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Can There Be A Right to A Basic Income?

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Introduction

The aim of this paper is strictly limited. It will explore some of the characteristics of rights as they are generally conceived, features which in the view of critics entail that social and economic rights, including rights to income, cannot be regarded as genuine rights. I shall not seek to develop a general theory of rights because of limitations on space. Rather my approach will be more like an immanent critique: taking standard arguments against social and economic rights and showing either that they are not plausible or that they demonstrate too much from the point of view of their protagonists since these arguments, if they were to be regarded as plausible, would actually undermine what the protagonists of this position would regard as genuine rights, namely civil and political rights.

I shall consider the arguments under the following headings:

- § Rights and liberty
- § Rights, scarcity and obligations
- § Rights and needs

1. Rights and liberty

It is often argued that there is a close connection between rights and liberty: that rights exist and, indeed, are justified because they protect liberty. To be free is not to be coerced: not to be compelled to do something that one would not otherwise do or compelled to abstain from doing what one would otherwise do. Rights protect people from unjustified coercion and are therefore to be seen as central to the protection of liberty. On this view liberty has to be understood as negative freedom: freedom from compulsion, coercion, interference, the use of force, physical assault and so forth. Rights protect a domain of freedom and this

freedom is classical negative freedom. That is to say rights do not exist to protect so-called positive freedom - the freedom to do things and thus the associated abilities, capabilities, resources and opportunities, which such freedom would entail. Rights do not protect such sorts of freedom in the view of the critic because such freedoms are essentially misconceived. There has to be a sharp distinction between on the one hand freedom as freedom from coercion and on the other ability and capability. To be free to do X is not the same thing as the ability to do X. No one is able to do all that he or she is free to do. I am free to do an indefinitely large number of things namely those things which I am not prevented from doing by the actions of others and no one is able to do all the actions that a person is not prevented from doing. Thus the concepts of freedom and ability have to be seen as categorically different. It follows, therefore, that rights, which protect liberty, have to be distinguished clearly and categorically from the *soi disant* rights to resources and opportunities, which would enhance abilities and capabilities. These are not genuine freedoms and indeed are, at the most, contingent conditions for making genuine freedoms and rights (i.e. negative liberties and negative rights) effective. Rights like liberty are negative: they are forms of protection from interference and coercion: they are not positive implying rights to resources and opportunities. A right to a basic income would, on this view therefore, not be regarded as a genuine or basic right, but rather as a disputable contingent condition for the exercise of genuine rights.

It does look therefore, that a defence of the idea of a right to basic income would have to undertake one of two strategies. The first, to be considered later in the paper would be to argue that while rights may well be forms of protection for negative forms of liberty they are not exclusively founded on such a set of considerations and that there is a strong case for basing rights on for example needs as well as on liberty. The second alternative approach is to argue that in fact the concept of freedom used by those who argue against social rights is defective and that there is a compelling alternative view of freedom to the strictly negative view propounded by such critics. It is to this approach that I turn first.

The argument of the critic depends upon the view that freedom and ability are categorically distinct and that this categorical difference blocks any account of positive freedom in terms of ability, capability, resources and opportunities. There are reasons to doubt this.

The first thing to notice is that such an approach makes the idea of the value of freedom to human beings difficult to explain. Why should I want to be free from coercion? Surely the answer will be that if I am free from coercion then I shall be able to live a life shaped by my own intentions, goals and purposes. That is why freedom is valuable to me. However, if the value of freedom is explained in terms of what I am then able to do with it then it becomes quite difficult to maintain that freedom and ability are totally separable. This point can however be made much tighter than this. Freedom is of no value to a stone or a blade of grass. The fact that they are left alone and not interfered with does not mean that this absence of interference is of any value to these things or, indeed, that it makes sense to say that they are free. Freedom applies to human beings because they are able to make choices, entertain goals and to act as agents. If this capacity or set of capacities among humans is not just a matter of explaining why freedom is valuable to human beings but also why the category of freedom applies to them then it can hardly be claimed that freedom can be understood in the absence of a characterisation of the capacity for choice and agency. Hence, it cannot be argued that freedom can be defined independently of some account of a basic capacity or capability amongst human beings, namely the capacity for choice and agency. Thus, it follows not only that the value of freedom has to be explained with respect to what freedom enables us to do - to live a life shaped by our own goals but also that freedom is only meaningful as a concept if it is linked to some account of choice and agency. Obviously this argument is a long way from justifying a right to income but it does have the merit of undermining the idea that freedom and ability are two radically different things. If rights protect freedom and freedom have to be understood in terms of choice and agency then rights have to protect these capacities. It is through unpacking our understanding of these capacities that will lead us towards the argument that there can indeed be genuine social rights amongst which is a right to income.

This point can be backed up in other ways too. As another way of illustrating the centrality of human agency to an account of liberty, one can argue that a generalised ability to do X is a necessary condition of determining whether or not A is free to do X. It is only because there is a general ability to sign cheques or to fly on aircraft that it makes sense to ask whether A is or isn't free to undertake these actions. Hence, not only is agency and choice a condition of the meaningfulness of freedom but also particular examples of generalised human capacities are conditions of determining whether an individual is free or not. Again therefore it is not possible to maintain a strict distinction between freedom and ability/capacity/agency, which a strict account of negative freedom and a strict account of negative rights presupposes. If it can be shown that a right to resources such as income is a generic condition for the exercise of such agency then it could be seen as a genuine right on this view.

The point can be further reinforced by taking into account an argument from the Canadian philosopher Charles Taylor. In his essay **What's Wrong With Negative Liberty?**, he argues that if the purist account of negative freedom is correct, then the answer to the question of whether country X is freer than country Y will be a purely quantitative one - turning upon the number of rules there are preventing or requiring action in these two different societies. Hence, it is quite possible then to say that Enver Hoxa's Albania was a freer society than say the UK if there were fewer such rules. It is quite likely that there would be fewer such rules since Albania was a very underdeveloped country under Hoxa and had little or no financial sector and very few cars. So there would be unlikely to have been as many rules preventing or requiring actions in these sectors than in the UK at the time. This would then lead to the unbelievable judgement that given fewer rules, Hoxa's Albania was freer than the UK. The answer for the proponent of strict negative liberty has to be quantitative because otherwise we would be weighting rules not purely in terms of their pure preventing/requiring characteristics but in terms of the types of things, which the rules prevented or required. This would make liberty positive by linking it to abilities, goals and purposes. Given that the negative libertarian cannot do this without self-contradiction he or she has to be prepared for a quantitative outcome in terms of

judgements about how free two societies are which will produce results that are very difficult to believe. The appropriate point here is that what made the UK a freer country than Albania is that people were able to do things like emigrate and criticise the government which are regarded as valuable human capacities (and freedoms). What makes these freedoms valuable and more valuable than others is that there are certain basic capacities for agency, which we regard as being more valuable, and these freedoms protect these capacities. We have to have a qualitative view of human freedom and not just a quantitative one. This means that rights, which protect freedom, will have to be linked to ideas about basic and valuable human capacities. It also means that freedom cannot be understood only negatively but there are also centrally important positive aspects to liberty and thus to rights. As was stated at the end of the discussion of the previous point, if an income is regarded as a generic condition of the exercise of human agency then it would make perfectly good sense to regard a right to such an income as a genuine right and also one that was involved in defending a fundamental freedom.

These issues can be brought to bear more directly upon the issue of income in the following way utilising an argument from G.A. Cohen. Even if we take a wholly negative view of liberty it is still the case that the lack of money explicitly becomes a restriction on liberty. Take the following two cases. In a totalitarian country there is a law restricting travel for various groups of people. If I am in one of those groups then that is a restriction on my freedom and this restriction is in the form of a law prohibiting travel. That this sort of example constitutes a restriction on freedom seems to be completely uncontroversial. Take another society in which having a valid ticket to travel depends upon having had the resources to pay for it. If I turn up at the airport without a ticket (i.e. not having had the money to purchase it) I shall be prevented from flying and it will be the law that prevents me from flying and I will have committed an offence if I fly without the purchased ticket. Now defenders of negative liberty have argued that the lack of resources is not a restriction on liberty. Such restrictions arise out of the intentional acts of others: individuals, groups and the state. However, the example given shows that it is not possible to distinguish clearly in this sort of case between a legal restriction on my choice namely to travel and a resource

restriction since not having the resources will in fact mean that I fall within a legal restriction which prevents people flying if they do not have a valid ticket. This point is well made by Adam Swift in a comment on Cohen's argument:

“The law restricting the freedom of those without the means to get a ticket may well be a justified law, and the restriction of freedom implied is a justified restriction. The point of the example is very specific. It is simply to bring out the fact that the kind of constraint on freedom in question is the law backed by the coercive power of the state.... Having money gives you the legal right to do things that you would not otherwise have the right to (i.e. be free) to do.... We may be right to have the laws about private property and money that we do. But we should acknowledge that such laws imply deliberate restriction by the state ... of people's choices about how they live their lives. They are in that sense formal restrictions on people's freedom” (Adam Swift, Political Philosophy).

The political importance of this argument is very great. The British politician Sir Keith Joseph once claimed in his book on **Equality** (with Jonathan Sumption) that “poverty is not unfreedom”. He had adopted a purely negative view of liberty in terms of which it was assumed that the lack of resources was not coercive. However, as the example shows, it is impossible to separate the issue of liberty from issues about resources. The question of whether people should have a specific set of resources is of course, a different matter but having a right to resources cannot be ruled out on a priori grounds in terms of a logical analysis of the concept of liberty because, as the Cohen example shows, even a pure theory of negative liberty implies a resource dimension. If rights are to be seen as ways in which liberty is protected and if no account of liberty that neglects resources and neglects the capacity for agency is available, then rights imply resources – those resources that will facilitate the capacity for agency.

The final point that I want to discuss under the liberty heading is that of choice and the range of choice. I argued earlier that it was not possible to explain the nature of freedom without linking it to an account of choice and agency. However, it has to be said that defenders of a strict form of negative liberty do not accept one obvious consequence of this namely that the more choice you have the freer you are. On their view the range and quality of choice has nothing to do with freedom. This is, for example Hayek's argument in **The Constitution of Liberty**:

“The range of physical possibilities from which a person can choose at a given moment has no direct relevance to freedom. The rock climber on a difficult pitch who sees only one way out to save his life is unquestionably free, though we would hardly say that he has any choice...Whether a person is free or not does not depend upon the range of choice”.

It is clear why Hayek would want to defend this position as a believer in a pure form of negative liberty because to link freedom to the exercise of choice and to the range and character of choice would make negative liberty into positive liberty - concerned with whether individuals had trivial or non trivial choices that they could make, whether one person had a wider range of options than another for example. This position is however, is not very plausible. First of all, as Richard Norman points out in **Free and Equal**, if in the example the climber literally has no choice then the question of freedom does not arise. Also if access to a mountain range is prohibited by law (as it has been at times in the Himalayas) then that is clearly a restriction on choice and of liberty. If liberty is linked to the range of choices open to a person and if as the Cohen argument showed the lack of money can be seen as (a possibly justified) restriction on freedom then a right to an income which could secure an adequate range of choice could be seen as essential to freedom and thus as a genuine right.

2. Rights, scarcity and obligation

I now want to turn to a second set of issues, which are frequently raised by critics of the idea of positive social and economic rights of which a right to an income would be one. These issues are concerned with the interlinking questions of scarcity and obligation. My aim is not to show that these are not real and genuine questions - indeed they are but rather to argue that the ways in which critics of social rights deploy these arguments is in danger of cutting the ground from under other sorts of rights too, namely civil and political rights.

Let me set out in a programmatic way what the critic's argument is. Genuine rights (in the critics view) namely civil and political rights are fundamental ways of protecting negative liberty. Negative liberty is to be free from coercion and interference. Hence the duties that correspond to negative rights are clear and categorical: they are to abstain from interference. The duties are to abstain from coercion, compulsion, assault, rape etc. Since the duties corresponding to such rights are duties to abstain and to forebear from action it follows that they do not involve resources. Since they do not involve resources and involve not doing anything then they are always capable of being performed. They are duties that can always be performed simultaneously in relation to right holders. I can simultaneously perform the duty of not interfering with everyone who has the right not to be interfered with. The duties are in these sense perfect duties - they are not subject to constraints and are compassable in that the duties can be performed simultaneously towards all right holders. They are also clear and categorical in the sense that it is clear what performing the duty means - namely to abstain from action. One has a clear sense of the nature and the limits of the duty.

Contrast this with *soi disant* positive rights (of which a right to a basic income would be one) according to the critic. Positive social rights do raise questions about scarcity and resources. Because in respect of at least some sorts of social rights resources will be in relatively short supply there will be a need to ration the resources which each individual is entitled to claim under the right and

thus such rights cannot be realised simultaneously nor can the duties be discharged simultaneously unlike in respect of negative rights. The duties and the rights cannot be clear and categorical because it is not clear what would be regarded as fulfilling a social right such as a right to health care. The duties will be subject to political negotiation rather than being completely definite as they are in respect of negative rights. Because of the indeterminacy of the right both rights and duties will be in a constant process of dispute, negotiation and adjudication, unlike negative rights where it is clear where and when coercion, interference, assault etc. has taken place. I will use an extended quotation from Charles Fried's book **Right and Wrong** to illustrate the point. Fried, who is Professor of Jurisprudence at Harvard, argues first of all that: "Rights are categorical moral entities such that violation of a right is always wrong." He then goes on to make the following case:

"A positive right is a claim to something - a share of a material good or to some particular good like the attention of a lawyer or a doctor, or perhaps to a result like health or enlightenment - while a negative right is a right that something not be done to one, that some particular imposition be withheld. Positive rights are always to scarce goods and consequently scarcity implies a limit to the claim. Negative rights, however, the rights not to be interfered with in forbidden ways do not appear to have such natural, such inevitable limitations. If I am let alone, the commodity I obtain does not appear of its nature to be a scarce or limited one. How can we run out of not harming each other, not lying to each other, leaving each other alone?"

and:

"It is logically possible to treat negative rights as categorical entities. It is logically possible to respect any number of negative rights without necessarily landing in an impossible and contradictory situation... Positive

rights, by contrast, cannot as a logical matter be treated as categorical entities because of the scarcity limitation.”

Hence there cannot be a genuine right to a basic income because positive social rights run up against scarcity constraints and are therefore not categorical moral entities like negative rights.

The critics’ point about the indeterminacy of a positive right and its corresponding duties can be sharpened up a bit by looking at both further conceptual and empirical implications of the recognition of positive rights of which a right to a basic income would be one. The conceptual point is that a right to resources would inevitably bring into play issues concerned with social justice and fairness. If there are positive rights to scarce resources then there has to be a way of distributing such scarce resources according to defensible criteria of social justice. The provision of resources to meet positive rights cannot be left to the vagaries of the market within which ideas of just distribution and fairness in terms of outcomes do not operate. If rights are rights then they must involve some framework of provision for their claims and this is going to give rise to questions about distributive justice and fairness. However, in the view of the critic this is a further fatal defect in the whole programme of social rights because the idea of social justice is fraught with indeterminacy and if social justice is at all meaningful, and some critics such as Hayek deny that it is, then what justice requires can only be resolved through political processes and therefore the claims of right are put at risk through these processes. Hence, in the view of the critic there is a clear line to be drawn between genuine and categorical rights and *soi disant* rights to resources.

A great deal in these arguments can be doubted and where the points that are made are valid I shall argue that if they are fatal to positive rights to resources they are also fatal to negative rights too. Although usually theories of negative liberty underpin theories of negative rights, let us put on one side my criticisms of a theory of pure negative liberty and look at the current arguments on their own merits.

The central issue, as Fried suggests is one of scarcity because it is scarcity that must change the nature of the obligations from a clear and categorical claim to non-interference to a politically mediated set of obligations about a fair or just allocation of resources. There is a fairly obvious answer to this point and it has been made frequently but in order to undermine the critic's claim it has to be made more sophisticated. The rather crude version of the argument is that as a matter of fact the protection of negative rights such as the right to be free from assault or interference involves the police, the courts, imprisonment and other things such as street lighting and security measures in at risk areas and so forth. So it is argued a negative right does imply the commitment of resources in much the same way as positive rights and that this will inevitably mean that questions of distributive politics will arise as well as making the distinction between negative and positive rights seem less clear cut or perhaps even completely undermined. This is a good argument in itself but there is a potential reply from the defender of the distinction. Recall that Fried argued that it was logically possible to treat negative rights as categorical entities. It would be open therefore for the defender of this particular claim to argue that there is in fact still a logical or conceptual difference between negative and positive rights and this might involve two points.

The first would be that while it may be true in the world, as we know it that the protection of negative rights may involve the commitment of resources with the entire difficulties attendant on that, nevertheless logically they are distinct. It is possible to imagine a world like for example Kant's Kingdom of Ends or for that matter the Kingdom of Heaven in which all obligations of forbearance in respect of negative rights are always respected. In that possible world negative rights would not involve anything to do with resources. Whereas in such a possible world positive rights would still of their very nature imply claims on resources. Hence, there is a logical difference and this difference of logical type would justify preserving the idea that rights are negative and that positive rights are not genuinely rights.

The second argument would be that resources are at best conditions for the protection of negative rights. They are not part of the internal nature of negative

rights. In the case of positive rights however, the resources are internally or logically connected to the nature of the claim. (This argument parallels a claim made in respect of negative liberty: that at the most resources are contingent conditions for the realisation of negative freedom; whereas positive liberty of necessity implies resources and that this is a reason for arguing that genuine liberty is one and not the other.) So, the critic could reply to the counterexample of resources being required for the protection of rights that these may be conditions of rights but they are only contingently related to such rights claims and that therefore not part of their basic internal logical nature.

As far as the first argument about possible worlds is concerned there are two not very important ad hoc responses that might be made. The first is that if the critic of positive rights wants to posit a possible world in which there is no scarcity of motivation for forbearance (unlike in the real world) then it could equally be open to the defender of positive rights to posit a possible world in which there was an abundance of material goods so that questions of scarcity of goods and all of the consequences which the critic argues goes with that would be dissipated.

Second, in both cases, the issue is scarcity: in the negative rights case of the scarcity of the motivation of forbearance: in the positive rights case the scarcity of material resources. These can be imagined away by combining Kant's Kingdom of Ends and the Garden of Eden but this seems to show what common sense should already have shown by now namely that if we lived in a combination of the Kingdom of Ends and the Garden of Eden there would be no need for rights of any sort and secondly rights are about what kind of protection individuals can have in a world of scarcity both of motivation and resources.

There is however, a deeper response that could be made to the critic's argument. It will not do to regard resources as some detachable condition to

negative rights and not somehow part of their conceptual or logical nature. The reason is this. There is a conceptual connection between the idea of a right and enforceability. The reason for this is as follows. We have all sorts of desires, preferences, needs and interests only some of which are turned into claims of right. Those that are so turned into rights have to illustrate two things. The first is that these are basic, vital human interests of one sort or another and not just passing claims or preferences. Second, that it makes sense to believe that others can be put under an enforceable obligation in respect of those rights. So while a need for love may be a basic human interest, it makes no sense to turn this into a right because there is no way of creating a corresponding enforceable obligation and even if there were it would actually destroy what the claim is a claim to. If enforceability is an essential feature of rights including negative rights then this is of necessity going to involve resources in that it is not feasible to think of enforceability as costless. If this is so then enforceability cost are not, as it were, contingent conditions for the protection of rights but are part of the logical structure of rights claims.

If this is so the arguments about resource allocation and its problems apply to negative rights and the enforceability as much as they do to positive rights. These will be subject to political mediation in terms of policy and practical discretion in terms of provision of resources. Policy and politics will determine the level of resources dedicated to the protection of different sorts of rights and there is no philosopher's stone to determine outside such processes what the level of resource should be. This applies to the protection of negative and positive rights. At the level of provision there will have to be discretion and if this is regarded as being fatal to positive rights it is difficult to see why that is not so in relation to negative rights. Take the following example. A police service is part of the enforcement aspects of negative rights in terms of securing compliance with forbearance and non-interference; a hospital service is part of the enforcement aspects of a positive right to health care. In the latter case it is clear that managers and doctors will have to use their professional discretion in terms of their allocation of resources between patients all of whom it is supposed have a right to health care. In the view of the critic such discretion in allocation undermines and renders invalid the

whole idea of a right in this context. It is certainly a very long way from Charles Fried's idea of a right as a categorical entity. However, if this point is fatal against the idea of a positive right a similar argument in relation to the police is equally fatal against the negative rights thesis if it is accepted that enforceability is an essential feature of rights and not just a contingent condition of them. In the same way as the doctor has to use discretion to manage resources so the police chief will have to decide on the basis of professional judgement the level of resources that should be put into the investigation of a particular crime which has involved the breach of someone's negative rights. So this argument about discretion can prove far too much for the negative rights theorist in that it makes that person's position

Impossible to sustain if the argument about the incompatibility between rights and discretion is regarded as fatal to the idea of positive rights.

It is worth noting at this juncture that if there can be a right to a basic income then it is a right that given some assumptions is less likely to involve the exercise of discretion than many other rights - whether positive or negative. Once the sum payable as a basic income has been fixed as the result of political decision then on the assumption that the income is paid to each citizen on an individual and unconditional basis above a certain age then there is no scope for discretion. If the income is made conditional on some forms of participation - for example caring or working in the voluntary sector then there will be greater scope for discretion in terms of what is or is not an adequate level of commitment by an individual to the participatory framework, which is the gateway to the income. Even in this case however, the inevitable role of discretion does not militate against the claim that there can be such a right since as we have seen the connexion between rights and resources is an essential one and therefore the problems associated with the exercise of discretion apply across the board.

This completes the discussion of the relationship between rights, scarcity and obligation. There are genuine and complex problems involved in resolving the

problems about the relationship between rights and social justice but I hope that I have argued sufficiently cogently that these are problems for the generality of rights and not just rights to resources including basic income.

3. Rights and needs

So far my argument has been rather negative and opportunistic. I have argued that if there are any rights there is no good case for denying that positive rights to resources are genuine rights just because the claims that deny that such rights embody essential logical features of genuine rights do not carry conviction. In these concluding remarks I shall sketch the basis of a moral framework within which it would make positive sense to claim that there is a right to a basic income. I shall only sketch this in this paper since the argument was worked out in much more detail than is possible here in the book I wrote in 1981 with Harry Lesser and Peter Taylor Gooby called **Political Philosophy and Social Welfare** some aspects of which have been taken much further and have been dealt with in a much more rigorous and sophisticated manner in Ian Gough and Len Doyal's book on needs. What I want to show is the link between needs and rights and to do this we need to go back to an argument from the first section of the paper in relation to liberty. I argued there that it is impossible to make sense of the idea of freedom without some conception of the nature of human choice and agency. If agency is essential to an account of freedom then it seems reasonable to argue that if there are any general or generic conditions of the exercise of agency then these will be of particular importance in relation to a full account of the nature of freedom. In our 1981 book we argued that indeed there are such general conditions for the exercise of agency, which are well being and autonomy. Well being in the sense that basic needs are satisfied in a reasonably predictable way; autonomy in the sense that the capacity for autonomy seems to be what the end result of the exercise of human agency and freedom would be. Let me just say a few words about autonomy first. It might well be argued that autonomy is the main site of negative freedom. Autonomy requires that individuals are free from interference and coercion so that they can live lives shaped by their own purposes.

This is what makes negative freedom valuable to us and indeed intelligible. Negative freedom and the negative rights associated with it is not to be understood as an end in itself but is rather valuable or instrumental in achieving a broader and more basic good - that of autonomy. I have already argued that this conception of freedom and rights involves resources and in that respect both the freedom and rights have positive aspects.

However, autonomy is something that has to be developed. It is an achievement not some kind of antecedent status and the development of autonomy creates certain sorts of basic needs which are essential to its realisation these are the needs connected with well being without which an autonomous character will not be developed. For the capacity for autonomy to exist there has to be a degree of physical integrity and health in so far as this is achievable and alterable by human agency; there has to be an appropriate level of education; and there has to be an appropriate level of security in terms of income and social security in that individuals will not develop the capacity for autonomy if the whole of each individual's life is devoted to securing the basic means of subsistence. If this is correct (as a sketch) then autonomy, freedom and an account of the fulfilment of basic needs has to go together. Negative freedom - freedom from coercion is a generic condition of agency and autonomy; positive freedom access to resources and opportunities and the satisfaction of basic needs is also a generic condition of autonomy. If this is so then there is a good case for seeing a basic income as being part of positive freedom for two interrelated reasons.

The first is that a basic income will increase autonomy in terms of enhancing an individual's capacity for choice and for living his or her life in his or her own way and as we saw in relation to liberty income as the possession of money can increase the choices open to you because the lack of money will mean that you will be legally proscribed from being able to undertake an action. Also as I argued, contrary to the defender of pure negative liberty, the range and quality of choice does have a central bearing on the meaning of liberty.

The second point is that a basic income increases autonomy relative to provision in kind in that in spending the income the purchases will reveal the preferences of the agent rather than that of government and its agencies and, as I have already argued it does diminish the possible role of discretion in the provision of resources.

So if autonomy and agency are central to freedom in that both negative and positive freedom acquire their value and as I argued earlier their intelligibility in relation to the idea of a person as a centre of choice and agency then the generic conditions of agency will determine the content of both negative and positive freedom. Negative freedom defining the forms of unjustified coercion and interference, which would limit autonomy; positive freedom defining those sorts of goods, which are necessary conditions for the achievement of the capacity for agency and autonomy. I have argued that a basic income could be seen as one of these conditions of agency.

There is however, a major problem remaining namely the specific argument for turning the general conditions of agency including as I have said an income into the idea of a right. I am not going back on my earlier arguments in saying this. I have argued that there is no reason for thinking that a right to a basic income cannot be thought of as a right. The argument has however been conditional: if there are any rights at all then positive rights in general and a right to a basic income in particular are in fact genuine rights in the sense that they share in the general features of rights. This however leaves a central problem untouched namely would it not be perfectly possible for an individual to recognise in his/her own case that the capacity for agency depended on a combination of negative and positive freedom and indeed recognised the same situation in respect of others, namely that their capacity for agency depended also on such negative and positive forms of freedom without recognising that this was the basis of a claim to a right to these negative and positive forms of freedom of which basic income would be one ? I believe that there is an answer to this problem and it has been given in the remarkable writings of the Chicago philosopher Alan Gewirth over the past twenty five years and in particular his books **Reason and Morality**

and **The Community of Rights**. What we have to get from is recognition that there are common preconditions of agency to the idea that these preconditions can be conceived of as rights and thus as matters for collective and governmental concern and which will impose strict duties on all members of society. Gewirth's argument is complicated but crucial and it has to be repeated in full.

First of all there is the recognition, which I have already stressed of the centrality of agency and action. So when I act I do so to attain some good for myself - not necessarily a moral good but something, which I think, is worthwhile. Hence the first step in the argument is:

1. I do X for end or purpose E.

The second step is

2. E is good

Since the generic goods of agency are necessary for me to value and to seek to attain E then the next step becomes:

3. The generic goods of agency (freedom and well being) are necessary goods.

Given this an individual agent has to be committed to

4. I must have freedom and well being (i.e. the necessary goods of agency)

The next step is crucial in that Gewirth argues that on the basis of (4) the individual has to accept

5. I have rights to the basic goods of agency

Now this is a big step and the reasons for it are as follows. Imagine that having got as far as (4) the agent rejects (5) it then follows given the link between rights and obligations that he gives up any claim that other people should refrain from interfering with his access to the necessary or generic goods of agency. If I do not claim them for myself as rights, then I have no reason for resisting the idea that others can interfere with these goods. Given this it then follows logically that I regard it as permissible that I do not have access to the basic goods (i.e. because not claiming them as rights for myself means that others have no strict obligation to respect the goods that I need for agency and action)

However this claim contradicts (4) which follows from (1 - 3). Since every agent has to accept (4) because it recognises the necessary conditions of agency and action any agent must therefore has to reject the idea that it is permissible for other agents not to have an obligation to respect my need for the necessary goods. Since this would follow from the denial of (5) any agent must accept (5) and therefore the necessary or generic goods of agency and action have to be accepted as rights. Given that I have already argued (as does Gewirth in **The Community of Rights**) for the view that a basic income is one of these generic goods it follows from this argument that there can be a right to a basic income and none of the strictures against this claim from defenders of a pure theory of positive liberty and of purely negative rights count against it.