY, THE FUTURE OF INDUSTRIAL DEMOCRACY (1988); ROBERT N. STERN & SHARON MCCARTHY, THE ORGANIZATIONAL PRACTICE OF DEMOCRACY (1986); JOYCE ROTHSCHILD & J. ALLEN WHITT, THE COOPERATIVE WORKPLACE: POTENTIALS AND DILEMMAS OF ORGANIZATIONAL DEMOCRACY AND PARTICIPATION (1986); ROBERT A. DAHL, A PREFACE TO ECONOMIC DEMOCRACY (1985); GEORGE FISCHER, WAYS TO SELF RULE: BEYOND MARXISM AND ANARCHISM (1978). For some general comments with particular reference to the property system, *see* STEPHEN R. MUNZER, A THEORY OF PROPERTY 336-43 (1990) (concluding carefully that “sometimes the best ownership/control structure is some variety of employee-oriented business enterprise.”).

cial welfare programs—publicly provided health care, retirement pensions, unemployment insurance, and disability insurance, for instance (though some advocates have seen basic income as a *replacement* for such programs).<sup>32</sup> A basic income scheme is not a substitute for a living wage but a supplement to it, offering a level of security, independence, and dignity not available if income support is linked with paid work.

A call for a basic income scheme formed part of Martin Luther King's agenda during the final period of his life. In the past, King noted in *Where Do We Go From Here*, the Constitution had enshrined the rights for which the movement was struggling. Now, he said, "[w]e have left the realm of constitutional rights and we are entering the area of human rights."<sup>33</sup> The Constitution contains no guarantee of basic income, but "it is morally right to insist that every person have a decent house, an adequate education and enough money to provide basic necessities for one's family."<sup>34</sup>

Thus, in the fall of 1967, King urged the adoption of a basic income scheme that would provide "a guaranteed annual income of \$4,000 for every American adult"<sup>35</sup>—an amount equal to over \$19,000 at the beginning of the third millennium. He wrote: "the solution to poverty is to abolish it directly by a now widely discussed measure: the guaranteed income."<sup>36</sup> The amount guaranteed as a basic income, he argued, would need to be substantial: "[t]o guarantee an income at the floor would simply perpetuate welfare standards and freeze into the society poverty conditions."<sup>37</sup> And the amount provided as basic income would have to rise as the national wealth increased, otherwise "a creeping retrogression would occur, nullifying the gains of security and stability."<sup>38</sup> To be sure, he observed, this was "not a 'civil rights' program, in the sense that the term is currently used," since a basic income scheme "would benefit all the poor," not only the African American poor.<sup>39</sup> But one reading the qualifier is to see King as acknowledging that the civil rights vision *should* be understood to include support for basic income. I think he would have been unequivocally right.

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32. Transfer programs of all sorts have come in for considerable criticism during the last two decades. But this criticism does not suffice, I think, to establish that such programs are not only morally appropriate but economically viable. For an argument that social democratic policies remain effective responses to a variety of significant social and economic concerns, organized around comparative analyses of American, Dutch, and German approaches, see ROBERT E. GOODIN *ET AL.*, *THE REAL WORLDS OF WELFARE CAPITALISM* (1999).

33. KING, *supra* note 27, at 130.

34. *Id.*

35. GARROW, *supra* note 13, at 535. It was soon after this speech that King told friends he believed it was time for a new March on Washington that would highlight economic issues. King was still sounding the basic theme months later. See *id.* at 593.

36. KING, *supra* note 27, at 165.

37. *Id.*

38. *Id.*

39. *Id.*

Basic income schemes—examined and often, thought not always, supported by a variety of policy analysts,<sup>40</sup> have been on the social and political agenda as early as the 1960s.<sup>41</sup> Indeed, they attracted some attention even before the turn of the century. Basic income schemes have attracted endorsements from across the political spectrum. Not only liberals and socialists, but libertarians like Milton Friedman and Friedrich von Hayek joined the chorus of those arguing for various kinds of guaranteed minimum income programs.<sup>42</sup>

Such programs have been defended on a broad range of grounds: they enhance human freedom, they foster social equality, they meet fundamental human needs, they promote community and they are more efficient than other kinds of social welfare measures.<sup>43</sup> I want here to focus specifically on its contribution to democracy. Democracy is not the only goal that matters, and certainly not the only goal with which the

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40. See, e.g., TONY FITZPATRICK, *FREEDOM AND SECURITY: AN INTRODUCTION TO THE BASIC INCOME DEBATE* (1999); ADRIAN LITTLE, *POST-INDUSTRIAL SOCIALISM: TOWARD A NEW POLITICS OF WELFARE* (1998); MICHAEL L. MURRAY, —AND ECONOMIC JUSTICE FOR ALL: WELFARE REFORM FOR THE TWENTY-FIRST CENTURY (1997); ROBERT R. SCHUTZ, *THE \$30,000 SOLUTION* (1996); ANTHONY BARNES ATKINSON, *PUBLIC ECONOMICS IN ACTION: THE BASIC INCOME/FLAT TAX PROPOSAL* (1995); MARCUS MANZ, *UN MINIMUM DE JUSTICE: ANALYSES DES JUSTIFICATIONS LIBERALES DU DROIT AU REVENU MINIMUM GARANTI* (1995); PHILLIPE VAN PARIJS, *REAL FREEDOM FOR ALL: WHAT (IF ANYTHING) CAN JUSTIFY CAPITALISM?* (1995); WALTER VAN TRIER, *EVERY ONE A KING: AN INVESTIGATION INTO THE MEANING AND SIGNIFICANCE OF THE DEBATE ON BASIC INCOMES WITH SPECIAL REFERENCE TO THREE EPISODES FROM THE BRITISH INTER-WAR EXPERIENCE* (1995); RONALD PHILIP DORE ET AL., *THE RETURN TO INCOMES POLICY* (1994); David Copp, *The Right to an Adequate Standard of Living: Justice, Autonomy, and the Basic Needs*, 9 SOC. PHIL. & POL'Y 231 (1992); PHILIPPE VAN PARIJS, ARGUING FOR BASIC INCOME: ETHICAL FOUNDATIONS FOR A RADICAL REFORM; SAMUEL BRITTON & STEVEN WEBB, *BEYOND THE WELFARE STATE: AN EXAMINATION OF BASIC INCOMES IN A MARKET ECONOMY* (1990); HERMIONE PARKER, *INSTEAD OF THE DOLE: AN ENQUIRY INTO INTEGRATION OF THE TAX AND BENEFIT SYSTEMS* (1990); TONY WALTER, *BASIC INCOME: FREEDOM FROM POVERTY, FREEDOM TO WORK* (1989); ANDREW J. WINNICK, *TOWARD TWO SOCIETIES: THE CHANGING DISTRIBUTION OF INCOME AND WEALTH IN THE U.S. SINCE 1960* at 217-19 (1989); VINCENT J. BURKE AND VEE BURKE, *NIXON'S GOOD DEED: WELFARE REFORM* (1974); DANIEL PATRICK MOYNIHAN, *THE POLITICS OF A GUARANTEED INCOME: THE NIXON ADMINISTRATION AND THE FAMILY ASSISTANCE PLAN* (1973). For an early defense on normative grounds, see J. PHILIP WOGAMAN, *GUARANTEED ANNUAL INCOME: THE MORAL ISSUES* (1968).

A recent and widely discussed foray into proximate terrain is BRUCE A. ACKERMAN & ANNE ALSTOTT, *THE STAKEHOLDER SOCIETY* (1999) (offering a proposal not for basic income, but for what Kenneth Karst has termed "basic capitalization"—making available a large lump sum to each citizen at an early age).

41. A classic early statement is ROBERT THEOBALD, *THE GUARANTEED INCOME: NEXT STEP IN ECONOMIC EVOLUTION?* (1966). For a relatively modest American proposal, see ROBERT HAVEMAN with ROSS FINNIE, *STARTING EVEN: AN EQUAL OPPORTUNITY PROGRAM TO COMBAT THE NATION'S NEW POVERTY* 154, 156-58 (1988).

42. See, e.g., Milton Friedman, *The Alleviation of Poverty, in* *INEQUALITY AND POVERTY* 189-93 (Edward C. Budd ed., 1967). Friedman acknowledges forthrightly that private charity is likely to be inadequate to address the problem of poverty in mass society. He argues for a negative income tax proposal that would compensate anyone whose income fell below a fixed level by providing her with a percent of the difference between her income and the poverty line, suggesting that this would fight poverty more effectively than, e.g., "direct welfare payments" as well as "old age assistance, social security benefit payments, aid to dependent children, general assistance, farm price support programs, public housing, etc." *id.* at 191, while distorting market dynamics less than these programs. My own view, but not Friedman's, is that a basic income scheme should *supplement* a variety of other programs designed to help people meet special needs.

43. Diverse, not necessarily competing, justificatory options are canvassed in VAN PARIJS, *supra* note 40.

civil rights movement ought to be concerned. But a focus on democracy helps to bring out some especially important concerns of the movement and some valuable contributions a basic income scheme could make to addressing those concerns.

A basic income scheme matters for democracy in a number of ways. It increases independence and, thus, allows people to exercise judgment about political matters. It provides a security that allows people to challenge workplace decisions. It fosters a self-respect that makes political participation at all levels more likely. It makes every citizen a stakeholder in her or his society, and it is itself a key instance of self-management.

Basic income makes it less likely that people will become, or will think of themselves, as the clients of powerful political patrons. Dependence on patronage means that a person's independent judgment is compromised. She or he is not free to make the political choices she or he would like to make. Indeed, her or his sense of what is politically possible or appropriate may be sufficiently constrained by a relationship of dependence on a patron that she or he may not even feel the tug of a range of live political options. The welfare or approval of the patron may be the principal factor influencing her or his political decision-making. She or he may simply *identify* with the patron. By contrast, someone with a guaranteed basic income may enjoy the economic independence and psychic freedom to choose on her or his own. Threatened retaliation from a patron or employer will not render her or him sufficiently vulnerable that her or his independence is irretrievably compromised.

Related to the general problem of economic dependence on the politically powerful is the problem of political vulnerability in the workplace. If workplace democracy is, as I have argued, a crucial aspect of democracy conceived more broadly, then public policy must foster active involvement in workplace participation. But whether in worker-controlled cooperatives, traditional corporations or sole proprietorships, workplace freedom will tend to give way in the face of institutional pressure if people cannot depend on a bedrock of economic security that will sustain them if politically unpopular stances cause them to lose their jobs. Basic income gives people the security they need to take difficult positions in their workplaces and make those workplaces more responsive, more democratic.

A basic income gives every citizen a stake in her or his society. She or he identifies her or his fortunes with its fortunes and exercises influence in its markets.

Identification is a crucial prerequisite to democracy. A lack of concern with a group of which one is theoretically a member is likely to

predispose one to avoid commitment to its well being or participation in its management. People who do not feel they belong to a given society are unlikely to care a great deal about its structure or operation; they will thus be unlikely to take democratic participation very seriously. Poor people do not vote for a whole range of reasons, of course, not least being the sense of political inefficacy. But to the extent that political involvement is also affected by the sense that one simply does not belong, basic income can help to encourage active engagement in the political process by guaranteeing each citizen a piece of the nation's economic pie.

This is true for what might be broadly termed psychic reasons. It is also true for simple economic ones. The availability and level of basic income depends on the well being of the national economy. Thus, someone who wants, and expects to benefit from, a basic income scheme will have a strong incentive to participate in political decisions that help to determine the state of the economy. Obviously, this will be true for people who benefit from a range of more contingent government economic programs, programs available only to people who fall in specified sub-classes of the population. These people already have incentives to take the political process seriously (which is not to say that they always do so). But the non-contingent character and the universality of a basic income scheme would likely increase the number of people who felt that their interests were directly at stake in any significant political decision.

Despite the current rhetoric of "market populism," markets are not democratic. People are empowered in proportion to what they can spend, so those with more money obviously have more power. This may not be overly troubling when markets operate within the constraints set by a democratic society—when markets do not determine everything.<sup>44</sup> Even, however, when the impact of markets is limited and when differential buying power constrains people's market influence, the lack of opportunity to influence market decisions can be disempowering. A guaranteed minimum income ensures that every person can exert at least some influence in the market, that her or his preferences will be registered. This is a modest contribution to self-government, but not an insignificant one.

Basic income breeds self-respect. Enjoying the measure of independence made possible by basic income gives people the opportunity to develop a sense of themselves as competent decision makers. Ensuring access to basic necessities makes it possible for people to house and clothe themselves in ways likely to elicit positive responses from others—responses unavoidably crucial to people's self-perceptions. And

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44. Cf. MICHAEL WALZER, *SPHERES OF JUSTICE: A DEFENSE OF PLURALISM AND EQUALITY* (1980).

self-respect contributes, in turn, both to the sense that one has the capacity for involvement in political life and that one's contribution has inherent value: if I matter, then my ideas and perspectives matter as well.

Basic income also enables people to make choices about how they will live their lives and to influence how others will live theirs.

Someone who lacks basic resources—who cannot feed or clothe or house her or himself is, in no meaningful sense, a citizen. Such a person is denied the opportunity to participate in social life and lacks the capacity to exercise meaningful direction over her or his own life. She or he has no opportunity for self-government. Basic income gives a person a guarantee of control over the circumstances of her or his own existence.

Basic income is essentially a matter of ensuring freedom. I have already suggested that it directly increases opportunities for freedom of action. The distinguished behavioral scientist and social theorist Erich Fromm rightly notes that it also offers *psychological* freedom.<sup>45</sup> Fromm notes plausibly that a basic income would help us move as a society from a “psychology of scarcity,” which tends to evoke “anxiety, envy, [and] egotism,” to a “psychology of abundance,” characterized by “initiative, faith in life, [and] solidarity.”<sup>46</sup> Basic income, Fromm suggests, would free people *from* a preoccupation with material needs and for a focus on questions of value and meaning.<sup>47</sup>

Fromm rejects arguments that basic income schemes would destroy people's incentives to work. Such arguments, he suggests, begin from unduly crabbed conceptions of human motivation. People are moved to work not only by the desire to avoid material want or increase their opportunities for consumption, but by the intrinsic appeal of their work as well as “pride, social recognition, pleasure in work itself, etc.”<sup>48</sup> People do not thrive from inactivity, Fromm notes; in fact, it is debilitating. Productive work is fulfilling.<sup>49</sup> Thus, it is not necessary to fear that, freed by a basic income, people would necessarily lapse into the idleness feared by conservative critics who regard self-interested fear as an essential motivator for economic activity.

Fromm is clear that a basic income scheme is most likely to be psychologically liberating if it occurs as part of a wider process of social transformation—a process focused on the alteration of our attitudes toward material consumption. Because the constant drive for increased

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45. See Erich Fromm, *The Psychological Aspects of the Guaranteed Income*, in THEOBALD, *supra* note 41, at 174-84. Fromm clearly implies that his focus on the psychological benefits accruing from a basic income scheme is a deliberate limitation in scope and is not designed to imply that other, non-psychological, benefits would not also be available from such a scheme.

46. *Id.* at 176.

47. See *id.* at 176-77.

48. *Id.* at 177.

49. See *id.* at 178.

consumption reduces inner and outer freedom, it is crucial, he suggests, that we “change our system from one of maximal to one of optimal consumption.”<sup>50</sup> Among the consequences of such a transition would be a redirection of societal resources from private to public goods—e.g., “schools, theaters, libraries, parks, hospitals, public transportation, housing”—which benefit individual persons but enable and embody their “inner productiveness and activity.” Such public goods, which genuinely enable people to enjoy life, “do not evoke greed and voraciousness” in the way that private consumables do.<sup>51</sup>

A basic income scheme contributes to the experience of freedom and self-government in at least one other way: it makes it possible for a person to participate in a rich *cultural* as well as political democracy,<sup>52</sup> to vote through her or his behavior for a wide range of lifestyles and life plans. Not only does the freedom guaranteed by basic income encourage healthy social experimentation on the part of individual persons, it allows variant options to be put on display for others in ways that enable them to assess divergent positions “in three dimensions.” By giving people greater freedom, it contributes to their ability to enrich the debate on cultural values by the way they live their lives, thus rendering our cultural decision making process more democratic.

### III. CONCLUSION

A commitment to civil rights means a commitment to democracy. The opportunities for self-government and inclusion in the national community for which the civil rights movement has struggled cannot be achieved in the absence of genuine democracy. The same is true of struggles for economic justice. The racist outrages that sparked the movement took tangible form in the exclusion of millions of Americans from full participation in the nation’s economic life. Segregation preserved the economic marginality of African Americans. It was true in the 1960s, as it is true today, that racially and culturally subordinated Americans cannot enjoy full citizenship unless they are empowered economically.

Dual concerns of democracy and economic justice surfaces in the voices of the civil rights movement’s original participants. It also flows naturally from their concern for inclusive community, their devotion to freedom and their radicalization of the law’s long-standing rejection of

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50. *Id.* at 180.

51. *Id.* at 180. Fromm also suggests that basic income be supplemented with access to basic commodities, including such foodstuffs as bread, milk, and vegetables, as well as clothing and housing, *see id.* at 181-82.

52. See Kenneth H. Karst, *Local Discourse and the Social Issues*, 12 CARDOZO STUDIES IN LAW & LITERATURE 1, 27 (2000) (defining “cultural democracy” as “the broadest possible participation in the cultural processes that define and redefine the sort of society we shall be.”).

absolute property rights. These shared commitments make the goal of economic democracy an appropriate expression of the civil rights vision. There are multiple paths to this goal, but I have suggested here that two simple but radical ideas—basic income and workplace democracy—would represent particularly appropriate expressions of the idea of economic democracy. Both have precedents in the thinking of civil rights leaders, notably Martin Luther King, and both would contribute materially to making economic democracy a reality in our society—and, thus, to fulfilling King’s dream for America and fostering the progressive realization of the civil rights vision.