BASIC INCOME

AND THE RIGHTS OF PERSONS WITH DISABILITIES*

JOSÉ LUIS REY PÉREZ*

Abstract: The Convention on the Rights of Persons with Disabilities presents a social approach to disabilities. In accordance with this conception, the origin of the discrimination suffered by persons with disabilities is mainly social because we have designed our society without universal access for everybody. There is a normality criterion, based on physical capabilities, intelligence, race and gender that excludes many people from that canon. The different contemporary liberal theories of justice have discussed disabilities thinking about how the State could compensate brute luck. In this context, does universal basic income play some role? Van Parijs in *Real Freedom for All* defends a unanimous criterion to compensate for brute luck. That compensation would be made before distributing an equal basic income among everybody. In this paper, UBI will be studied in the context of the debate about rights of persons with disabilities. Firstly, the argument given by Van Parijs will be discussed because the unanimous requirement does not fit with a social understanding of disabilities. Secondly, if we consider a right to UBI, it is necessary to study which role this right can play in the life of people with disabilities and if we can say that this right has a universal design. In this point, it will be studied whether UBI can establish some type of indirect discrimination against people with disabilities and if so, which type of reasonable accommodation would be necessary to eliminate that discrimination.

Keywords: Basic income, rights of persons with disabilities, brute luck, universal design, reasonable accommodation.

Summary: I.THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND ITS MEANING; II.DISABILITIES IN LIBERAL EGALITARIAN THEORIES OF JUSTICE. THE ARGUMENT OF VAN PARIJS; III.BASIC INCOME, BETWEEN REDISTRIBUTION AND RECOGNITION; IV.BASIC INCOME AND PERSONS WITH DISABILITIES; V. CONCLUSION

I.   THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND ITS MEANING

We can say that historically there have been three ways of understanding disabilities (Palacios, 2008). The first one, that we can name the isolation and exclusion model, is the most primitive and "considers people with disabilities as unnecessary or even dangerous because the existence of disability was an evil message or a sign of God's ire. Consequently, societies isolated these people by marginalizing them or, at best, by treating them as objects of charity" (Rodríguez, Barranco, Al Ali & Asís, 2017: 3-4). The medical model, which probably remains the most prevalent in our culture, describes the origin of disability as a consequence of a physical, mental, or sensory limitation or illness, so the responses to them must be offered by medical science. Disability is a problem of

the person who suffers an accident, illness, or a physical condition. What is necessary to give an adequate response is offering medical assistance with the objective of curing or adapting the person to his or her situation. At the public policies level, disability in those countries where welfare benefits exist is one of the aspects of social security systems offering services and incomes. Traditionally, disability was protected by civil law through regulating the declaration of incapacity and the establishment of rules for guardianship (Rodríguez, Barranco, Al Ali & Asís, 2017).

The last model is the social one. It explains that the social context determines the individual's disability. Disability is viewed not only as a result of functional limitations but also as a consequence of social influences (Quinn and Degener 2002: 14). The rights of people with disabilities are limited by the social context. This model demands public policies to eliminate discrimination and its social causes with the objective to make effective the recognition of the human rights of all people. As Nussbaum explains in the case of a person in a wheelchair "the reason why this person has less capability than the *normal* person to get around in public space is thoroughly social: society has not provided wheelchair access in public spaces" (Nussbaum, 2007: 165). This means that public policies must change: they cannot be limited to offer some services or financial support, but they must be focused in the effective guarantee of all the human rights. Following Nussbaum's argument "no matter how much money we give the person in the wheelchair, he will still not have adequate access to public space unless public space itself is redesigned" (Nussbaum, 2007: 167). Within the social model, there is a variant that is known as diversity model. "This notion considers disabled people (or differently abled persons) as intrinsically valuable on their own merits on the basis of their diversity, which exists to enrich human societies and make them more creative, interesting, and even prosperous" (Rodríguez, Barranco, Al Ali & Asís, 2017: 5). Disability, from this point of view, is not something bad or a limitation; it is a part of diversity and it is that diversity what makes a society richer (Palacios y Romañach, 2006; Palacios, 2008).

The Convention on the Rights of Persons with disabilities was approved by United Nations in 2006. It signifies a step forward in the recognition of the human rights of all people and it adopts the social model with the purpose to achieve a real equality for all the people who have different capabilities. The Convention analyzes the disability not by concentrating on the features that identify the person with a disability, but rather by focusing on the surrounding social circumstances in which the person is immersed. The legal response is aimed at enacting the rights that are denied or that the disabled person is effectively unable to exercise (Palacios, 2008). Although there is a discussion about whether the Convention includes some new right (De Asís, 2013; Cuenca, 2016), its final goal is not the recognition of new rights only for persons with disabilities; it is the identification of the rights that all human beings possess, paired with a set of additional assurances that need to be provided to people with disabilities so that they can enjoy the benefits of their basic human rights on the same basis as everyone else (Rey Pérez, 2018). These additional assurances (that some people can understand as new rights) are the right to universal design, the right to specific supports and the right to reasonable adjustments.

Universal design means the design of products, environments, programs and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design (section 2 of the Convention). "Universal design" does not exclude assistive devices for particular groups of persons with disabilities where they are needed. However, when something is not accessible that is a discrimination (mainly indirect). Because as the General comment number 2 of the Committee on the Rights of Persons with Disabilities says, "accessibility should be viewed not only in the context of equality and non-discrimination, but also as a way of investing in society and as an integral part of the sustainable development agenda". The objective is that all rights must be universal and also the guarantees that try to make effective the content of those rights. When universal design is not possible (this must be an exception only in very concrete circumstances), then it is necessary to provide assistance and support to ensure the access to people with disabilities (Asís, 2013). In consequence, supports work as a second-best option when universal design is not feasible. Finally, reasonable accommodations are necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms (section 2 of the Convention). They are individual and subsidiary (De Asís, 2013).

II. DISABILITIES IN LIBERAL EGALITARIAN THEORIES OF JUSTICE. THE ARGUMENT OF VAN PARIJS

Traditionally, liberal theories of justice have distinguished between *option* luck and *brute* luck (Dworkin, 1981a, 1981b). The first is a consequence of the decisions people make during their lives and they are responsible for them. The second is due to mere chance and in this case the State must compensate for it in some way to achieve real equality of opportunities. The different liberal egalitarian theories of justice have defended various ways to make this compensation. However, as it will be explained later, the compensation was usually interpreted in terms of redistribution of resources (additional money) and not in terms of social changes or social recognition. This contention is shared by the most famous liberal egalitarian theories of justice, like the one argued by John Rawls or Ronald Dworkin although other egalitarian philosophers can be included in this group. Nevertheless, in this section only the theories of those two will be explained and then Van Parijs´ argument will be analyzed deeply. Finally, the recognition approach will be included in order to make a more global analysis about what means social justice and through which instruments and social policies can be achieved.

John Rawls distinguished between social and natural primary goods. While social primary goods are distributed by social institutions like wealth, opportunities, rights or powers, the natural primary goods (like health, talents or intelligence) are affected by social institutions but they are not directly distributed by them (Rawls, 1971). And in his *Theory of Justice* (1971) he proposed the difference principle as a way to compensate the inequality in those natural primary goods. As it is impossible to distribute natural goods, they way to compensate brute luck is that institutions benefit the least advantaged, that is, those inequalities are to be arranged to greatest benefit of the least advantaged. Rawls

does not explain how this idea can be materialized in concrete institutions, but we can suppose that the type of compensation for brute luck is some sort of distribution of social primary goods that improve the position of the least advantaged.

However, Rawls did not pay attention to people with disabilities in his theory. Persons with disabilities are out of it firstly because the subjects who decide the principles of justice are rational, autonomous, capable and homogeneous, and secondly, because even if we understand that they are among the least advantaged, they are excluded from the moral debate (Cuenca, 2012).

In this sense, although Rawls does not explicitly state this, if what is just is how the institutions treat natural facts, we could see that the discrimination against people with disabilities is mainly social and we must remove those institutions that cause that discrimination. So, maybe it would be possible some type of reformulation of Rawls' position that could be congruent with the Convention's philosophy.

Ronald Dworkin makes another proposal to compensate brute luck through an insurance scheme. As it is widely known, to make a distribution of the resources that overcomes the envy test, Dworkin proposed an auction. Everyone starts with an equal purchasing power (100 clamshells) and people use their clamshells to bid for those resources that best suit their plan of life. At the end of the auction, everyone will be happy with the result because nobody will prefer anyone else's bundle of goods to their own. If they did prefer a different bundle, they could have bid for it, rather than the goods they did bid for (Dworkin, 1981a, 1981b).

However, the auction does not resolve the issue brute luck because people are not equal in their capabilities: in the reality people have handicaps, congenitally poor health or other special needs that would mean in some cases extra costs. The solution proposed by Dworkin consists of paying an insurance for all those extra costs before the auction, out of the general stock of social resources, and then divide up the remaining resources equally through the auction. We give the disadvantaged enough social goods to compensate for their unchosen inequality in natural assets. If we generalize the insurance system through taxes, we would have some type of welfare regimes as those developed in Europe after II World War. The problem is that this system is not completely consistent with the Convention because it understands that although people with disabilities might receive some type of economic aid to compensate for brute luck, it does not change social institutions. Consequently, we can say that Dworkin's approach to disability corresponds with the medical model.

As it is well known, the well renowned work by Philippe Van Parijs, *Real Freedom for All* (1995) is considered a libertarian egalitarian normative justification of universal basic income. Although the objective of the book is mainly justifying a basic income in the debate between capitalism and communism, Van Parijs explains his own view about social justice and social institutions. For him a fair society is one that guarantees every member the greatest real freedom: "being free consists in not being prevented from doing not just what one wants to do, but whatever one *might* want to do"

(Van Parijs, 1995: 19). With this definition Van Parijs tries to solve the slave objection. The happy slave is the slave who modifies his desires to make them coincident with his reality. Van Parijs does not separate freedom from desires; he separates from the current desires but not from potential desires. He links freedom to potential desire, that is, those things one might want to do. We will be freer if we have more options to do things we might want to do.

In consequence, the value that a fair society must protect for Van Parijs is real freedom. From this idea, he analyzes the principles that must order a society to be fair, that is, a society that maximizes real freedom. Van Parijs points out three principles: security, self-ownership and a leximin order of opportunities. The libertarian philosophy concerning the State are condensed in the first two principles. Though to achieve real freedom, a third principle is necessary, the equality of opportunities, which requires that each citizen must have the greatest possible opportunity to do whatever he or she might want to do. These principles follow a lexicographic order; firstly, the State must guarantee the security, secondly the self-ownership and in last place, the set of opportunities. It does not make sense guaranteeing an equal set of opportunities if security or self-ownership are not guaranteed. However, the priority is soft because the objective is obtaining real freedom and for that, the three elements are necessary.

These principles of the theory of justice must be institutionalized. The security demands the Rule of Law. The second principle, self-ownership, demands the protection of autonomy. And the third principle, the leximin order of opportunities, demands a universal and unconditional basic income for all the members of the society. This is because real freedom is not the freedom to consume, the freedom to choose between different goods, but the freedom to choose among different lifestyles. Van Parijs, consequently, tries to present a basic income compatible with security and self-ownership as a necessary condition to real freedom. At this point, we could say that this idea of giving opportunities to all people is consistent with the social model defended by the Convention on the Rights of Persons with Disabilities. The problem starts if we reduce real freedom understood as the greatest group of opportunities to a financial aspect.

The theory is complicated further when Van Parijs introduces the compensation for inequalities in natural endowments. He uses the concept of *undominated diversity*, that it is originally of Ackerman (Ackerman, 1981). This criterion demands unanimity to compensate brute bad luck. As I will try to explain later, this criterion seems incompatible with the social model and, moreover, with the diversity model to understand disabilities.

As one can imagine, achieving unanimity in a decision is quite difficult. It seems that this criterion is chosen because it makes the compensation in cases of bad luck difficult. As Van Parijs says (1995), first, brute bad luck must be compensated, and after, with the remaining resources, a basic income must be distributed; so, when he requires unanimity he is assuring a quantity of basic income different from zero. We can say that A dominates B only if every person has an idea of the good life in accordance with the idea that it is possible to say that A is better endowed than B. Therefore, it is necessary that everybody consider someone better endowed. If there is any outlying member in the

group, that may make the redistribution impossible. We can imagine an individual, X, who is blind. Intuitively we could say that we must compensate X because of her bad luck. If Y has the same endowment than X with the difference that she sees perfectly, then probably everybody unanimously would prefer the Y's endowment to X's. However, in that social group is Z. Z wishes to be blind because she thinks that moving through the city in the darkness is very exciting. Z is an outlier, but if she exists, X would not receive any compensation (Arneson, 2003: 102-105). Van Parijs knows this obstacle and demands that the person who declares her preference must know and understand the consequences of having that concrete endowment. With that idea he appeals to an objective criterion that helps us to distinguish authentic preferences from false ones, without saying which criterion it is.

Basic income is conditioned to the compensation of the inequality of endowments due to bad brute luck and that, in some cases, could make the quantity of basic income zero. Van Parijs thinks that in liberal societies, that are very diverse, this would not happen because of the requirement of unanimity. He underestimates the circumstances when basic income could be reduced (Williams, 2003: 124). Van Parijs chooses this criterion, to obtain the highest basic income. The unanimity is introduced only with the purpose to make difficult the compensation derived from bad brute luck (Rey Pérez, 2007). In his more recent works, Van Parijs has not repeated this scheme focusing mainly on the political and economical viability of universal basic income (Van Parijs &Vanderborght, 2017) but, in my opinion, from a theory of rights and justice, this point is fundamental to be able to accept or reject something like universal basic income.

Is this view consistent with the social model defended by the Convention? Furthermore, does it not mean a restriction on the conception of real freedom that is defended by Van Parijs? From my point of view there is some inconsistency in the argument defended by Van Parijs when we examine it from the rights of persons with disabilities and the social model. The first part of the argument, the concept of real freedom that Van Parijs defends linking freedom with the greatest number of opportunities for everybody, fits well with the principles of the Convention. The Convention, as it has been explained before, wants to eliminate all the obstacles existing in societies that create discrimination against persons with disabilities, which, as such, violate the principle of equality of opportunities. The way to solve these situations is not giving additional benefits to people with disabilities, but changing the social system, the institutions, the social designs and the structures to make real the equality of opportunities. Using Van Parijs' words, the Convention wants that people with disabilities enjoy real freedom, the freedom to do whatever they want to do. However, what it is not consistent with the Convention is the second part of the argument offered by Van Parijs and, furthermore, maybe the way he understands how to distribute the maximum group of opportunities for everybody. The problem is that Van Parijs understands social justice, at the level of institutions, just in terms of distribution of resources, it is more, in terms of distribution of money. The conception of real freedom would probably fit better with the capabilities approach defended by Nussbaum and Sen. Because if we are talking about opportunities to do whatever you want to do, you not only need resources and money to carry out your life plan, you also need the capabilities to do

it in a correct way and to have opportunities to succeed in the options chosen. Enjoying a basic income is probably a necessary condition, but it is not the only one required to obtain real freedom.

Following this idea, Nancy Fraser (2003), for example, argues that social justice cannot be reduced to redistributive aspects. There are also injustices because some cultural or sexual or differently abled groups have not had enough recognition in the public sphere. Therefore, distributive policies are not enough to achieve social justice. The excluded or underrepresented groups began to talk about recognition policies many years ago, of which the objective was the recognition of their difference. The two policies are linked to different social movements. The politics of redistribution is usually related to class policies, with the intention of eliminating class differences, while the politics of recognition is assimilated into identity policies, with the purpose of recognizing underrepresented identities due to the existence of a dominant culture. In this sense, the redistributive paradigm studies the socio-economic injustice rooted in the economic structure of society and the recognition paradigm analyses the cultural injustices rooted in the mechanism of representation, communication and interpretation (Fraser, 2003). If we follow the redistributive model, the remedy to injustice consists of making a different distribution of scarce resources. In accordance with the recognition model, the solution to injustice is a cultural change, evaluating the difference, the diverse identities and the cultural diversity (see Table 1).

Table 1. Politics of redistribution vs. Politics of recognition

Politics of redistribution	Politics of recognition
Class policies: eliminate class differences	Identity policies: recognize underrepresented identities
Socio-economic injustice rooted in the economic structure of society	Cultural injustice rooted in the mechanism of representation, communication and interpretation
Different distribution of resources	Cultural change to estimate the differences

Source: Own following Fraser (2003).

However, as Fraser has pointed out, this distinction is artificial. It can be useful to make some analytical or conceptual analysis, but the injustices are not only distributive or ones concerning recognition. The injustices suffered by many people have two sides, one economical and another related to recognition. Distribution and recognition are two sides from we can analyze social injustice. That is the reason why Fraser argues for a concept of justice that includes both sides, the redistributive and the recognition. She does not think that they are alternatives or antithetic visions of social justice. They are two

sides of the same injustice. And in each circumstance, we must examine which type of economic and cultural injustices are present and how to solve them.

III. BASIC INCOME, BETWEEN REDISTRIBUTION AND RECOGNITION

Understanding the distinction between economical and recognition or cultural aspects of social justice is useful to evaluate the different policies that try to make real social justice. Obviously, there are policies with a deep redistributive bias: for example, the minimum insertion income, the financial support to education for families without resources or a universal health care system have, at first glance, an obvious redistributive purpose. On the other side, there are policies with the purpose of recognizing some groups, like the affirmative institutions that pursue equality between men and women. In these examples, the policies have consequences in the other dimension of social justice. On one side, the insertion income can help to insert some collectives unrecognized culturally like prostitutes or ethnic minorities that do not have the resources to survive; with the money of the insertion income they can take the first steps to achieve the recognition as full members of society. The financial support for education for families with scarce resources have consequences in the recognition policies, because it could help excluded ethnic minorities to have access to superior education. The universal healthcare system could help with the recognition of some groups if, for example, it includes gender reassignment surgery. In the other side, an affirmative discrimination that allows an unrecognized group the access to important positions could contribute to improve its economic position. Therefore, any redistributive policy has consequences in the recognition policies and vice versa.

Basic income is a redistributive policy. Its purpose is achieving a fair distribution of resources in society and the main arguments offered have gone in this direction. Van Parijs in *Real freedom for all*, defends that basic income is the best way to distribute external assets, including among them not only external ones but also jobs in a context of structural unemployment (Van Parijs, 1995). The purpose of basic income is mainly distributive. But it is also necessary to evaluate its consequences in the field of recognition. Some feminist authors have made this related to women (Pateman, 2006; Zelleke, 2018) and it is necessary to evaluate basic income from the consequences it could have for other unrecognized groups, like people with disabilities.

When Van Parijs exposes his theory, it seems he considers that basic income cannot play an important role with the group of people that are handicapped or have had bad brute luck. That is why previously in arguing for the distribution of an egalitarian universal basic income, he demands an additional distribution to compensate bad brute luck. And here we can point out two comments from the perspective adopted by the Convention on the Rights of Persons with Disabilities. The first one, is his preferred way to make that compensation and the concept of compensation itself. The second is the unanimity requirement he introduces. Let me explain with more detail.

As it has been explained earlier, the Convention understands that persons with disabilities have different capabilities and diversity is an element that enriches our

communities. The solution cannot be limited to give additional resources to people with disabilities, but to change the social institutions in order to give them the same opportunities that other people have. This can include additional resources because probably some types of disabilities may imply additional costs (for example, if a person needs the help of a caregiver) but limiting the changes required to transfers of income manifests misunderstanding the philosophy of the Convention. The change that the Convention demands in some cases can include a different distribution of resources, but it requires more to be changed: the social institutions designed in accordance with one concrete model of capabilities. This change must occur previous to cash compensations and can reduce them. Because people with disabilities do not have to be compensated, they must be valued and integrated in accordance with their diversity. The need of some additional resources in some cases is not a compensation, but actually a requirement of the right to universal accessibility to all institutions, services, and goods. In summary, the perspective adopted by Van Parijs -that is shared with other egalitarian liberal theories- is not consistent with the Convention because it interprets the problems of persons with disabilities to enjoy the rights as a problem of income transfers and compensation, and not in terms of the assessment of diversity and the need of changes in social institutions. It can be considered a very limited view of disability.

The second critique to Van Parijs conception about disabilities is the requirement of unanimity to make the compensation. At least, at a conceptual level, unanimity is the opposite of diversity. The recognition approach values diversity, among other reasons, because diversity is one of the requirements of democracy. We cannot require unanimous decisions in order to give recognition to groups that traditionally have been discriminated. Unanimity can be the worst face of the dictatorship of majorities and it could mean a real threat to diverse minorities. In accordance with this idea, probably those who are more diverse or whose needs cannot be understand easily by people would be excluded of the distribution of resources argued by Van Parijs. This clearly goes against the philosophy of the Convention that in the Preamble says "the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty".

This can be considered the opposite to unanimous criterion in order to give some type of specialized support to people with disabilities. Each person is different, and we must value her difference. In practical terms, the unanimity can be a discrimination because it can be a "distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field" (section 2 of the Convention).

IV. BASIC INCOME AND PERSONS WITH DISABILITIES

All the arguments exposed, does this mean that basic income cannot play any role in the rights of the persons with disabilities? I will try to answer this question in the following. As it was explained before, when we examine a public policy we must study their effects in the two sides of social justice, the redistributive and the recognition. In this case, if universal basic income contributes to the demand of recognition of persons with disabilities or, at least, does not harm it, universal basic income would be a good redistributive policy when we examine it from the perspective of recognition. If basic income harms the recognition of this collective, then it would not pass the test that all redistributive policy must pass if it wants to be consistent with social justice.

The effects of basic income from the redistributive perspective are clear. Many authors have pointed out how universal basic income prevents poverty, reduces inequalities in societies, and achieves a level of equality of opportunities (Rey Pérez, 2007; Raventós, 2007; Van Parijs & Vanderborght, 2017). These positive effects would be enjoyed equally by people with and without disabilities. The question that is necessary to answer is whether it has some concrete positive consequence in the social recognition of persons with disabilities. One of the objectives of basic income is real freedom, as it was explained earlier. Nowadays, the real freedom of persons with disabilities is limited by the able social model design. Here basic income can be a way to achieve this objective, although it does not present a complete solution to the problem. With an income guaranteed unconditionally, persons with disabilities have the means -at least, partial- to dare to live freely. They receive an initial recognition that can help them to achieve their life plans. A policy like universal basic income whose purpose is to fight against the domination suffered by people forced to work in present societies serves, at the same time, to eliminate the singular model of ability dominance. Universal basic income gives people resources to choose their lifestyles without fear of possible reprisals for their options. Fighting against economic dominance we may achieve cultural liberation.

Supporters of basic income used to talk about a new right to a basic income that, for example, has been included in the Monterrey's` Universal Declaration of Emerging Human Rights (2007). Can we say that this right has a universal design?

From the perspective that everybody will receive the same quantity of money in the bank account, we can say that the design of this right is universal and, at least at first sight, it does not create any discrimination -direct or indirect- against people with disabilities. Probably it is impossible to think in any right more accessible than this.

However, the accessibility of the right can depend of the accessibility of the bank system. If the bank system and the bank accounts have not been designed considering the difficulties some people may have to access to their basic income, that could create some type of discrimination against those people. I am thinking about people with physical or intellectual disabilities that can find problems to access to a bank account. Of course, the problem in these cases is not of the right itself, but it is derived the way we guarantee the right through the financial system. The objective of the Convention, as it has been

explained before, is to guarantee the universal access to all the services, goods and benefits of the society and this, of course, includes the bank services. Consequently, if we follow the principles of the Convention, the bank services might be reformed to give them universal accessibility and there would not be any problem with the right to basic income. And in those cases where the accessibility would be difficult, it would be necessary to offer some support or to force banks to develop the reasonable adjustments needed. However, as I am arguing, these adjustments are not about the right to basic income, but of a service through which we make effective the right. The right to a basic income has not any discriminatory consequence when we examine the essential content of the right.

V.   CONCLUSION

We can conclude that a redistributive institution like universal basic income can have positive consequences in the recognition of the group of persons with disabilities because it makes greater the opportunities to make whatever they want to do. Nevertheless, as a redistributive institution, the extension in terms of recognition is very limited. Basic income, in the context of the rights of persons with disabilities, needs to be complemented with other policies that put the accent on the diversity of capabilities to convert the income in freedom options. Basic income is a first step, but it is not the definitive step to reach the full recognition of people with disabilities in our societies.

REFERENCES

Ackerman, B. (1981). *Social Justice in the Liberal State*. New Heaven: Yale University Press.

Arneson, R. J. (2003). Should Surfers Be Fed? In A. Reeve & A. Williams, eds., *Real Libertarianism Assessed. Political Theory after Van Parijs*. New York: Mac Millan, pp. 95-110. https://doi.org/10.1057/9780230524293_6

Asís, R. de (2013). *Sobre discapacidad y derechos*. Madrid: Dykinson.

Cuenca Gómez, P. (2012). Sobre la inclusión de la discapacidad en la teoría de los derechos humanos. *Revista de Estudios Políticos,* 158, pp. 103-137.

Cuenca Gómez, P. (2016). Derechos humanos y discapacidad. De la renovación del discurso justificatorio al reconocimiento de nuevos derechos. *Anuario de Filosofía del Derecho,* XXXII, pp. 53-83.

Dworkin, R. (1981a). What is Equality? Equality of Welfare. *Philosophy & Public Affairs,* 10 (3), pp. 185-246.

Dworkin, R. (1981b). What is Equality? Equality of Resources. *Philosophy & Public Affairs,* 10 (4), pp. 283-345.

Fraser, N. (2003). Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation. In N. Fraser & A. Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange*. London: Verso, pp. 7-109.

Nussbaum, M. (2007). *Frontiers of Justice. Disability, Nationality, Species Membership.* London: Harvard University Press.

Palacios Barreiros, A. (2008). *El modelo social de discapacidad: orígenes, caracterización y plasmación en la Convención Internacional sobre los Derechos de las Personas con Discapacidad.* Madrid: Cinca.

Palacios, A. y Romañach, J. (2006). *El modelo de la diversidad. La Bioética y los derechos humanos como herramientas para alcanzar la plena dignidad en la diversidad funcional*. Madrid: Diversitas Ediciones

Pateman, C. 2006. Democratizing Citizenship: Some advantages of a Basic Income. In B. Ackerman, A. Asltott & P. Van Parijs, eds., *Redesigning Distribution. Basic Income and Stakeholder Grants as Cornerstones for an Egalitarian Capitalism.* New York: Verso, pp. 101-119.

Quinn, G. & Degener, T. (2002). *Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability*. Geneva: Office of the United Nations Commission for Human Rights.

Raventós, D. (2007). *Las condiciones materiales de la libertad.* Barcelona: El Viejo Topo.

Rawls, J. (1971). *A theory of Justice.* Oxford: Oxford University Press.

Rey Pérez, J.L. (2007). *El derecho al trabajo y el ingreso básico. ¿Cómo garantizar el derecho al trabajo?* Madrid: Dykinson.

Rey Pérez, J. L. (2018). Las personas con discapacidad en la Constitución. ¿Es imprescindible su reforma? In M.I. Álvarez Vélez & C. Vidal Prado, eds., *La Constitución Española 1978-2018.* Madrid: Lefebvre, pp. 407-421.

Rodríguez del Pozo, P., Barranco Avilés, M.C., Al Ali, K. & De Asís, R. (2017). Implementing the International Convention on Human Rights of Persons with Disabilities in Qatar: from Charity to Human Rights, *The Age of Human Rights Journal*, 9, pp. 1-17. https://doi.org/10.17561/tahrj.n8.1

Van Parijs, P. (1995). *Real Freedom for All. What (if anything) can Justify Capitalism.* Oxford: Clarendon Press.

Van Parijs, P. & Vanderborght, Y. (2017). *Basic Income. A Radical Proposal for a Free Society and a Sane Economy.* Cambridge: Harvard University Press. https://doi.org/10.4159/9780674978072

Zelleke, A. (2018). Work, Leisure and Care: A Gender Perspective on the Participation Income. *The Political Quarterly,* 89 (2), pp. 273-279. https://doi.org/10.1111/1467-923X.12518