Introduction:
Making sense of the multiple and complex pathways by which human rights are realized

LADAWN HAGLUND AND ROBIN STRYKER

On January 22, 2012, “some 1,600 families (were) made homeless by a forced eviction in a settlement in São Paulo state, Brazil. 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

“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, deprivation and marginalization 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 oft-times corresponding adoption of ESCR norms into international treaties, conventions, and resolutions, and national constitutions, statutory and judicial law—bring about “on the ground” social transformation? And if so, what kind of transformation, how and under what conditions? Can ESCR succeed in altering global, national and local economic, political and cultural resource distributions so that all people can enjoy an acceptable minimal level of income, housing, health, political empowerment, social inclusion and cultural autonomy?

This volume contributes to current discussions among scholars, policy makers, human rights advocates and detractors 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), lawyers and judges (Gauri and Brinks 2010a; Yamin and Gloppen 2011), non-governmental organizations (NGOs) (Nelson and Dorsey 2003; Roth 2004; Chong 2007; Khaon 2009), social workers (Reichert 2001), and even indigenous groups (Anaya 2004, 2009; Xanthaki 2007). 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 comparatively analyzing ESCR 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 there is, indeed, 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: What Do We Know?

In their recent synthetic review, Haglund and Aggarwal (2011) compared four extant models for how ESCR norms might be brought to fruition in practice and thereby contribute to reshaping social relations and resource distributions. One of these, the “Spiral Model” (Risse 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, extra-
judicial killing, political imprisonment or disappearance. The other three – policy legalization and court enforcement (Gauri and Brinks 2010b), mobilization of the Millennium Development Goals (MDGs) as vehicles for rights realization (e.g., Nelson and Dorsey 2003; Dorsey, Gomez, Thiele and Nelson 2010) and the Social Guarantees Model (World Bank 2007) have been developed for ESCR proper. A closer look at these four models, as well as an explicit comparison with findings from the broader human rights, law, and social science literatures, underscores a range of actors, institutions, and strategies implicated in processes of rights realization.

The multi-stage Spiral Model demonstrates how human rights activists, both domestic and transnational, mobilize global public opinion and create political pressure on violating governments through strategies such as “shaming” and sanctions, are thereby able to hold states to account for human rights norms. Though repressive states do not routinely conform to these pressures at once, and indeed may adopt their own pushback strategies to quiet the critics, they are soon forced into dialogue and other communicative dynamics with opponents. Over time, targeted repressive states can become “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, p. 505). Thus, it is not simply ratification of rights treaties that leads to greater protection of human integrity rights; it is engagement with transnational networks and the iterative use of both instrumental and communicative strategies that drives the gradual incorporation of human rights norms into state practices and structures.

Consistent with key elements of this model, Hafner-Burton and Tsutsui (2005) found that countries ratifying more international human rights treaties were no more likely to protect human integrity rights than countries that ratified fewer treaties; indeed ratification often was associated with greater abuse of human rights. At the same time, however, countries with a greater connection to international civil society, as indexed by citizens belonging to greater numbers of INGOs (International Non-Governmental Organizations) improved their human rights practices (Hafner-Burton and Tsutsui 2005). Krain (2012) found that naming and shaming by transnational advocacy groups, including Amnesty International, Northern media and the United Nations Commission on Human Rights (UNCHR) reduced the severity of genocides and politicides from 1976-2008. According to Sikkink (2011), enhanced accountability for leaders responsible for abuses and the mobilization of shame can be powerful deterrents, more so than increasing the severity of sanctions. She found that countries with human rights prosecutions had lower repression levels than countries that lacked such prosecutions and that in transitional societies, combining prosecutions with a truth commission reduced abuses. Human rights prosecutions may also have a regional effect, diminishing repression in countries neighboring the country in which prosecutions occur.

These findings underscore the centrality of law, courts, and enforcement for rights realization. Civil rights researchers focused on the United States have long been preoccupied with the possibilities and limits of courts and litigation for social transformation (see Stryker 2007). More recently, Gauri and Brinks (2010a) have explored the institutional factors and strategies that human rights advocates have used to make courts an effective arena in which to wage battles over ESCR compliance. In their multi-stage model (2010b), courts and lawyers become key actors in demanding accountability from those charged with designing,
implementing, and regulating public goods and social policy. Gauri and Brinks (2010c) explain the extent and form of this “policy legalization” by pinpointing reasons that claimants are more or less likely to turn to courts, factors that bolster the receptivity of judges to ESCR claims, and conditions that improve the likelihood that court orders will be obeyed. Like the Spiral Model, this model has iterative effects where outcomes at one stage (e.g., successful litigation) may influence conditions for further policy legalization at another stage (e.g., perceived utility of litigation strategies).

Based on the series of empirical studies showcased in their volume, Gauri and Brinks (2010a, b) suggest that ESCR-related litigation will be more frequent when there is well-coordinated and organized civil society and/or state support for litigation. This is quite similar to Charles Epp’s (1998) concept of a support structure for civil and political rights (CPR) litigation, including such elements as a diversified and well organized bar, and ways to collectivize the costs of litigation, such as public interest advocacy organizations, state or foundation funding for litigation, government enforcement, and class action lawsuits. Indeed, empirical studies on the effectiveness of anti-discrimination law in the United States converge to suggest that such avenues of collective legal mobilization are an important component of any law enforcement model that seeks to translate legal rights to be free of race, national origin, ethnic, religious and gender discrimination into a diminution in race, national origin, ethnic and gender-based inequalities in voting, education, employment, income and housing (Stryker 2007; Pedriana and Stryker 2012).

In terms of court receptivity to ESCR claims, Gauri and Brinks (2010a, c) found that the existence of available rights discourses may foster judicial support, but that their absence need not prevent a rights-entrepreneurial court from entertaining claims and providing remedies (see also Epp 1998). Policy legalization is more likely when judges “believe that adjudicating social rights is the proper role of courts and …there already exists some form of policy structure for addressing social rights” (Haglund and Aggarwal 2011 p. 508). Whereas courts can be comfortable working to fill out an existing policy structure (Gauri and Brinks 2010c), court orders are not self-enforcing (Rosenberg 1991). Thus, courts are not likely to intervene if they perceive a complete absence of state capacity to tackle the problem litigants want addressed through a judicially constructed or applied economic or social right (Gauri and Brinks 2010c).

Finally, Gauri and Brinks (2010c) observed that when economic and social rights could be implemented through existing policy frameworks and expectations already embedded in them, litigation targets were less resistant to compliance with court decisions and orders. As well, whereas “unilateral [judicial] edicts” (Gauri and Brinks 2010c, p. 322) were likely to provoke resistance by targets of litigation, dialogue and negotiation among all relevant parties might produce more compliance and thus possibly more real social and economic impact. 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).

Having documented the growing diversity of legal interventions in public policy realms, Gauri and Brinks (2010c) ask the all-important question: What is the impact of policy legalization on ESCR realization? Because looking only at the language of decisions or number
of cases can be misleading, Gauri and Brinks use a formula to evaluate both direct effects (on litigants) and indirect effects (on possible beneficiaries in a policy arena). Similarly, in their comparative study of the effectiveness of US voting rights, equal employment opportunity and fair housing legislation, Pedriana and Stryker (2012) emphasize the importance of judicial approaches to legal liability and remedy that are oriented explicitly toward achieving results, that is, to achieving distributive, rather than procedural justice (see also Institute for Women’s Policy Research 2010).

To explain the variable on the ground impacts of laws conferring new rights, Pedriana and Stryker (2012) 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 individuals, and 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.

Consistent with these principles, class actions (whether public or private) may be especially useful in promoting social transformation (Pedriana and Stryker 2012). Class actions are a form of collective legal mobilization that consolidate many similar claims into a single lawsuit ordinarily involving large stakes in terms of legal precedent, monetary awards and/or injunctive relief (Stryker 2007). Authors in the Gauri and Brinks (2010a) volume find, similarly, that the indirect effects of collective or “diffuse” cases often have a far greater impact than direct effects for individual claimants, in part because they seek to remedy shortcomings in public policy outcomes. Pedriana and Stryker’s (2012) group-centered effects test framework devised for civil rights realization can be seen as adding elements that further condition when policy legalization and law enforcement for ESCR may be more vs. less likely to lead to social transformation.

In addition to the instrumental, communicative, and legal strategies of the models discussed so far, the Millennium Development goals add new types of accountability for rights realization. Though the MDGs are not explicitly about human rights,

[T]he wide-ranging commitments made by world leaders in the September 2000 Millennium Declaration had strong human rights underpinnings. These commitments were later reconfigured into the eight MDGS and endorsed by United Nations agencies, the World Bank (WB) the International Monetary Fund (IMF) and the Organization for Economic Co-operation and Development (OECD). The goals encompass 18 targets to be reached mostly by 2015 (Haglund and Aggarwal 2011, p. 510).

Promoting the reinterpretation of MDGs as development rights rather than merely development goals became more viable because specific reinterpretation of the MDGs was prefaced by a more general rights-based reframing of development, by rights consciousness-raising, and by efforts to create more rights sensitive and participatory development programs
that could insure greater levels of development agency, NGO and donor accountability to local inhabitants (Haglund and Aggarwal 2011). On one hand, MDGs on the books are not articulated as rights. On the other hand, the MDGs do give concrete measuring rods for progress on quality of life indicators in the developing world, and they have motivated rich country donors of financial aid and poor country aid recipients alike (Haglund and Aggarwal 2011).

Consistent with the MDG model’s emphasis on concrete measuring rods, 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 most to desegregate the workplace and reduce minority-white disparities in employment status and income when they incorporate specific hiring and promotion goals, timetables for achieving these goals, sustained monitoring of their achievement, and mechanisms to assure that specific pathways of responsibility and accountability are established within the firm (see Stryker 2001; Pedriana and Stryker 2012). Availability of MDG “context-specific development goals” and United Nations endorsement of these goals for monitoring development progress should similarly encourage on the ground results, especially if two important additional requirements are met. The context dependent MDGs must be paired with international, national and local commitment to and accountability for the capacity development required to meet the MDGs. As well, the MDGs must be used especially to benefit those who are most in need rather than just to increase aggregate measures of “average” provision by providing benefits to those who already are more well off (see Haglund and Aggarwal 2011; Steerwith et al 2010).

In contrast to the MDGs, the Social Guarantees model for translating ESCR norms into practice explicitly combines development and human rights, focusing on marginalization and existing dramatic inequalities in access to water, housing, employment, education and health. As Haglund and Aggarwal (2011, p. 512) explain:

Social guarantees bridge the gap between social rights norms and concrete public policies by defining specific entitlements and obligations (related to certain rights) and associated legal and/or administrative mechanisms that ensure the fulfillment of those obligations on the part of the state. Universal access (defined in terms of detailed guaranteed minimum levels of provision), explicit basic quality standards and participatory processes that strive to achieve consensus on basic entitlements are central features of these guarantees. The model also explicitly incorporates the concept of progressive realization.”

Like other models for realizing ESCR in practice, the application of the Social Guarantee model typically is envisioned to proceed in stages (World Bank 2007).

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 the Social Guarantees Model for the developing world (Korpi 1989; Huber, Ragin and Stephens 1993; Huber and Stephens 2001). Disparate institutional regimes for social provision built up gradually in wealthy countries from the immediate post-World War II period until the mid-1970s oil crisis. 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 substantive equality (Esping-Andersen 1990; Huber and Stephens 2001).
But safety nets of virtually all sorts along with the more substantial provisioning provided through the “social democratic model” diminished coincident with the politics of austerity and neo-liberalism that flourished globally from the 1980s to today (Hicks 1999; Huber and Stephens 2001; Palme and Korpi 2003). Not just in the United States but also more generally, albeit unevenly, economic inequality has risen in the advanced capitalist democracies (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” are rolled out in poorer countries, social entitlements have been rolled back in rich countries.

Even if laws and corresponding implementing institutions and programs are in place, the literature on CPR reminds us, this does not mean they will work to reduce inequality and diminish social exclusion (Stryker 2007: Pedriana and Stryker 2012). Accountability pathways, continued political pressure and activism (including social movement pressure from below), the technical, financial and network capacity to monitor and publicize progress or backsliding, and the capacity to conduct and disseminate the results of empirical research evaluating impacts remain central for shaping rights translation to create transformative effects (Stryker 2007). Rights translation and at least limited social transformation also 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). It should come as no shock then that the World Bank (2007, p. 7) concluded with respect to ESCR: “[social] guarantees alone do not ensure that all citizens are able to access and claim timely provision of good quality services.”

Each of the models of rights translation that we have discussed privileges different particular sets of actors, institutions, and strategies. However all focus directly on some set of individual, collective and/or organizational actors, some set of institutional structures, rules and routines which serve as opportunities for and constraints on action, and some set of specific action-oriented strategies. The same is true for approaches to translating CPR rights norms into practice. All hold promise, but none is a panacea. All involve pitfalls, as well as opportunities for achieving social inclusion, material gains, political empowerment and cultural autonomy for desperately poor, marginalized populations. Hybrid approaches combining advantages inherent in each of the various models, while eliminating some of their disadvantages, may offer the best hope (Aggarwal and Haglund 2011). Cross-fertilizing knowledge gleaned from studying both ESCR and CPR can help us identify appropriate hybrid approaches. However, putting any given approach into practice requires enormous contextual knowledge. It also is likely to involve highly specific and concrete tailoring of action sequences. For this reason, Haglund and Aggarwal (2011, p. 496) highlight the concept of pathways, which locate “mechanisms, processes and actors in different spatial and temporal contexts.”

Using MAPs to Chart and Understand Social Transformation

In order to manage this complexity, this volume applies and develops further the “MAPs framework” created by Haglund and Aggarwal (2011). The framework takes its abbreviation from its three constitutive elements—mechanisms, actors and pathways—and uses these to
characterize and compare across various models for, and empirical instances of, rights creation and translation processes. Consistent with definitions and discussion in the preceding section, mechanisms are “the cogs and wheels of the causal process” that produce or fail to produce social transformation (Haglund and Aggarwal 2011, quoting Hedström and Ylikoski 2010, p. 50).

**Mechanisms** comprise meso-level processes and their constitutive elements that can generalize across empirical cases. While mechanisms are not restricted to fully institutionalized patterns of action, they often do involve institutions—formal or informal rules and routines for 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. As we identify mechanisms present or absent in different cases of rights translation, we begin to see regularities and patterns that operate more generally, allowing for 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.

As we have seen, common mechanisms for outcomes explored within either the ESCR literature, the parallel CPR literature or both, include discursive framing and reframing (Nelson and Dorsey 2003; Keck and Sikkink 1998; Somers and Roberts 2008; Haglund 2010; Pedriana and Stryker 1997), naming and shaming (Risse and Sikkink 1999; Roth 2004; Hafner-Burton 2008; Krain 2012), political advocacy, mobilization, and contestation (Keck and Sikkink 1998; Stainbeck, Robinson and Tomaskovic-Devey 2005; Hertel 2006; Stryker 2007), cooperative dialogue and agreements (World Bank 2007), monitoring through data gathering and analysis (Hertel and Minkler 2007; Felner 2009; Cingranelli and Richards 2010), and law enactment, enforcement, and legal mobilization (McCann 1994; Hafner Burton and Tsutsui 2005; Gauri and Brinks 2010; Sikkink 2011; Pedriana and Stryker 2012).

**Actors**—individuals, groups, and organizations such as the United Nations or World Bank that are involved in processes of rights realization (or violation) are the second key element of the MAPs framework. The identification of specific actors underscores the importance of social positions and power relations for analyzing dynamics of accountability and social change. Consistent with prior discussion, the third element—pathways—concretizes and specifies rights translation processes by locating the relevant actors and mechanisms (including the institutions and strategies of action these mechanisms incorporate) in different “spatial and temporal contexts” (Haglund and Aggarwal 2011, p. 496). 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 our cases in our concluding chapter.

Consistent with the multi-stage aspect of the various models of rights realization discussed in the previous section, we suggest three “analytic moments” that may work together in dynamic dialogue to create a process whereby norms are iteratively adopted and embodied in new forms, leading (or not) to eventual social transformation. The first is a moment in which extant social structures and macro-level processes shape actors’ desires or beliefs and constrain
or enable their actions. A second analytical moment involves translation of desires and beliefs into action, and a third moment combines actions and interactions to generate (or not) broader social change (see Haglund and Aggarwal 2011). We expect concrete pathways for rights realization to involve all three moments in contingent and iterative interaction, rather than in any preordained sequence.

As mentioned above, multiple mechanisms have been shown empirically to transform global human rights norms into practice, and in some cases into social transformation. Here, we show how some of these key mechanisms may be associated with the three analytic moments we have identified.

With respect to the first analytic moment—shaping actors beliefs and constraining or enabling norm adoption—in the spiral model, dialogue, persuasion and moral consciousness raising shaped actors desires and beliefs in ways that facilitated human rights norm adoption by both states and social movements (Haglund and Aggarwal 2011). 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 feasibility of compliance were shaped by pre-existing institutional terrains and state capacity (Haglund and Aggarwal 2011). Similarly, pre-existing institutions and capacities, as well as political pressures (and counter pressures) and political entrepreneurship shape judicial receptivity to the more substantive orientation to understanding and enforcing rights that Pedriana and Stryker (2012) termed the group-centered effects test approach. Meanwhile, the Millennium Development Goals at least in principle, tried to alleviate resource constraints that governments of poor countries face, adding to the legitimacy and perceived feasibility of the goals themselves. The Social Guarantees model fostered awareness and social consensus domestically, placing human rights language at the center of public policy discussions. Studies in the anthropology of human rights (Merry and Goodale 2007), social movements (Pedriana and Stryker 2004; Amenta, et. al. 2010), and law and organizations (Edelman 1992; Dobbin 2009; Edelman et al 2011) 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.

To the extent that any of these mechanisms work to promote social transformation, they typically are presumed to do so through altering actor 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 (Haglund and Aggarwal 2011; Stryker 2007). Thus, with respect to the second analytic moment—inducing actors to take meaningful steps toward rights realization—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 (Haglund and Aggarwal 2011). In the policy legalization model, court cases operate as mechanisms to adjudicate among conflicting courses of action, influence decisions, and create opportunities for exchange of information and dialogue among competing parties (see Haglund and Aggarwal 2011). Meanwhile legal mobilization itself is shaped by the available litigation
support structure, including the existence of a diversified, well networked and rights supportive bar, as well as opportunities for collective legal mobilization. The latter include public and private class actions, financial support for litigation from private foundations and the state, and government enforcement (Epp 1998; Stryker 2007). Networks and organizations that link together political and legal advocates and their respective advocacy strategies may also shape legal mobilization (McCann 1994; Scheingold 2004).

During the second analytical component in the MDG model, the formal process of goal setting itself builds momentum for directed action. In the social guarantees model, prior processes of social consensus facilitate the creation of budgetary commitments and of monitoring, oversight, and redress institutions. Outside the human rights arena, “social movements seek to influence states by mobilizing people, resources, and claims around lines of action” (Amenta, et. al. p. 289). State structures and actions, likewise, “influence lines of organization and action among movements” (Ibid., p. 289). We would expect the same recursive process for social movements promoting human rights. Avoiding the trap of symbolic compliance therefore requires capacity building on multiple fronts. In addition, the ability to gather relevant data, to measure and evaluate systematically, and to publicize progress or lack thereof are also central to accountability (Hertel and Winkler 2007; Aggarwal and Haglund 2011; Pedriana and Stryker 2012). Without proactive data gathering and monitoring, none of the causal factors and mechanisms, or any 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.

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, and consistent with findings reported earlier in this chapter, we do know that a combination of naming and shaming, truth commissions and human rights prosecutions have led to measurable positive results. 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). It also suggests that targets of litigation are substantially more resistant to substantive (as opposed to formal and procedural) interpretations of all rights (Pedriana and Stryker 2012). Judicialization loses 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). The empirical evidence for global ESCR in the Gauri and Brinks (2010a) volume confirms the positive impact of cumulative and collective judgments, as well as dialogue and negotiation between branches of government—rather than strictly adversarial rulings—in the design and implementation of ESCR-related public policy. It also validates the role of courts in enforcing a unifying framework of law that limits discrimination and exposing politicians who would subordinate substantive equality to partisan or local concerns, thus providing a more democratic space: “In this scenario, courts ally with the organized public” (Gauri and Brinks 2010c, p. 348).
Proponents of the Millennium Development Goals hoped that regular monitoring based on clear targets would transform poverty out of existence. However, due in part to accountability deficits and the absence of other mechanisms of social change, progress remains somewhat elusive (Haglund and Aggarwal 2011). Similarly, concrete goals and timetables, coupled with monitoring progress toward their achievement help transform race and gender distributions in employment outcomes. But clear goals and monitoring are not, in themselves, sufficient; they must be combined with accountability mechanisms and perhaps also with sustained political and social pressure on their behalf (Stryker 2007). In the social guarantees model, social transformation is promoted through a broader acceptance of rights claims across society, an expansion of entitlements, and a gradual empowerment of citizens. Empirical research on social provision in the developed world suggests that maintaining broad support for rights claims and the social programs that fulfill them may require universalizing benefits (Korpi and Palme 1998). But this, in turn, creates a potential dilemma: maintaining such broad societal support may interfere with targeting social and economic provision where it is needed most.

Using the MAPs framework to organize and compare across the ideas and cases discussed in subsequent chapters in this volume allows us to recognize a wide diversity of mechanisms that may be instantiated in concrete pathways in different times and places to help produce social transformation. At the same time, MAPs 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.

**Bridging between ESCR and CPR Revisited**

In proposing the National Science Foundation-funded conference that led to this volume, Stryker and Haglund (2010) emphasized just how minimally scholars specializing in CPR in the United States—including the right to be free from race, national origin, religious and gender discrimination in education, housing and employment, collective bargaining rights for workers and voting rights for ex-felons—draw on global human rights literatures and vice versa. They also showed that the global rights literatures on human integrity rights and on social and economic rights—including rights to education, health care, housing, sustainability and social assistance—have remained mostly distinct from each other. Similarly, the literature on social rights in the developed world remains fairly self-contained and cordoned off from both ESCR and CPR in the developing countries and also CPR in the rich world itself.

One reason for this Balkanization is that, strongly influenced by T.H. Marshall (1964), Western approaches to rights often presumed that full recognition of civil and political rights would lead naturally to the realization of so-called “second generation” rights—economic, social and cultural (see also Somers and Roberts 2010). What happened instead, however, was the Cold
War, during which “a ‘capitalist-democratic’ model espousing a commitment to CPR was juxtaposed to a ‘socialist’ model supposedly committed to social and economic rights. Some state socialist countries were able to achieve social rights superior to their capitalist counterparts; for example, the German Democratic Republic (East Germany) excelled in providing employment and child care for women, so much so that German unification created serious problems for East German women forced to accommodate to dramatic employment loss, coupled with the relatively more meager West German approach to social welfare provision (Guenther 2010).

The Cold War also showed clearly that civil and political rights, including freedom of speech and assembly and the right to free and fair elections, are not adequate in themselves to address enduring problems of poverty and economic inequality. At the same time, however, these rights and the rule of law seem essential for the full realization of ESCR. This is because civil and political rights create new institutional rules giving voice to populations that previously had none, in turn providing opportunities for such populations—as well as more resource rich allies in civil society—to pressure national and local governments to embrace economic and social rights. As the case of the Abahlali shack-dwellers’ movement in South Africa illustrates, calls for the protection of civil and political rights can create a protected space in the fight for socio-economic change (Dugard, Madlingozi, and Tissington 2012). Further, CPR creates new avenues of responsibility and accountability for delivery in ESCR-based programs and policies. We can be sure, however, that neither set of rights follows automatically from the other. In _neither_ case is a rhetorical statement of rights enough to ensure rights realization.

Despite the indivisibility and interdependence of human rights, however, there are potentially important differences in the relevant actors, institutions, and strategies, as well as the concrete pathways, by which different types of rights are realized. The analogous general causal mechanisms reviewed above may differ in their various concrete instantiations for CPR and ESCR, and obstacles to realization are also likely to be somewhat different. For example, while CPR such as voting rights are often treated as purely formal or procedural matters, ESCR realization typically is viewed as more substantive. Purely procedural rights are less likely to be zero-sum or require changes in the underlying distribution of social and economic benefits, and thus tend to provoke less resistance (Lempert and Sanders 1986). Substantive rights, on the other hand, precisely because they seek to promote more fundamental change, can be more difficult to achieve and vulnerable to rollback (Stryker 2007). Because of their redistributive implications, ESCR tend to be framed as zero-sum and to provoke greater resistance, especially from those who perceive their advantaged social and economic position to be threatened.

But the boundaries between procedural and substantive interpretations of rights are not always so clear, and may be inherently fuzzy. As we already have suggested, CPR of the type needed to promote social transformation—in other words, CPR that are interpreted substantively—may be subject to just as much resistance as ESCR. This can be seen with voting rights for African-Americans (as enunciated in post-Civil War US constitutional and statutory provisions), which, despite being ostensibly procedural, provoked substantial violent resistance by US Southern whites. While the text of these provisions remained intact, their opponents succeeded quickly in rolling back voting rights in practice. From 1877 forward, Southern blacks endured almost ninety years of virtually complete disfranchisement in the deep South before they
could fulfill their right to vote, in the wake of the civil rights movement and the US Voting Rights Act of 1965 (Pedriana and Stryker 2012).

Decades of economic liberalism privileging market-based economic management over state redistributive efforts have certainly created additional challenges for those who promote ESCR. As noted earlier, increased challenges have beset economic and social rights realization in the rich, developed world and the poorer developing world alike. At the same time, the more overtly substantive quality of ESCR may actually be a strength for confronting the economic and social inequalities associated with market liberalism. As Stryker (2007) shows, “substantial evidence from diverse enforcement arenas supports claims that substantive, relative to formal, and effects-oriented, relative to intent-oriented, interpretations of welfare-oriented legislation are more likely to reduce inequality” (p. 87). The potential of ESCR to transcend prior attempts to remedy injustice lies, in part, in new mechanisms of accountability for state obligations and in bringing the force of law to bear on rights violations. It also places under critical scrutiny the structural and legal impediments to distributive justice in private law and market arrangements. The Universal Declaration of Human Rights (UDHR) framing of ESCR as universal, where everyone is entitled at least to the bare minimum, coupled with the emphasis on duties as well as rights, creates new channels to leverage law in the service of the poor and marginalized (Nelson and Dorsey 2003; Young 2009; Khan 2009). Human dignity is thereby given greater legitimacy as a legal and policy objective (Kratochvíl 2007).

The procedural/substantive distinction also underlies arguments that it is harder to identify and prove violators of law (and thus violations) with respect to ESCR than with respect to CPR, that the obligations invoked by ESCR are less definitive or depend on a more robust policy apparatus, or that the “positive” actions supporting ESCR require institution building and capacities beyond what is required to achieve CPR. Here too, however, evidence suggests that these distinctions are not as compelling as they may first appear. For one, the idea that “negative” CPR rights are easier to achieve than “positive” ESCR rights has been shown empirically to rest on a false dichotomy. Both ESCR and CPR require positive action to build the institutions and capacities required to make them realized rights (Nickel 2007). The key difference is the profundity of redistribution required. And like CPR, ESCR are not only about resources. As Khan (2009) argues, human rights struggles are fundamentally struggles “for freedom, justice, and dignity” (p. 21) rather than only attempts to provide for material well-being. Case law can serve to specify violations of ESCR just as it does of CPR (Kratochvíl 2007), and in a growing number of cases, violations are being documented, based on an approach that emphasizes group-centered effects rather than the intent of individual or organizational violators. Implementation challenges are increasingly being met through efforts to establish “minimum essential levels” of ESCR to which states can be held accountable (Chapman 2007). As we have shown, efforts to quantify and monitor state compliance with ESCR have increased in recent years. Nevertheless, the political problem of resource redistribution in a world of increasing inequality remains a very serious challenge.

**Organization of the Volume and Contributions of the Empirical Chapters**

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,
resist them, the ways these norms and practices are embodied in institutions and practices, and whether and how these actors and practices are able to contribute to social transformations in which rights are fully realized. Our volume is inter-disciplinary, 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 in an April 2011 workshop style conference focusing on global ESCR. Because scholars and practitioners of CPR served as commentators, all chapters in this volume benefitted 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.

Substantive chapters address a range of issues, from international regimes to indigenous claims to environmental rights to food security, and are organized according to a synthetic theoretical framework that analyzes the unique contributions of different institutions, 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. These chapters 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 substantial social transformation. 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 I of the volume focuses on the role of international law and institutions in ESCR realization, and includes chapters by M. Rodwan Abouharb, David L. Cingranelli, and Mikhail Filippov; William Felice; and Leonardo Alvarado. The Abouhard-Cingranelli-Filippov chapter, “The UN Convention versus IMF/World Bank Program Lending,” explores the relationship between commitment to international human rights (IHR) regimes and non-IHR regimes, on one hand, and respect for ESCR, on the other. The authors show how commitment to non-IHR regimes weakens connections (and thus accountability) between citizens and the state for ESCR outcomes, while long-term commitment to the International Covenant on Economic, Social and Cultural Rights improves economic and social rights outcomes. Their analysis demonstrates how international commitments and agreements shape the degree to which domestic resources are mobilized toward ESCR goals.

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 and global environmental norms in both hard and soft law, disputes endure regarding which policies will bring these norms to fruition. These disputes, coupled with weak accountability mechanisms for IHR, result in non-implementation of even established norms. As a way through this stalemate, Felice proposes expanding the conceptualization of 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 to 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 using international human rights institutions to defend their rights. Based on experiences from key international cases such as the Awas Tingni vs. 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, 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.

Part II 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, Doris Marie Provine, and Rebecca Tsosie. The Gauri-Brinks chapter, “The Impact of Legal Strategies for Claiming Economic and Social Rights” reviews processes of legal adjudication of 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. Comparing the capabilities and strategies of rights proponents, characteristics of courts and judges, and capacity, organizational development, and likely response of litigation targets, Gauri and Brinks show how this political and institutional context partially explains when ESCR cases arise and when they are likely to benefit poor people.

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 (group) rights, and the precautionary principle. 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 criticisms of judicial activism, legal developments 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 subjected to egregious cases of removal that offend established norms of human dignity. Provine argues that alternative reframings from outside human rights law could be applied to improve outcomes for settled but unauthorized immigrants. Familiar common law principles including estoppel, forgiveness, and equal protection are used to settle disputes in
contract, tort and bankruptcy law, in order to give offenders a chance at redemption. Many immigration cases would be resolved differently—there would be far fewer deportations—if such legal principles were applied in current US immigration law. 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 US marketplace, she pushes us to reflect further on whether and why the United States singles immigrants out for more severe treatment.

An interesting question is whether the dynamic legal cross-fertilization explored by Atapattu and Provine has the potential to overcome the kinds of conflicts among different norms that Tsosie discusses in her chapter, “Indigenous Women and International Human Rights Law: The Challenges of Colonialism, Cultural Survival, and Self-Determination” (abridged and reprinted from the *UCLA Journal of International Law*). Tsosie draws on case studies involving indigenous groups within the United States and Canada to examine potential conflicts between feminist norms and indigenous rights found within IHR law. The former provide the basis for claims of protection of individuals against discrimination, no matter which jurisdiction they reside, while the latter support the primacy of collective rights to self-determination and autonomy for tribal governments. Tsosie suggests that a “Native feminist ethics” operating within many tribal communities could provide a normative basis to bring together these seemingly opposed goals through emergent mechanisms of adjudication and protection for all indigenous people. A combination of jurisdictional autonomy, within which tribes can create an ethical foundation for the protection of tribal members, and resources to develop effective and sustainable judicial, administrative, and educational policies will create the needed context for success; Native women’s leadership and insight will be crucial in this process.

Part III of the volume includes chapters by Paul Nelson, Shareen Hertel and Susan Randolph, Heinz Klug, and Hans-Otto Sano, and focuses on the role played by non-judicial 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. The increasing engagement with economic and social rights, explicable for 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 political social movements. These broader agendas are potentially transformative, but may also become unwieldy for INGOs 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 undertake a comparative sub-national study of India to gain insight into the potential for grassroots movements to foster institutional changes that promote food security, specifying 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 implementation of food programs, as well as issuing rulings in favor of the right to food. 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, entitled “Achieving Rights to Land, Water and Health in Post-Apartheid South Africa,” specifies how diverse historical legacies 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 the Gauri and Brinks chapter in Part II; both emphasize that the success of law pertaining to ESCR depends profoundly on economic and political context.

Sano’s chapter, “Social Accountability in the World Bank: How Does it Overlap with Human and ESC Rights,” focuses on the conjuncture of framing and accountability, by exploring the World Bank’s emphasis on the concept of “social accountability.” Sano examines how monitoring, citizen evaluation of services, participatory budgeting, scorecards, redress, and dialogue work and whether they change individual behaviors, institutions or development outcomes. Sano finds that, although there are synergies between social accountability and ESCR, 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. Still the social accountability approach can be used to promote rights and especially to strengthen civil and political rights as well as other non-judicial capacities important to the realization of ESCR.

Part IV of the volume focuses on measurement and indicators of ESCR, and includes chapters by Siri Gloppen; Sakiko Fukuda-Parr, Terra Lawson-Remer, and Susan Randolph; and Rimjhim Aggarwal and LaDawn Haglund. Gloppen’s chapter, “Studying Courts in Context: The Role of Non-Judicial 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. Precisely because so many diverse factors and mechanisms, including financial, institutional and human capacities, politics, meaning creation and extra-territorial obligations shape public policy “judicialization,” Gloppen proposes a collaborative and phased research framework. Where one phase of data collection and analysis can answer a set of questions while also raising new questions, subsequent or parallel research by other scholars can address additional questions and theoretical concerns. The work of various scholars and research teams thus can be combined and research can cumulate iteratively to address the complexity of rights realization in ways that may be infeasible in a single research project.

The Fukuda-Parr, Lawson-Remer and Randolph chapter titled “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 (http://www.serfindex.org/). This chapter describes a new measuring rod that improves collective capacity to promote and evaluate state efforts to meet their obligations for “progressive realization” utilizing “maximum available resources.” Created through a three-year consultative process, the SERF 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 exists under its jurisdiction. Human rights advocates at the domestic and international level can use this index to hold states accountable to their commitments to ESCR.

In the Aggarwal-Haglund chapter, “Deepening our Understanding of Rights Realization through Disaggregation: The Use of Spatial and Local Data,” the authors compare Delhi and São Paolo to show how detailed GIS data further our understanding of patterns of exclusion. The chapter shows how local communities can be included in data collection, monitoring and reporting to help us both understand and evaluate processes of rights realization.

In the concluding chapter to this volume, “Emerging Possibilities for Social Transformation,” volume editors Haglund and Stryker conduct a MAPs-guided comparative analysis of ideas and cases offered in the empirical chapters, 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, as well as 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 needed extra-judicial 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 forestalling legal, political and cultural resistance, encouraging buy-in through dialogue and consensus-building among all relevant parties, and ensuring the requisite time and motivation for needed capacity building.

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

REFERENCES


