

# Basic Income: The Left Libertarian Case for a Tax on Attention

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Taking a left libertarian account of distributive justice, Steiner argues for a basic income funded by a tax on land. In this essay, I argue along similar lines for a basic income funded by a tax on the involuntary drawing of attention. I first argue that the involuntary drawing of a person's attention denies them their liberty to direct their attention. I then show that attention is a production factor in some modern work, taking the paradigm case of advertising. With these premises, I conclude that when attention is a production factor, part of the product is owed to those whose attention was drawn — and extend this to argue for a universal basic income, funded by work which takes involuntary attention as a production factor, and is situated in public spaces.

## 1 Compensation for Liberty Lost



In this essay, I explore an interesting implication of left libertarianism. Left libertarianism is a theory of distributive justice: it makes claims about how benefits and burdens should be distributed across members of society.<sup>1</sup> Left libertarianism is a variety of libertarianism so, just like the more familiar right libertarianism, it grounds justice in moral (as opposed to legal) property rights. Left and right libertarians both take *self-ownership* as a fundamental moral right. Our bodies are our own property, and therefore, the fruits of our labour are also our property. But natural resources are the fruits of nobody's labour, so who's property are they? This is where left and right libertarianism come apart. Right libertarians say that the first individual to claim or mix their labour with a natural resource 'appropriates' it, making it their property. Left libertarians radically disagree, arguing it does not matter who gets there first, natural resources are owned equally by all — they are our collective natural inheritance.

For the purposes of this essay, let's assume a left libertarian account of distributive justice. As self-owners, we own the fruits of our labour. However, as Steiner argues, for our labour to generate value, some other things are required, which Steiner calls *production factors*.<sup>2</sup> While the nature of these production factors varies between kinds of labour, in many cases, the ultimate antecedents of them are natural resources and the land containing them. Therefore, though we own the portion of our product which is due to our

<sup>1</sup>Vallentyne, Peter, Hillel Steiner, and Michael Otsuka. "Why left-libertarianism is not incoherent, indeterminate, or irrelevant: A reply to Fried." *Philosophy & Public Affairs* 33, no. 2 (2005): 201-215.

<sup>2</sup>Steiner, Hillel. "Compensation for liberty lost: Left libertarianism and unconditional basic income." *Juncture* 22, no. 4 (2016): 293-295.

self-owned labour, there is often another portion which is due to natural resources, which are owned equally by all. Therefore, when any individual uses an area of land, they deny everyone else their equal liberty to use it. As a result, they owe everyone else compensation for this liberty denied – which Steiner argues could be levied in the form of a tax upon land and natural resources which is paid to all as a universal basic income.

In this essay, I make an argument along similar lines: on a left libertarian account of distributive justice, the involuntary drawing of attention is liberty denied. Thus, when human attention is used as a production factor, part of the product is owed to those whose attention was drawn.

## 2 Involuntary Attention as Liberty Lost

My argument relies on two properties of human attention. The first is that attention is scarce. Selectivity is a central property of attention: Mole describes attention as “the selective directedness of our mental lives”.<sup>3</sup> Some accounts of attention take its selectivity to be due to limitations in the brain’s capacity to process complex properties of multiple stimuli.<sup>4</sup> Meanwhile, other theories take selectivity to be the management of an excess in brain capacity.<sup>5</sup> For this essay, this discussion does not need to be resolved – both views are compatible with my argument. Both approaches take attention to be inherently selective – the amount of information that can be attended to is limited, and attention is a scarce resource.

The second property of attention that my argument rests on is that attention can be voluntarily directed by the subject, or involuntarily drawn by some external factor. This distinction is supported by the psychological literature – for example, Eimer *et al.* define involuntary attention as “processes of attending that are not elicited by intentions but by certain outside events”.<sup>6</sup> When a subject voluntarily directs their attention, this is an exercise of their self-ownership – they freely direct their own powers of perception and action. So, I argue for a liberty to direct one’s own attention. Additionally, voluntary direction of attention is a fundamental prerequisite for the exercise of well-established liberties, such as freedom of speech. To speak freely, the speaker must attend to the content of the utterance, and voluntarily perform the speech act.

Given that attention is scarce, when a portion of a subject’s attention is involuntarily drawn by something, this restricts the extent to which it can be voluntarily directed to other things.<sup>7</sup> Therefore, involuntary drawing of a subject’s attention restricts their liberty to direct their attention, and thereby denies other liberties that depend upon this.

<sup>3</sup>Mole, Christopher, "Attention". *The Stanford Encyclopedia of Philosophy*, Fall 2017 Edition (2017), 1.

<sup>4</sup>See Broadbent (1958), Deutsch (1963).

<sup>5</sup>See Friston *et al.* (2006), Neisser (2014).

<sup>6</sup>Eimer, Martin, Dieter Nattkemper, Erich Schröger, and Wolfgang Prinz. "Involuntary attention." In *Handbook of Perception and Action*, vol. 3. Elsevier Academic Press, 1996, 155.

<sup>7</sup>This claim is empirically supported, such as in Jonides (1981).

### 3 Attention as a Production Factor

Steiner's argument for a tax on land rests on land being an ultimate antecedent production factor in forms of work — in these forms of production, the producer owes compensation to everyone else for using land which is everyone's common inheritance. However, in some modern forms of work, very little land and natural resources are needed as production factors. Take the case of advertising — for concreteness, a billboard erected beside a motorway. The designer of the advertisement, as a self-owner, owns the fruits of their labour. This is not the total product, however, because a small amount of materials for the signage are a production factor, as is the small plot of land upon which it stands. Far more significant a production factor than these, though, is human attention. No matter how much labour the designer pours into the sign, or how much land and resource is used in its erection, it produces nothing if human attention is not drawn by it. Indeed, its product is roughly proportional to the amount of human attention drawn by it,<sup>8</sup> just as, for Steiner's argument, a coal extraction plant's product is roughly proportional to the amount of coal present in the seam it is built upon. Thus I argue that a significant production factor in advertising work is human attention.

In some cases, people pay attention to an advertisement voluntarily. In many other cases, however, attention is involuntarily drawn by an advertisement — indeed, this is often an explicit goal of marketing designers. Advertisements which employ bright colours, motion, large text, and evocative imagery exploit involuntary attentional processes which automatically direct attention to visual objects with these properties.

### 4 Basic Income Funded by an Attention Tax

Taking the claims justified thus far, we can now construct the central argument. When a person A uses the involuntary attention of person B as a production factor, A denies B's liberty to direct their attention freely. Therefore, A owes B compensation. After Steiner<sup>9</sup>, we can apply the Kantian ends-means injunction — this denial of liberty is unjustified, as A uses B's attention as a means to the end of making a product, so does not treat B as an end in themselves. The material basis of the required compensation is conveniently apparent and calculable: B owns that proportion of the product which B's role as a production factor contributed. As a self-owner, products that are made with B as a production factor are owned by B to the extent that B contributed to the production. This is analogous to Steiner's land case — Steiner argues we should have a 100% tax on the portion of products that are due to natural resources and land, manifested as a 100% tax on the natural value of land, excluding any constructions built upon it.

I now expand this specific one-to-one argument for compensation for attentional

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<sup>8</sup>The product is not directly proportional, because advertisements may be targeting specific audiences — an advertisement for wedding photographers may generate no additional product if more people who are not planning a wedding attend to it.

<sup>9</sup>Steiner, Hillel. "Silver spoons and golden genes: Talent differentials and distributive justice." In *The Moral and Political Status of Children*, 186. Oxford University Press, 2002

liberty lost, to a one-to-many basic income argument along the same lines. Take the case where A uses human involuntary attention as a production factor and situates their attention-drawing object in a public place. This could take the form of a flashing billboard displaying an advertisement visible from a public place, such as a town square. In this case, A denies the liberty of *all people* to enter that public place without their attention being involuntarily drawn, and used as a production factor — so used as a means to A's productive ends, not as an end in themselves. In cases like this, A owes compensation to *everyone* for liberty lost, because *all people* are denied the liberty to enter this public place without their attention being involuntarily drawn. Compensation owed to everyone can be paid in the form of a basic income. A should pay into the basic income fund an amount proportional to the degree to which the attention-drawing object involuntarily draws attention, multiplied by the duration over which the attention-drawing object is situated in public. This sets the level of compensation paid depending upon the total amount of liberty denied by A.

## 5 Objections and Replies

A first concern with the above argument might be that we have denied A, as a self-owner, ownership of their own product — after all, they contributed labour, so they own the fruits of their labour. This worry is taken care of by the method of calculating the compensation owed by A. In the one-to-one case, A owes B the proportion of the product which is due to B's involuntary attention as a production factor. This is clearly not the entire product, because without A's labour, perhaps in designing and erecting the advertisement, the contribution of B's involuntary attention would have not produced anything. Therefore, A does not owe B the whole product. Instead, the amount owed is greater than *none* of the product (because B's attention is a production factor), and less than *all of* the product (because A's labour is essential). Where the level is set within this range depends upon the relative productivity of the two contributing factors (and others, such as natural resources) — it must be settled case-by-case where this balance lies. This reasoning should be used in carefully setting the level of compensation owed in the one-to-many basic income case, such that A retains the fruit of their labour, and the liberty denied of all people is fairly recompensed.

A potential objection to the basic income argument is that the liberty to direct one's attention has been shown, but it has not been shown that this liberty is one which extends to public spaces. A liberty to be naked might be argued for, yet this does not imply that such a liberty extends to public places. This objection usefully clarifies the importance of the liberty to direct one's own attention. As argued in 3, the ability to direct one's own attention is a prerequisite for other liberties such as freedom of speech. Freedom of speech certainly extends to public places, and so the denial of the liberty to voluntarily direct one's attention extends to public places too.

Throughout this essay, I have restricted claims about compensation for attentional liberty lost to cases where attention is drawn involuntarily as a production factor. I have thus far focused on attention used as a production factor as it is the most egregious

case, because it breaks the Kantian ends-means injunction. However, the liberty to direct one's attention seems to be denied in cases where attention is drawn even *without* being a production factor. A worry arises that, if we expand the scope to all instances where attention is drawn involuntarily, there will be a massive proliferation of compensation owed. For example, if I plant some brightly coloured flowers in my garden, visible from the public street, these might involuntarily attract the attention of a passing pedestrian. That attention is not used as a production factor in anything, and I gain nothing. Yet I have still denied the pedestrian, momentarily, the ability to direct a portion of their attention. In response to this, it first should be noted that the vast majority of attention-drawing instances in the mass proliferation case will be extremely minor, such as this flowers example. Advertisements, on the other hand, are engineered to be maximally attention-grabbing. Thus the compensation owed will be a great deal lower in most attention-drawing instances where attention is not used as a production factor – so low, that we need not worry about fulfilling them. Additionally, due to the massive quantity of these generated, they will largely cancel out – I will owe you a miniscule amount, and you will owe me a miniscule amount, so in sum we owe each other virtually nothing.

I have responded to most of the unexpected obligations generated by mass proliferation, where small amounts of attention are drawn. But what of cases where large amounts of attention are drawn, yet we attract the person's attention for their own sake, satisfying the Kantian ends-means injunction? Most of these interactions take place in established relationships, because most people perform most of their interactions with people with whom they have an existing social connection. For example, my friend is visiting, and reading a book, and I bring them a delicious-smelling plate of curry. I have involuntarily drawn their attention, because the brain automatically directs attention towards newly perceived strong smells. Note that my friend may then voluntarily maintain their attention on the pleasant smell – yet, using the psychological definition of involuntary attention as “processes of attending that are not elicited by intentions but by certain outside events”<sup>10</sup>, the initial attentional shift from the book to the curry smell is elicited by an outside event, the curry's arrival, so is classed as an involuntary drawing of attention. However, I argue that no compensation is owed, because by entering a friendship, an implicit contract is made to selectively forgo certain liberties with respect to one another. My friend has agreed to forgo the liberty of directing their own attention at all times when I am around.

What, then, of cases where the liberty to direct your own attention is denied, satisfying the ends-means injunction, but by someone with whom you have no pre-existing social agreement? For example, a stranger sees you stepping onto the road and shouts “watch out!” to warn you of an oncoming car. They have involuntarily drawn your attention, but for your own sake. In cases like this example, we might want to argue that you would have certainly consented to having your attention involuntarily drawn by the stranger, but there was no time for them to obtain your consent in advance.<sup>11</sup> However, allowing a person's liberties to be denied by others because we expect they would consent to such a denial generates potentially undesirable consequences. I suspect that the

<sup>10</sup>Eimer, Nattkemper, Schröger, Prinz, 155.

<sup>11</sup>Indeed, it might be difficult to obtain your consent without drawing your attention. This argument could arguably be extended by noting that the stranger is protecting your other liberties, such as the right to life, so denying the liberty to direct your own attention is worthwhile.

left libertarian would be suspicious of this line of reasoning, as it could be employed to justify paternalistic state action which breaches citizens' liberties. Further investigation is required here, going beyond the scope of this essay. Therefore, I restrict my argument for a tax on attentional liberty lost to cases where the attention is used as a production factor — the Kantian ends-means injunction is broken, and so there is strong justification for compensation being owed.

## 6 Conclusion

This essay has argued that, on a left libertarian account of distributive justice, we each have the liberty to direct our own attention. Some modern work, such as advertising, denies us this liberty by drawing our attention involuntarily, and uses this as a production factor. Therefore, those denied liberty in these cases are owed compensation — part of the product of the work should be paid to them. I then extended this argument to argue that such work, when situated in public, denies all people the liberty to enter that space without having their attention involuntarily drawn, and so compensation is owed to all — paid in the form of a universal basic income.

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