

## Jeremy Waldron and the Basic Income Debate

This is an early draft of a review that was eventually published as 2009. "[Jeremy Waldron and the Basic Income Debate, comment on three books by Jeremy Waldron](#)," *Citizens Income Newsletter* (1)

A comment on:

Waldron, J. (1988). *The Right to Private Property*. Oxford: Clarendon Press.

Waldron, J. (1993). *Liberal Rights*. Cambridge: Cambridge University Press.

Waldron, J. (1999). *Law and Disagreement*. Oxford: Oxford University Press.

Jeremy Waldron is one of the foremost legal and political philosophers active today. He has devoted considerable attention to examining the suppositions of property rights advocates and his work shows a great deal of concern for disadvantaged people. He has not written on basic income, except for one short article in 1986 favoring a 'social minimum.' Even though he has not paid a great deal of attention to the basic income debate, participants in the basic income debate should pay attention to him. Some of his arguments about property rights, homelessness, and political disagreement could be put together into an excellent argument for basic income.

In *The Right to Private Property* (1988) Waldron addresses the argument for private property and shows that either of the two main arguments proposed to justify private property rights fails unless it secures at least access to subsistence for all. This book is extremely long and dense; it is hard to do justice to it in a paragraph, but the gist of it is, "Under serious scrutiny, there is no right-based argument to be found which provides an adequate justification for a society in which some people have lots of property and many have next to none" (p. 5). Any property system that excludes people from property, therefore, owes them at least a right of subsistence.

Waldron's book, *Liberal Rights* (1993) contains a chapter entitled, "Homelessness and the Issue of Freedom," in which Waldron argues that the homeless are not only needy but unfree in the most liberal negative sense. Quite simply, "No one is free to perform an action unless there is somewhere he is free to perform it" (p. 310). The homeless face interference as they try to perform their most basic human functions such as sleeping, urinating, eating, and so on. They do not lack the ability to do these things; they face constant interference as they try to do them, because the laws say they have no place where they can do them legally. Without the right to sleep and eat, people have little ability to exercise rights to free speech and political participation.

In *Law and Disagreement* (1999) Waldron focuses on the process of lawmaking rather than on what laws should exist, but even this book contains arguments that are important to the basic income debate. Waldron confronts the problem of fundamental and persistent political disagreement:

[W]e not only disagree about the existence of God and the meaning of life; we disagree also about what count as fair terms of co-operation among people who disagree about the existence of God and the meaning of life. We disagree about what we owe to each other in the way of tolerance, forbearance, respect, cooperation, and mutual aid (p. 1).

He faults political philosophers, especially John Rawls, for philosophizing about policy while ignoring the question of how to live with disagreement, "It is rare to find a philosopher attempting

to come to terms with disagreement about justice within the framework of his own political theory.”

From this starting point one might expect Waldron to propose an alternative to Rawls’s theory of justice, specifically incorporating the problem of fundamental political disagreement. Such a framework could be extremely valuable to the basic income debate, because Rawls used the idea of consensus to justify a socially cooperative project to which individuals were obliged to contribute. Rawls famously labeled those who refuse to contribute to the social project as lazy “surfers” who consume more than their fare share of leisure and who therefore have to claim to public funds. If there is a consensus that the social project is just, refusal to participate can only be motivated by laziness. However, if there is no such consensus, refusal to participate is laziness but political dissent—the rejection of the terms and goals of the social project. Persistent political disagreement takes away much of the appeal of Rawls’s contributive obligation.

Waldron does not go down this road, and instead focuses on how political disagreement implies that the most important individual right is the right to equal political participation in a democratic system with a sovereign legislature that represents the diversity of political opinion in society. Waldron’s argument about political disagreement could be used just as effectively to defend the refusal to participate as a form of political dissent. This reasoning could be especially strong combined with Waldron’s earlier arguments about homelessness, freedom, and property. Wittingly or not, Waldron’s arguments can be used to form a power case for basic income.