Introduction

Making Sense of the Multiple and Complex Pathways by which Human Rights Are Realized

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Some 1,600 families [were] made homeless by a forced eviction in a settlement in São Paulo state, Brazil [on January 22, 2012]. Police descended on the area without warning at 6am on Sunday in riot gear, backed up by armoured cars and helicopters and using tear gas and rubber bullets. The authorities cut electricity, gas and telephone lines and cordoned off the area, restricting access to homes. . . . A number of residents have gone to stay with relatives, while others—around 350 families—have been housed in a gymnasium with inadequate sanitation. Some have been allowed back into the evicted area to collect belongings before houses are demolished. The Pinheirinho settlement was formed in 2004, when groups of homeless people occupied abandoned land belonging to a bankrupt investment firm. Churches, football pitches, libraries and shops have sprung up in the area and local residents have been trying to legalize the situation through a state government programme called Cidade Legal, but without success. The residents association are [sic] now appealing to the Superior Federal Court (STF) for the eviction order to be overturned. . . . Despite considerable investment by the federal government, Brazil struggles with a huge housing deficit and millions of people across the country live in irregular settlements. Under international law, including the International Covenant on Economic, Social and Cultural rights (ICESCR), Brazil is prohibited from carrying out forced evictions, and must protect people from [them].

—AMNESTY INTERNATIONAL (2012)

The U.S. has recognized the human right to housing in the Universal Declaration of Human Rights as well as a number of other international covenants and declarations. The U.S. has received findings and recommendations on its failure to uphold the right to housing from numerous UN human rights monitors over the past four years, including a comprehensive report from the Special Rapporteur on the Right to Adequate Housing in 2010. Although the U.S. has developed some laws and policies which assist with housing, housing is
viewed primarily as a commodity, and there is no entitlement to any housing assistance or even to basic shelter. Many homeless children are removed from their families into foster care when providing housing could have saved the whole family. Thousands of federal, state, and local government-owned properties remain vacant even as families are forced onto the streets. . . . In no U.S. jurisdiction can a person working full time at the federal minimum wage afford a one-bedroom apartment, according to federal guidelines. Yet there are no binding requirements on jurisdictions to plan for and create incentives for the production of sufficient adequate, affordable housing for low-income persons and families, or to require employers to raise wages to a level sufficient to pay for housing. Despite the growing number of homeless families and the lack of affordable housing, the federal budget for developing and maintaining public housing and providing for low-income housing subsidies has decreased. Laws requiring the participation of public housing tenants in decisions affecting them have been under-implemented. Governments participate in the forced evictions of homeowners and renters, often using safety concerns as a guise for quickly and brutally evicting families from their homes.

—US HUMAN RIGHTS NETWORK (2010)

These cases illustrate just two of the multiple fronts on which contentious questions of economic, social, and cultural rights (ESCR) are being disputed. In recent years, the increasing adoption of human rights discourses and their embodiment in international and national law to address seemingly intractable problems of poverty and deprivation have sparked new hopes for social transformation. But uncertainty remains. Can the reframing of economic, social, and cultural marginalization as human rights deficits—and the often corresponding adoption of ESCR norms into national and international law—bring about social transformation “on the ground”? And if so, what kind of transformation? How, and under what conditions? Can ESCR succeed in altering global, national, and local resource distributions so that all people can enjoy access to at least the basic requirements for human well-being, autonomy, and empowerment?

This volume contributes to current discussions among scholars, policy makers, human rights advocates, and skeptics about how effective ESCR have been, or can be, in improving the lives of marginalized populations. Though ESCR have been criticized from multiple, sometimes contradictory vantage points (Kirkpatrick 1981; Anghie 2004; Neier 2006), this has not dampened enthusiasm for—or progress in—their promotion. Interest in the transformative potential of ESCR is strong among academics (Hertel and Minkler 2007; Young 2009; Haglund and Aggarwal 2011; Gauri and Gloppen 2012), lawyers and judges (Gauri and Brinks
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We seek to contribute to this literature, taking as our point of departure the assumption that ESCR realization in practice confronts numerous barriers that are very difficult to surmount (Stryker 2007; Gauri and Brinks 2010a; Haglund and Aggarwal 2011; Yamin and Gloppen 2011). We also presume that there is no magic bullet—no single path—that takes us from ESCR discourses or legal norms to their full realization (Haglund and Aggarwal 2011).

The reports on housing rights reproduced above highlight two interesting questions regarding rights realization. First, are violations of ESCR, and the steps needed to ameliorate them, incomparable in very different settings, or is there something to be gained from analyzing ESCR comparatively in multiple contexts? Second, what role do civil and political rights (CPR) play in efforts to realize ESCR? What analogous and complementary processes might be at work in these often separated areas of human rights? We believe that, indeed, there is much to be gained from comparative analysis, both across countries and across areas of human rights. In the sections that follow, we outline our approach to this cross-fertilization.

Global Rights Realization: Mapping the Terrain

Despite the affirmation of the inherent dignity and inalienable rights of all humans in the UN’s 1948 Universal Declaration of Human Rights, rights realization—political, civil, economic, social, and cultural—has proven over the last six decades to be fraught and fragile. Though a great deal of progress has unquestionably been made, the full achievement of basic human rights is far from a reality in today’s world. From extrajudicial killings, torture, disappearances, systemic rape, and police brutality to a chronic lack of access to very basic needs like water, food, housing, and health care, the evidence of our failures as a global community are apparent. This cannot be simply attributed to a lack of legal recognition of these norms; in fact, there is almost universal agreement, at least rhetorically, with the principles embodied in the 1948 declaration and its main follow-up conventions. What, then, explains progress, or lack of progress, on these widely accepted norms?

We understand progress in human rights as a process whereby norms are iteratively adopted and embodied in new forms that, under certain conditions, lead to social transformation. We suggest three “analytic moments” that work together in dynamic dialogue to shape the beliefs and behaviors of actors implicated in this gradual process of institutionalization and enactment (see also Hedström and Swedberg 1998; Haglund and Aggarwal 2011). The first moment is one in which...
factors such as cultural beliefs, memory, social structures, and information shape actors’ perceptions and desires regarding new normative frames. The second analytic moment involves the translation of beliefs and desires into action. In the third moment, actions and interactions coalesce to generate broader social change reflecting the new normative principles. At each of these moments, a variety of contextual factors, mechanisms, and strategies utilized by actors pursuing change (for better or worse) influence the speed, direction, and type of social transformation. Concrete pathways for rights realization involve all three moments in contingent and iterative interaction, rather than in any predetermined sequence (see figure 0.1).

A simple example, consumer recycling, can illustrate the utility of this heuristic tool for focusing our attention on “moments” of change. Before the 1970s, recycling as we know it today in Europe and the United States was nothing more than a noble but idealistic vision held by a handful of environmentalists. Even if they knew about recycling, few people believed that it was something they, personally, should do. Gradually—as a result of consciousness-raising through events such as Earth Day and the development of a recognizable Möbius-style recycling symbol—greater numbers of people began to think about recycling, and to consider it something they could (and maybe should) do. However, belief did not always lead to action, as recycling was still expensive, and mechanisms like curbside pickup and legal penalties did not yet exist. Where these supporting mechanisms were implemented and when it became more economically feasible, recycling took off. Today, we hardly remember the time when otherwise conscientious people...
tossed soda cans and recyclable waste out of car windows without a second thought.

The over-simplicity of this example should not detract from the framework’s usefulness as a starting point for understanding more complex phenomena, such as the struggle to realize human rights. The framework directs our attention to several key questions regarding social transformation. How is it that individuals and institutions come to accept a new set of norms or principles? When and why do they begin to act in ways that support these principles? How and when do these changing beliefs and actions cumulate to meaningful social change in which the norms are largely actualized? How does this vary by institutional, spatial, or temporal context?

Implicit in this model are mechanisms and strategies used by various actors to effect or prevent change, as well as contingent spatial and temporal factors, all of which affect outcomes. In order to make these elements of social transformation explicit, this volume further develops the “MAPs framework” proposed by Haglund and Aggarwal (2011). The framework gets its abbreviation from its three constitutive elements—mechanisms, actors and pathways—using these to characterize and compare models and empirical cases of rights construction and translation. Mechanisms comprise meso-level processes and their constitutive elements that can produce (or prevent) social transformation. They are “the cogs and wheels of the causal process” that may be generalized across empirical cases (Hedström and Ylikoski 2010, 50). While mechanisms are not restricted to fully institutionalized patterns of action, they do often involve institutions—formal or informal rules and routines of action—and the organizations that embody them. Actors work through institutions and also use institutions strategically in ways that both enable and constrain their capacity to reach their goals (Haglund and Aggarwal 2011). The MAPs framework thus incorporates into its concept of mechanisms both strategies of action and the institutions that serve as resources to undertake them.

Actors—individuals, groups, and organizations such as the United Nations or World Bank that are implicated in processes of rights realization (or violation)—are the second key element of the MAPs framework. Actors may attempt to influence the beliefs or actions of others, or alter the context surrounding rights realization. The identification of specific actors underscores the importance of agency, social position, and power relations in analyzing dynamics of accountability and social change. The third element—pathways—concretizes and specifies rights-translation processes by spatially and temporally locating the relevant actors and mechanisms in distinct contexts, outlining the particularities of opportunity and constraint presented by those contexts. The full analysis of pathways, including critical accountability relationships (or lack thereof) that facilitate (or hinder) rights realization, will be covered in more depth through comparative analysis of
this volume’s empirical cases. It is this pathway analysis that demonstrates the added value of this framework: it draws attention to general types of mechanisms that might be brought to bear on rights-translation problems across cases while allowing for a precise analysis of how the location, character, and timing of interventions affect outcomes in particular cases.

As we identify mechanisms present or absent in different cases and at distinct moments of rights translation, we begin to see regularities and patterns that operate more generally, allowing conclusions to be drawn about common patterns, without, however, making universalistic claims. In this way, we can craft limited and conditional explanations for how, when, and what type of social transformation may occur as a function of human rights norms. Common mechanisms mentioned in the ESCR literature, the parallel CPR literature, or both correspond to a finite number of identifiable categories: informational, symbolic, power-based, legal, and cooperative mechanisms. Informational approaches are geared toward providing facts and data to strengthen arguments for change, while symbolic approaches use discursive framing and symbolism to inspire people to support a particular position. Power-based approaches involve mobilizing strong actors to pressure others to respect, protect, or fulfill human rights. This is distinct from legal approaches, which specifically utilize courts and law to uphold legal commitments to human rights. Finally, cooperative approaches rely on mechanisms such as dialogue, participatory spaces, and collaborative reviews to reach agreement regarding how to achieve rights. It should be noted that most of these mechanisms can also be used to prevent transformative change.

EMPLOYING MAPS ON THE ROCKY ROAD TO REALIZATION

Existing empirical literatures on human rights, law and society, and development, as well as the cases in this volume, shed a great deal of light on processes of social transformation when analyzed according to the MAPs framework outlined above. They document how various actors choose to mobilize a range of mechanisms, alone or in combination, to shape the perceptions and beliefs of others; encourage, compel, or force new behaviors; mold contexts to be more facilitative to rights and justice; and broaden the impact of their interventions. This analysis also draws our attention to mechanisms that are not used in particular cases, as well as to missing or dysfunctional pathways of accountability between rights advocates or claimants and rights targets (those who are obligated to ensure that rights are respected, protected, or fulfilled).

To illuminate these processes at various “moments” on the road to rights fulfillment, as well as to begin to pinpoint how context matters, we now take a closer look at the empirical evidence. We begin with a very brief overview of four models...
for bringing human rights norms to fruition evaluated by Haglund and Aggarwal, and then analyze them in the context of the broader literatures mentioned above in terms of shared characteristics, divergences, and key lessons for social transformation. This is not meant to be a comprehensive review but an initial inquiry into the kinds of mechanisms different approaches highlight as important for rights realization. One of these, the spiral model (Risse, Ropp, and Sikkink 1999; Sikkink 2011), was developed to understand and explain adoption and implementation of human-integrity rights (rights to be free in one’s person of torture, extrajudicial killing, political imprisonment, or disappearance). Three more—policy legalization and court enforcement (Gauri and Brinks 2010b), mobilization of the Millennium Development Goals (see e.g. Nelson and Dorsey 2003; Dorsey et al. 2010), and the Social Guarantees Model (World Bank 2007)—were developed for economic and social rights (ESR) in particular.

Four Models for Economic and Social Rights Realization

The multistage spiral model (Risse et al. 1999; Sikkink 2011) demonstrates how human rights activists, both domestic and transnational, strategically raise global awareness of human rights violations, then use that heightened awareness to mobilize public opinion and create political pressure to change the behavior of violating governments. These pressures may not immediately elicit conformity from repressive states, and states may adopt their own push-back strategies to quiet critics, but they are soon forced into dialogue with opponents. Over time, targeted states became “trapped by their own engagement, as they make small concessions that implicitly legitimate the rhetoric of human rights and empower actors making human rights claims” (Haglund and Aggarwal 2011, 505). Risse et al. argue that it is not simply ratification of rights treaties that leads to greater protection of human-integrity rights; it is awareness and engagement by transnational networks and the iterative use of multiple strategies that drive the gradual incorporation of human rights norms into state practices and structures. When institutions themselves begin to reflect the new logics as “taken for granted,” independent of the beliefs of any individual within those institutions, social transformation can be said to occur.

Gauri and Brinks’s (2010b) policy legalization model examines the role of law and courts in ensuring the accountability of those charged with designing, implementing, and regulating rights-responsive social policy. They underscore the importance of perceptions (of litigants, judges, and government bureaucrats alike), support structures, and legal strategies for explaining the extent to which courts are utilized to ensure ESR compliance (Gauri and Brinks 2010c). In terms of perception, there must be at least minimal awareness of rights as legitimate claims on the state. Claimants must also believe that litigation is worthwhile; they are more likely to do so if there is evidence that courts are receptive and will ultimately
follow through. Judges are more likely to be receptive when they believe that courts are legitimate sites for social policy adjudication and that their judgments will be respected. Belief alone is not usually enough to facilitate action, however. Litigation is found to be more likely in the presence of a well-coordinated and organized civil society and/or state support for litigation, as well as preexisting policy structures for addressing social rights. When ESR are implemented through existing policy frameworks in which expectations are embedded, litigation targets are also less resistant to compliance. Dialogue and negotiation among all relevant parties seem to produce more compliance as well, and thus more real social and economic impact. Finally, the evidence in the Gauri and Brinks (2010a) volume indicates that the indirect effects of collective or “diffuse” cases often have a far more transformative effect for the poor than direct effects for individual claimants, in part because they seek to remedy shortcomings in public policy.

The UN’s Millennium Development Goals (MDGs) present a rather different approach to securing ESR for the world’s poor. Though they are not explicitly about human rights, “the wide-ranging commitments made by world leaders in the September 2000 Millennium Declaration had strong human rights underpinnings” (Haglund and Aggarwal 2011, 510). Mobilizing the MDGs as goals rather than merely development goals became viable because it was prefaced by a more general rights-based reframing of development itself, by rights consciousness-raising, and by efforts to create rights-sensitive, participatory programs that could ensure greater levels of donor, development agency, and NGO buy-in and accountability to local inhabitants (Nelson and Dorsey 2003; OHCHR 2008). These cognitive and practical framings were accompanied by country-specific measuring rods and timetables for progress on quality-of-life indicators, which have guided the actions of rich-country donors and poor-country aid recipients alike. When seriously engaged by countries, these activities “have been instrumental in initiating policy reforms, institutional change, and reallocation of resources” (Haglund and Aggarwal 2011, 510). Though there are serious questions about how much direct accountability the MDGs create for the world’s poor, they nevertheless underscore important channels of responsibility, especially for financing, that are missing in many other development approaches.

Clear goals and accountability, albeit of different types, are also elements of the social guarantees model. But in contrast to the MDGs, social guarantees explicitly link development and human rights at the national and local levels, focusing on dramatic inequalities in access to water, housing, employment, education, and health. The model emphasizes the importance of consensus-based participatory processes that include development organizations, NGOs, rights advocates, and civil society groups in the creation of rights-related aspirations and policies. It obliges states to help in this process of defining rights, entitlements, and standards clearly and to communicate them widely. States also must commit to universal and equitable delivery, and provide mechanisms of redress. Obligations are democrati-
cally operationalized as mechanisms designed to achieve them, while the movement from setting norms to realizing rights is seen as a process mediated by these mechanisms (rather than simply an outcome). The difference between a right and a guarantee, then, is that a right “has an abstract and ethical content,” while a guarantee “complements this abstract content with specific mechanisms that governments can put into place to realize a right” (World Bank 2007, 6–7).

Mechanisms, Actors, and Pathways in ESCR and CPR Scholarship

This brief overview suggests that it is possible to identify multiple mechanisms—with analogous counterparts in other fields of scholarship—that may contribute to the transformation of global human rights norms into practice, and in some cases into social transformation. Taken as a whole, the cases above and in the volume as a whole illuminate the realization of not only ESCR, but also CPR. With respect to shaping actors’ beliefs and constraining or enabling norm adoption, both contextual and strategic factors play important roles. In the policy legalization model, the receptivity of judges to rights claims, the beliefs of litigants about their likelihood of legal victory, and the beliefs of litigation targets about the viability of court-ordered solutions are important determinants of levels of court involvement in public policy. These beliefs in turn are shaped by preexisting historical, ideological, and societal orientation toward ESR, rights-related public policies, and state capacity (Gauri and Brinks, 2010c). The prevalence of rights discourses may influence judicial action, but their absence need not prevent rights-entrepreneurial courts from entertaining claims and providing remedies if they believe they are justified (see also Epp 1998). Similarly, Pedriana and Stryker (2012) find in the U.S. context that preexisting institutions and capacities, as well as political pressure and entrepreneurship, influence judicial receptivity to substantive orientations to human rights (“group-centered effects,” in their terminology).

The context within which people come to accept the legitimacy and feasibility of human rights claims is not static. It is itself shaped strategically, as our examples demonstrate. The MDGs, for example, create new opportunities for rights claims by mobilizing the commitment and resources of rich countries and thereby alleviating some of the resource constraints that have stymied poor-country governments in their attempts to meet development objectives. The mobilization of the MDGs in the service of human rights itself was made possible by a reframing of “needs” as “rights” in earlier struggles by dedicated development NGOs and organizations (Nelson and Dorsey 2003). The social guarantees approach is just the latest effort to foster awareness and social consensus by framing public policy as a human rights issue. Studies in the anthropology of human rights (Goodale and Merry 2007), social movements (Pedriana and Stryker 2004; Keck and Sikkink 1998; Amenta et al. 2010), law and organizations (Edelman 1992; Pedriana and Stryker 1997; Dobbin 2009; Edelman et al. 2011), and sociology (Somers and
Roberts 2008; Haglund 2010) identify similar mechanisms of norm adoption, including political, cultural, and legal framing and reframing, institutional diffusion across states and organizations, and the cultural translation required to adapt rights norms to different times and places.

Dialogue, persuasion, and moral consciousness-raising are also key elements in facilitating the adoption of human rights by both states and social movements, as shown in the spiral model. Consistent with key elements of this model, Hafner-Burton and Tsutsui (2005) find that the ratification of more international human rights treaties alone does not translate to protection for human-integrity rights; indeed, at times, ratification is associated with greater abuses. Yet states with stronger connections to international civil society have better human rights practices, in part because domestic constituents “tend to have greater awareness of the rights they are entitled to and are more likely to find ways to publicize their problems and pressure the government to address them” (2005, 1386). The normative orientation of the population thus can strengthen state commitment to global human rights norms, and subsequently alter government behavior.

To the extent that any of these mechanisms work to promote social transformation, they typically are presumed to do so through altering actors’ meanings, norms, and values or interests (see Stryker 2007). Yet all of these mechanisms are prone to “symbolic compliance” (Edelman 1992, Edelman et al. 2011), wherein rights norms are embraced as a matter of “window dressing” (Hafner-Burton and Tsutsui 2005) to deflect criticism but decoupled from the very practices that must be changed if these norms are to improve the well-being of the deeply disadvantaged or marginalized (Stryker 2007; Haglund and Aggarwal 2011). Thus, with respect to the second analytic moment—inducing actors to take meaningful steps toward rights realization—both context and strategy remain significant. In the policy legalization model, court cases become key “mechanisms to adjudicate among conflicting courses of action, influence decisions, and create opportunities for exchange of information and dialogue among competing parties” (Haglund and Aggarwal 2011, 514). These observations find their analogue in strategies of negotiated compliance embodied in the consent decrees that may result from complex civil rights litigation involving workplace sex and race discrimination in the United States (Institute for Women's Policy Research 2010). Enhanced accountability for leaders responsible for abuses can also be a powerful motivating force. Sikkink (2011) finds that countries with human rights prosecutions have lower repression levels than countries lacking such prosecutions, and transitional societies that combine prosecutions with truth commissions evidence fewer abuses. Prosecutions also seem to have the effect of diminishing repression in neighboring countries, creating something of a positive contagion.

Meanwhile, legal mobilization itself is shaped by the available litigation support structure, including the existence of a diversified, well-networked, and rights-
supportive bar; ways to collectivize the costs of litigation, such as public interest advocacy organizations; state or foundation funding; government enforcement; and class action lawsuits, public or private (Epp 1998; Stryker 2007). Indeed, empirical studies on the effectiveness of antidiscrimination law in the United States converge to suggest that collective legal mobilization is an important component of any law enforcement model that seeks to translate legal rights to be free of discrimination into a diminution in inequalities based on race, national origin, ethnicity, or gender with respect to voting, education, employment, income, and housing (Stryker 2007; Pedriana and Stryker 2012). Networks and organizations that link political and legal advocates and their respective advocacy strategies may also shape legal mobilization (McCann 1994; Keck and Sikkink 1998; Scheingold 2004).

But legal strategies alone do not necessarily translate to rights-responsive action. Courts may work to fill gaps in existing policy structures, but court orders are not self-enforcing (Rosenberg 1991), and judges are not likely to intervene if there is little state capacity to tackle the problem at hand (Gauri and Brinks 2010c). In the MDGs model, the formal process of goal-setting itself creates incentives and impetus for action, and directs attention to existing critical deficiencies. In the social guarantees model, the underlying mechanisms for creating state capacity and holding states accountable are more clearly specified, including processes of social consensus that facilitate budgetary allocations, monitoring, oversight, and appeals. Cooperative dialogue and agreements are central to many collective and multilateral processes of rights fulfillment (Gaer 2007, World Bank 2007). Avoiding the trap of symbolic compliance requires capacity building on multiple fronts. The ability to gather relevant data, to measure and evaluate systematically, and to publicize progress or the lack thereof are central to accountability (Hertel and Minkler 2007; Felner 2009; Cingranelli and Richards 2010; Haglund and Aggarwal 2011; Pedriana and Stryker 2012). Without proactive data gathering and monitoring, none of the causal factors and mechanisms, or of the extant models of ESCR creation and realization in which these are incorporated, can bolster responsibility and hold the relevant actors’ feet to the proverbial fire to ensure that rights norms translate into desired actions.

When states are not responsive, rights advocates have the option of reaching deeper into their toolkits. The spiral model shows how states and rights advocates use information, political leverage points, and symbolism as strategy and counter-strategy at successive stages to push for desired outcomes (Risse et al. 1999; Sikkink 2011). Krain (2012) finds that naming and shaming by transnational advocacy groups, including Amnesty International, North American and European media and the now-defunct United Nations Commission on Human Rights, reduced the severity of genocides and politicides from 1976 to 2008 (see also Roth 2004; Hafner-Burton 2008). Outside the human rights arena, “social movements seek to
influence states by mobilizing people, resources, and claims around lines of action” (Amenta et al. 2010, 289). State structures and actions, likewise, “influence lines of organization and action among movements” (289). We see similar recursive processes for social movements promoting human and civil rights (Keck and Sikkink 1998; Stainback, Robinson, and Tomaskovic-Devey 2005; Hertel 2006).

With respect to the third moment—in which actions taken by individuals, groups, and organizations cumulate into meaningful social transformation—empirical research also suggests numerous mechanisms. However, there is less research on the short- and long-term empirical impacts of rights norms and practices than there is on constructing and implementing the rights norms themselves. With respect to the spiral model, we do know that a combination of naming and shaming, truth commissions, and human rights prosecutions have led to measurable positive results, including broader structural changes that emerge iteratively from social struggles. The policy legalization model also has iterative effects, where outcomes at one stage (e.g., successful legal actions) may influence conditions for further policy legalization at another stage (e.g., perceived utility of litigation strategies). Gauri and Brinks (2010c) assess the broader impacts of policy legalization by evaluating both direct effects (on litigants) and indirect effects (on possible beneficiaries in a policy arena). The empirical evidence in their volume confirms the positive impact of cumulative and collective judgments that require broader shifts in public policy. When these shifts emerge as a result of dialogue and negotiation between branches of government—rather than strictly adversarial rulings—the likelihood of compliance, and thus broader impact, increases. This work validates the role of courts in enforcing a unifying framework of law that limits discrimination and in exposing politicians who would subordinate substantive equality to partisan or local concerns.

Similarly, in their comparative study of the effectiveness of U.S. voting rights, equal employment opportunity and fair housing legislation, Pedriana and Stryker (2012) emphasize the importance of results-oriented judicial approaches to legal liability and remedy, that is, the achievement of substantive rather than procedural justice (see also Institute for Women’s Policy Research 2010). To explain the variable impacts of laws conferring new rights, these authors build on a substantial intellectual tradition contrasting “formal-rational” and “substantively rational” law (Weber 1978; Lempert and Sanders 1986; Sutton 2001) to propose a “group-centered effects test” framework. This framework understands rights deficits as pertaining to groups rather than to individuals, and as caused by routine and systemic features of social life that create institutionalized patterns of marginalization and disadvantage rather than by isolated acts of malice against particular individuals. Consequently, group-based statistical disparities are key elements of proof of rights violations. Liability is established based on consequences rather than intent, and remedies are focused on achieving substantive group-based results rather
than formal procedural justice or narrowly tailored compensation for individual victims.

Research on civil rights suggests that the more legislation, court enforcement, and compliance strategies incorporate a group-centered effects test approach, the more transformative impact policy legalization can have on economic resource distributions, patterns of political representation, and social inclusion (Stryker 2007; Pedriana and Stryker 2012). Consistent with these principles, class actions (whether public or private) are promising avenues for promoting social transformation (Pedriana and Stryker 2012). Class actions are a form of collective legal mobilization that consolidates many similar claims into a single lawsuit ordinarily involving large stakes in terms of legal precedent, monetary awards, and/or injunctive relief (Stryker 2007). Targets of litigation, however, are substantially more resistant to substantive (as opposed to formal and procedural) interpretations of all rights (Pedriana and Stryker 2012). This draws attention to the fact that judicialization can lose its edge when courts become a complete substitute for broader political and social struggles, resulting in less aggressive law enforcement and a greater likelihood of symbolic rather than substantive compliance (Stryker 2007).

Using a different approach to social transformation, proponents of the Millennium Development Goals hoped that regular monitoring based on clear targets would eventually reduce poverty substantially. Similarly, CPR research on the impact of affirmative action remedies for employment discrimination against minorities and women in the United States shows that these remedies do the most to desegregate the workplace and reduce disparities when they incorporate specific hiring and promotion goals, timetables for achieving these goals, sustained monitoring, and established pathways of responsibility and accountability within firms (Stryker 2001; Pedriana and Stryker 2012). But clear goals and monitoring are not, in themselves, sufficient; they must be combined with accountability mechanisms and often with sustained political and social pressure on their behalf (Stryker 2007). Rights translation and at least limited social transformation may be aided when relatively resource-rich professional groups find that their own interests in expanding their professional status and influence can be served by implementing newly enunciated rights norms (Dobbin 2009). But accountability deficits and the absence of other mechanisms of social change can limit progress, as they have with the MDGs (Haglund and Aggarwal 2011).

In the social guarantees model, social transformation is promoted through official acceptance of rights claims across society, establishment of entitlements, and a gradual empowerment of citizens to hold their governments accountable. In the rich world, the universal and somewhat redistributive social programs for publicly financed health care, pensions, unemployment benefits, and social assistance adopted by Scandinavian-style social democracies in the so-called “Golden Age of welfare capitalism” provide a partial analogue to social guarantees in the developing
world (Korpi 1989; Huber, Ragain, and Stephens 1993; Huber and Stephens 2001). The greater belief in and acceptance of social safety nets following the Great Depression and World War II led to the gradual build-up of disparate but analogous institutional regimes in wealthy (and some middle-income) countries until the mid-1970s. These regimes were variably effective in reducing levels of economic insecurity and inequality, depending in large part on the degree to which they incorporated institutional principles of universalism, generosity, and again, substantive equality (Esping-Andersen 1990; Huber and Stephens 2001). Empirical research on such provisions suggests that maintaining broad support for rights claims and the social programs that fulfill them may require universalizing benefits (Korpi and Palme 1998).

But universalization creates a potential dilemma: maintaining broad societal support may interfere with targeting social and economic provision where it is needed most. Safety nets of virtually all sorts, along with the more substantial provisioning provided through the "social democratic model," diminished coincident with the politics of targeting, austerity, and neoliberalism that has flourished globally from the 1980s to today (Pierson, 1994; Hicks 1999; Huber and Stephens 2001; Korpi and Palme 2003). Not just in the United States but also more generally, albeit unevenly, economic inequality has risen in the advanced capitalist democracies (see e.g. Kenworthy and Pontusson 2005). Even absolute poverty has not been vanquished—though again it is unequally distributed among rich countries, depending in substantial part on the institutionalized regime of social provision (Kenworthy 1999, 2011). Ironically, just as "social guarantees" have been rolled out as a legitimate response to poverty and marginalization in poorer countries, social entitlements have been delegitimized and rolled back in rich countries. This underscores the reality that realization of basic economic and social rights is neither inevitable nor irreversible. It also draws our attention to how economic systems and property-rights regimes influence the context within which beliefs and capacities for action on behalf of the poor and excluded are formed.

**ORGANIZATION OF THE VOLUME AND CONTRIBUTIONS OF THE EMPIRICAL CHAPTERS**

As the last observation indicates, there are plenty of reasons not to be overly sanguine about the prospects of fully and finally realizing human rights, and in particular economic and social rights. Rights realization continues to confront a number of obstacles involving failures of belief, concern, action, and vision. Moreover, structural obstacles to change—including postcolonial legacies and global, national, and local structures of power and inequality—threaten to derail progress at every turn. Accountability to the poor and marginalized members of our human community evidences seemingly overwhelming deficits. And the mechanisms dis-
cussed above have their own inherent shortcomings. For example, how can shaming strategies address poverty if the targets of that shaming and the constituents to which they are accountable are not outraged by the deprivations suffered by others? How can states be compelled to act on behalf of the poor within their borders when they are beholden by international rules to prioritize debt owed to creditors abroad? How can the state capacities necessary for comprehensive public policy of the sort required for social transformation be built when the prevailing economic logic calls for limited government and market solutions?

Ultimately, these are empirical questions that will be answered in particular times and places. The ideas and cases discussed in subsequent chapters in this volume allow us to recognize a wide diversity of challenges, as well as to identify mechanisms that have been instantiated along concrete pathways to help shift beliefs about rights, spur action in their defense, and produce social transformation. The MAPs approach provides us with a comprehensive framework that transcends time and place to analyze more general conditions for progress in human rights realization. Because similar mechanisms can have very different impacts across different political-economic, social, and cultural contexts (Haglund and Aggarwal 2011), we need careful cross-case comparisons of the sort this volume undertakes to specify concrete pathways that have—or have not—yielded substantial rights realization. These comparisons are also useful for identifying key gaps in institutional capacities and accountability that may hinder rights realization.

Our main goal in this volume is to gain a comparative understanding of how ESCR norms and discourses are adopted and adapted by a range of actors who espouse, promote, or resist them, the ways these norms and discourses are acted upon and embodied in institutions and practices, and whether and how these actors and practices contribute to social transformations in which rights are widely realized. The volume is interdisciplinary, including work by scholars and practitioners in the fields of law, economics, political science, international affairs, and sociology. Its chapters are substantially revised versions of papers presented at an April 2011 workshop-style conference focusing on global ESCR. Because scholars and practitioners of CPR served as commentators, all chapters in this volume benefited from cross-fertilization of ideas and insights across the ESCR and CPR communities (see Stryker and Haglund 2010). In editing this volume, we combined Haglund’s knowledge of development and global ESCR with Stryker’s expertise in social rights in rich capitalist democracies and CPR. We have been fortunate to draw on rich networks of expertise among colleagues in all these communities.

The chapters address a range of substantive issues, from international regimes, to indigenous claims, to environmental rights, to food security. They are analyzed using the aforementioned MAPs framework to highlight the unique contributions of different mechanisms, actors, and strategies; the main accountability relationships at work in each context; and the manner in which processes of ESCR realization occur.
in specific times and places. They shed additional light on how, and under what conditions, a human rights framing can help empower the poor and marginalized, provide them with material benefits, and/or otherwise promote equity-enhancing social change. The remainder of this volume proceeds in four parts, followed by a concluding chapter that compares the cases and synthesizes the insights provided by the empirical chapters.

Part 1 of the volume focuses on the pursuit of ESCR on the international level, and includes chapters by M. Rodwan Abouharb, David L. Cingranelli, and Mikhail Filippov; William Felice; and Leonardo Alvarado. The Abouhard-Cingranelli-Filippov chapter, “Do Non–Human Rights Regimes Undermine the Achievement of Economic and Social Rights?” explores the relationship between commitment to international human rights (IHR) regimes and non-IHR regimes, on the one hand, and respect for ESCR, on the other. The authors show that the number and type of commitments to different multilateral regimes shapes adherence to the goals espoused by each, which in turn shapes decisions among different rights-relevant policy options. In particular, commitment to non-IHR regimes is associated with weaker state accountability to citizens and worse ESCR outcomes, while long-term commitment to the International Covenant on Economic, Social and Cultural Rights is associated with better outcomes. Their analysis demonstrates how international commitments and agreements shape the degree to which domestic resources are mobilized toward ESCR goals, and how these can influence human rights indicators.

Felice's chapter, “Linking Law and Economics: Translating Economic and Social Rights Norms into Public Policy,” also focuses on the relation between international agreements and the mobilization of resources, but brings the strategy of discursive framing to the fore. Felice notes that despite widespread agreement regarding IHR, including a right to health care and sanitation, as well as global environmental norms in both hard and soft law, disputes endure regarding which policies will bring these norms to fruition. These conflicting beliefs, coupled with weak accountability mechanisms for IHR, result in non-implementation of even established norms. As a way through this stalemate, Felice proposes reframing economic and social human and environmental rights as “global public goods,” which by definition are not achievable through markets alone. This would free institutional actors to create state-led mechanisms of enforcement and accountability, and ultimately reverse the long-standing neglect of these widely held norms.

Alvarado’s chapter, “Advances and Ongoing Challenges in the Protection of Indigenous Peoples’ Rights within the Inter-American System and the United Nations Special Procedures System,” sketches both achievements and challenges that indigenous peoples have had in using international human rights institutions to defend their rights. The analysis is based on experiences from key international cases such as the Awasi Tingni v. Nicaragua case before the Inter-American Court
of Human Rights and the work of the United Nations Special Rapporteur on the Rights of Indigenous Peoples. Alvarado shows how indigenous peoples have used some of the same reframing strategies—as well as legal mobilization, moral persuasion, and transnational advocacy—to bring indigenous rights issues front and center in international and national debates and legal reforms. However, although international diplomatic discourse now is more favorable toward indigenous rights, there are few resources or mechanisms for enforcing international standards protecting indigenous rights. Accountability deficits and enduring political and economic inequalities provide substantial challenges to full indigenous-rights realization.

Alvarado’s chapter raises an interesting question: What can we learn about the realization of collective and group rights (which tend to have demonstrably wider impacts than individualized rights) from the experiences of indigenous-rights activists? Proponents of indigenous rights already have a head start on framing and political strategies in struggles for collective rights, and the possibility that these strategies could be adapted to promote other group-based rights is intriguing. Many U.S. analysts currently witness the dismal evidence on social justice outcomes for individual rights and abandon hope of achieving broader-scale change. This volume, and Alvarado’s contribution in particular, provide evidence that focusing on group-based outcomes can be a fruitful strategy, and that scholars have reason to look globally for such lessons. Similarly, the study of CPR could certainly benefit from engagement with evidence emerging from indigenous struggles.

Part 2 of the volume focuses on the role of domestic law, courts, and legal norms in realizing ESCR, and includes chapters by Varun Gauri and Daniel Brinks, Sumudu Atapattu, and Doris Marie Provine. The Gauri-Brinks chapter, “The Impact of Legal Strategies for Claiming Economic and Social Rights,” reviews the legal adjudication of constitutionally protected social rights in Nigeria, Indonesia, South Africa, India, and Brazil, with an explicit focus on explaining variation among countries, and between rights to education and health care. They show how litigants, judicial actors, and nonjudicial government agents navigate existing political and institutional contexts to turn rights into responsive public policies. These accountability pathways, when successful, entail improving goods and services provision, bolstering regulation, and enforcing obligations between private actors and claimants.

Atapattu’s chapter, “The Role of Human Rights Law in Protecting Environmental Rights in South Asia,” reveals the dynamic and emergent character of law by showing how superior courts in South Asia reframed existing constitutional provisions to encompass environmental rights. The creative linking of IHR principles (for example, the right to life and equality) with environmental “soft law” led to the adoption of important environmental law principles, such as “polluter pays,” diffuse rights (rights that potentially affect society as a whole), and the precautionary
principle. This “cross-fertilization” has allowed for the translation of “soft law” into judgments, the utilization of human rights redress mechanisms, and the promotion of information and education, which in turn have led to wider legitimacy of environmental human rights. The cumulative effect of favorable rulings and education has been a larger role for law in environmental protection in previously unprotected areas. The Supreme Court of India has played the pioneering role in the region by supporting redress for environmental problems using human rights law as a basis. But other actors, including lawyers and civil society groups, have played important roles as well, not only through litigation but also through education, information dissemination, and political pressure. Atapattu concludes that, despite accusations of judicial activism, legal developments and public interest litigation have advanced both human rights and environmental protection in this region.

The Provine chapter, “The Morality of Law: The Case against Deportation of Settled Immigrants,” takes a similar approach by urging the application of principles in one area of law to a new context. Because settled but undocumented immigrants have no protection against deportation under international law, regardless of time spent in the receiving country, they are sometimes subjects of egregious cases of removal that offend established norms of human dignity. Provine argues that alternative framings from outside human rights law could be applied to improve outcomes for these immigrants. Familiar common law principles, including estoppel and balancing of equities, are used in settling disputes in contract, tort, and bankruptcy law in order to give offenders a chance at redemption and closure. Statutes of limitations and alternative sentencing options are based on similar principles. If these ideas were applied to immigration, there would be far fewer deportations. Because Provine’s innovative reframing shows that immigration law’s harshness is in fact inconsistent with taken-for-granted principles that operate in central areas of law governing the U.S. marketplace, she pushes us to reflect further on whether and why the United States singles out immigrants for more severe treatment.

Part 3 of the volume includes chapters by Paul Nelson, Shareen Hertel and Susan Randolph, Heinz Klug, and Hans-Otto Sano, and moves beyond courts to incorporate nonjudicial mechanisms in ESCR realization. Nelson’s chapter, “Social Movements and the Expansion of Economic and Social Human Rights Advocacy among International NGOs,” specifies how and the extent to which human rights discourses have been internalized, diffused, and advanced across an organizational field that includes social-movement organizations and international NGOs. Increasing engagement with economic and social rights, explicable with reference to both internal (organizational) and external (political) reasons, has led these groups into new relationships with each other and the state. Spurred on by social movements in the Global South, human rights organizations and development NGOs are moving beyond traditional strategies toward advocacy for specific
rights issues, creating new nodes of accountability for development agencies and stronger incentives to work closely with social movements. These broader agendas are potentially transformative, but may also become unwieldy for international NGOs in balancing their old and new agendas.

Hertel and Randolph’s chapter, “The Challenge of Ensuring Food Security: Global Perspectives and Evidence from India,” elaborates on what the concept of food security involves, and uses available internationally comparable measures to address the status of global food security. The authors then present a comparative sub-national study of India to offer insight into the potential for grass-roots movements to foster institutional changes that promote food security, specifying the strengths and limits of alternative institutions, policies, and programs. Perception of the constitutional “right to life” and access to information about food security has spurred successful legal and popular mobilization in some locations in India. Social movements have sought to utilize their small victories to raise awareness further and create pressure for parliamentary action in support of food rights through lobbying and direct negotiation with political parties. The Indian judiciary has strengthened accountability for food security by “deputizing” NGOs and assigning commissioners to monitor the implementation of food programs, as well as issuing rulings in favor of the right to food. All of these actions in turn shape perceptions and awareness in an iterative fashion. This top-down, bottom-up structure and its concomitant accountability mechanisms help explain variation in food security across the country.

While the Nelson and Hertel-Randolph chapters give more specificity to the actors and mechanisms involved in human rights struggles, Klug’s chapter, “Achieving Rights to Land, Water, and Health in Post-Apartheid South Africa,” specifies how rights-specific historical legacies, legal contexts, and material realities shaped the differential success of implementation in these three policy domains guaranteed by the South African constitution. The Klug chapter nicely complements Gauri and Brinks (in part 2), also emphasizing that the success of law pertaining to ESCR depends profoundly on economic and political context, but going further to elucidate the “multilayered strategy of appeals to government, public mobilization, and diverse legal strategies” that characterize ESCR struggles. He shows how judicial and social-movement orientations to ESCR in the post-apartheid era emerged from anti-apartheid struggles. Coupled with constitutional recognition of global ESCR, these orientations influenced the types of demands and strategies—legal, political, and popular—adopted by different networks of actors. Like Atapattu, Hertel and Randolph, and the scholars cited earlier in this introduction, Klug finds that sustained social-movement pressure could be an effective force in ensuring compliance with legal rulings; like Gauri and Brinks, however, he finds impacts to be limited when courts are used as a singular strategy for individual rights.
Sano’s chapter, “Social Accountability in the World Bank: How Does It Overlap with Human Rights?” takes a somewhat different approach to analyzing the range of factors, beyond courts, that influence rights outcomes. Sano shows how an emphasis by the World Bank, starting in the late 1990s, on combating corruption, promoting good governance, and providing services for the poor led to an “empowerment framework” for development. In this framing, civil society groups were seen as “stakeholders,” and service beneficiaries as “citizens.” This framework, in turn, fostered the development of new accountability mechanisms and relationships for CPR (agency, voice, information, association, and participation) as well as for ESCR (service-related information, transparency, monitoring instruments and indicators, participatory decision making, and grievance procedures). Sano finds synergies between social accountability and ESCR; however, social-accountability practices still suffer from a lack of attention to issues of discrimination, a lack of operational association with the international human rights regime, and a vision of persons as consumers rather than rights holders. More synergy between development and human rights approaches would be needed to strengthen the transformational impact of social accountability. Still, the approach can be used to promote rights, and especially to strengthen CPR, as well as other nonjudicial capacities important to the realization of ESCR.

Part 4 of the volume focuses on measurement and indicators of ESCR, and includes chapters by Sakiko Fukuda-Parr, Terra Lawson-Remer, and Susan Randolph; Rimjhim Aggarwal and LaDawn Haglund; and Siri Gloppen. The Fukuda-Parr, Lawson-Remer, and Randolph chapter, “Making the Principle of Progressive Realization Operational: The SERF Index, an Index for Monitoring State Fulfillment of Economic and Social Rights Obligations,” draws by permission from the Social and Economic Rights Empowerment Initiative (www.serfindex.org). This chapter describes a new measuring rod that improves collective capacity to promote and evaluate state efforts to meet their obligations under the International Covenant on ESCR for “progressive realization” utilizing “maximum available resources.” Created through a three-year consultative process, the SERF (Social and Economic Rights Fulfillment) Index specifies states’ obligations at any given time by mapping an “achievement possibilities frontier” for different levels of state resource capacity. The composite SERF Index includes separate scores for each core economic and social right, and uses survey-based data published by national and international bodies to specify both the level of a state’s obligations and the level of rights enjoyment that exist under its jurisdiction. Human rights advocates at the domestic and international levels can use this index to create awareness and information (and possibly outrage) that could in turn be directed toward holding states accountable to their ESCR commitments.

Another relatively new tool (at least in the field of human rights) for measurement, accountability, and public awareness is geographic information systems.
(GIS) mapping, described by Aggarwal and Haglund in their chapter, “Deepening Our Understanding of Rights Realization through Disaggregation and Mapping: Integrating Census Data and Participatory GIS.” Innovations and the increasing availability of GIS technology have created new possibilities for applying participatory GIS in the area of human rights. The authors compare Delhi and São Paulo to show how detailed GIS data and mapping allow identification of deprivation hotspots, even where aggregate human rights indicators might show improvement. This gives service providers, courts, advocates, and activists better monitoring and evaluation capacities. Direct community engagement in data collection, monitoring, and reporting has meant improved local understanding of patterns of exclusion and stronger relations of accountability. Although more research is needed on the overall impact of GIS on community knowledge and empowerment, contributions to natural resources management, transportation, health and education, and development planning show promise.

Rather than presenting a particular tool for research, the Gloppen chapter, “Studying Courts in Context: The Role of Nonjudicial Institutional and Socio-Political Realities,” proposes a research strategy suited to contextualizing legal struggles for human rights within a wider temporal, socio-political, and institutional context. We chose Gloppen’s chapter as the final contribution because, like the volume as a whole, it presents a framework for analyzing a range of key actors and contextually determined pathways, though with a focus on the effectiveness of one key mechanism: litigation. Similarly to Gauri and Brinks, Gloppen suggests that the beliefs of litigants, judges, and respondents—which partly determine whether and how litigation occurs and whether it is successfully implemented—are shaped by facilitating factors such as the existing institutional capacities and resources of both states and rights organizations; the availability of information; and doctrinal elements of the legal system (for example standing, requirements for filing complaints, and possibilities for collective litigation). These expectations and opportunity structures are iteratively shaped over time by litigation and by actors’ experiences. Attention by researchers to this dynamic process can shed light on how norms become internalized (what Gloppen calls symbolic or ideational transformation).

Actions—decisions by litigants to turn to courts, by judges to accept or rule in favor of a case, and by authorities to comply with the terms of the judgment or propose new policies—are also shaped by a range of factors, including legal support structures (legal aid, public interest advocacy); judges’ backgrounds, career ambitions, expectations regarding compliance and public support, and interpretations of human rights; judicial independence; professional norms; and political advocacy and mobilization outside of court. Whether litigation results in more comprehensive institutional reforms, policy changes, or improvements in services may also depend on social mobilization outside of courts, as well as collective,
rather than individual, cases. A low “threshold for legal action” that makes it easy for individuals to file cases may thus undermine efforts at broader social transformation, while a higher threshold may encourage collective efforts likely to lead to greater impact. Gloppen stresses the need for direct measures of impact if we are to assess the utility of litigation. Her analysis urges the inclusion or development of indicators measuring material benefits (policy changes, services provided, services utilized, and resulting well-being); political empowerment (changes in power relations and decision making); ideational effects (changes in goals, attitudes, and conceptualizations, either individual or collective); number of people affected directly and indirectly; and unintended consequences.

In the volume’s concluding chapter, “Emerging Possibilities for Social Transformation,” volume editors Stryker and Haglund conduct a MAPs-guided comparative analysis of ideas and cases offered in the empirical chapters, incorporating the multiscalar and multi-institutional spheres within which rights struggles occur and mining the comparisons for additional empirical insights and theoretical contributions. We highlight multiple concrete pathways that have led to more or less rights realization and social transformation, and suggest conditional generalizations that advance the frontiers of what we know while inviting and guiding future empirical research. First, a combination of mechanisms, including reframing, court enforcement, political mobilization, dialogue and consensus building, and naming and shaming can promote social transformation, but only where there are strong accountability pathways and where the needed extrajudicial capacities exist or can be built. Second, where maintaining a substantive approach to rights tends to enhance on-the-ground impact, this must be balanced against legal, political, and cultural resistance. Encouraging buy-in through dialogue and consensus building among all relevant parties, as well as ensuring the requisite time and motivation for needed capacity building, are two possible ways to bolster substantive approaches to rights realization.

In short, the chapters in this volume and our MAPS-guided comparative analysis suggest that neither naive optimism nor crippling pessimism are warranted when it comes to the full realization of ESCR. The challenges are daunting, to be sure, especially given the forces behind the dramatic contemporary increases in socioeconomic and political inequality. Yet, somewhere between the Scylla of purely symbolic compliance and the Charybdis of promoting backlash and entrenched resistance, we must find sweet spots that promote an iterative dynamic of “progressive realization.” For millions around the world, this is truly a matter of life or death.

NOTES

1. These categories are akin to those outlined in the social-movements literature. For example, Keck and Sikkink (1998) use the word “politics” to describe similar strategies,
presumably to emphasize the political nature of mobilization: "information politics," "symbolic politics," "leverage politics," and "accountability politics." We use different terminology to allow for a wider range of actors who may use similar strategies, but not for the purpose of mobilization (for example, information routinely provided by official UN monitoring bodies). We also specify two additional categories (legal and cooperative) that are central to human rights realization, but that are not explicitly reflected in social-movement terminology. Finally, it is our view that any of these approaches can be used to hold actors accountable for promises they or their institutions have made in regard to human rights, and thus a separate category of "accountability politics" is unwarranted for this discussion.

2. Though the current volume deals with economic, social, and cultural rights, the authors discussed in this section do not include cultural rights in their analyses. Thus, the acronym ESR is used to describe their focus.

3. See also Gauri and Brinks, this volume.

4. See also Nelson, this volume.

5. See Sano, this volume.

REFERENCES


