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**Universal Basic Income:  
Providing a foundation for the citizen's exercise of  
democratic rights**

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## ***Abstract***

*The concept of a Universal Basic Income, an unconditional payment to all citizens without means test or a work requirement, is a contemporary idea aimed at addressing poverty and wider societal inequalities. Though much research has been dedicated to political and economic aspects of the concept, the arguments within this paper start earlier, focusing on core, rights-based justifications for the implementation of a basic income scheme. This paper argues, in the context of growing inequality in New Zealand, a basic income is capable of advancing the exercise of democratic rights within the public and private spheres.*

## ***Key Words***

Basic income; democracy; public autonomy; private autonomy; poverty; welfare.

## I Introduction

A sea angel meanderin' the bottom, sailin' free on the watery breeze  
With no will to be sailin' any higher and no lift from the bottom of the sea.  
One dead day when the roof came very shallow and sunlight came'a burnin inside.  
A sea angel meanderin' the bottom, washed ashore with the litter and died.  
  
Movin' up, movin' up in society can be hard when you start at the bottom.  
Movin' up, movin' up in society can be hard when you're born in the trash.

*Sean Nicholas Savage*

John Rawls wrote that the effects of basic societal structure “are so profound and present from the start.”<sup>1</sup> This contradicts the concept of an egalitarian society, illustrating deep inequalities that must be resolved if we want real social justice. There is a need to find a system capable of addressing not just financial poverty, but poverty of life and opportunity. I will explore the increasingly popular idea of a Universal Basic Income as a valuable resolution for such inequalities. In this critical legal theory analysis, I argue for a basic income not merely as an alleviation of poverty, but as a necessary pre-condition for the exercise of our democratic rights, the rights of public and private autonomy.

A basic income is defined as “an income paid by a political community to all its members on an individual basis, without means test or work requirement.”<sup>2</sup> I shall briefly explain the key components: Firstly, it is an income, therefore it is in the form of a monetary payment rather than in kind, such as food packages or food stamps. It is made up of regular payments over consistent intervals, rather than a one-off endowment at the beginning of adulthood.<sup>3</sup> Secondly, it is paid by a political community, usually the national government,

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<sup>1</sup> John Rawls *A Theory of Justice* (Rev ed, Harvard University Press, United States of America, 1971) at 7.

<sup>2</sup> Philippe Van Parijs “Basic Income: A simple and powerful idea for the 21<sup>st</sup> century” in Erik Olin Wright (ed) *Redesigning Distribution: Basic Income and Stakeholder Grants as Alternative Cornerstones for a More Egalitarian Capitalism* (Verso, New York, 2006) 4 at 4.

<sup>3</sup> Van Parijs, above n 2, at 4. Ackerman and Alstott, professors at Yale Law School, advocate for a basic stake rather than a basic income. It is a one-off payment at entry into adulthood, granting comparable

though it can also encompass sub-national and supra-national political units.<sup>4</sup> Thirdly, the basic income is paid to all citizens, though whether that includes other legal residents and children varies among theorists. It is paid on an individual basis and is not affected by household earnings. Fourthly, the fundamental and arguably most controversial element of the basic income is that it is not means tested. The basic income is paid uniformly to all citizens, regardless of income, ability and intention to work, or the amount they have contributed to society previously.<sup>5</sup> The concept can be understood as a re-structure of our current welfare system: an unconditional payment to all citizens, at a level “sufficient for subsistence”<sup>6</sup>, that does not influence the individual’s freedom of choice of employment or the composition of their household. Phillippe Van Parijs sees this as a possible ‘justification for Capitalism’,<sup>7</sup> a redistribution of the mass wealth produced by society to the underprivileged individuals in order to grant them a fair starting point.

Since Thomas Paine suggested the creation of a “national fund, out of which there shall be paid...to every person, rich or poor” in 1797,<sup>8</sup> the idea has increased in its support over recent decades. The Basic Income Earth Network (BIEN), an organisation committed to promoting academic and political discussion about the basic income, has documented the implementation of Alaska’s Permanent Fund Dividend (an annual payment to all citizens akin to a basic income) and also the recent referendum in Switzerland in June 2016 on the possibility of a basic income scheme.<sup>9</sup> In 2009, the Human Rights Institution of Catalonia

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freedom and democratic rights of autonomy. Though less paternalistic than payments at consistent intervals, it is susceptible to loss, lacking the safety net a basic income provides.

<sup>4</sup>At 6. This paper will not focus on the practical implementation of a Basic Income, though Van Parijs provides citations to possible tax schemes proposed.

<sup>5</sup> At 8-12.

<sup>6</sup> Philippe Van Parijs “A Basic Income for All” *Boston Review* (October-November 2000, Boston) at 1.

<sup>7</sup> Philippe Van Parijs *Real Freedom for All: What (if anything) can justify capitalism?* (Oxford University Press, New York, 1995).

<sup>8</sup> Thomas Paine “Agrarian Justice” in Ian Shapiro and Jane E Calvert (eds) *Selected Writings of Thomas Paine* (Yale University Press, Connecticut, 2014) 552 at 557.

<sup>9</sup> Josh Martin “Switzerland: Swiss Vote ‘No’ on Basic Income Referendum” (5 June 2016) Basic Income Earth Network <[www.basicincome.org](http://www.basicincome.org)>. The majority of Swiss voters voted against a Basic Income. Though not providing exact details on the size of the income, the public initiated referendum was criticised

published the Declaration of Emerging Human Rights, Article 1(3) of which included the right to a basic income.<sup>10</sup> In New Zealand, both the Green and Labour parties support the public debate regarding a basic income as part of future policies.<sup>11</sup> With increasing poverty and inequality worldwide, the debate over a basic income gains ground as an alternative to current systems. In addition to the conceivable solution it brings at face value, the elimination of poverty, I argue for basic income not solely as a ‘*poverty programme*’, but a ‘*citizenship programme*.’<sup>12</sup>

This paper will address a basic income from a theoretical perspective, focusing on rights-based justifications for its implementation. An alternative question that arises is that of financial feasibility – “How much? How can we afford this?” Carole Pateman envisages the quantity of a basic income as providing a “modest but decent standard of life”,<sup>13</sup> emphasising the control it should allow individuals over their life choices. This is not the focus of this essay. The initial consideration should not be the politics of implementation, but why such an initiative is required.<sup>14</sup> Thus I will argue that a basic income is necessary in New Zealand’s society if all individuals are to truly exercise their democratic rights, namely the rights to public and private autonomy, while illustrating how our current welfare scheme in New Zealand is unable to do so. The paper will also address the criticism of free-riding, according to which a universal basic income will allow ‘voluntarily idle’

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by the government, stating it could result in decreased work ethic and risk unprecedented migration to Switzerland.

<sup>10</sup> Insitut de Drets Humans de Catalunya *Declaración universal de los derechos humanos emergentes* (Insitut de Drets Humans de Catalunya, Catalunya, 2009).

<sup>11</sup> Jan Logie “Income Support Policy” (21 November 2014) Green Party of Aotearoa New Zealand <[www.home.greens.org.nz](http://www.home.greens.org.nz)>; Future of Work Commission “Ten Big Ideas” (23 March 2016) Labour Party <[www.labour.org.nz](http://www.labour.org.nz)>.

<sup>12</sup> Bruce A Ackerman and Anne Alstott *The Stakeholder Society* (Yale University Press, Connecticut, 1999) at 197. They refer here to the basic stake rather than basic income, but the citizenship argument is relevant to both.

<sup>13</sup> Carole Pateman “Freedom and Democratization: Why Basic Income is to be Preferred to Basic Capital” in Keith Dowding, Jurgen De Wispelaere and Stuart White (eds) *The Ethics of Stakeholding* (Palgrave Macmillan, UK, 2003) 130 at 131.

<sup>14</sup> Carole Pateman “Democratizing Citizenship: Some Advantages of a Basic Income” (2004) 32 *Politics & Society* 89 at 93. Pateman also mentions possible funding options for a basic income, and states such a concern can be addressed with the “political imagination”.

individuals to reap the benefits of private autonomy through other members' contributions to society. When exploring the means by which a basic income fosters the exercise of democratic rights, there is an indisputable overlap of the basic income's impact on socio-economic rights (rights to housing, work, education, health and culture). The relationship between socio-economic rights and rights of private and public autonomy requires exploration in the context of a basic income, though the focus of this essay is solely on the latter two groups.

To aid the reader's understanding of what a basic income in New Zealand could entail, and so the reader can visualise the advantages argued throughout my paper, I shall briefly outline some implementation possibilities. Gareth Morgan and Susan Guthrie, basic income advocates in New Zealand, have proposed abolishing progressive tax and implementing a 30% flat tax, abolishing existing welfare systems (excluding KiwiSaver and child support), paying \$11,000 to adults annually and a youth basic income of \$8,500 for 18-20 year olds. Alternative proposals involve retaining progressive tax to comply with principles of fairness, but increasing tax in general to fund payments of up to \$22,000 per annum.<sup>15</sup> The specific details of the scheme, however, will undoubtedly be politically determined by what is socially and economically desirable at the time.

## *II Inequality as a Threat to the Democratic Pyramid:*

Democratic rights are most commonly understood as encompassing the rights of citizens to participate in the decisions of public institutions, for example, the right to vote and freedom of speech and assembly. Though generally procedural, some theorists argue for a more substantive conception of democratic rights, including the right to privacy, property and welfare.<sup>16</sup> The conception of democratic rights underpinning this essay is that of public autonomy and private autonomy. Public autonomy involves political rights of participation,

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<sup>15</sup> Morgan, Gareth and Susan Guthrie. *The Big Kahuna: Turning Tax and Welfare On Its Head* (Wellington: Public Interest Publishing, 2011) at 219–252.

<sup>16</sup> Corey Brettschneider *Democratic Rights: The Substance of Self Government* (Princeton University Press, New Jersey, 2007) at 3.

in line with the common understanding of democracy. Private autonomy, or self-governance, reflects the individual's freedom to pursue their own private life. I base this second fundamental element on Pateman's understanding of democratic rights, where individuals are born free and equal, and interact with authorities and institutions, whether public or private, which further that personal freedom.<sup>17</sup>

Whatever understanding of democracy one has, there is no doubt that it is based on underlying assumptions, such that individuals are born with and able to maintain their freedom and equal standing.<sup>18</sup> When that is the case, rights of public and private autonomy can be meaningfully exercised and the democratic relationship between individuals and the state is capable of being manifested. The incentive to participate in democratic procedure is based on the government's reciprocity of allowing this participation to a meaningful extent. This incentive is further fostered by the freedom of individuals to make their own private decisions freely, whether in education, employment, volunteer work or simply pursuing one's conception of good.

One can visualise this democracy as a pyramid. Private autonomy, encompassing all everyday decisions in the private sphere, forms the foundation of the pyramid. Public autonomy sits at the top. Despite civil rights granted by the state, public autonomy has little substance without a strong foundation which operates to value the individual within society.<sup>19</sup> Most importantly, this pyramid is real. It is not an illusion created by intangible rights conferred by the state, but built with a strong framework reflecting the citizen's ability to utilise the opportunities so conferred. Unfortunately, this idealised democracy is not reflected in reality, where people living in poverty are not able to exercise their freedom in the same way that wealthier citizens are.

The 2014 City Mission Report on Poverty in New Zealand illustrates this inequality, where beneficiaries speak about the lack of incentive to study for fear of becoming further

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<sup>17</sup> Pateman, above n 14, at 91.

<sup>18</sup> Clearly society has exceptions to these assumptions, for example the incarceration of prisoners, which consequently removes their freedom and equal standing in relation to personal choice and voting rights.

<sup>19</sup> Jürgen Habermas *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Massachusetts Institute of Technology Press, Massachusetts, 1996) at 450.

indebted, or the reluctance to take work and go off the benefit.<sup>20</sup> Many jobs cannot guarantee stable income, childcare arrangements, or a safety net for unexpected circumstances such as illness, leaving people in the ‘poverty trap’. When the aforementioned considerations take priority, the individual’s private autonomy is compromised. Principal concerns of ‘making ends meet’ result in the neglect of public autonomy regarding political awareness and participation, the effect being withdrawal into apathy and resentment. Theodore Dalrymple, addressing the welfare state in England, has written that “it has created a large caste of people for whom life is, in effect, a limbo in which they have nothing to hope for and nothing to fear, nothing to gain and nothing to lose. It is a life emptied of meaning.”<sup>21</sup> Introducing a basic income and decreasing some of these pertinent inequalities, I will argue, would be indispensable in realising a citizen’s public and private autonomy. A basic income allows them to acquire the means to educate themselves and meaningfully participate in political activity, going to the ballot box with an equal standing to their wealthier counterparts. As to private autonomy, particularly in the institutions of employment and marriage, Pateman (coming from a strong feminist legal theory perspective) argues a basic income would ‘dethrone’ paid employment as the sole basis by which we value the individual.

### *III Public Autonomy*

The most obvious construction of democratic rights is encapsulated by public autonomy, with salient concepts surfacing such as political participation, universal suffrage, and freedom of speech and assembly. When these rights are effected, the idealised result is a society in which individuals can rally to effect change and influence national policies. New Zealand prides itself as being a democratic, egalitarian society where the rights of public autonomy are protected through various means: The Bill of Rights Act 1990, the MMP

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<sup>20</sup> Auckland City Mission *Speaking for Ourselves: The truth about what keeps people in poverty from those who live it* (July 2014) at 18-22.

<sup>21</sup> Theodore Dalrymple *Life at the Bottom: The Worldview that Makes the Underclass* (Ivan R. Dee, Chicago, 2001) at 142.



voting system and the ability to organise Citizens Initiated Referenda.<sup>22</sup> The aforementioned elements of public autonomy all revolve around the driving force of participation. However, participation is not realised by solely giving procedural opportunities to participate, but the substantive means to do so. In this respect we have failed to actualise meaningful participation of individuals in society.

Participation encompasses both having the means to participate and the motivation to do so. Ancient Greek ideas of citizenship identified that having “time in participation, and time to acquire and sustain the capacity to participate effectively” were required for a deliberative democracy.<sup>23</sup> Using this conceptualisation, the *means of participation* reflect practical aspects such as having an adequate education and the ability to be active in the democratic sphere. The time and stability afforded by a basic income will thus have the potential to liberate individuals in order to cultivate their means to participate. In contrast, the *motivation to participate* reflects psychological incentives and barriers that determine an individual’s desire to participate. It is often referred to as political efficacy, encompassing both ‘internal efficacy’, the belief that *means of participation* are available, and ‘external efficacy’, the belief that participation is likely to bring about change.<sup>24</sup> In this respect, the universality of a basic income should foster motivation. The two elements affect each other reciprocally. Where there is little *means of participation*, there is a lack of motivation, and when there is little *motivation to participate*, the lack of policy change ensures the means to do so are not improved. I will firstly address the physical action, the means, of participating within society, and then the motivation aspect.

#### A *Means to Participate*

Since the Women’s Suffrage Movement in New Zealand in 1893, most adult New Zealand residents have had equal rights to participate within society through elections held every

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<sup>22</sup> New Zealand Bill of Rights Act 1990; Electoral Act 1993; Citizens Initiated Referenda Act 1993.

<sup>23</sup> Guy Standing “Tertiary Time: The Precariat’s Dilemma” (2013) 25 Public Culture 5 at 11.

<sup>24</sup> George I. Balch “Multiple Indicators in Survey Research: The Concept ‘Sense of Political Efficacy’” (1974) 1(2) Political Methodology 1 at 24.

three years.<sup>25</sup> Regardless, suggesting that the system of ‘one-person, one-vote’ ensures an equality of participation in government is an over-simplification of the matter. Many individuals approach the ballot box with a “crippling lack of preparation or education”,<sup>26</sup> subordinating their ability to influence change below the that of well-informed voters.

One manner of increasing the amount of informed votes is providing better opportunities of education, whether it is encouraging completion of high school or gaining a tertiary qualification. Many living in poverty choose not to study for fear of becoming further indebted,<sup>27</sup> and such a consideration may also encourage dropping out of high school early to enter the workforce. Providing a basic income to all citizens in New Zealand would encourage many individuals to go back to school, engage in tertiary education and study longer. Individuals would not need to take such sizeable loans, and the possibility to study and work part time would be feasible with reliance on a basic income supplementing paid employment. This freedom to prioritise education is not fostered by New Zealand’s current unemployment benefit, where the qualification criteria emanate a unidimensional mantra of “can work full time”, “looking for a job”, “willing to accept suitable employment”.<sup>28</sup>

Needless to say, the encouragement of individuals pursuing an education in order to form an informed vote is an optimistic idea of participation in democracy, though it stresses the underlying importance of education in democratic participation. On the other hand, one could argue that individuals do not require a tertiary education or a basic income in order to read a pamphlet of political party policies or turn on the news, go to the nearest voting station and cast their vote triennially. Such an argument, though *prima facie* appearing pragmatic and straightforward, only grapples with democratic participation with respect to voting. Henry Dietz, analysing political participation of the urban poor in Lima, Peru, distinguishes between formal political participation (voting) that is easy, quick and state

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<sup>25</sup> I briefly note that the disenfranchisement of ‘long-term’ prisoners in New Zealand is a separate but very concerning issue, though not the subject of this paper.

<sup>26</sup> Corey Brettschneider, above n 16, at 13.

<sup>27</sup> Auckland City Mission, above n 20, at 19.

<sup>28</sup> Ministry of Social Development “Jobseeker Support” Work and Income <[www.workandincome.govt.nz](http://www.workandincome.govt.nz)>.

facilitated, and informal participation (state petitioning and grassroots level local change), that requires financial resources, time, preparation and creativity. Formal participation is less direct in promoting immediate change, whereas informal participation, though risky and not guaranteed to succeed, can result in immediate change that is felt locally.<sup>29</sup> It is in relation to this informal category that a basic income has the potential to substantially improve an individual's *means to participate* within society. It does so by providing a guaranteed regular income beyond any extra employment, allowing a politically tactical distribution of time and effort. Community volunteers working tirelessly at Te Puea Marae made significant groundwork in increasing nationwide awareness of New Zealand's homelessness crisis, hosting an informal cross-party inquiry that put pressure on the government to provide solutions.<sup>30</sup> The ability to exercise influence over public decisions, even to a small degree locally, exhibits the right to public autonomy in action.

In an analysis of the primary factors that influence participation in voluntary associations, a Netherlands study from various disciplinary perspectives found that education and high levels of human capital are the strongest predictors of participation. In addition to the influence of education, citizens with postmaterialistic value considerations were more likely to exercise such civic engagement.<sup>31</sup> Postmaterialism theory states that advanced and prosperous societies have shifted from their values of basic material needs to more supra-level values such as autonomy, self-actualisation and equality.<sup>32</sup> This shift in fundamental values is allowed by an increase in access to resources, as one's concerns are "freed" beyond their most basic survival needs.<sup>33</sup> Although postmaterialistic values are generally

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<sup>29</sup> Henry Dietz *Urban Poverty, Political Participation, and the State: Lima, 1970-1990* (University of Pittsburgh, 1998) at 205.

<sup>30</sup> Helen Castles - One News "Te Puea Marae opens its doors to politicians for inquiry into homelessness" (22 August 2016) TVNZ <[www.tvnz.co.nz](http://www.tvnz.co.nz)>.

<sup>31</sup> René Bekkers "Participation in Voluntary Associations: Relations with Resources, Personality, and Political Values" (2005) 26 *Political Psychology* 439 at 447.

<sup>32</sup> Ronald Inglehart *The Silent Revolution: Changing Values and Political Styles Amongst Western Publics* (Princeton University Press, New Jersey, 1977) at 22-23; 54; 240; 286.

<sup>33</sup> Brent Lovelock and others "Could Immigrants Care Less about the Environment? A Comparison of the Environmental Values of Immigrant and Native-Born New Zealanders" (2013) 26 *Society and Natural Resources* 402 at 404.

understood societally, the underlying means of freeing up one's concerns would result in value changes at an individual level also. Thus, one could expect that a basic income, especially at the level of a 'modest but decent' standard of life, would foster postmaterialistic values and subsequently predict informal political participation to effect those values. In the 2014 City Mission Report, one mother receiving a sole parent support benefit in New Zealand stated that when outgoings such as accommodation payments and bills exceed her income, it is the weekly food budget that suffers.<sup>34</sup> Living week to week, whether on an unemployment benefit or minimum wage, leaves little chance to save money and make life plans, and it is unsurprising that such a situation leaves no allocation of effort to civic engagement. A basic income would absorb the struggle of guaranteeing those necessities. Any surplus income from paid employment or elsewhere could be allocated to long-term goals and, with the mediation of postmaterialistic values and education, likely result in an increase in voluntary political participation.<sup>35</sup>

By both encouraging individuals to pursue an education and allowing time, money and effort to be apportioned to avenues beyond an individual's basic needs, a basic income fosters the means to participate in the public sphere. This is especially significant with regards to informal participation at a community level. Encouraging informal political participation, for example, resonates well with Māori collectivistic values such as the importance of tino rangatiratanga (self-determination), the close relationships within communities, hapu and iwi, the connection to the locality through the importance of a Marae and the existence of Komiti Māori in many regions of New Zealand.<sup>36</sup> However, public autonomy requires not only the means to participate within the public sphere, but also ensuring individuals have the motivation to do so.

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<sup>34</sup> Auckland City Mission, above n 20, at 28-33.

<sup>35</sup> René Bekkers, above n 31, at 447.

<sup>36</sup> AH McLintock "Maori Social Structure: Modern Society" (22 April 2009) An Encyclopaedia of New Zealand 1966 <[www.teara.govt.nz](http://www.teara.govt.nz)>.

## B Motivation to Participate

In recent decades the voter turnout in general elections has been decreasing.<sup>37</sup> The New Zealand General Social Survey (NZGSS) found that 20% of adults said they had not participated in the 2011 General Election, with the main reason reported to be disengagement, including those that “didn’t get around to it, forgot, or were not interested” and also those that felt their vote did not make a difference. The primary characteristics of non-voters were being from a younger age group, an inadequate income, unemployment, and recent migrants.<sup>38</sup> Participation in local government is even lower, with less than 50% voter turnout in District, City and Regional Council Elections in 2013.<sup>39</sup> These statistics reflect the relationship between having the means to participate and the motivation to do so, the former encouraging the latter. John Rawls, in his book *A Theory of Justice*, summed this contingency up when discussing equal political liberty: “When the less favoured members of society, having been effectively prevented by their lack of means from exercising their fair degree of influence, withdraw into apathy and resentment”.<sup>40</sup>

We cannot simply look at poverty through an economic lens, seeing only deprivation and inequality of financial resources. The issue must also be looked at through a social lens, understanding that poverty includes “a lack of self-esteem, isolation and social compartmentalization of the poor”.<sup>41</sup> Current social welfare schemes further this stigma when applicants must constantly prove their eligibility for a benefit, repeatedly explaining their situations to multiple WINZ operators.<sup>42</sup> These feelings of alienation are exacerbated by the media rhetoric of ‘dole bludgers’ and ‘laziness’. The lack of motivation to participate further crystallises when successive governments do not address the system’s deficiencies,

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<sup>37</sup> Electoral Commission “General Elections 1853-2014: Dates and Turnout” (21 October 2014) Elections <[www.elections.org.nz](http://www.elections.org.nz)>.

<sup>38</sup> Statistics New Zealand “Non-voters in 2008 and 2011 General Elections” (31 January 2014) <[www.stats.govt.nz](http://www.stats.govt.nz)>.

<sup>39</sup> Department of Internal Affairs “Local Authority Election Statistics 2013” (November 2014) <[www.dia.govt.nz](http://www.dia.govt.nz)>.

<sup>40</sup> Rawls, above n 1, at 198.

<sup>41</sup> Daniel Raventós *Basic Income: The Material Conditions of Freedom* (Pluto Press, London, 2007) at 21.

<sup>42</sup> Auckland City Mission, above n 20, at 16.

and the reasoning of ‘my vote won’t make a difference’ increases along with the sense of frustration. Furthermore, the fact that election campaigning can be influenced by donations from the wealthy to political parties only adds to the consciousness among the poor of a lack of real influence in the process.<sup>43</sup>

This is not to insinuate that with the implementation of a basic income scheme, the poorer members of society would start using their income for political party donations. Part of the financial support provided could be directed at avenues of informal political participation, but it is primarily the opportunities made available that give individuals a sense of being a part of the process. This inclusiveness encompasses some aspects of Cohen’s conception of deliberative democracy, in which participation is manifested through deliberation and discourse, rather than solely voting.<sup>44</sup> A deliberative democracy is a richer, more authentic expression of public will, unlike a formalised system of ‘one-man, one-vote’ where the results do not reflect the difference between informed votes and non-informed votes. One of Cohen’s requirements for a deliberative democracy is procedural and substantive equality between parties, whereby the distribution of resources does not determine their motivation or chance to deliberate, but is the subject of that deliberation.<sup>45</sup> By providing individuals with the *motivation to participate* in a political process, they see themselves as active co-authors of the law, rather than passive addressees.

In addition to alleviating the poverty that creates feelings of disillusionment, a basic income serves an integrative function by being paid uniformly to all citizens, rich and poor. The key consequence is that it reduces the stigma of receiving state support, motivating individuals to participate in the system as equals. Through this stimulation, a richer participation consisting of democratic deliberation is promoted. In this holistic,

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<sup>43</sup> Electoral Commission “Party Donations” (28 March 2014) Elections <[www.elections.org.nz](http://www.elections.org.nz)>.

<sup>44</sup> Joshua Cohen “Deliberation and Democratic Legitimacy” in Derek Matravers and Jon Pike (eds) *Debates in Contemporary Political Philosophy: An anthology* (Routledge, New York, 2003) at 346; Habermas, above n 19, at 457-458.

<sup>45</sup> Cohen, above n 44, at 347.

psychological manner a basic income is not solely “re-jigging” the current welfare system, but could lead to a “different way of relating individual and society”.<sup>46</sup>

Thus we can see that the right of public autonomy, sitting at the top of our conception of democracy is manifested by the process of real participation, but as the next portion of this essay will outline, the foundation of this democratic pyramid is cemented in a citizen’s private autonomy.

#### *IV Private Autonomy*

Looking first again to the common conceptions of democratic rights, after public autonomy on a macro scale, we can atomise the next set of individual level rights into the right to privacy, the right to religion, the right to property and so on. Only when these individual level rights are sufficiently protected from state interference, individuals can form constructive political opinions and exercise their public autonomy.<sup>47</sup> Nonetheless, I propose that in addition to this common conception of those fundamental rights, we include the universal right to self-governance, or, the right to participate in life as one chooses (within the bounds of the law) in our understanding of private autonomy. Habermas called this relationship between public and private autonomy ‘co-originality’, where citizens’ participation within the public sphere is only possible “if they are sufficiently independent in virtue of an equally protected private autonomy of their life conduct”.<sup>48</sup> Pateman also noted that the public and private spheres are mutually interdependent. Looking at them in isolation ignores the social patterns of participation, or lack of, particularly regarding women and individuals from a low socio-economic status.<sup>49</sup> Thus, I will argue that at its most direct application, a basic income allows individuals private autonomy, the decision

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<sup>46</sup> Brian Barry “The Attractions of a Basic Income” in Jane Franklin (ed) *Equality* (Institute for Public Policy Research, London, 1997) 157 at 161.

<sup>47</sup> Joel I. Colón-Ríos *Weak Constitutionalism: Democratic legitimacy and the question of constituent power* (Routledge, Oxon, 2012) at 23.

<sup>48</sup> Jürgen Habermas “Constitutional Democracy: A Paradoxical Union of Contradictory Principles?” (2001) 29 *Political Theory* 766 at 767.

<sup>49</sup> Carole Pateman *The Disorder of Women* (Stanford University Press, California, 1989) at 3; 8.

to pursue their own conceptions of the best life, and this freedom will in turn define an individual's public autonomy.

Similar to the procedural/substantive dichotomy of political equality discussed in previous paragraphs, private autonomy encompasses both formal freedom and *real* freedom for all citizens. Van Parijs distinguishes between the two, with formal freedom embodying the fundamental individual rights (right to property, privacy, religion etc) and *real* freedom being the ability to meaningfully make use of those rights and their inherent value.<sup>50</sup> Both Van Parijs and Ackerman and Alstott (advocates for a basic stake, a one-off endowment as opposed to regular payments), coming from a strong libertarian perspective, see the basic income as providing real freedom, by giving citizens the opportunity to pursue their conception of good. Pateman focuses on the democratisation and self-governance offered by a basic income, in the sense that it provides the circumstances in which individuals would have an equal standing within authority structures, especially in employment and marriage.<sup>51</sup> I think the two approaches are reconcilable, Pateman's is simply more contextual. Accordingly, I will illustrate how a basic income can pave the structure of both pathways to private autonomy. The unifying concept is the dignity and control of one's life that private autonomy brings. It allows individuals to grasp the life opportunities available, and do so as equals, without pressure or influence from authority structures. Using Pateman's contextual analysis, this essay will focus on the advantages a basic income can provide in relation to employment and marriage, and later address the issue of free-riding, a widespread criticism amongst basic income opponents.

#### A *Private Autonomy in relation to Employment*

Employment, in the narrow sense of paid work, may be an expectation that we have of individuals to partake in, at least at some point in their lives, in order to contribute to society's development. Employment gives a sense of security that subsequently allows

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<sup>50</sup> Van Parijs, above n 6, at 6.

<sup>51</sup> Pateman, above n 14, at 91.



higher order psychological, social and self-actualising needs to be attained.<sup>52</sup> Indeed, Article 23(1) of the Universal Declaration of Human Rights states that “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”<sup>53</sup> However, it would be naïve to assume that the free choice of employment is experienced by all in New Zealand, nor should we assume that the right to employment is still as relevant in today’s society.

The first advantage a basic income provides in the realm of employment is increasing the freedom of choice. To be on the unemployment benefit in New Zealand, one must be available for, looking for, and ready to accept full time work.<sup>54</sup> However, many jobs cannot guarantee a stable income, childcare arrangements or safety nets for unexpected circumstances, not providing any means to save money for life plans to make the most of opportunities available. Furthermore, the fear of losing eligibility to welfare payments by not accepting available employment leads to individuals taking the least desirable jobs. In addition to the financial support they fail to provide comes increased life dissatisfaction. A basic income, by absorbing the costs of basic necessities, gives potential employees more bargaining power with their employers. The ability to select jobs providing better conditions and life satisfaction subsequently pressures employers to improve the quality of the least desired jobs.<sup>55</sup> As Brian Barry stated: “If we want social justice, we must reduce the importance of being in paid employment.”<sup>56</sup> The safety net provided for by a basic income thus increases the private autonomy of individuals to meaningfully exercise their right to work, by seeking out work that is both financially desirable and personally gratifying.

Moreover, an economic benefit of providing more choice of employment to individuals is the diversification of the labour market it could bring. As previously mentioned, a basic

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<sup>52</sup> A.H Maslow “A Theory of Human Motivation” (1943) 50 Psychological Review 370.

<sup>53</sup> *Universal Declaration of Human Rights* GA Res 217A, A/810 (1948).

<sup>54</sup> Ministry of Social Development, above n 28.

<sup>55</sup> Philippe Van Parijs “Why Surfers Should Be Fed: The Liberal Case for an Unconditional Basic Income” (1991) 20 *Philosophy & Public Affairs* 101 at 3.

<sup>56</sup> Brian Barry *Why Social Justice Matters* (Polity Press, Cambridge, 2005) at 208.

income encourages making the most of education opportunities, but also having the potential to retrain into another field or open a business.<sup>57</sup> Of the families interviewed for the 2014 City Mission Poverty Report, almost all participants reported that work was central to their security and well-being.<sup>58</sup> Rather than assuming that the private autonomy offered by a basic income will be squandered or misused, one must exercise optimism at the societal benefits that can come out when individuals are given a *real* opportunity to make the contribution they desire to make.

The second fundamental advancement of private autonomy that a basic income can bring in the realm of employment is, strangely, the freedom not to be employed. There are two reasons why this is important. Firstly, in a practical sense, we need to acknowledge that speaking of ‘the right to employment’ (in the sense of paid work) may be an unrealistic perception of a universally achievable goal, due to unprecedented advancements in technology. Secondly, in a holistic sense, the common preconception that paid work is the sole indicator of an individual’s contribution to society is a self-perpetuating misunderstanding. Care work and other voluntary contributions to society are undervalued, thus leaving many individuals not in paid employment with an unequal standing to others in the perceptions of what constitutes real citizenship.<sup>59</sup>

With the rapid development of technology and growing automation of previously human labour driven jobs, the futurist’s scenario of ‘technological unemployment’ is becoming an ever closer reality.<sup>60</sup> Even regarding present society, Rey Pérez has written that the discourse of ‘workfare’ as a right is no longer appropriate, when wealth is generated predominantly not through productive activities of human labour, but speculation in financial markets. Thus, if the rights to work cannot be secured, we need to initiate

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<sup>57</sup> Pateman, above n 13, at 141.

<sup>58</sup> Auckland City Mission, above n 20, at 20.

<sup>59</sup> Pateman, above n 13, at 139.

<sup>60</sup> James J. Hughes “A Strategic Opening for a Basic Income Guarantee in the Global Crisis Being Created by AI, Robots, Desktop Manufacturing and BioMedicine” (2014) 24(1) *Journal of Evolution and Technology* 45 at 45.

discourse focusing on the right to an income.<sup>61</sup> This switch in discourse allows individuals to diverge from their reliance on the labour market, which evidently cannot safeguard the entitlements to basic necessities. The exercise of citizenship in other activities and other means of contribution would be recognised by a basic income, regardless if the labour market places value on them.<sup>62</sup> Furthermore, assessing the situation from an economic perspective, futurists have predicted that the areas of work least at risk from automation are in fact the creative fields such as art, music and literature.<sup>63</sup> The private autonomy to pursue one's real life passions and desires allowed by a basic income would substantially foster development in the creative, entrepreneurial and research fields.<sup>64</sup> However, for those displaced from employment, a 'safety net' is required to buffer the implications of technological advancement. The responsibility for the provision of that safety net "falls squarely on the shoulders of the government",<sup>65</sup> and a basic income is a significantly effective method of doing so.

Rey Pérez has also criticised the general perception of work as solely that which encompasses paid work, valued by the market. He argues for a wider conception of work, including all activities that allow individuals to utilise their personal capabilities and establish relations with society. The key significance of this broader conception is "social cohesion and recognition, the opportunity to participate in society".<sup>66</sup> Care work, domestic work and other voluntary work, activities currently undervalued by society, would be afforded recognition by a basic income as important contributions to society by individuals with equal citizenship.<sup>67</sup> Again, by providing the 'safety net' to cover basic necessities, a basic income encourages individuals to take advantage of the right to work in a manner

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<sup>61</sup> José Luis Rey Pérez "Basic Income in the Discussion about Human Rights: Right or Guarantee?" (paper presented to 14<sup>th</sup> BIEN Congress, Munich, September 2012) at 3.

<sup>62</sup> At 15.

<sup>63</sup> Sally Blundell "Work in progress" *New Zealand Listener* (New Zealand, June 25-July 1 2016) at 20.

<sup>64</sup> Jack Smith "Can Basic Income Bring About the Next Creative Renaissance?" (18 September 2015) Tech.Mic <[www.mic.com](http://www.mic.com)>.

<sup>65</sup> Blundall, above n 63, at 23.

<sup>66</sup> Rey Pérez, above 61, at 12.

<sup>67</sup> Pateman, above n 13, at 139.

that tailors to their own conception of social cohesion, contribution and individual fulfillment. Any such activities deserve equal recognition in society to the traditional, narrow interpretation of work that Rey Pérez disapproves of.

The private autonomy in the realm of employment is substantially advanced by a basic income. I have illustrated how a basic income encourages the freedom of choice in employment, evidenced by the significant inroad it would make on the current power imbalance between potential employers and our most vulnerable citizens looking for work.<sup>68</sup> Such an advantage reflects Van Parijs' understanding of private autonomy, in the sense that it allows individuals to have the freedom to pursue opportunities around them. On the other hand, the freedom not to be employed better reflects Pateman's private autonomy, by recognising all contributions equally, and giving the freedom to embark on those activities without the pressure of societal expectations. Almost paradoxically, the freedom not to be unemployed underlies the freedom to do any work an individual chooses, when we understand 'work' as something broader than labour, including all activities that promote social cohesion. As these other activities such as care and domestic work are often undertaken by women,<sup>69</sup> the next part of this essay will address the impact of a basic income on such gender inequalities.

### *B Private Autonomy and Marriage*

Research has shown that although women's inactivity in employment is decreasing, bridging the gender wage gap, cultural attitudes that constrain women in their traditional 'female' roles ensure that gender inequalities persist.<sup>70</sup> Thus, in addition to the private autonomy a basic income fosters in the realm of employment, I will argue that it can also liberate women in the household, by decreasing their reliance on the income of their

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<sup>68</sup> Van Parijs, above n 55, at 6.

<sup>69</sup> Pateman, above n 13, at 139.

<sup>70</sup> Naila Kabeer *Gender Mainstreaming in Poverty Eradication and the Millennium Development Goals: A Handbook for Policy Makers and Stakeholders* (IDRC, Ottawa, 2003) at 77.

partners. This feminist legal theory perspective emanates through Carole Pateman's analyses of the advantages of a basic income.<sup>71</sup>

There is a general consensus that care work or domestic duties, often undertaken by women, are valued subordinately to paid employment, often resulting in financial disparities for individuals undertaking the two forms of 'work'. This consensus is evidenced by the 'equal sharing' principle, recognising direct and indirect contributions in the Property Relationships Act 1976,<sup>72</sup> and also by recent Court of Appeal decisions addressing income disparities between parents of disabled children and paid carers.<sup>73</sup> Although such measures are positive progress, there is no reason why the recognition of contributions by individuals undertaking care or domestic work should only occur at the point of relationship breakdown or in specific areas of disability care. Pateman views a basic income not solely in terms of its direct effects on the financial positions of women, but in the effects on the relationship's power dynamic, liberating women to pursue their private autonomy by giving them a sense of real citizenship for their equally worthy contributions.<sup>74</sup>

It should not be forgotten that most often women are working too. In addition to their paid employment, women are engaging in a disproportionate share of domestic tasks that are not sufficiently recognised by predominantly masculine societal values that put 'breadwinning' on a pedestal.<sup>75</sup> A basic income, by way of its universality and lack of means testing, would provide financial remuneration to those women undertaking tasks in the household, reflecting their equal citizenship in society. In addition, it would give women the freedom to break free from the traditional constraints of labour division in marriage, perhaps taking time off work, starting new work, studying, volunteering or

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<sup>71</sup> Pateman, above n 14. I will be using the term marriage, though generally referring to all de facto, civil union or other domestic relationships.

<sup>72</sup> Property Relationships Act 1976, s 9.

<sup>73</sup> *Attorney-General v Spencer* [2015] NZCA 143, [2015] 3 NZLR 449; *Ministry of Health v Atkinson* [2012] NZCA 184, [2012] 3 NZLR 456.

<sup>74</sup> Pateman, above n 13, at 139.

<sup>75</sup> Pateman, above n 13, at 139.

engaging in creative hobbies. Naturally, such opportunities trigger the chorus of free-riding criticisms. However, such criticisms cannot be isolated to the context of individuals taking time off from employment, but must also be identified inside the household, where “free-riding exists on a massive scale”<sup>76</sup> - by the husbands.<sup>77</sup> The unemployment benefit in New Zealand further fosters gender inequities by its nonchalant assumptions of the nuclear family, basing eligibility for benefits on household-level assessments.<sup>78</sup> Thus, women often lack the incentive to work, as any additional income to their partner’s may expire welfare eligibility. A basic income, awarded individually, would reduce the reliance of women’s private autonomy on the income of their partners. A welcome practical result would be the likely end to the time wasting bureaucratic persecution of welfare fraud by individuals’ non-declaration of relationships.

The argument that a basic income is liberating for women in the household has surprisingly been condemned by some feminists, stating that it would only exacerbate the current stereotype by incentivising women to continue undertaking household work that is then remunerated.<sup>79</sup> That may be true in some circumstances. However, the fact that women would continue to take on traditional care roles is not the fault of the basic income but current societal attitudes. Pateman also dismisses such counter arguments, stressing that we need to respect women’s judgment and trust in their ability to “make their own way”.<sup>80</sup> After all, the basic income promotes private autonomy, the power to make choices, rather than being limited by patriarchal dynamics between partners.

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<sup>76</sup> Van Parijs, above n 7, at 143.

<sup>77</sup> Pateman, above n 14, at 98.

<sup>78</sup> Caitlin McLean “...And justice for all? Basic income and the principles of gender equity” (2016) 22 *Juncture* 284 at 287.

<sup>79</sup> Pateman, above n 13, at 140.

<sup>80</sup> At 17.

## V *Free-Riding*

After analysing the way in which a basic income develops a citizen's sense of private and public autonomy, liberating them from societal constraints, it seems apparent that free-riding as a criticism of the basic income is almost redundant. However, the criticism is recurring in the debate on basic income schemes, so there is a need to explore it further.

Free riding can be understood as “getting the same benefit of others (the ride) without contributing to the burdens of providing it”.<sup>81</sup> Consistent with the rhetoric of ‘dole bludgers’, there is a widespread assumption that providing social benefits, particularly non means tested benefits, results in individuals becoming lazy and not contributing to the system that looks after them. However, it will become evident that free-riding is an exaggerated concern when the concept is analysed from a multi-dimensional perspective, not solely resting on assumptions stemming from a culture of system justification.<sup>82</sup>

Firstly, this essay has already outlined the ways in which a basic income is both liberating and stimulating by allowing individuals to give effect to their rights of public and private autonomy. Participation in a democratic procedure has the potential to influence meaningful societal change, and I have illustrated how the basic income stimulates individuals into action by fostering political efficacy. Democratic participation is undoubtedly a valuable contribution to society. Furthermore, the private autonomy afforded by a basic income in having the power to select work (in this case paid work) that is personally gratifying would rather suggest that individuals are less likely to remain unemployed. As for the individuals not in paid work (especially the women in the household), there is simply the need to broaden our conception of a human being's value beyond paid work. Suddenly the free-ride no longer seems so free, when the numerous other contributions to society allowed by a basic income become recognised as equally

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<sup>81</sup> John Baker “An Egalitarian Case for Basic Income” in Philippe Van Parijs (ed) *Arguing for Basic Income: Ethical Foundation for a Radical Reform* (Verso, New York, 1992) at 101 at 17.

<sup>82</sup>John T. Jost and Mahzarin R. Banaji “The role of stereotyping in system-justification and the production of false consciousness” (1994) 33 *British Journal of Social Psychology* 1 at 2. System Justification Theory states that people prefer and legitimize the status quo of societal arrangements, even at the expense of others who are disadvantaged as a result.

important to employment. Ironically, by solidifying the democratic rights of an individual, it may be that a basic income inherently alleviates the issue of free-riding rather than contributing to it.

Obviously there will always be a limited number of individuals that, despite all opportunities, choose the life of full-time leisure, with little need or desire to contribute to society in any way. Van Parijs has dedicated a lot of his writing to this issue of ‘The Malibu Surfers’, and compellingly contends that the private autonomy granted to them by a basic income is just as justifiable as the blue or white collar worker’s.<sup>83</sup> He bases his arguments on the fact that employment is a limited resource, and by remaining unemployed and choosing a low-consumption lifestyle, the Malibu Surfers actually free up the resource for someone else. Van Parijs elaborates even further, saying the injustice of over-appropriating society’s resources lies with “myself and the majority of my readers”, who take advantage of higher paid jobs and higher-consumption lifestyles.<sup>84</sup> In some way a basic income provides a balance between the natural discrepancies of individuals in their consumption and production. In our society, we produce far more wealth than is necessary, and thus the wealth that goes beyond compensation for work done should be distributed equally amongst all.<sup>85</sup> This is likely what Van Parijs had in mind in his title of “What, if anything, can justify Capitalism?”.

Finally, there is real evidence that the phenomenon of ‘free-riding’ is not a reality when basic income schemes are introduced. North American Guaranteed Income experiments conducted between 1968 and 1980 on small town samples found that there was generally a small reduction in work effort (approximately 13% as a family). Such statistics were paired with increased time spent in tertiary education and with new-born children in the home.<sup>86</sup> A basic income pilot study in Namibia found that economic activity actually

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<sup>83</sup> Van Parijs, above n 55, at 102.

<sup>84</sup> At 130.

<sup>85</sup> Baker, above n 81, at 17.

<sup>86</sup> Evelyn L. Forget “The Town with No Poverty: The Health Effects of a Canadian Guaranteed Annual Income Field Experiments” (2011) 37 Canadian Public Policy 283 at 286.



increased.<sup>87</sup> Such results show that although there may be a slight drop in paid work, there is an investment in human capital and other societal contributions, by no means constituting free-riding. In any case, there will always be those individuals that maintain the status quo conception of fairness, reflecting protestant work ethic values,<sup>88</sup> and are unlikely to be convinced by Van Parijs' defence of the Malibu Surfers. My proposition to those critics would then be to simply weigh up the alternatives and at least put the idea of free-riding into perspective. The private autonomy of the few voluntarily unemployed 'free-riders' seems the lesser evil than the status quo, where a great number of individuals are unable to give effect to their democratic rights of private and public autonomy.

## VI Conclusion

Returning to our democratic pyramid, now near completion, this essay has emphasised the need to investigate further into the real framework of that pyramid, not simply accept the illusion that our 'democratic, egalitarian' society confers tangible democratic rights to all. There is a serious issue of inequality in New Zealand that our welfare system is unable to remedy. However, there is a very real possibility that providing a basic income is a valuable system to fortify that pyramid, allowing individuals the real, measurable standing of a democratic citizen by fostering their rights to public and private autonomy.

Firstly, exploring rights of public autonomy at the top of our pyramid, it is paramount to understand that simply providing the opportunities to the public to participate in a democratic system does not guarantee a well-functioning democracy, in which equality is an inherently fundamental principle. There must not solely be procedural opportunities, but substantive opportunities, and it is the state's role to ensure that all citizens have both the means and motivation to participate. Robert Dahl, a political theorist, has written that two

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<sup>87</sup> Claudia Haarmann and Dirk Haarmann "Namibia: Seeing the Sun Rise – The Realities and Hopes of the Basic Income Grant Pilot Project" in Matthew C Murray and Carole Pateman (eds) *Basic Income Worldwide: Horizons of Reform* (Palgrave MacMillan, London, 2012) at 33.

<sup>88</sup> Adrian Furnham *The Protestant Work Ethic: The Psychology of Work-Related Behaviours* (Routledge, London, 1990) at 13. The Protestant Work Ethic encompasses individualistic values of hard work, productivity and meritocracy, while shunning the human need for leisure, extravagance and idleness.

primary elements barring low-socioeconomic groups from political equality are their “relatively greater inactivity [and] limited access to resources”,<sup>89</sup> and I have illustrated how our current unemployment benefit only reinforces those barriers. For substantive equality to exist in the political sphere, there must be some measure of economic equality to fairly distribute political power and influence.<sup>90</sup> Owing to its universality and lack of eligibility qualifiers, a basic income has the potential to promote meaningful participation by fostering informed voters through education, providing the financial means to allow voluntary participation and developing a psychological feeling of inclusiveness in the political process.

Similarly, the concepts of personal freedom and self-governance, referred to as private autonomy at the base of our pyramid, cannot be taken for granted by an over-arching assumption that we live in an egalitarian society. We can see that there are institutional, cultural and practical barriers that are perpetually limiting the exercise of one’s private autonomy. In the realms of employment, a basic income develops the degree of one’s choice of work, in the broad sense of the term, and also liberates the individual from the need to be employed at all. Both practical considerations of technology and institutional reflections on the value of work stress the importance of this freedom. In relation to marriage, the unconditional, individual payments of a basic income have the potential to emancipate women from traditional housewife roles by recognising the citizenship of a woman independent from her marriage. Unquestionably, a basic income will not be the complete solution for gender inequity, as institutionalised sexism sits deep within society’s cultural roots. However, by developing the private autonomy of all citizens, a basic income generates reflection of oppressive structural interrelationships in society and the institutional changes necessary, providing the foundation for a pervasive cultural shift.<sup>91</sup>

The rather cyclical criticism of free-riding has also been addressed with reference to the democratically emancipating effects of a basic income, the formulations of Van Parijs and

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<sup>89</sup> Carole Pateman “Recent theories of democracy and the ‘classical myth’” in *Participation and Democracy* (Cambridge University Press, London, 1970) 1 at 9.

<sup>90</sup> Pateman, above n 89, at 39.

<sup>91</sup> Pateman, above n 13, at 139.

real evidence from contemporary basic income experiments. By deviating from the sole appraisal of individuals by merit of their paid employment, free-riding seems more of a breeze than a menacing zephyr to the democratic pyramid and our overall concept of fairness.

Does this mean that by providing a basic income in New Zealand, the standing for our democratic citizens is complete? It would be naïve to assume the pyramid is invincible. Other social issues, such as the disenfranchisement of long-term prisoners in New Zealand, substantially undermine democratic rights of public autonomy and cannot be rectified by a basic income, rather demanding law reform.<sup>92</sup> Thus the subsequent question is, is a basic income really a universal pre-condition for democratic rights? Or are there are other means of fortifying the democratic pyramid? In the New Zealand context of inequality, when reading the first-hand experiences of beneficiaries in New Zealand, the recurring concern seems to be ‘making ends meet’. Individuals report feelings of alienation, difficulties finding suitable employment and a lack of motivation to study primarily because the paramount consideration is to provide the basic necessities for their families. Accordingly, the safety net that a basic income provides in covering the basic needs allows the realisation of various socio-economic rights and thus the exercise of real private autonomy. Self-governed life choices in the private sphere give the sense of valued citizenship, and it is that integrative function of the basic income that subsequently stimulates the exercise of public autonomy. Clearly, socio-economic rights play a role in the pyramid, seemingly somewhere between the basic income foundation and the higher order democratic rights above.<sup>93</sup> Outside of New Zealand, there will undoubtedly be other barriers, not solely

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<sup>92</sup> Greg Robins “Rights of Prisoners to Vote: A Review of Prisoner Disenfranchisement in New Zealand” (2006) 4 *New Zealand Journal of Public and International Law* 165.

<sup>93</sup> It may be that the basic income is a tool that permits the fulfillment of basic socio-economic rights, which then permit the exercise of higher order democratic rights. Perhaps in countries with adequate constitutional safeguards for socio-economic rights a basic income is not necessary for their realisation. In New Zealand, financial barriers limit the exercise of those rights such as the access to tertiary education and housing, suggesting a basic income provides a safety net for the constitutional structure’s shortcomings. Though when looking at democratic rights, in isolation of the mediating socio-economic variables, the basic income implies something more than a tool. The universal redistribution of society’s excess wealth reflects an element of all-encompassing citizenship, not simply financial support. Thus, the ideology of the basic income could be an indicator of its universality as a pre-condition for democratic rights in particular.

financial, to exercising democratic rights such as threats to culture, security of life and the physical environment that a basic income could not resolve. Further research would be needed to investigate the universality of the basic income as a pre-condition of democratic rights, and upcoming experiments worldwide will provide more insight into the question. What is evident, is that the basic income is capable of fostering the exercise of democratic and socio-economic rights in a far more multifaceted manner than our current welfare scheme.

For such a drastic revision of our social welfare system, the conservative culture of system justification also demands serious change. That does not mean that we should cower away from the idea until some unforeseeable attitude shift occurs. The persistence to make constant, trivial variations to the status quo, in order to appease the economists and the electorate, is not providing real solutions.<sup>94</sup> A new idea is essential. Non-instrumentally, the mere process of demanding a basic income “could crystallise in the formation of social movements and democratic public opinion.”<sup>95</sup> It is a valuable first step towards equality when debate and public awareness surrounding a basic income transforms capitalist and meritocratic values into values of dignity and social justice.

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<sup>94</sup> Barry, above n 46, at 158.

<sup>95</sup> Raventós, above n 41, at 28.

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***Word Count***

The text of this paper (excluding cover page, abstract, key words, non-substantive footnotes and bibliography) is approximately 7,982 words.