

## 5 "None So Poor That He Is Compelled to Sell Himself": Democracy, Subsistence, and Basic Income

MICHAEL GOODHART

Critics have long denigrated economic rights, viewing them as less coherent, less important, and less defensible than traditional civil and political rights. Despite their inclusion in the Universal Declaration of Human Rights (UDHR) and their articulation in the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the critics insist that the content of economic rights, their nature, and their relationship with other rights remain inadequately theorized. Moreover, persistent philosophical doubts – including objections to the alleged “positive” character of economic rights, questions about the purported interdependence and indivisibility of human rights, worries about the specificity of the obligations arising in connection with economic rights, and fears about the illimitable character of those obligations – render economic rights conceptually wobbly and politically precarious. It is true that theorists of social justice generally eschew rights-based approaches, though activists and advocates increasingly adopt the language of human rights in making their demands. And whether we attribute skepticism toward economic rights as primarily ideological or sincerely conceptual, there is no debating that economic rights remain “in question” in a way civil and political rights do not. In an era of rapid and profound social and economic transformation, and in a political context in which human rights are emerging as the dominant transnational normative discourse, it is urgent that we revisit the conceptual foundations of economic rights: the lack of theoretically sound and politically persuasive arguments for economic rights jeopardizes efforts to build momentum for humane, sustainable, and democratic economic priorities.

Building on this intuition, this chapter provides a broad, democratic justification for human rights and fleshes out its implications for theorizing and implementing economic rights. The idea is to articulate and defend a justification for these rights that all those committed to democracy should have reason to find appealing and persuasive. The chapter begins with a brief survey of a way of thinking about democracy that emphasizes achieving freedom, equality, and independence for all. In this emancipatory tradition of democracy, human rights provide the vocabulary of democratization – the language of democratic empowerment. The second and third sections offer a contemporary reformulation of this idea, one I call *democracy as human rights* (DHR): I emphasize how economic rights figure in guaranteeing emancipation, focusing on the right to guaranteed subsistence. The next section shows how this account addresses the

conceptual weaknesses and philosophical worries about economic rights surveyed earlier, stressing the interdependence and indivisibility of human rights and the obligations to which economic rights give rise. Section 5 advocates unconditional subsistence (“basic”) income paid to all members of society as the most effective way to realize the right to guaranteed subsistence. Basic income, unlike the welfare state or right to work proposals, guarantees subsistence in a way consistent with emancipation and with other democratic human rights. The last section considers two common objections to basic income – its cost and political feasibility – arguing that neither compels abandoning support for basic income. Throughout the chapter, I shall focus on the right to guaranteed subsistence rather than on a wider range of related social and economic rights. I want to clarify from the outset that the subsistence right achieved through basic income provides only one part, albeit an important one, of an effective social guarantee for all of the democratic human rights. Indeed, part of my purpose is to demonstrate the interdependence and indivisibility of human rights on the democratic account offered here. As subsistence rights have been the most contentious, the most uncertain theoretically, and the most difficult to implement, focusing on their justification, conceptualization, and implementation seems appropriate in light of my broader aims.

### I

Modern democratic theory finds its distinctive form and principles in the theory of John Locke: “Men being . . . by Nature, all free, equal and independent,” Locke wrote, “no one can be put out of this Estate, and subjected to the Political Power of another, without his own *Consent*” (Locke 1960, II § 95). The simple premise of natural freedom and equality undermines justifications for natural authority and subjection: “the doctrine of natural individual freedom and equality was revolutionary precisely because it swept away, in one fell swoop, all the grounds through which the subordination of some individuals, groups or categories of people to others had been justified” (Pateman 1988, 39–40).

Curiously, Locke’s theory ended up justifying the exclusion of many individuals, groups, and categories of people nonetheless; *independence* plays the central role in explaining this exclusion. By independence, Locke (1960, §§ 4, 54) apparently meant a state or condition in which one need not ask leave of any other in disposing of one’s property – property crucially comprising, as always for Locke, all of one’s rights. Everyone is naturally independent in this sense, but independence can be surrendered through consensual submission to the will of another – whether through marriage contracts (“to . . . obey”), through contractually based condition of servitude (including traditional servant status and wage employment), through conquest (which establishes slavery on the basis of a default consent), or through a social contract.<sup>1</sup> Why would individuals possessing equal rights consent to subordination of this kind? According to Locke (1960, § 54), the answer lies in their natural inferiority: “though I have said . . . *That all Men by Nature are*

<sup>1</sup> Political philosophers have been accustomed to focus only on the last of these four mechanisms, thereby losing sight of independence as a necessary requirement of citizenship in Locke’s theory.

*equal*, I cannot be supposed to understand all sorts of *Equality*?; factors such as age, virtue, birth, alliance, benefit, and "excellency of parts and merit" create distinctions among individuals, along with sex and race. Natural "inferiors" consent to their own subjection because of these relative disadvantages, and their resulting dependence disqualifies them from membership of civil society, which comprises only free, equal, independent individuals.

Thus, Locke managed to have it both ways; everyone is naturally free, equal, and self-governing with respect to rights in the state of nature, but some individuals nonetheless contract into subordination because of their "natural" inferiorities. Independence, for Locke, is a status ultimately determined by natural distinctions; freedom and equality of rights for Locke only guarantee that subjection is consensual, not that it is eliminated (Goodhart 2005, ch. 3; Pateman 1988). It did not take long, however, for the excluded to seize on the universal promise of freedom and equality in rejecting the arguments from natural inferiority to political subjection. Theorists such as Paine and Wollstonecraft conceived democratization as the universalization of freedom, equality, and independence for all. In this view, independence became a critical concept with an *emancipatory* thrust, one aiming at an egalitarian state of independence for all.

A defining characteristic of emancipatory democracy is its adoption of natural or human rights as the language of democratic empowerment.<sup>2</sup> Thinkers in this tradition sought emancipation *through* rights, including rights to suffrage and to economic independence. From the seventeenth century, when Rainsborough (Sharp 1998, 103) insisted that "even the poorest he that is in England has a life to live as the greatest he," until the nineteenth, when feminists such as Elizabeth Cady Stanton and John Stuart Mill insisted on economic independence and the democratization of home life (Stanton 1875; Mill 1989), emancipatory theorists argued for democratization through extending human rights to *more people and to a wider set of social relations and institutions*. This emphasis on rights is distinctive in two respects: first, as theorists such as Paine and Wollstonecraft make abundantly clear, an egalitarian conception of rights has a dramatic leveling effect. Rights can exclude or empower; in the emancipatory tradition rights have an inclusive, and thus radical and empowering, thrust. Victims and opponents of exclusion recognized early on that the formal universality of rights could be used to attack the privileged conceptions of citizenship and independence established by contract theorists (Goodin, Pateman, & Pateman 1997). Thinkers in this tradition also realized that economic independence was a necessary condition of political emancipation, a connection clear in Paine's scheme for basic income and in Wollstonecraft's analysis of the corrupting effects of dependence on liberty. Indeed, feminists – for obvious reasons – understood with acuity that without an independent means of subsistence, moral and political freedom were impossible. Susan B. Anthony (1871, 139–40) quotes, improbably, Alexander Hamilton in this connection: "take away my right over my subsistence and you possess absolute power over my moral being."<sup>3</sup>

Some have argued that thinkers such as Paine and Wollstonecraft should be considered radical liberals. On this view, Locke provides all of the necessary theoretical resources for achieving democracy: rights, freedom, equality, and independence (Ashcraft 1993; cf. Donnelly 1989, ch. 4). There is no question that these concepts figure centrally in liberalism, but liberalism's emphasis on property rights and privacy, and its general inattention to domination, mean that it captures only part of what the emancipatory theorists mean by freedom and independence; classical liberal theory has also historically had little sympathy for economic rights.<sup>3</sup> Others maintain that these thinkers should be understood within the republican tradition, which staunchly opposed domination. Such an understanding is anachronistic, however; even contemporary defenders of republicanism acknowledge that the classical republican conception of freedom could not be universalized, anchored as it was in notions of virtue, wealth and virility that made citizenship for servants or women inconceivable (e.g., Pettit 1997). It also was skeptical of rights, instead stressing a notion of public virtue that potentially licenses extensive state interference in individuals' lives in the name of the common good. Moreover, both liberals and classical republicans always regarded independence as a marker of citizenship rather than a political objective.<sup>4</sup>

To reiterate, the emancipatory tradition of theorizing about democratization emphasizes economic and political independence as inextricably intertwined and as central to an egalitarian notion of emancipation achieved through extending human rights to more people and more spheres of life. It thus combines theoretical elements often associated with liberalism and republicanism; in this emancipatory tradition – which comprises the Levellers, Rousseau, Paine, Wollstonecraft, Condorcet, the Chartists, Mill, and Stanton, among others – human rights enable democracy and emancipation for all.<sup>5</sup> Rather than shoehorn these theorists into the liberal or republican molds, I call them emancipatory democrats; doing so reminds us that "democracy is as much about opposition to the arbitrary exercise of power as it is about collective self-government," even though this oppositional aspect of democracy is not frequently mentioned in the academic literature (Shapiro 1999, 30). Calling these thinkers democrats also underscores their *egalitarian* understanding of emancipation; as Walzer (1983, xii) argues, "the experience of subordination – of personal subordination, above all – lies behind the vision of equality. . . . The aim of political egalitarianism is a society free from domination." In the following section, I outline a reinterpretation of democratic theory that aims to recapture and reformulate this emancipatory spirit.

## II

The conception of democracy I call *democracy as human rights* (DHR) articulates a view of democratic human rights grounded in freedom, equality, and

<sup>3</sup> Liberal property rights are *political* rather than *economic* rights. Locke, for instance, articulates not a right to *own* property but, rather, a right to *use and dispose* of property without interference by government or concern for social claims.

<sup>4</sup> I stress *classical* republicans, as many contemporary proponents do see nondomination as a universal political ideal and recalibrate their theories accordingly.

<sup>5</sup> For a more extensive treatment of this tradition, see Goodhart (2005, ch. 6). Several of these thinkers advocated basic income schemes, a fact relevant and suggestive for the argument I shall offer later.

<sup>2</sup> Calling these rights *human* rights might seem controversial, but calling them anything else misses what is distinctive about this tradition: namely, its emphasis on the universality of a broad range of rights, including social and economic rights. Just as we talk of liberals and liberalism in the *seventeenth and eighteenth centuries* before the term was coined, it seems appropriate to talk of

independence. DHR is a *political commitment to universal emancipation through securing the equal enjoyment of fundamental human rights for everyone*. By emancipation, I simply mean what the emancipatory democrats meant: a state of freedom, equality, and independence, of being subject neither to domination nor to unwarranted interference.<sup>6</sup> Understanding democracy substantively in these terms – as a project of emancipation – clarifies and specifies the democratic ideal. In calling DHR a political commitment, I acknowledge its account of emancipation through human rights to be a moral and social aim or aspiration (Donnelly 2003, 16ff.), and specifically, a democratic one. There is good reason to be optimistic about the persuasive power of such an account: around the world, no ideas have proven more attractive or more useful than democracy and human rights. Moreover, both ideas are universal in the sense identified by Sen (1999a) and Beitz (2001); namely, that they are ideas everyone might have reason to value. Recovering this emphasis on human rights as the language and instrument of emancipation revivifies democracy itself, which in its atrophied electoral and procedural forms can seem like a fairly moribund and uninspiring ideal.<sup>7</sup>

I have defended DHR at length elsewhere (Goodhart 2005); here I want to emphasize two aspects of the argument particularly relevant for understanding the justification it provides for economic rights. Before doing so, however, I should clarify that although the ensuing discussion does not emphasize responsive and representative politics, these remain crucial to DHR as a general conception of democracy. Its focus on fundamental rights *supplements* representative government; it is not meant to supplant it. Furthermore, DHR provides a different and more coherent justification for popular government than those typically offered, a point to which I return later.

The first point I want to make concerns what it means to secure a right. In brief, securing a right means providing social guarantees for its enjoyment. Shue argues that a social guarantee implies correlative duties associated with rights; as he puts it, “a right is ordinarily a justified demand that some other people make some arrangements so that one will still be able to enjoy the substance of the right even if – actually *especially* if – it is not within one’s own power to arrange on one’s own to enjoy the substance of the right” (Shue 1996, 16; cf. Vincent 1986). Some duties and obligations attach to specific individuals (or to people generally) while others are shared or collective responsibilities to be met through the design of proper social institutions. For a right to be secured, its actual enjoyment must be socially guaranteed against standard threats (Shue 1996, 13; Pogge 1992). This requirement entails that the rights in question must be generally recognized and understood, that standard threats to the rights must be identified and means of addressing them devised, and that those means must be incorporated into legal and social institutions that are adequately empowered actually to check the threats (they must be fully funded, must have the appropriate

jurisdiction, and so on). It is not enough that as it happens rights are not being violated at the moment (Shue 1996, 16). This institutional requirement for securing rights figures below in the comparison of basic income schemes with alternative programs.

The second aspect of DHR I want to address concerns *fundamental* rights. In DHR, fundamental rights are defined as all those rights necessary for emancipation. This is admittedly an act of definitional fiat. The definition is not *merely* stipulative, however, because it is possible to work out what emancipation requires. Doing so involves both analytic and experiential reasoning. Analytically, one can develop an account of which rights must be secure to prevent domination and unwarranted interference, to eliminate subjection (I sketch such an account later). This analytic description of fundamental rights must, however, be viewed as provisional and open-ended, because the political commitment animating DHR is a commitment to *achieving* emancipation for everyone. With respect to achievement, any analytic account of fundamental rights will be incomplete in at least two ways. First, it will almost certainly leave open the possibility that differently situated others – whose material, physical, emotional, or positional experience diverges from societal norms – will remain vulnerable to forms of subjection that the analytic accounts miss (see Young 1990a, 1990b). Second, analytic accounts are also likely to be incomplete in their comprehension of what is actually required to secure rights; again, situational differences will shape individuals’ experiences and condition their capabilities, impacting the guarantees needed to secure enjoyment of their rights.<sup>8</sup> For these two reasons, analytic accounts of fundamental rights must be supplemented with experiential accounts, accounts articulating real instances in which subjection persists despite the enjoyment of fundamental rights as specified so far. New rights might be necessary, or new understandings of what counts as a standard threat and what is needed to counter such threats effectively. Indeed, changing social circumstances mean that what is necessary for emancipation will always be in flux. In this light it is clear that *any* account of rights will be necessarily provisional and open-ended; stipulating that fundamental rights are those that, together, constitute emancipation thus establishes a critical standard and creates a check against the exclusionary operation of biased accounts of rights.

A second respect in which rights in DHR are *fundamental* concerns what we might call, following Shue, their “basicness.” A basic right is one whose secure enjoyment is a condition of the secure enjoyment of the other basic rights (Shue 1996, 16). When one such right is threatened, none is secure. To see this, consider how fundamental rights constitute emancipation: by protecting individuals from subjection, that is, from domination and unwarranted interference. When any of the fundamental rights is denied, the rights-holder is potentially subject to the arbitrary will or actions of another person, of the state, of a corporation, or of some other actor. “Potentially” is an important modifier here: the credible threat of interference coupled with the means (the lack of institutional impediments) to carry it out is, like the sword of Damocles, a form of domination. Thus, when

<sup>6</sup> I shall use emancipation and nonsubjection interchangeably; Subordination establishes subjection when it entails restrictions on freedom or equality.

<sup>7</sup> Some version of this more robust ideal of democracy and human rights seems implicit in the work of many activists who view democracy and human rights as sides of a coin (see, e.g., Aung San Sun Kyi 1995).

<sup>8</sup> Nussbaum (1997) and Sen (2001) show how a capabilities focus can clarify what elements of a right need to be secured.

one fundamental right is insecure, all are insecure. Some critics accuse Shue of circularity, alleging that unless there is at least one right whose "basicness" is known independently such an account cannot get off the ground. For Shue, the right to security is so widely recognized as fundamental that it provides an unproblematic, practical starting point. Whatever one makes of Shue's position, my account of fundamental rights is not vulnerable to this critique because in DHR fundamental rights are defined in relation to emancipation. That they are basic in Shue's sense is characteristic of fundamental rights in the way just described, but not definitive of them. Critics might object that the political commitment to emancipation is an inadequate grounding for an account of rights, but this is a very different charge from circularity — one that I address later.

A fully specified analytic account of fundamental rights would require lengthy exposition. For simplicity, I shall flesh out the idea of fundamental rights by outlining four broad "clusters" of rights that give the notion some substance.<sup>9</sup> Rights relating to *liberty and security* concern the physical safety and integrity of individuals, their freedom of activity, choice, and movement, and their right to noninterference in matters of personal or intimate concern. Rights concerning *fairness* entitle people to equal treatment before the law and in politics and society. These rights include guarantees concerning legal and criminal procedure (due process, adequate representation) and equal access to public benefits, services, and opportunities. *Civil and political* rights encompass rights and guarantees concerning one's social and political activities. These include freedoms of assembly, conscience, and expression, a right to choose one's own lifestyle, and rights to political participation. That the rights in each of these clusters should be fundamental in each of the above senses is clear. Each is necessary to prevent subjection, and the secure enjoyment of each is a necessary condition of secure enjoyment of all the others. If one's physical security is not guaranteed, intimidation, physical violence and involuntary restraint (including detention), and other means can be used to undermine rights like free expression and association. Without guarantees of fair legal procedures and equal access to public benefits, one's physical security and political rights can be similarly challenged. Political rights, including especially the rights to expression and suffrage, provide the means through which people can safeguard their rights and well-being; without such rights, there would be no institutionalized mechanism for ending abuse, corruption, and destructive policy pursued by the government (see Howard 1983).

The final cluster of rights is *social and economic* rights; because economic rights, and subsistence rights in particular, are my primary concern here, the remainder of the chapter focuses on them.<sup>10</sup>

<sup>9</sup> I borrow the term "clusters" from Held (1995), who uses it to denote bundles of rights associated with his seven sites of power in modern societies; for a classification similar to mine, see Beitz (2001). Nothing in the theory rides on the classification of any particular right or on the names assigned to the categories.

<sup>10</sup> I have elsewhere described these rights as rights to an *adequate standard of living*, including things such as "food, shelter, affordable access to health care, a living wage, a decent education, choice in family and relationship status, and rights to enjoy and participate in one's culture" (Goodhart 2005, 143). These rights were enumerated as exemplars; the analysis that follows is intended to reverse, deepen, and extend this earlier treatment.

## III

Which social and economic rights are fundamental in the dual sense described above? Two relatively uncontroversial ones are education and health care. The right to education is clearly fundamental in both of the senses invoked here. It is key to emancipation in that without it one can be easily deceived and manipulated by others, leaving one open to domination and unwarranted interference in fairly straightforward ways. Education is also basic, if for no other reason than that without an adequate education it is difficult to understand one's rights and to navigate the system of social and legal institutions available to protect and promote them. The right to health care is fundamental for emancipation in that its denial or removal endangers one's life and well-being. To limit (or threaten) a person's access to or quality of health care would be to subject that person to a particularly cruel and callous form of dependence. Without a social guarantee, those who control access to health care would enjoy dominance over applicants for it, and could easily oppress them. The right to health care is also basic. Ill health constitutes a direct mental or physical threat, much like a beating. The right to health care ensures that no one is left without recourse in the face of such threats. Although health cannot always be guaranteed, what can and must be ensured is that all members of society are enabled to maintain their health or address health problems through access to health care.<sup>11</sup> Preventative care, both individually through the medical system and generally through public health measures, can be an effective and efficient approach to this right. Without a guaranteed right to health care, ill health or its associated costs can quickly swamp the exercise of one's other rights.

Other social or economic rights that would qualify as fundamental include rights to join unions and to bargain collectively, to safe and dignified working conditions, to equal opportunity in employment and to equal pay for equivalent work. Whether such rights should be classified as social and economic rights, rights to fairness, or political rights is unclear, but it is also unimportant. The clusters are merely a shorthand for discussing fundamental rights; they do no conceptual work. Indeed, as these examples show, many rights function in a variety of ways to guarantee emancipation and secure other rights.

There is one further economic right that, although much more controversial, I shall argue qualifies as fundamental: the right to a guaranteed subsistence. The epigraph from Rousseau in the chapter's title makes clear why guaranteed subsistence should count as fundamental. In explicating that freedom and equality constitute the greatest good and the object of all systems of legislation, Rousseau argues that equality "must not be understood to mean that degrees of power and wealth should be absolutely the same, but that, as for power, it stop short of all violence and never be exercised except by virtue of rank and the laws, and that *as for wealth, no citizen be so very rich that he can buy another, and none so poor that he is compelled to sell himself*" (Rousseau 1997, 78 [my emphasis]). Rousseau's intuition here is frequently taken to be against too wide an inequality of wealth in society,

<sup>11</sup> For this reason, I emphasize a right to health *care* and not to *health*. The ICESCR's "highest attainable standard" of health criterion seems problematic for numerous reasons that I cannot elaborate on here.

and no doubt Rousseau sees vast disparities as problematic. Yet he also objects to extreme poverty on the grounds that it effectively obliges the poor individual to "sell himself" to enter into a dependent relationship with a wealthy one. Rousseau felt that such dependence undermined the social contract, because as a moral form of association establishing genuine freedom, the social contract can only comprise equals. It cannot include anyone dependent on another, for such unequal individuals cannot be truly free.<sup>12</sup> Hamilton recognizes something similar – as does Anthony – when he declares that a person who depends on another for his subsistence is subject to the latter's absolute power over his moral being.

Each of these thinkers negatively demonstrates how the right to subsistence facilitates emancipation: an individual lacking a guaranteed subsistence is dependent upon those who control her subsistence. As Wollstonecraft (1995, 67ff) saw, this lack of independence not only undercuts the dependent's rights but also inhibits the development of liberty and its associated virtues, rendering dependent persons servile and vicious. The discussion also suggests why a right to guaranteed subsistence is basic: when one depends on another for subsistence, the provider becomes a master. The dependent person dare not protest any abuse or mistreatment, because in doing so she jeopardizes her survival by risking the master's displeasure and the loss of subsistence. This dependency obtains whether the "master" is a lord, employer, husband, government, or social service agency. Thus, the *right* to guaranteed subsistence qualifies as a fundamental right in the senses described here. This general right comprises several component rights, including guarantees of adequate food, clothing, shelter, and an income sufficient to meet other basic needs.<sup>13</sup> I shall consider the right to guaranteed subsistence in detail below. Before doing so, however, I want to show how DHR's general account of economic rights addresses the concerns canvassed at the outset.

#### IV

Conceptually, DHR offers a clear and cogent account of the nature and content of economic rights. These rights are justified by their centrality to emancipation. In this respect they are identical to all of the other fundamental rights conceived by DHR: their content is determined by what is required to secure emancipation. This way of conceiving human rights has the distinct advantage of providing a single justification for a wide variety of rights, one based in the social and moral aims underpinning democracy's emancipatory commitment. One might, of course, reject this democratic commitment, but one might equally reject any of the other moral, social, or metaphysical justifications advanced for rights: human rights have no strong foundations in this sense (Donnelly 2003, 18ff). The standard of deductive proof is inapposite in discussions of moral concepts and should be abandoned; there is simply no need to "get beneath" human rights in this sense (Rorty 1993, 115–16). My aim is to provide better arguments for economic rights, arguments that appeal to the obvious attractions of human rights and that place them on firmer political ground.

This is perhaps an appropriate place to address the common objection that democracy and human rights are, if not incompatible (indeed, the empirical evidence suggests otherwise), at least often in tension with one another (e.g., Donnelly 2003, 191ff; Freeman 2000; Zakaria 2003, 1997). Two responses are necessary to address this objection fully. The first concerns how we conceive democracy. On what Leader (1996) has in another context called an "oligarchic" conception of democracy, the majority possesses an inherent right to rule. On this conception, liberal democracy is certainly a real danger, as the majority might exercise its oligarchic right tyrannically in violating the rights of minorities (whether ethnic, religious, or political). Yet this oligarchic conception of democracy, which follows from a certain simplistic and problematic notion of popular sovereignty, is indefensible if we take the freedom, equality, and independence of the person seriously. On the emancipatory view, the right to democratic representative government is among the fundamental rights. Seen this way, the supposed tension between democracy as a political method and human rights as a set of substantive guarantees is resolved through the recognition that the political method itself is only justified insofar as it conduces to the secure enjoyment of the other fundamental rights. Majority tyranny achieved through electoral mechanisms contradicts the premises that justify representative government in the first place.

A critic might reply that such theoretical demonstrations do nothing to prevent majority tyranny and illiberal democracy in practice, asserting that liberal constitutionalism is an essential check on democracy. Yet constitutions also get violated with regularity; no theory, no document, can guarantee adherence. What is required, whether one prefers the label "constitutionalism" to democracy or the other way round, are institutions to secure rights against standard social threats. Among such institutions must be a participatory and democratic political system, because, as Mill (1972, 275) put it, "the rights and interests of every or any person are only secure from being disregarded when the person interested is himself able, and habitually disposed, to stand up for them." Only a democratic political system provides the institutional guarantee for this ability to stand up for one's rights: "we have no reason to believe that it is possible to design non-participatory procedures that will guarantee that even basic rights are in substance respected" (Shue 1996, 84). These views are echoed by theorists in the emancipatory tradition who recognized the close connection between the right to suffrage and the protection of other rights. As described earlier, a democratic political system is a fundamental right in the senses that DHR requires – necessary for emancipation and for the secure enjoyment of other rights. It is hard to see why we should favor the democratic political method at all unless it is explained this way: it is neither more efficient nor more likely to result in wise or enlightened policy than other methods (Schumpeter 1942), and the modicum of control it affords to particular citizens cannot be seriously regarded, at least within modern nation-states, as relevant to individual autonomy (Dunn 1998; Pateman 1970).

DHR also addresses philosophical concerns about the "positive" character of economic rights, about the interdependence and indivisibility of human rights, and about the obligations associated with economic rights. It has been shown repeatedly that many rights have both positive and negative dimensions; scholars have so consistently disproven the notion that rights can be classified as strictly

<sup>12</sup> This explains why Rousseau excludes women from the social contract (see Goodhart 2005, ch. 3).

<sup>13</sup> Articles 6, 7, 9, and 11 of the ICESCR all contain provisions related to a guaranteed subsistence.

negative or positive (as requiring only restraint by government or individuals as opposed to requiring "positive" action or resource expenditures on the part of government or individuals) that extended consideration of this point barely seems worthwhile (Donnelly 2003, 30–31; Okin 1981, 238ff; Shue 1996, 35–64). Perhaps the positive/negative distinction only seemed significant historically because liberal justifications for rights rested on arguments for noninterference. "Positive" rights do require interference, but it is not *unwarranted* interference; proponents of nondomination, both republican and democratic, have long recognized some forms of interference as necessary and appropriate for securing freedom. That preventing domination often requires interference demonstrates why both liberal and republican accounts, taken alone, are insufficient to secure emancipation.

The interdependence and indivisibility of human rights is widely accepted among scholars and practitioners today, mainly as a shorthand retort to the now-discredited "generations of rights" thesis (Nowak 2005, 37ff). Enshrined in the 1993 Vienna Declaration, interdependence and indivisibility recognize the equal standing and importance of all human rights. This view improves on the ill-conceived and ideologically tainted attempts to separate rights into artificial categories or generations. Only a few scholars, however, have explored the analytic bases of this claim (e.g., Howard 1983; Sen 2001; Shue 1996). DHR provides grounds for an understanding of human rights as genuinely indivisible and interdependent normatively and conceptually. The argument for emancipation demonstrates the *normative* indivisibility of fundamental rights: all are necessary for emancipation. The argument for fundamental rights as basic in Shue's sense demonstrates the *conceptual* interdependence of fundamental rights: unless all are secure, none is. DHR thus provides moral and analytic grounds to substantiate claims that human rights are indivisible and interdependent.

The final philosophical concern about economic rights has to do with the nature of the obligations they entail. It is sometimes claimed that who has the duties or obligations associated with economic rights is unclear (the specificity objection); it is also sometimes claimed that economic rights create never-ending redistributive duties or require too much from individuals (the illimitability objection). On a traditional interactional approach, general duties relating to human rights remain ambiguous (see Sen 2004). On the institutional approach embraced here, however, there is no such problem. Providing guarantees for economic rights is a collective obligation that falls on society at large and requires the careful design of institutions enabled effectively to guarantee those rights. Any modern welfare state demonstrates what it means to institutionalize a society's economic obligations. The specificity objection, then, can be dismissed.

The illimitability objection introduces problems concerning both the scope of the economic rights and duties (what they are and on whom they fall) and their magnitude (what and how much must be done) (Shue 1983, 602). DHR prescribes a clear and coherent account of what economic rights there are; as a universal conception, it conceives these rights as applying equally to everyone. DHR also clarifies the nature of the duties associated with these rights through its requirement of institutionalized social guarantees of rights. On whom the duties fall is a complex question whose answer lies beyond the scope of this essay. I will only state, without elaboration, that the universality of the democratic commitment entails

that *ultimate* responsibility for guaranteeing all fundamental rights is universal, and thus global, even if states are assigned *primary* responsibility (see Goodin 1988; cf. Copp 1992, 241).

Specific questions regarding the magnitude of the duties corresponding with DHR's economic rights cannot be answered before working out the specific policy implications of those rights, a task I undertake in the next section of this chapter. More generally, however, DHR is immune to the most common criticism leveled against economic rights — namely, that they create endless or illimitable obligations in the quixotic pursuit of economic equality. DHR differs from many accounts of social justice in that its aim is not to reduce material inequality generally; rather, DHR envisions fundamental rights — including economic rights — as a floor, the minimum necessary to secure rights and emancipation (cf. Copp 1992). A democratic society might, as a matter of policy, institute rights and benefits beyond this floor, but such decisions are the stuff of politics. Here I want to stress that the three main economic rights identified in DHR — education, health care, and the composite right to subsistence — can all be met without unending transfers. Most developed countries, and many developing ones, already provide their citizens with education and health care. Moreover, because DHR calls for guaranteed subsistence, not reduction or elimination of inequality, it does not introduce an unending burden of ongoing redistribution. Of course, many societies might lack the resources to meet these economic obligations; unlike Copp (1992), I do not see this inability as a sign that these rights are conditional, but rather as a trigger for wider (global) social obligations. I do not want to suggest that the obligations and expenditures entailed in meeting DHR's requirements are inconsequential; my point is only to show that, although substantial, these requirements do not involve the kind of ongoing, illimitable transfers that opponents of economic rights frequently invoke in decrying them.

Before turning to questions about how best to secure the right to subsistence, it might be valuable briefly to contrast DHR's emancipatory justification of fundamental rights with justifications that appeal to agency or autonomy (e.g., Gewirth 1982; Copp 1992). The rights generated by these different accounts are quite similar; the main differences lie in the nature of the justifications themselves. One important difference concerns the common objection that justifications based in agency and autonomy invite problems with respect to rights for those who lack full agency or full autonomy. Like any capability-based approach, agency- and autonomy-centered accounts seem to exclude those unable to act or choose in the specified manner. Also, such accounts historically have been susceptible to abuse whenever dominant groups *deny* the rationality or capacities of some categories of persons whose rights they violate. DHR avoids such exclusions, because it is grounded in a commitment to emancipation for all. On this view, an individual's rights are not conditioned upon ability. Similarly, agency- and autonomy-based accounts carry a good deal of metaphysical baggage; those who reject the underlying ontological claims will not be able to endorse the rights generated by these accounts. DHR's emancipation-related justification of rights appeals to an egalitarian political commitment, making it much more susceptible of the kind of overlapping consensus (substantive agreement based in diverse and multiple reasons) that seems crucial for any global account of human rights (Taylor 1999). This type of justification is

more persuasive, more compelling, and more inclusive in a diverse and pluralistic world.

In the remainder of the chapter I shall focus on how best to realize the right to guaranteed subsistence. I do so for two reasons. First, proper specification is crucial in ensuring that the fundamental rights function as they are conceived – as interdependent and indivisible rights mutually constitutive of emancipation. Second, the lack of specificity of economic rights has contributed to their misunderstanding and misrepresentation; spelling out what the right to guaranteed subsistence requires should help to remedy this problem.

## V

In this section, I shall argue that the fundamental right to guaranteed subsistence requires the social provision of a basic income. I shall make this argument by explaining in outline what a basic income scheme meeting the requirements of DHR would look like, and by showing why key features of this scheme – its unconditionality, its generality, and its security – are necessary features of any program adequately fulfilling the *fundamental* right to guaranteed subsistence justified above. Basic income is compatible with both a broader regime of social provision and with a guaranteed right to decent employment for all who seek it, but neither of these programs (nor both together) adequately secures the right to guaranteed subsistence; both leave individuals open to domination and unwarranted interference.

There are many basic income schemes circulating today, schemes that vary considerably in their justification and operation (Wispelaere & Stirton 2004). I understand basic income as a social transfer paid to all citizens on a regular (monthly) basis. Payments should be set at a level ensuring that all members of society can meet their subsistence needs (for food, clothing, shelter, and other basic needs).<sup>14</sup> The details of this scheme need not detain us here; various measures of subsistence exist, and we need only accept that it is in principle possible to set the value of the payments accurately enough so that they do in fact guarantee subsistence income for all.<sup>15</sup> Basic income is paid to all individuals regardless of their economic means, family or employment status, willingness to seek paid work or accept jobs, or any other status or requirement (Purdy 1994, 33; cf. van Parijs 1995). It is, however, consistent with “clawback” mechanisms, the use of tax structures to recapture the full amount of the payment from many individuals; how many is a question of how the tax scheme is designed in light of broader policy objectives and economic incentives. This caveat is important, because without such mechanisms basic income becomes extremely expensive; with clawbacks, however, the cost drops dramatically (van Parijs 2001, 22; Harvey 2004a, 18ff, 26).

Proposals for basic income schemes have a long intellectual history (see van Parijs 2004; also Dowling, Wispelaere & White 2003; Rothschild 2001). They have attracted attention recently amid heightened concerns about the viability of the welfare state and the feasibility of full employment in an age of resurgent economic neoliberalism (Offe 1992; Standing 1992; although on the full employment question, see Harvey 2004a, 2004b; Mitchell & Watts 2004; Noguera 2004). I depart from much of the literature on basic income in treating it primarily as a *democratic* program rather than one concerned with poverty reduction, with reconfiguring the right to work, or with other, principally economic, goals (cf. Pateman 2004, 2003). Calling basic income a *democratic* program emphasizes that its primary justification is its role in achieving and securing emancipation for all members of society. This justification figures centrally in the response to arguments, recently presented by several scholars, that basic income provides only a poor or partial substitute for the right to work (Harvey 2004a, 2004b; Mitchell & Watts 2004). It is hardly surprising that basic income does less well than a right to work in satisfying the right to work. The goal of basic income, however, is not to guarantee the right to work; it is to guarantee the right to *subsistence*. Indeed, if we consider the rationale behind the right to work articulated in the ICESCR, it is clearly to provide an adequate standard of living for all.<sup>16</sup> For reasons clarified in the ensuing discussions, the right to work manifestly fails to provide a secure guarantee of an adequate standard of living (or what I am calling subsistence) and to the extent that it is successful that success comes at the expense of other aspects of emancipation.

Three aspects of basic income programs prove crucial in satisfying the requirements of a fundamental right. The first is their *unconditionality*. Because basic income is not contingent on willingness to work or on conformity with any behavioral or lifestyle constraints, it provides three important freedoms that other social welfare programs, including traditional welfare states and the right to work, cannot. The first is the freedom *from* employment. Given the long and problematic association between employment, masculinity, and citizenship and between marriage and the subjection of women, breaking this association is important for ensuring women’s equal emancipation (Pateman 2004; Alstott 2001; cf. Mill 1989). Moreover, the economic sector itself is highly undemocratic, both in its ethos and in its organization. Domination is commonplace – for instance, through threats of termination or layoffs. Basic income “allows individuals more easily to refuse to enter or to leave relationships that violate individual self-government, or that involve unsafe, unhealthy, or demeaning conditions” (Pateman 2004, 96), whether those relationships are personal or in the paid economic sector. A right to subsistence

<sup>14</sup> I have in mind something like the “decent minimum” proposed by Barry (1997) and Pateman (2003).

<sup>15</sup> Rights to education and health care cover many of the contingencies that might impact any individual’s ability to satisfy subsistence needs through the basic income (this is especially true if we treat disability payments as part of the health care regime). Also recall that DHR provides a standard for assessing the adequacy of basic income: it must effectively guarantee the secure enjoyment of all fundamental rights.

<sup>16</sup> Critics might object that because the right to work is enshrined in the UDHR and the ICESCR, neglecting it undermines any claim to have provided a complete or satisfying account of economic rights. While recognizing the importance of these documents and the consensus they represent, I would note that they provide little justification of the rights they enumerate and little insight into how best to conceptualize human rights. This statement is not a criticism: the UDHR and the covenants were not intended as philosophical treatments of rights. Because the question at issue here is precisely to address the persistent *problems* with economic rights as presently conceived, it would be counterproductive to treat these formulations as sacrosanct. The guaranteed right to subsistence, I maintain, captures the spirit of the right to work enumerated in these documents, but improves upon its formulation and implementation.

tied to employment obviously cannot provide many of these important freedoms, as it only amplifies the worker's dependence on paid employment. Indeed, unless the right to work included unconditional unemployment benefits for those unable or unwilling to work in the jobs available, it would not guarantee subsistence at all; separate income support schemes would be required (Harvey 2004b, 10). Traditional welfare states, insofar as they include "workfare" requirements, similarly fail to break the coercive link between employment and full enjoyment of one's rights.<sup>17</sup>

A second fundamental characteristic of basic income is its *generality*. It is paid to everyone, helping to eliminate the stigma currently associated with receipt of social welfare benefits, most importantly by breaking the relationship between work and freedom (cf. Dore 2001, 83). Basic income would liberate everyone – not only those in paid employment – from dependence, a radical departure in a wage-based society too inclined to confuse freedom with consumption and employment with independence and moral rectitude. Eliminating the stigma that attaches to receipt of welfare payments – whether in the form of the dole or of government make-work – is the only way to secure for all individuals the equal public standing that democracy requires. In conjunction with the unconditionality of benefits, basic income's generality would also greatly reduce the coercion and domination exercised *through* the provision of social benefits (Händler 2004, 79–86, 199–208). Among the antidemocratic effects of existing social welfare regimes are that the behavior of "clients" is tightly monitored and controlled, and that the receipt of benefits often entails significant burdens in the way of reporting, appearances before caseworkers or administrative judges, and the like. These requirements often demean recipients, subjecting them to domination by agents of the state on whom they depend for their subsistence (Fitzpatrick 2000, 166). Such requirements also make the provision of benefits more costly and less effective (in terms of successfully targeting those who need assistance) (Goodin 1992). Similarly, right to work programs would not free individuals from dependence on their employers and would leave them open to domination by bureaucrats administering whatever backup schemes might be in place for those who cannot find (or who reject) work on the terms made available by the state.

Finally, because basic income is paid serially and stretches across an individual's entire lifetime, it provides *security* that other schemes for guaranteeing subsistence lack.<sup>18</sup> Basic income cannot be squandered or forfeited; there is no risk of exhausting one's eligibility, or of losing one's job, or of failing to meet the changing requirements prescribed by bureaucracies or politicians. Basic income thus satisfies the fundamental right to guaranteed subsistence in a way that no program with work or other eligibility criteria can – institutionalizing an effective, dependable guarantee of economic independence for everyone. This security provides a

<sup>17</sup> Harvey (2004a, 28ff) notes that much of the conflict surrounding program eligibility takes place against the backdrop of a world where full-employment has not been realized; the unavailability of work for all who want it makes such debates particularly sharp. But presumably the implication of Harvey's argument in a full-employment world would be consensus on the *inequality* for benefits of those who refused work for whatever reason. This demonstrates the importance, from a democratic perspective, of an unconditional guarantee of subsistence.

<sup>18</sup> It compares favorably on this score with proposals for citizens' grants (cf. Ackerman & Alstott 1999).

considerable measure of freedom to individuals reckoning their life paths in light of opportunities and threats that might arise in connection with a range of social, economic, or political risks encountered in the course of a lifetime. Consider several instances in which the security of basic income might enhance someone's freedom considerably: in a decision to leave an abusive relationship; to leave unsatisfying or undignified work to launch an independent business, pursue further education, or devote oneself to poetry; or to run for political office. In each case, basic income enables freedom in ways that other programs cannot. Moreover, it does so in a way that is compatible with and facilitates the secure guarantee of the other basic rights. The unconditionality, generality, and security of basic income rules out opportunities for domination and oppression in its implementation. As these examples make clear, those who understand human rights as rights of agency and autonomy should find basic income schemes attractive as well.

As Harvey has argued, there is no need for advocates of basic income and the right to work to be antagonists; both argue, on parallel tracks, for programs that would enhance the dignity and well-being of all members of society (Harvey 2004b). There is also no need for advocates of basic income to deny the considerable benefits of employment or the importance of a fair opportunity for everyone to work (cf. Harvey 2004b, 38, 26).<sup>19</sup> Indeed, the availability of decent work for everyone who wants it is a goal shared by many advocates of basic income (e.g., van Parijs 1995; Standing 1992). Advocates of basic income and the right to work often differ on the *feasibility* of creating decent work for everyone. The former tend to believe that only by reducing the number of job-seekers, a goal they claim basic income facilitates, can full employment be achieved.<sup>20</sup> Proponents of the right to work, by contrast, see no practical difficulty (as opposed to political ones) in providing jobs for all and maintain that reducing the number of job-seekers will not translate into jobs for all who want them. I shall not address the difficult economic questions involved in adjudicating this debate, mainly because it is clear on the democratic justification advanced here that *even if* decent work were available for all who wanted it, basic income would still be required to satisfy the fundamental right to guaranteed subsistence. Advocating basic income does not entail denying the utility and desirability of right to work schemes or of other forms of social provision, such as job training or disability benefits. It does entail insisting, however, that only basic income satisfies the fundamental economic right to a guaranteed subsistence that democracy demands.

## VI

In lieu of a formal conclusion, I want to address two common objections to basic income schemes (and to ambitious social schemes generally): cost and political

<sup>19</sup> We must be wary, however, in treating claims about links between unemployment and ill health or crime as claims against BI, for two reasons. First, these claims usually refer to *involuntary* unemployment; second, poverty is often an intervening variable in cases of involuntary unemployment, one that would be eliminated if a basic income scheme were in place.

<sup>20</sup> It does so, they maintain, in two ways: by enticing some individuals to leave the paid workforce, freeing jobs for others, and by creating possibilities for low-wage but otherwise attractive work (see Van Parijs 1995).



feasibility. It is frequently objected that basic income would impose massive costs on the economy, costs that would destroy competitiveness and undermine productivity. It is true that financing basic income would require a significant *reallocation* of social resources, yet it is far from clear that such a shift would have the devastating impact many suppose. It is worth recalling in this connection that the negative income tax – the program most resembling basic income tax in its design and cost (see van Parijs 2001, 10ff, 1995; Barry 1996) – was advocated by Milton Friedman and endorsed by Richard Nixon – figures hardly known as fiscally reckless. It should be emphasized that financing basic income would require the reallocation of social resources. Given the amounts spent in rich and developing countries alike on warfare and the armaments of warfare, it is hard to argue that societies lack the resources to finance spending programs deemed necessary for security; that the type of security delivered by basic income is economic rather than military is a political, not an economic, distinction, one to which I shall return shortly. The macroeconomic effects of basic income will also vary depending on how it is financed; although increased income and estate taxes are often mentioned, consideration should also be given to the taxation of social bads – pollution, the production of solid waste, the consumption of carbon-based fuels – as mechanisms for generating socially-responsible welfare (cf. Barry 1998, 155).<sup>21</sup> Globally, mechanisms such as a Tobin tax or Global Resource Dividend should be considered as an additional source of potential revenue (see Round 2000; Mendez 1997; Overseas Development Institute 1996; Pogue 2001).<sup>22</sup>

Much ink has been spilled debating the effects of basic income on labor force participation, on the lowest-wage jobs, and on overall social productivity as well as in weighing the possible savings in reduced administrative costs, elimination of redundant programs, and so forth. Rather than engage these arguments directly, however, I want instead to raise an objection to cost *as an objection* to basic income or other schemes for guaranteeing economic rights. Such objections give too easy a pass to the existing economic order. The social costs of systemic failures such as high levels of poverty, structural unemployment, and an ecologically unsustainable mode of production, combined with incentives for economic enterprises to inflict the negative externalities of poverty, unemployment, and environmental degradation on society at large, mean that the current system is a great deal more expensive than is typically recognized. To object to basic income because of its costs, in light of such facts and of present expenditures on war and on corporate welfare, is like the pot calling the kettle black. In addition, the democratic costs of economic dependence are rarely considered. Basic income would surely be expensive, but the relevant question is how the magnitude of those expenses and the benefits associated with them would compare with the costs and benefits of the current order. Among basic income's benefits must be counted the secure guarantee of subsistence for all in a way compatible with the enjoyment of other fundamental human rights – a goal current systems, European- as well as American-style, have failed

to meet (see Handler 2004). If we are truly committed to freedom, equality, and independence for all, basic income looks like a smart – indeed, an unavoidable – investment.

The postwar consensus on social security in the Western world has been showing fissiparous tendencies, as pressures brought on by global economic competition, populist tax revolt, and changing patterns of migration have challenged the solidarity on which such schemes are predicated. In the developing world, neoliberal programs for structural adjustment have all too often meant that public-sector spending directed toward satisfying economic rights has been sacrificed at the altar of fiscal discipline. That is not to say that there is no support for social security in the West, or that structural reform is either unnecessary or uniformly unsuccessful; it is rather to point out that the main challenges to realizing economic rights are, as they have always been, political rather than economic. It is instructive in this light to review Paine's (1999) calculations on the cost of his proposed income supplements.

The political challenges are, however, quite daunting. Skeptics will quickly point to the numerous obstacles confronting basic incomes schemes (or any other ambitious social schemes), among which we must count a widespread aversion to taxation, and a neoliberal economic orthodoxy hostile to social spending and adept at exploiting economic insecurity as a disciplinary tool. How, they might reasonably ask, can it even be worth talking about basic income in such a political context? The answer is that although basic income seems utopian in *this* political context, political contexts do change – sometimes quite dramatically. They do so in part because political arguments help to change them; advocates of economic rights thus have a responsibility to develop and refine arguments that resolve the long-standing conceptual and philosophical worries about economic rights and to provide simple, coherent, and appealing visions of their benefits and attractions. I have tried in this chapter to show that there is a way of thinking about democracy and human rights – one dating back centuries – that envisions them as two sides of the coin of emancipation. In reformulating this tradition in contemporary terms, I have suggested that a coherent justification for and account of fundamental human rights can give substance to our intuitions about and commitments to freedom, equality, and independence for all. I have argued that a guaranteed subsistence – institutionalized in the form of a basic income – is an integral part of that democratic commitment.

Philippe van Parijs (2001, 124) insists that “even in the seemingly most hopeless situations, it is part of some people’s job to keep exploring and advocating the politically impossible.” In politics, he might add, the impossible becomes possible with surprising frequency and startling quickness. So we advocates of a right to a guaranteed subsistence have a job to do: to prepare for and bring about the day when this impossibility becomes real.

#### REFERENCES

- Ackerman, Bruce, and Anne Alstott. 1999. *The Stakeholder Society*. New Haven, CT: Yale University Press.
- Alstott, Anne. 2001. Good for Women. In *What's Wrong with a Free Lunch?*, ed. J. Cohen and J. Rogers. Boston: Beacon Press.

<sup>21</sup> As Alstott (2001) notes, although such taxes might normally appear regressive, this problem would be mitigated if revenues were dedicated to a progressively redistributive program such as BI.

<sup>22</sup> Because I have not addressed the question of which social units should be responsible for delivering basic income, I shall avoid specific recommendations.

- Anthony, Susan B. 1992. Suffrage and the Working Woman. Home Life. In *The Elizabethan Cady Stanton - Susan B. Anthony Reader: Correspondence, Writings, Speeches*, ed. E. C. Dubois. Boston: Northeastern University Press.
- Ashcraft, Richard. 1993. Liberal Political Theory and Working-Class Radicalism in Nineteenth-Century England. *Political Theory* 21 (2): 249-72.
- Aung San Suu Kyi. 1995. *Freedom from Fear and Other Writings*, revised ed. Ed. M. Aris. New York: Penguin Books.
- Barry, Brian. 1996. Real Freedom and Basic Income. *Journal of Political Philosophy* 4 (3): 242-76.
- Barry, Brian. 1997. The Attractions of Basic Income. In *Equality*, ed. J. Franklin. London: Institute for Public Policy Research.
- Barry, Brian. 1998. International Society from a Cosmopolitan Perspective. In *International Society: Diverse Ethical Perspectives*, ed. D. R. Mapel and T. Nardin. Princeton: Princeton University Press.
- Beitz, Charles R. 2001. Human Rights as a Common Concern. *American Political Science Review* 95 (2): 269-82.
- Copp, David. 1992. The Right to an Adequate Standard of Living: Justice, Autonomy, and the Basic Needs. In *Economic Rights*, ed. E. F. Paul, F. D. Miller Jr., and J. Paul. Cambridge: Cambridge University Press.
- Donnelly, Jack. 1989. *Universal Human Rights in Theory and Practice*. Ithaca, NY: Cornell Univ. Press.
- Donnelly, Jack. 2003. *Universal Human Rights in Theory and Practice*, 2nd ed. Ithaca, NY: Cornell University Press.
- Dore, Ronald. 2001. Dignity and Deprivation. In *What's Wrong with a Free Lunch?*, ed. J. Cohen and J. Rogers. Boston: Beacon Press.
- Dowling, Keith, Jürgen de Wispelaere, and Stuart White. 2003. Stakeholding - a New Paradigm in Social Policy. In *The Ethics of Stakeholding*, ed. K. Dowling, J. de Wispelaere, and S. White. New York: Palgrave.
- Dunn, John. 1998. Democracy, Globalization, and Human Interests. In *International Convergence Democracy, Community, and Social Justice in an Era of Globalization*. University of Denver. [copy on file with author]
- Fitzpatrick, Tony. 2000. *Freedom and Security*. New York: Palgrave.
- Freeman, Michael. 2000. The Perils of Democratization: Nationalism, Markets, and Human Rights. *Human Rights Review* 2 (1): 33-51.
- Gewirth, Alan. 1982. *Human Rights: Essays on Justification and Applications*. Chicago: University of Chicago Press.
- Goodhart, Michael. 2005. *Democracy as Human Rights: Freedom and Equality in the Age of Globalization*. New York: Routledge.
- Goodin, Robert E. 1988. What is So Special about Our Fellow Countrymen? *Ethics* 98 (4): 663-86.
- Goodin, Robert E. 1992. Towards a Minimally Presumptuous Social Welfare Policy. In *Arguing for Basic Income: Ethical Foundations for a Radical Reform*, ed. P. van Parijs. London: Verso.
- Goodin, Robert E., Carole Pateman, and Roy Pateman. 1997. Simian Sovereignty. *Political Theory* 25 (6): 821-49.
- Handler, Joel E. 2004. *Social Citizenship and Welfare in the United States and Western Europe: The Paradox of Inclusion*. Cambridge: Cambridge University Press.
- Harvey, Philip L. 2004a. *Income, Work and Freedom*. Berkeley Electronic Press Legal Repository. Available at: <http://law.berpress.com/expresso/eps/413/>.
- Harvey, Philip L. 2004b. The Right to Work and Basic Income Guarantees: Competing or Complementary Goals? *Rutgers Journal of Law and Urban Policy* 2 (1): 1-48.
- Held, David. 1995. *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Stanford: Stanford University Press.
- Howard, Rhoda E. 1983. The Full-Belly Thesis: Should Economic Rights Take Priority Over Civil and Political Rights? Evidence from Sub-Saharan Africa. *Human Rights Quarterly* 5 (4): 467-90.
- Leader, Sheldon. 1996. Three Faces of Toleration in a Democracy. *The Journal of Political Philosophy* 4 (1): 45-67.
- Locke, John. 1960. *Two Treatises of Government*. Ed. P. Laslett. Cambridge: Cambridge University Press.
- Mendez, Ruben P. 1997. Financing the United Nations and the International Public Sector: Problems and Reform. *Global Governance* 3 (3): 283-310.
- Mell, John Stuart. 1972. Considerations on Representative Government. In *Utilitarianism, On Liberty, and Considerations on Representative Government*, ed. H. B. Acton. Cambridge: Cambridge University Press.
- Mell, John Stuart. 1989. The Subjection of Women. In *On Liberty and Other Writings*, ed. S. Collini. Cambridge: Cambridge University Press.
- Mitchell, William, and Martin Watts. 2004. A Comparison of the Macroeconomic Consequences of Basic Income and Job Guarantee Schemes. *Rutgers Journal of Law & Urban Policy* 2 (1): 64-90.
- Noguera, José Antonio. 2004. Citizens or Workers? Basic Income vs. Welfare-to-Work Policies. In *10th Conference of the Basic Income European Network*. 19-20 September, Barcelona.
- Nowak, Manfred. 2005. Indivisibility. In *The Essentials of Human Rights*, ed. R. K. M. Smith and C. van den Anker. London: Hodder Arnold.
- Nussbaum, Martha C. 1997. Capabilities and Human Rights. *Fordham Law Review* 66 (2): 273-300.
- Offe, Claus. 1992. A Non-Productive Design for Social Policies. In *Arguing for Basic Income: Ethical Foundations for a Radical Reform*, ed. P. van Parijs. London: Verso.
- Okin, Susan Moller. 1981. Liberty and Welfare: Some Issues in Human Rights Theory. In *Human Rights: Nomos XXIII*, ed. J. R. Pennock and J. W. Chapman. New York: New York University Press.
- Oversas Development Institute. 2000. *New Sources of Finance for Development* [Briefing Paper]. Overseas Development Institute, 1996 [cited 2000]. Available at: [www.ondeworld.org/odi/odi\\_briefing196.html](http://www.ondeworld.org/odi/odi_briefing196.html).
- Paine, Thomas. 1999. *The Rights of Man*. Mineola, NY: Dover.
- Pateman, Carole. 1970. *Participation and Democratic Theory*. Cambridge: Cambridge University Press.
- Pateman, Carole. 1988. *The Sexual Contract*. Stanford: Stanford University Press.
- Pateman, Carole. 2003. Freedom and Democratization: Why Basic Income is to be Preferred to Basic Capital. In *The Ethics of Stakeholding*, ed. K. Dowling, J. de Wispelaere, and S. White. New York: Palgrave.
- Pateman, Carole. 2004. Democratizing Citizenship: Some Advantages of a Basic Income. *Politics and Society* 32 (1): 89-105.
- Pettit, Philip. 1997. *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press.
- Pogge, Thomas W. 1992. Cosmopolitanism and Sovereignty. *Ethics* 103 (1): 48-75.
- Pogge, Thomas W. 2001. Eradicating Systemic Poverty: Brief for a Global Resources Dividend. *Journal of Human Development* 2 (1): 59-77.
- Purdy, David. 1994. Citizenship, Basic Income, and the State. *New Left Review* 208: 30-48.
- Rorty, Richard. 1993. Human Rights, Rationality, and Sentimentality. In *On Human Rights: The Oxford Amnesty Lectures 1993*, ed. S. Shute and S. Hurley. New York: Basic Books.

- Rothschild, Emma. 2001. Security and Laissez-Faire. In *What's Wrong with a Free Lunch?*, ed. J. Cohen and J. Rogers. Boston: Beacon Press.
- Round, Robin. 2000. Time for Tobin. *The New Internationalist* 320: 19–20.
- Rousseau, Jean-Jacques. 1997. *The Social Contract and Other Later Political Writings*. Trans. J. C. Bondanella. Ed. V. Gourevitch. Cambridge: Cambridge University Press.
- Schumpeter, Joseph A. 1942. *Capitalism, Socialism, and Democracy*. New York: Harper and Row.
- Sen, Amartya. 1999a. Democracy as a Universal Value. *Journal of Democracy* 10 (3): 3–17.
- Sen, Amartya. 2001. *Development as Freedom*. New York: Alfred A. Knopf.
- Sen, Amartya. 2004. Elements of a Theory of Human Rights. *Philosophy and Public Affairs* 32 (4): 315–56.
- Shapiro, Ian. 1999. *Democratic Justice*. New Haven, CT: Yale University Press.
- Sharp, Andrew, ed. 1998. *The English Levellers*. Cambridge: Cambridge University Press.
- Shue, Henry. 1983. The Burdens of Justice. *The Journal of Philosophy* 80 (10): 600–08.
- Shue, Henry. 1996. *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*. Princeton: Princeton University Press.
- Standing, Guy. 1992. The Need for a New Social Consensus. In *Arguing for Basic Income: Ethical Foundations for a Radical Reform*, ed. P. van Parijs. London: Verso.
- Taylor, Charles. 1999. Conditions of an Unforced Consensus on Human Rights. In *The East Asian Challenge for Human Rights*, ed. J. R. Bauer and D. A. Bell. Cambridge: Cambridge University Press.
- Van Parijs, Philippe. 1995. *Real Freedom for All: What (If Anything) Can Justify Capitalism?* Oxford: Oxford University Press.
- Van Parijs, Philippe. 2001. A Basic Income for All. In *What's Wrong with a Free Lunch?*, ed. P. Van Parijs, J. Cohen and J. Rogers. Boston: Beacon Press.
- Van Parijs, Philippe. 2004. *A Short History of Basic Income*. Available at: <http://www.eies.ud.ac.be/BIEN/BI/HistoryBI.htm>.
- Vincent, R. J. 1986. *Human Rights and International Relations*. Cambridge: Cambridge University Press.
- Walzer, Michael. 1983. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books.
- Wispelaeze, Jürgen de, and Lindsay Sutton. 2004. The Many Faces of Universal Basic Income. *Political Quarterly* 75 (3): 266–74.
- Wollstonecraft, Mary. 1995. *A Vindication of the Rights of Men and a Vindication of the Rights of Woman*. Ed. S. Tomassell. Cambridge: Cambridge University Press.
- Young, Iris Marion. 1990a. *Justice and the Politics of Difference*. Princeton: Princeton University Press.
- Young, Iris Marion. 1990b. *Polity and Group Difference: A Critique of the Ideal of Universal Citizenship*. In *Feminism and Political Theory*, ed. C. R. Sunstein. Chicago: University of Chicago Press.
- Zakaria, Fareed. 1997. The Rise of Illiberal Democracy. *Foreign Affairs* 76 (6): 22–43.
- Zakaria, Fareed. 2003. *The Future of Freedom: Illiberal Democracy at Home and Abroad*. New York: W.W. Norton and Co.

## 6 Benchmarking the Right to Work

PHILIP HARVEY

### INTRODUCTION

The prevailing view among both progressive and conservative economists in the United States today is that unemployment cannot be driven much below the 4 to 6 percent range – well above the 2% level that progressive economists in the 1940s considered achievable (Clark et al. 1949, 14).

This is an uncomfortable reminder that in an earlier era progressives had higher hopes concerning the possibilities for eliminating involuntary unemployment than they do today. In the 1940s, progressives thought they could guarantee the availability of enough good jobs to provide decent work for all job-seekers, thereby moving from a world of perennial job shortages to one of sustained “full employment” in which the “right to work” would be secured. Today, few progressive economists (and fewer still of those who have the ear of progressive policy makers) think that goal is achievable. Instead, they implicitly or explicitly accept the view that job shortages are either inevitable in a market economy or cannot be eliminated except by making unacceptable sacrifices in job quality, and that public policy accordingly should aim to ameliorate the bad effects of those shortages rather than eliminate them.

Why does this matter? It matters because the achievement of full, and decent, employment occupies a foundational role in the vision of a good society – that has guided progressive reform efforts ever since the end of World War II – was built in the 1940s, and for which no satisfactory substitute has yet to be found.<sup>1</sup> Believing it possible to provide decent work for all job-seekers, 1940s progressives envisioned a society that not only guaranteed its members the traditional freedoms of classical liberalism but also the positive rights necessary to turn formal freedom into real freedom, formal equality into real equality, and formal democracy into real democracy.

<sup>1</sup> The most ambitious attempt to find a replacement for full employment as a foundation for the progressive reform agenda consists of proposals to provide all members of society with an unconditional basic income guarantee as a way of eliminating poverty and promoting individual freedom (Van Parijs 1995; Standing 2002). Unfortunately, I do not believe that such a guarantee would provide a satisfactory substitute for securing the right to work, as that right is conventionally defined (Harvey 2003; 2005).

# Economic Rights

CONCEPTUAL, MEASUREMENT,  
AND POLICY ISSUES

Edited by

**Shareen Hertel**  
University of Connecticut

**Lanse Minkler**  
University of Connecticut