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Abstract

This paper explores whether constitutional provisions promote fulfillment of economic and social rights. This is accomplished by combining unique data on both enforceable law and directive principles with the Social and Economic Rights Fulfillment Index (SERF Index), which measures government fulfillment of such rights. The results indicate that there is a positive and significant correlation between enforceable law provisions and the right to health and education components of the SERF Index. The strongest relationship appears to be for the right to health component where the inclusion of an enforceable law provision on economic and social rights in the constitution is correlated with an increase in the health component by 9.55, or 13.0%, on average. These results support the idea that constitutional provisions may be one way to improve economic and social rights outcomes.

Keywords: Economic and social rights, Constitutional provisions

1. Introduction

A central question for human rights scholars and practitioners concerns how to transform economic and social human rights principles into reality. Because many of us acquire the goods and services that are the subject of economic and social rights (ESR) for ourselves, part of the answer may lie in more efficient delivery of those effects (Osiantynski, 2007). For instance, removing unnecessary bureaucratic hurdles may promote more entrepreneurial activity, thus increasing jobs and income. Further, private and non-profit micro-finance opportunities may do the same in credit starved communities. Yet because states are still the primary obligatory parties to ESR holders, most of the focus needs to be placed on getting states (and politicians) to create enabling environments for ESR realization.

Becoming a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) is supposed to accomplish just that. State parties, 162 at current count, are obligated by international law to enact national policies and laws that enable their citizens to realize the full range of ESR. Of course a yawning gap between professed commitment to ESR and their realization exists for most countries. For some, the problem is a financial constraint. Relatedly, a lack of capabilities can thwart even the best of intentions, when, for instance, a country cannot provide adequate medical services due to a lack of qualified medical personnel and facilities. But a big problem, and the one we focus on in this paper, is how we can get politicians to fulfil state commitments. How can we get politicians to meet their ESR obligations given whatever their income and capability constraints may be?

In this paper we explore the role that constitutionalizing ESR might play in inducing policy-makers to create an enabling environment for ESR realization. Constitutionalizing ESR could matter by creating rules, formal and informal, to which politicians must adhere. Of course, a strategy of constitutionalizing ESR alone would not be sufficient to assure rights realization because, in addition to resource constraints, other things influence whether or not constitutional commitments are taken seriously or are even necessary. For example, effective social mobilization can promote ESR even in the absence of constitutional provisions. Countries that are more democratic are not only likely to be able to mobilize more effectively, but are also likely to be able to hold governments accountable in meeting their constitutional commitments. Countries with an independent judicial system are also likely to succeed in enforcing constitutional commitments, and thus, whether or not constitutional ESR provisions matter may depend on the degree of independence the country's judicial system enjoys. It should be noted here that this paper simply seeks to determine whether or not the inclusion of specific language within the constitution has an impact on policymakers and

thus, ultimately, on ESR fulfillment. Whether or not that language translates into legal enforcement is another question entirely, and one highly dependent on a given country's legal system and traditions.

The rest of the paper is organized as follows. Section 2 briefly reviews the theoretical and empirical literature on constitutions, with a focus on the effects of constitutionalizing ESR on ESR outcomes. Section 3 discusses the variables and data utilized in this study. The dependent variable we use in our regression analyses, the SERF Index, and its' individual components measure the degree to which countries fulfill their ESR obligations. The main independent variable of interest comes from novel data on ESR provisions in 201 national constitutions. In sections 4 and 65 we present our empirical strategy and results. Perhaps our strongest finding is that there is a positive association between constitutional provisions and the individual right to health. Section 6 provides concluding comments.

2. Background

This section briefly reviews the theory of constitutions and constitutional provisions, along with the empirical literature assessing the effects of such provisions.

a. Theory of constitutions and constitutional provisions

A central question for our paper concerns how constitutional provisions could affect human rights outcomes. On a more general level, the link between constitutional rules and economic outcomes has been studied by many economists, including Nobel Laureates James Buchanan and Douglas North (Buchanan and Brennan, 1981; North and Weingast 1989). In essence, both argue that constitutional rules act to constrain policymaker choices, especially in the face of time inconsistency (e.g., a campaign promise may not seem as desirable to a politician after election). Constitutional rules serve as commitment devices because they dictate action, or inaction, no matter what other policymaker preferences and incentives exist. A politician may wish to limit inconvenient speech, but may not do so if the constitution forbids it. Moreover, as noted by Wiktor Osiantynski, constitutional provisions assure greater commitment than statutory law because they cannot be overturned by fleeting majorities (Osiantynski 2007).

Of course not all constitutions are created (or interpreted and enforced) equally. Some constitutions are written and construed solely as enforceable law, such as the justiciable US constitution. Other constitutions include provisions that could best be interpreted as directive principles, or as desirable policy goals. While not providing the hard, legal constraints of

enforceable law, directive principles can reflect important social norms and generate expectations to hold politicians accountable. Armenia's constitution offers a good example of a directive principle for the right to an adequate standard of living:

"Everyone shall have the right to a standard of living adequate for himself/herself and for his/her family, including housing as well as improvement of living conditions. The state shall take the necessary measures for the exercise of this right by the citizens."

The Armenian constitution does not indicate that this provision is enforceable law, but as an example of a directive principle it might serve as a "soft" constraint because its violation could diminish politician popularity and, ultimately, tenure (Sadurski 2002; Minkler 2009). It turns out that many constitutions include both enforceable law provisions as well as directive principles, with Albania, Moldova, Poland, Spain and Ireland as just a few examples (Sadurski 2002).

Why might human rights advocates push for directive principles instead of the stronger enforceable law constitutional provisions? There are two reasons. First, constitutionalizing human rights, perhaps especially ESR, often prompts enormous political opposition and battles from well-funded interests. The political energy necessitated could be better used on social mobilization and policy change through different avenues, including statutory law (Guari 2002; Sunstein 2004; Osiatynski 2007). Second, some favor the directive principle strategy because instantiating rights as enforceable law would necessitate courts, rather than legislative bodies, to make policy decisions about implementation, something for which they are ill-suited (Osiatynski 1996).

Of course many other factors determine the relationship between constitutional provisions and how society is actually governed. Despite the obvious legal distinction between enforceable law and directive principles, what we examine in this paper is simply the strength of the language used within each constitution. Due to the importance of context, along with individual state legal systems and traditions, this may not actually reflect real legal distinctions between the two. Knowing whether a constitutional provision is actually enforceable law requires knowledge beyond simply determining its linguistic strength within a constitution. Thus enforceability cannot be ascertained by language alone. Instead, what we explore here is whether the strength of language regarding economic and social rights translates into actual outcomes in terms of ESR fulfillment.

b. Empirical Studies

As of yet only a few studies have sought to quantify the effects of constitutional guarantees on both economic and political outcomes generally, and ESR outcomes specifically. As an example of the former, Persson and Tabellini (2000) use cross-country regressions to determine that constitutionally mandated presidential and majoritarian systems have smaller governments, while majoritarian systems also have smaller welfare state spending and budget deficits, and parliamentarian government spending increases during downtimes and is not reversed during booms. Two small strands of empirical literature have also emerged that evaluate the effects of constitutional ESR on ESR outcomes. The first uses a case study approach, while the second uses econometrics or statistical methodologies. For instance, a case study by Banki (2010) on the effectiveness of economic and social rights guarantees incorporated into Malawi's Poverty Reduction Strategy (and other documents) suggests that legal guarantees positively impact wages, employment, and education. Other case studies indicate that the efficacy of legal guarantees varies widely and at times can actually have perverse consequences. For example, Brinks & Gauri (2012) find that judicial decisions regarding rights guarantees in domestic laws have been pro-poor in India and distribution-neutral in Brazil and Indonesia, but have benefited the wealthy at the cost of the poor in Nigeria. Yamin and Gloppen (2011) similarly find differential effects where legal guarantees to the right to health have benefitted the wealthy in some countries and the poor in others. Further, although India and South Africa have strong legal guarantees for the right to food, both countries continue to exhibit exceptionally high rates of malnutrition relative to their per capita income levels (Randolph and Hertel, forthcoming; Fukuda-Parr and Greenstein, 2012).

A recent book undertakes a correlation analysis between constitutional guarantees and the SERF Index (Fukuda-Parr, Lawson-Remer, and Randolph, forthcoming). Data from the Toronto Initiative for Economic and Social Rights, TIESR, (Jung 2010) are used to measure legal guarantees of economic and social rights. The TIESR database assigns countries to one of three categories based on the strength of economic and social rights guarantees in the constitution as follows—the right is justiciable, the right is aspirational, the right is not mentioned. Statistical association was measured using a Wilcoxon Rank Sum test. Concerning domestic law, they find a positive association between countries with legally justiciable guarantees and the SERF Index score. For all rights considered the average SERF Index score is higher in countries that have a legally justiciable guarantee to that right, and the difference is statistically significant except in the case of the right to food.

Two unpublished papers that employ cross-country regression analyses try to pinpoint constitutional provisions as the cause of improved ESR outcomes. Jeffords and Minkler (2014) use a novel dataset on constitutional environmental rights to determine their effects on general environmental performance.[1] Two stage least squares analysis suggests that having at least one constitutional environmental right positively and statistically affects environmental performance, and increasing the number of categories of constitutional protection causes increased environmental performance.[2] These results hold up even after controlling for income, rule of law, population, whether or not a country is party to the ICESCR, and exogenous geographic controls.

Minkler and Prakash's (2014) analysis shares some similarities with our paper here. In that paper the authors investigate the link between the same constitutional ESR variables used in this paper, but with poverty outcomes as the dependent variable (most centrally, the $2/day measure devised by the World Bank). The main findings indicate that (1) constitutional ESR framed as directive principles do not significantly affect poverty, (2) but when framed as enforceable law they do significantly aid poverty outcomes, even with appropriate controls, and (3) that the relationship appears to be causal, that is, constitutional ESR as enforceable law causes reduced poverty.

This paper then adds to the literature by examining the impact of ESR constitutional provisions on specific measures of ESR fulfillment.

3. Data

In order to explore this relationship, we use a cross-section of data on various states to determine the potential relationship between a newly developed index of ESR fulfillment and constitutional provisions of economic and social rights. The details of both variables, along with additional controls employed in the analysis, are explained further below.

a. The SERF Index

Countries ratifying the ICESCR commit to devote the MAXIMUM of their available resources to PROGRESSIVELY REALIZE the rights enumerated in the Covenant (United Nations, 1966, Art. 2.1). This "principal of progressive realization" means you cannot judge a country's compliance with its obligations of result by examining the right bearer's status—that is, indicators reflecting the enjoyment of rights—alone. Rather, compliance must be evaluated by comparing the enjoyment

[1] Boyd (2012) also looks at the effects of constitutional environmental rights on environmental outcomes. His study includes a rich plethora of case studies and some simple ANOVA statistical analysis.

[2] The constitutional data comes from Jeffords (2013), while the main dependent variables are versions of the Environmental Performance Index, created through a joint project between Yale and Columbia Universities.

of rights relative to the level of the state's obligation. Benchmarking a state's level of compliance, however, poses a challenge. As Chapman laments, "it necessitates the development of a multiplicity of performance standards for each right in relationship to the varied … resource contexts of specific countries" (Chapman, 1996).

One approach to quantify this concept has been to regress a country's per capita income against an index of development performance such as the Physical Quality of Life Index, alone or in combination with a worker's and woman's rights index or a Human Development Index modified to omit the income component (Kimenyi 2007, Richards and Clay 2010, Cingranelli and Richards 2007). The residuals from this regression are then used to assess country performance. While the residuals approach is a well-established methodology that has been adapted to a wide range of circumstances (see for example, Solow 1957, Gurr and Moore 1997, Poe, Rost and Carey 2006) for our purposes here, it has several shortcomings. One weakness of this approach is that it gauges a country's compliance relative to the average performance of countries with the same level of resources, rather than relative to best practices. Additionally, the development indicators previously used fail to reflect the full set of rights articulated in the ICESCR. A related weakness arises due to the fact that performance on the six substantive rights articulated in the ICESCR– health, education, housing, food, work, and social security – are not monitored separately.

A second approach has been to track indicators gauging the extent to which the different substantive rights are enjoyed over time. For example, when monitoring countries' compliance with their obligations of result, The Center for Economic, Social and Cultural Rights' (CESR 2012) OPERA approach tracks indicators of the level of right enjoyment over time and compares the rates of improvement with rates of improvement in countries with similar levels of wealth. While this approach allows one to monitor progress on each of the substantive rights separately, the benchmark regarding progressive realization remains the average, rather than best practice. Further, any differences in the rates of expansion in resource capacity are not directly factored into the trend comparison. And of course a major concern is that it is not suitable to a regression analysis framework, which is the methodology we exploit here.

The SERF Index, overcomes many of these shortcomings and accordingly is adopted here as our measure of the extent to which countries fulfill their obligations under the ICESCR (Fukuda-Parr, Lawson-Remer and Randolph 2009, 2011, 2013, Randolph, Fukuda-Parr, Lawson-Remer 2010). The SERF Index methodology is unique in that:

- It benchmarks a country's performance relative to the best practice rather than average practice. That is, it holds countries accountable to what it is feasible to achieve rather than average achievement.
- When tracking the SERF Index over time, differences between countries in the expansion of resource capacity over time is fully taken into account.
- Like the CESR OPERA approach, the SERF Index can be disaggregated into indices that monitor performance across each of the different substantive rights.
- Like the residual approach, the index values are cardinally comparable and can appropriately be used as either independent or dependent variables in a regression framework.

In its construction, the SERF Index builds on economists' well known production possibilities frontier conceptual framework to benchmark state obligations. Specifically, Achievement Possibility Frontiers (APFs) are constructed by first making a scatter plot of socioeconomic indicators of a given right aspect, for example the age 65 survival rate as an indicator of an aspect of the right to health, against country resource availability (specifically per capita GDP) and then using econometric techniques the outer boundary of the plot is identified. That outer boundary of the APF reveals the level of enjoyment of the rights aspect concerned that is feasible to achieve using best practices for any given level of resource availability. A country's performance score, P, on a given right aspect, X, is then computed as:

$$P = 100\ (X/X_f)$$

Where X_f is the frontier value of the indicator relevant to the country's resource level. The Right Index for right k is then constructed as the simple average of the indicator performance scores for the n different aspects of that right:

$$R_k = \sum P_i/n$$

The m component right indices are then averaged to construct the composite SERF Index.

$$\text{SERF} = \Sigma\, R_k/m$$

The SERF Index, while an improvement over other approaches, is not without its limitations. First, data constraints prevent the creation of a single index for developing and high income countries and as such the Core SERF Index excludes High Income OECD countries; although a supplementary index for high income OECD countries is created. Second, although the SERF Index incorporates all the substantive economic and social rights Specified in General Comments of CESCR, current data availability precluded incorporating unique indicators for the right to work and the right to social security; the indicators used in constructing the right to work index

simultaneously reflects the right to social security. The indicators used in constructing the Right Indices comprising the Core SERF index are specified below:

- Right to Food: % of children (under 5) not stunted
- Right to Education: Primary school completion rate; combined school enrollment rate (gross)
- Right to Health: child (under 5) survival rate; age 65 survival rate; contraceptive use rate.
- Right to Housing: % of rural population with access to an improved water source; % of population with access to improved sanitation.
- Right to Work: % of population not poor ($2 PPP poverty line).

As mentioned above, based on the construction of the Core SERF Index, the final sample excludes high income OECD countries. Additionally, the SERF Index score can be interpreted as the percentage of the state's obligation met.

b. Constitutions

Our main explanatory variable comes from data on ESR constitutional provisions for 201 countries from Constitution Finder, a public access web service provided by Richmond University Law School since 2006.[3] To identify the appropriate ESR to include, we used articles 23-26 of the Universal Declaration of Human Rights (UDHR) as our compass. Those articles, and our data, include rights to (a) work (employment) at "favorable remuneration"; (b) an adequate standard of living, comprised of (i) food, (ii) housing, (iii) medical care, (iv) necessary social services (e.g., for motherhood and childcare), and (v) social security in the event of unemployment, disability, sickness, widowhood, or old age; and (c) a free, compulsory, primary education. Additionally, we coded provisions on "progressive realization" (article 2 of the ICESCR) and child labor bans.

Perhaps the most challenging issue was to code the strength of provisions. A provision may include language about the desirability of an adequate standard of living, but by itself that does not mean that it becomes legally binding on the state. While provisions best interpreted as aspirational goals may impose "soft constraints" on policy makers if ignoring them imposes costs like diminished reelection chances, clearly provisions with stronger language that courts and the legal system will enforce are more likely to be taken seriously. Because policy makers prefer laws that constrain them less (declarations pre-election to the contrary) and will devote resources to interpret language ambiguities in that direction, we only code a provision as "enforceable law" (EL)

[3] http://confinder.richmond.edu. Often several constitutions were available for any given country, and most are translated into English. The others were coded with the help of translation services.

if the language is clear and strong. To be interpreted as EL the provision had to expressly say that the entitlement gave citizens the right to legal action if left unfulfilled, was legally binding on the state, or was explicitly guaranteed under the constitution. In contrast, the provision was coded more weakly as a "directive principle" (DP) if the right was merely acknowledged with no further mention of enforceability, described as a desirable policy goal, explicitly denied citizens to legal recourse, or was qualified in any meaningful way.[4]

As an example of how the right to health care was coded, consider the cases of Albania and Chile. The relevant article for Albania is:

Article 55

1. Citizens enjoy in an equal manner the right to health care from the state.
2. Everyone has the right to health insurance pursuant to the procedure provided by law.

The first part of the article refers to the non-discriminatory aspect of the right. The second part indicates that the law will determine its application, meaning that the nature of health insurance will be determined by political processes. The constitution itself assures that whatever results from the political process has to be applied equally. Presumably courts will assure this, but otherwise no duties have been prescribed. Accordingly, we code this provision as a directive principle. In contrast, consider the relevant article in Chile's constitution:

Article 19

9. The right to protection of health

The State protects the free and egalitarian access to actions for the promotion, protection and recovery of the health and rehabilitation of the individual. The coordination and control of activities related to health shall likewise rest with the State. It is the prime duty of the State to guarantee health assistance, whether undertaken by public or private institutions, in accordance with the form and conditions set forth in the law which may establish compulsory health quotations. Each person shall have the right to choose, the health system he wishes to join, either State or private controlled.

[4] To reduce the possibility of measurement error due to interpretation ambiguities, each constitutional provision was independently coded by two different researchers. Another approach used by Jeffords (2013) in his study on environmental rights provisions employs a keyword search. That approach enables Jeffords to distinguish seven separate categories of environmental rights language.

This constitution too assures the non-discriminatory application of the right. But whereas the article mentions "conditions set forth in the law," it also says that the state has the duty to guarantee health assistance. That strong language should give citizens recourse to courts directly no matter any decisions made in the political processes. Accordingly, we code this provision as enforceable law.[5]

Constitutions change in two principal ways. First, as already mentioned, they can be replaced with new ones. Second, they can be amended. To account for ESR amendments, we employed World Constitutions Illustrated, a database launched in 2010 by legal resource publisher William S. Hein & Co. In total, there were 22 countries with ESR amendments included.

While the dataset used in this paper began with Minkler (2009), a related one emerged a year later. Initially, the Toronto Initiative for Economic and Social Rights (TIESR) coded 17 ES constitutional rights for 122 countries, though in June 2013 that number increased to 195.[6] While both datasets attempt to capture the strength of ESR provisions in national constitutions, only five rights are directly comparable (health services; housing; education; fair wage; and social security in the case of unemployment). TIESR includes some rights outlined in the ICESCR that we do not account for (e.g., right to strike and right to safe and healthy work environment), while at other times it aggregates rights common to both our data sets (e.g., the social security rights on old age, disability, and welfare). Based on the second version of TIESR, it appears that the coding used for our dataset is more conservative in the sense that fewer provisions are coded as enforceable law.[7] Despite the major differences that exist between the two datasets, we additionally use the TIESR data to establish the robustness of our main results. The results can be found in Appendix A1 and will be elaborated on further below.

c. Control Variables

Several control variables are also incorporated into the analysis. The duration of time the constitution has been in place is included to capture the fact that longer provisions are more likely to be ingrained in society and therefore more likely to be enforced. This variable is included as part

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[5] It should be noted that this sort of coding still requires some subjectivity in interpretation. However, several steps were taken to ensure consistency and we feel that the dataset reflects a conservative evaluation of the language contained within each constitution.

[6] http://www.tiesr.org/data.html.

[7] The correlation coefficients for the five rights mentioned above are .4904, .7393, .3799, .6161, and .5097. A casual look indicates that our coding is more conservative; we code fewer provisions as being either directive principles or enforceable law, and many provisions coded as enforceable law are coded as directive principles in our dataset. Nevertheless, there are exceptions where we just disagree altogether. For instance, in the case of the right to health care mentioned above, TIESR codes Albania's as enforceable law and Chile's as directive principle.

of our database on ESR constitutional commitments and is calculated as the difference between the year of the constitution and 2010. Additional controls are borrowed from various sources. Judicial independence is drawn from the CIRI Human Rights Data Project and measures the extent to which the judiciary is independent of control from other sources, including another branch of the government. It takes on a value from 0 to 2, where 0 indicates "not independent", 1 indicates "partially independent", and 2 indicates "generally independent". Judicial independence is likely to be particularly important when determining the impact of enforceable law on economic and social rights fulfillment. In addition, the strength of NGO prevalence may matter in determining how resources are allocated and how people engage with the government, in turn impacting ESR fulfillment. Thus we include the natural log of the total number of human rights NGOs involved in a given country in 2002[8] as an additional control. The data originally come from the Human Rights Internet's *Master List* of Organizations, but are borrowed directly from Mosley and Uno (2007).

Several exogenous controls are drawn from Acemoglu et al. (2001) including a measure of democracy in the country's first year of independence, whether or not the country is landlocked and the country's absolute latitude. The democracy variable takes on a value from 0 to 10, where a higher score indicates greater democracy. It includes measures on competitiveness of political participation and executive recruitment, constraints on the chief executive, and whether or not there was an election. The assumption is that states that are more democratic at independence are likely to have better outcomes for ESR fulfillment. The landlocked variable is a dummy equal to 1 if the country does not border the sea. Latitude takes on values between 0 and 1, and measures the absolute value of the distance to the equator, where 0 is the equator. Regional dummies for Asia, Africa, and Latin America are also included in some specifications and are derived from the CIA World Factbook. The state has no control over these exogenous variables, but these factors may have a substantial impact on development, as well as fulfillment of economic and social rights. Table 1 reports the descriptive statistics for the variables used in our estimation.

4. Empirical Strategy

In order to better understand the relationship between the SERF Index and constitutional provisions, we use ordinary least square to estimate the following empirical specification:

$$SERF\ Index_c = \alpha + \beta_1 Enforceable\ Law_c + \beta_2 Directive\ Principle_c + \varepsilon_c \qquad (1)$$

[8] Although it's not ideal to use data from 2002 since our outcomes are more recent, this is the last year available in the dataset.

Where, β_1 and β_2 are the coefficients of interest and measure the relationship between either enforceable law or directive principles and the SERF Index. However, β_1 and β_2 may not capture the true relationship between enforceable law and the SERF Index because of omitted variables. Not controlling for omitted variables could lead to over or under estimation of β_1 and β_2 depending on the correlation between the omitted variables and the error term. In order to partially address this problem, in equation (2) we additionally control for the age of constitution, judicial independence, NGO prevalence, democracy in the first year of independence, latitude, and regional dummies. It is also possible that the effect of enforceable law on the SERF Index varies by how long the constitution has been in place in a country. In order test this heterogeneous effect, we also include the interaction of enforceable law and age of the constitution. The coefficient β_3 will give the differential impact of enforceable law on the SERF Index by the age of the constitution. We use equation (2) as our benchmark specification.

$$SERF\ Index_c = \alpha + \beta_1 Enforceable\ Law_c + \beta_2 Directive\ Principle_c + \beta_3 Enforceable\ Law_c * Age\ of\ Constitution_c + \beta_4 Exogeneous\ Controls_c + \varepsilon_c \quad (2)$$

Although other omitted variables may exist, controlling for the above variables allows us to get a clearer picture of whether the language within a constitution is the binding constraint which causes change in ESR fulfillment. The above equations are estimated as cross-country regressions for the aggregate SERF Index combining the different economic and social rights as well as for the individual right indices comprising the SERF Index.

5. Results

a. Main Results

The results for the overall SERF Index are shown in Table 2 where Column 1 presents the basic correlations between constitutional provisions and SERF. Column 2 includes additional controls for the age of the constitution and an interaction between age and the enforceable law dummy variable. Column 3 includes the measure of judicial independence, while column 4 additionally controls for democracy and NGO prevalence.[9] Column 5 also adds the exogenous

[9] Including the democracy variable causes many countries to drop out of the analysis due to lack of data. In order to test the robustness of these results the additional specifications were run without the democracy variable as well. It has no qualitative effect on the overall results.

controls of a country's latitude and whether it is landlocked and the full specification is found in Column 6 which includes regional dummies. Robust standard errors are in parentheses.[10]

Columns 1 through 5 of Table 2 indicate that regardless of the additional controls included, having enforceable law provisions within the constitution is correlated with an increase in the SERF Index. In fact, through Column 5, as additional controls are included the magnitude of the coefficient actually increases. Based on the mean value of the overall SERF Index in Table 1, having enforceable law provisions in the constitution translates into a 17.8% increase in SERF. In addition, it should also be noted that including the dummy for directive principle has no impact on the overall results in any specification. The coefficient itself is never significant and the main effect of constitutional provisions appears to be through enforceable law, which is consistent with other findings in the literature.

However, once regional dummies for Asia, Africa and Latin America are included, even the correlation between enforceable law and SERF seems to disappear. These results indicate that there is something specific about the regional makeup of a country that impacts its' realization of economic and social rights. Although the mechanism through which this occurs is not entirely clear and cannot be teased out through this analysis, this result is not entirely surprising. If a neighborhood effect exists, regional norms, actions, and even the language included in the constitution may be a direct result of following the actions of those around you. No single country wants to be singled out on the international stage for falling behind its' regional neighbors. Therefore this regional neighborhood effect may be a mechanism of soft power, which could result in both specific language being written into a constitution and changes in ESR fulfillment.[11]

Tables 3 through 7 show the same results using the individual components on the right to education, health, housing, food and work, respectively, as independent variables. Table 3 shows similarly positive and large significant relationship exists between enforceable law provisions and the right to education component. Even stronger associations are found in Table 4, where a positive and significant correlation between enforceable law and the right to health component is found across all six specifications and thus, even after controlling for regional dummies. Column 6 indicates that including an enforceable law provision on economic and social rights in the constitution is correlated with an increase in the health component by 9.55, or 13.0% on average.

[10] Tables 3 through 7 follow the same progression of adding additional controls, but use the right to education, health, housing, food and work separately as independent variables.

[11] We additionally explored the results by simply looking within a given region, instead of using the regional dummies, but small sample size prevents us from drawing any substantial conclusions from those analyses.

These results support the idea that constitutional provisions may actually be one way to improve economic and social rights outcomes.

For the food component (Table 6), upon including all controls except region, a significant positive correlation emerges. The magnitude is large, 14.37 or 21.3% of the mean value of the Right to Food Index. Oddly, directive principles appear to actually decrease fulfillment on the right to food. Overall the positive relationship between enforceable law and the SERF Index appears to be driven by the right to education, health and food components. As noted in Tables 5 and 7, there is no clear correlation between enforceable law provisions and the individual rights to housing or work. As was the case for the SERF Index, the inclusion of directive principles for ESR does not systematically increase the level of ESR fulfillment.

The other variables in the equations generally show the expected relationship. Countries with enforceable law provisions in their constitutions that have been in place for a longer period of time tend to score higher on the SERF Index and component right indices. As is the case for the enforceable rights dummy, however, the relationship fails to reach significance once the regional dummies are included. The exception in this case, however is for the right to education; the relationship is statistically significant even after controlling for region. Countries with independent judiciaries fulfill their ESR obligations to a greater degree, while those that are landlocked perform worse, but again, these relationships is not always statistically significant. It appears that democracy in the first year of independence and NGO prevalence has no significant influence on current ESR outcomes. This is not to say that those aspects don't matter, simply that there is no statistical correlation in this particular analysis.

The overall results seem to indicate that there is no evidence that constitutional provisions as directive principles are correlated with SERF outcomes. There is some evidence of a positive correlation between enforceable law provisions and performance on the overall SERF Index, and the rights to education and food. However, the strongest relationship is between enforceable law provisions and the right to health component of the SERF Index. These results indicate that the language within a constitution may be one way through which improvement in ESR fulfillment could occur. Further, given that Minkler and Prakash (2014) finds that enforceable law provisions improve poverty outcomes, these findings may actually underestimate the true effects on ESR outcomes.

b. Robustness of Constitutional Data

Some may argue that there is a potential problem with coding the language in a given constitution. It is possible that the same wording communicates a variety of meanings to citizens both within and across countries. In order to account for this subjectivity we explore the robustness of the results presented above using the TIESR dataset to measure constitutional provisions. Based on the rights outlined in the data, variables labeled "justiciable" and "aspirational" were created, which equal one if any of the rights outlined were consider justiciable and aspirational respectively, zero otherwise. The results on the overall SERF Index and the individual components using the TIESR dataset around found in Tables 8 through 13 of Appendix A1. These tables indicate that justiciable rights within the constitution are associated with improved performance on the right to education component of the SERF Index only. There is no other systematic correlation with any other right component or the overall SERF Index. On the other hand, in some cases, there is a significant and positive correlation between both the overall SERF Index, and the right to work component, and having an aspirational provision written into the constitution.

These results are clearly in contrast to what was found in Tables 3 through 7. The reason for the difference in outcomes is likely due to the fact that the two constitutional datasets only have five rights in common across them. Despite that fact that both datasets seek to determine the strength of ESR provisions in constitutions, the difference in coding is likely to translate into different effects and interpretations in the statistical analysis. We further argue here that our constitutional data is more conservative in the coding of provisions and closely follows the UDHR, and therefore our main results will be more conservative estimates of the actual relationships.

6. Conclusion

This paper explores whether constitutional provisions for economic and social rights encourage countries' fulfillment of such rights. In order to do so, we combine a unique dataset on enforceable law and directive principles within constitutions with the Social and Economic Rights Fulfillment (SERF) Index. Our findings indicate that there is no evidence that constitutional provisions as directive principles are correlated with the SERF Index, but there is a positive correlation between enforceable law and the overall SERF Index, and the individual components on the right to education, health, and food. The strongest and most robust relationship is in the case of the right to health component. No relationship appears to exist for the right to housing or work. Further judicial independence and the interaction between enforceable law and the age of the constitution appear to play significant roles in determine ESR outcomes.

In contrast to the beliefs of some human rights advocates that directive principles are a better approach, these results indicate that only enforceable law provisions are positively correlated with fulfillment of economic and social rights, at least as measured by the SERF Index. Future research should seek to explore these relationships further and identify the mechanisms through which this relationship occurs.

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Table 1
Descriptive Statistics

Variable	Mean	Standard Deviation	Min	Max
Outcome Variables				
Core SERF Index	73.09	14.58	26.65	95.25
Education SERF Component	79.01	15.45	30.03	100
Health SERF Component	73.40	16.81	27.04	99.34
Housing SERF Component	71.09	19.89	20.12	100
Food SERF Component	67.50	20.90	13.22	100
Work SERF Component	74.44	24.10	2.57	100
Independent Variables of Interest				
Enforceable Law	0.33	0.47	0	1
Directive Principles	0.93	0.26	0	1
Judicial Independence	0.45	0.70	0	2
Age of Constitution	15.98	20.26	0	157
Democracy	2.57	3.15	0	10
NGOs	1.52	1.32	-1.79	4.48
Landlocked	0.23	0.43	0	1
Latitude	0.23	0.16	0	0.67
Observations	101			

Note: This include all countries with information on enforceable law provisions and the overall SERF Index

Table 2
Effect of Constitutional Provisions on SERF Index

	SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Enforceable Law	7.658***	7.812*	9.538**	12.314***	13.045***	-1.58
	(2.913)	(4.040)	(3.930)	(4.598)	(4.161)	(5.387)
Directive Principle	3.959	4.252	4.558	(0.550)	0.238	(0.888)
	(5.507)	(5.333)	(5.170)	(5.900)	(4.955)	(5.226)
Age of Constitution		0.005	-0.006	-0.181	-0.276	0.043
		(0.162)	(0.150)	(0.210)	(0.193)	(0.247)
Age of Constitution x Enforceable Law		0.161***	0.177***	0.206***	0.167***	0.027
		(0.042)	(0.041)	(0.037)	(0.044)	(0.049)
Judicial Independence			4.274**	4.656**	4.372**	2.232
			(1.837)	(2.141)	(2.006)	(1.780)
Democracy in First year of Indep				-0.36	-0.367	-0.417
				(0.535)	(0.519)	(0.488)
NGOs				(0.689)	(0.729)	0.511
				(1.267)	(1.263)	(1.099)
Land Locked					-6.323*	-5.586**
					(3.551)	(2.782)
Latitude					23.529	12.832
					(15.922)	(14.812)
Africa						-5.371
						(7.123)
Asia						1.655
						(8.847)
Latin America						13.752*
						(7.312)
Constant	66.901***	64.156***	61.455***	64.563***	62.209***	67.512***
	(5.159)	(5.036)	(5.180)	(6.043)	(5.865)	(5.626)
Number of observations	101	99	98	66	66	66
R-squared	0.07	0.12	0.18	0.28	0.33	0.52

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

Table 3
Effect of Constitutional Provisions on SERF Index

	Education Component of SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Enforceable Law	7.030***	8.093**	8.964**	12.497**	12.118**	6.636
	(2.436)	(3.495)	(3.454)	(4.842)	(5.313)	(7.131)
Directive Principle	(0.016)	4.517	7.639**	5.204	5.051	4.954
	(3.761)	(3.638)	(3.702)	(4.917)	(5.233)	(5.388)
Age of Constitution		-0.083	-0.074	-0.167	-0.204	-0.078
		(0.118)	(0.117)	(0.192)	(0.218)	(0.250)
Age of Constitution x Enforceable Law		0.201***	0.195***	0.187***	0.167***	0.119**
		(0.046)	(0.040)	(0.045)	(0.047)	(0.059)
Judicial Independence			3.805***	2.788	2.937	2.521
			(1.301)	(2.055)	(1.969)	(2.050)
Democracy in First year of Indep				0.262	0.228	0.097
				(0.530)	(0.530)	(0.521)
NGOs				0.705	0.534	1.214
				(1.065)	(1.122)	(1.198)
Land Locked					-5.146	-5.191
					(4.072)	(4.063)
Latitude					5.857	-2.525
					(16.090)	(15.695)
Africa						-19.222***
						(4.188)
Asia						-13.154**
						(5.408)
Latin America						-10.914*
						(5.881)
Constant	78.330***	70.949***	65.755***	65.263***	66.248***	84.452***
	(3.338)	(3.627)	(4.229)	(5.649)	(7.071)	(6.526)
Number of observations	142	136	135	74	74	74
R-squared	0.04	0.12	0.17	0.19	0.21	0.29

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

Table 4
Effect of Constitutional Provisions on SERF Index

	Health Component of SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Enforceable Law	9.806***	12.076***	13.665***	20.300***	22.723***	9.553*
	(2.761)	(3.946)	(3.954)	(5.665)	(5.193)	(4.798)
Directive Principle	(2.650)	0.132	4.214	1.397	2.117	(1.964)
	(3.666)	(3.556)	(3.845)	(6.078)	(5.273)	(5.157)
Age of Constitution		-0.182	-0.222	-0.433*	-0.599**	-0.311
		(0.141)	(0.141)	(0.248)	(0.250)	(0.284)
Age of Constitution x Enforceable Law		0.209***	0.215***	0.249***	0.189***	0.054
		(0.050)	(0.048)	(0.057)	(0.069)	(0.056)
Judicial Independence			4.330**	5.081**	4.423**	4.091**
			(1.712)	(2.361)	(2.168)	(2.009)
Democracy in First year of Indep				-0.127	-0.061	-0.33
				(0.602)	(0.567)	(0.421)
NGOs				(0.628)	(0.557)	0.861
				(1.439)	(1.485)	(1.159)
Land Locked					-7.395	-7.388*
					(4.708)	(3.968)
Latitude					42.800**	22.653
					(18.022)	(18.906)
Africa						-14.606***
						(3.284)
Asia						5.716
						(5.885)
Latin America						5.594
						(4.466)
Constant	72.922***	67.337***	60.938***	61.187***	55.745***	71.570***
	(2.968)	(3.357)	(4.580)	(7.041)	(7.380)	(5.554)
Number of observations	128	124	123	73	73	73
R-squared	0.07	0.12	0.17	0.25	0.32	0.56

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

Table 5
Effect of Constitutional Provisions on SERF Index

	Housing Component of SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Enforceable Law	2.511	-0.588	0.108	6.173	7.86	-4.22
	(3.666)	(5.633)	(5.384)	(7.981)	(7.693)	(8.253)
Directive Principle	(5.444)	(3.720)	1.013	(3.740)	(4.109)	(5.397)
	(4.313)	(4.161)	(4.368)	(6.199)	(6.152)	(5.234)
Age of Constitution		0.166	0.192	-0.006	-0.152	0.241
		(0.237)	(0.219)	(0.331)	(0.303)	(0.362)
Age of Constitution x Enforceable Law		0.194**	0.183**	0.162***	0.112*	-0.002
		(0.091)	(0.076)	(0.057)	(0.064)	(0.067)
Judicial Independence			6.151***	6.378**	5.886*	6.827**
			(1.852)	(3.162)	(3.051)	(2.951)
Democracy in First year of Indep				1.229*	1.269*	0.677
				(0.714)	(0.696)	(0.678)
NGOs				0.663	0.594	1.622
				(1.587)	(1.653)	(1.496)
Land Locked					-8.377*	-8.161*
					(5.017)	(4.707)
Latitude					34.078	16.52
					(21.871)	(21.077)
Africa						-16.84
						(12.394)
Asia						5.662
						(12.914)
Latin America						0.686
						(13.104)
Constant	77.980***	73.268***	65.181***	58.849***	56.208***	71.328***
	(3.563)	(4.162)	(4.989)	(7.179)	(9.001)	(13.699)
Number of observations	145	139	138	77	77	77
R-squared	0.01	0.05	0.11	0.17	0.21	0.42

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

Table 6
Effect of Constitutional Provisions on SERF Index

	Food Component of SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Enforceable Law	8.041*	7.901	10.185	16.854**	14.371**	-2.427
	(4.308)	(6.189)	(6.199)	(6.569)	(6.382)	(7.853)
Directive Principle	(8.991)	(7.707)	(6.510)	(10.812)	-11.163*	-10.941*
	(5.636)	(5.431)	(5.620)	(7.538)	(5.874)	(6.375)
Age of Constitution		-0.042	-0.058	-0.358	-0.44	-0.069
		(0.250)	(0.242)	(0.303)	(0.289)	(0.315)
Age of Constitution x Enforceable Law		0.186***	0.192***	0.221***	0.168***	0.044
		(0.068)	(0.068)	(0.058)	(0.062)	(0.064)
Judicial Independence			2.297	0.36	1.375	-3.121
			(2.482)	(3.486)	(3.339)	(3.408)
Democracy in First year of Indep				0.231	0.113	0.603
				(0.683)	(0.630)	(0.634)
NGOs				(1.520)	(2.256)	(1.056)
				(1.942)	(1.675)	(1.589)
Land Locked					-17.510***	-15.404***
					(6.025)	(5.231)
Latitude					7.376	9.094
					(21.201)	(18.514)
Africa						-0.315
						(9.807)
Asia						-10.41
						(12.314)
Latin America						17.610*
						(10.422)
Constant	73.508***	69.466***	67.044***	68.353***	73.677***	73.381***
	(5.107)	(5.182)	(5.928)	(7.524)	(6.775)	(9.958)
Number of observations	122	119	118	75	75	75
R-squared	0.04	0.06	0.08	0.15	0.25	0.37

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

Table 7
Effect of Constitutional Provisions on SERF Index

	Work Component of SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Enforceable Law	5.908	12.619**	13.152**	10.397	8.841	-5.597
	(4.448)	(5.922)	(5.659)	(8.247)	(8.011)	(12.398)
Directive Principle	(0.074)	1.000	0.814	(4.467)	(5.053)	(4.736)
	(9.146)	(8.763)	(8.662)	(11.099)	(10.632)	(11.490)
Age of Constitution		-0.358	-0.331	-0.466	-0.459	-0.215
		(0.269)	(0.252)	(0.388)	(0.397)	(0.503)
Age of Constitution x Enforceable Law		0.210***	0.222***	0.265***	0.258***	0.136
		(0.074)	(0.072)	(0.085)	(0.095)	(0.114)
Judicial Independence			5.431**	6.792*	7.538**	4.431
			(2.528)	(3.492)	(3.487)	(3.771)
Democracy in First year of Indep				-1.728*	-1.803*	-1.593*
				(0.933)	(0.929)	(0.916)
NGOs				(1.719)	(1.974)	(0.483)
				(2.428)	(2.396)	(2.570)
Land Locked					-5.306	-4.391
					(8.766)	(8.597)
Latitude					-9.277	-15.707
					(30.626)	(30.638)
Africa						-8.071
						(13.316)
Asia						-11.593
						(15.098)
Latin America						9.861
						(13.904)
Constant	73.920***	69.555***	66.594***	73.974***	77.793***	84.622***
	(8.622)	(8.444)	(8.738)	(10.992)	(11.455)	(14.930)
Number of observations	116	114	113	69	69	69
R-squared	0.01	0.05	0.08	0.16	0.17	0.22

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

APPENDIX A1

Table 8
Effect of TIESR Constitutional Provisions on SERF Index

	SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Justiciable	1.83	-5.669	-6.842	-0.994	-0.07	-5.725
	(3.870)	(6.906)	(6.914)	(8.867)	(7.182)	(7.225)
Aspirational	4.041**	12.713***	11.735***	8.677**	6.493	4.473
	(1.614)	(2.284)	(2.428)	(3.470)	(4.321)	(6.644)
Age of Constitution		-0.27	-0.306	-0.009	-0.031	-0.114
		(0.262)	(0.262)	(0.310)	(0.253)	(0.246)
Age of Constitution x Justiciable		0.443*	0.490*	0.206	0.189	0.159
		(0.265)	(0.266)	(0.308)	(0.254)	(0.244)
Judicial Independence			3.572*	4.401*	4.457**	2.615
			(1.896)	(2.292)	(2.160)	(1.712)
Democracy in First year of Indep				-0.73	-0.725	-0.369
				(0.525)	(0.507)	(0.498)
NGOs				(0.931)	(1.146)	0.581
				(1.379)	(1.333)	(1.088)
Land Locked					-8.339**	-5.412*
					(3.496)	(2.833)
Latitude					13.901	10.695
					(16.854)	(15.972)
Africa						-6.711
						(4.037)
Asia						0.958
						(6.242)
Latin America						12.124***
						(4.257)
Constant	67.394***	63.590***	64.102***	60.792***	62.421***	68.371***
	(3.870)	(7.022)	(7.018)	(8.974)	(7.613)	(9.998)
Number of observations	104	99	98	66	66	66
R-squared	0.00	0.06	0.09	0.19	0.25	0.53

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

Table 9
Effect of TIESR Constitutional Provisions on SERF Index

	Education Component of SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Justiciable	6.169*	12.528**	12.226**	22.077***	22.668***	18.004**
	(3.232)	(5.107)	(5.091)	(7.677)	(7.465)	(7.696)
Aspirational	(6.162)	1.256	1.739	-6.474**	-8.594**	(7.776)
	(6.231)	(4.560)	(5.490)	(3.227)	(3.978)	(8.661)
Age of Constitution		0.434***	0.425***	0.737***	0.721***	0.597**
		(0.134)	(0.133)	(0.227)	(0.226)	(0.224)
Age of Constitution x Justiciable		-0.301**	-0.300**	-0.608**	-0.625**	-0.549**
		(0.138)	(0.137)	(0.230)	(0.237)	(0.237)
Judicial Independence			1.691	1.444	1.467	0.922
			(1.247)	(1.914)	(1.860)	(1.943)
Democracy in First year of Indep				-0.454	-0.453	-0.299
				(0.474)	(0.476)	(0.594)
NGOs				0.322	0.085	1.197
				(1.078)	(1.107)	(1.161)
Land Locked					-6.888*	-5.661
					(3.715)	(3.739)
Latitude					12.325	6.745
					(18.113)	(17.338)
Africa						-15.716**
						(5.964)
Asia						-10.52
						(7.441)
Latin America						-5.163
						(6.436)
Constant	80.957***	65.237***	64.179***	62.168***	63.918***	78.529***
	(6.358)	(7.191)	(7.913)	(7.648)	(8.140)	(12.454)
Number of observations	145	136	135	74	74	74
R-squared	0.03	0.09	0.1	0.19	0.22	0.32

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

Table 10
Effect of TIESR Constitutional Provisions on SERF Index

	Health Component of SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Justiciable	3.654	-2.046	-2.886	6.868	9.773	4.223
	(4.074)	(7.101)	(7.031)	(11.325)	(8.986)	(10.653)
Aspirational	-9.592***	-5.131*	(3.081)	-6.225*	-12.454***	(3.991)
	(2.667)	(2.778)	(2.753)	(3.441)	(4.419)	(7.623)
Age of Constitution		-0.047	-0.081	0.055	0.045	0.055
		(0.363)	(0.350)	(0.578)	(0.450)	(0.527)
Age of Constitution x Justiciable		0.232	0.262	0.148	0.076	-0.042
		(0.367)	(0.355)	(0.577)	(0.452)	(0.525)
Judicial Independence			2.517*	4.113*	3.502	3.442
			(1.467)	(2.452)	(2.421)	(2.134)
Democracy in First year of Indep				-0.782	-0.754	-0.427
				(0.564)	(0.543)	(0.462)
NGOs				(1.144)	(1.372)	0.689
				(1.511)	(1.541)	(1.190)
Land Locked					-10.472**	-7.598**
					(4.437)	(3.719)
Latitude					37.650**	22.447
					(17.930)	(19.592)
Africa						-14.398***
						(3.468)
Asia						5.126
						(5.642)
Latin America						8.543**
						(3.475)
Constant	79.617***	77.846***	75.219***	70.087***	71.166***	71.991***
	(3.394)	(5.423)	(5.551)	(11.102)	(9.254)	(11.517)
Number of observations	132	124	123	73	73	73
R-squared	0.01	0.05	0.07	0.15	0.23	0.55

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

Table 11
Effect of TIESR Constitutional Provisions on SERF Index

	Housing Component of SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Justiciable	-2.994	-5.892	-7.448	-5.202	-2.297	-7.286
	(4.391)	(6.460)	(6.294)	(7.604)	(7.165)	(6.840)
Aspirational	(0.065)	3.867	4.870	(11.462)	(13.307)	(11.117)
	(5.890)	(6.874)	(7.493)	(7.537)	(8.356)	(8.476)
Age of Constitution		0.238	0.216	0.29	0.346	0.145
		(0.270)	(0.259)	(0.297)	(0.304)	(0.231)
Age of Constitution x Justiciable		-0.008	-0.011	-0.156	-0.281	-0.16
		(0.291)	(0.272)	(0.299)	(0.311)	(0.243)
Judicial Independence			6.142***	7.706**	7.210**	7.529**
			(1.687)	(3.099)	(3.000)	(2.930)
Democracy in First year of Indep				1.138*	1.177*	1.059
				(0.630)	(0.613)	(0.644)
NGOs				0.488	0.389	1.854
				(1.590)	(1.609)	(1.402)
Land Locked					-8.828*	-7.203
					(4.786)	(4.905)
Latitude					34.121	23.794
					(22.072)	(21.500)
Africa						-18.849*
						(10.483)
Asia						-0.173
						(11.015)
Latin America						0.045
						(10.652)
Constant	76.364***	71.226***	67.973***	72.549***	68.890***	82.295***
	(6.645)	(8.289)	(9.446)	(9.419)	(10.944)	(13.503)
Number of observations	149	139	138	77	77	77
R-squared	0.00	0.06	0.13	0.19	0.23	0.44

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

Table 12
Effect of TIESR Constitutional Provisions on SERF Index

	Food Component of SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Justiciable	-9.874**	-11.755	-12.26	-11.713	-16.585	-21.028*
	(4.532)	(8.791)	(8.665)	(16.103)	(13.324)	(11.115)
Aspirational	2.185	6.125	6.710	6.015	10.308	(6.390)
	(6.968)	(9.023)	(8.856)	(10.802)	(8.707)	(8.109)
Age of Constitution		0.081	0.055	0.05	-0.212	-0.149
		(0.321)	(0.309)	(0.490)	(0.392)	(0.368)
Age of Constitution x Justiciable		0.128	0.159	0.171	0.412	0.199
		(0.329)	(0.317)	(0.506)	(0.405)	(0.383)
Judicial Independence			2.691	1.184	2.847	-2.194
			(2.303)	(3.564)	(3.486)	(2.951)
Democracy in First year of Indep				0.243	0.267	1.414**
				(0.702)	(0.616)	(0.562)
NGOs				(2.479)	-3.227**	(0.876)
				(1.885)	(1.579)	(1.509)
Land Locked					-18.694***	-13.882***
					(5.886)	(4.663)
Latitude					-10.807	6.797
					(21.126)	(18.714)
Africa						-13.741**
						(6.071)
Asia						-27.599***
						(9.492)
Latin America						6.309
						(8.303)
Constant	74.446***	68.696***	67.642***	67.453***	74.339***	97.933***
	(7.701)	(11.740)	(11.815)	(16.368)	(13.677)	(11.743)
Number of observations	126	119	118	75	75	75
R-squared	0.03	0.06	0.07	0.09	0.23	0.43

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%

Table 13
Effect of TIESR Constitutional Provisions on SERF Index

	Work Component of SERF Index					
	(1)	(2)	(3)	(4)	(5)	(6)
Justiciable	-1.485	0.036	-1.094	13.114	11.627	7.928
	(4.957)	(7.539)	(7.723)	(12.283)	(12.309)	(12.985)
Aspirational	20.603***	23.919***	27.645***	27.198***	28.823***	17.547
	(2.622)	(6.151)	(3.825)	(6.330)	(8.486)	(12.875)
Age of Constitution		0.294	0.314	1.048**	0.972**	0.955**
		(0.268)	(0.286)	(0.426)	(0.443)	(0.462)
Age of Constitution x Justiciable		-0.106	-0.11	-0.808*	-0.727	-0.805*
		(0.278)	(0.295)	(0.436)	(0.459)	(0.474)
Judicial Independence			5.834**	6.527*	7.245*	4.814
			(2.568)	(3.574)	(3.635)	(3.691)
Democracy in First year of Indep				-2.151**	-2.158**	-1.632*
				(0.881)	(0.887)	(0.974)
NGOs				(1.825)	(1.993)	(0.450)
				(2.408)	(2.392)	(2.580)
Land Locked					-4.72	-2.222
					(8.356)	(8.364)
Latitude					-10.409	-6.321
					(32.158)	(32.251)
Africa						-9.91
						(12.743)
Asia						-13.973
						(13.733)
Latin America						3.696
						(12.096)
Constant	57.139***	49.542***	43.689***	32.630**	35.038**	53.008***
	(2.567)	(6.586)	(5.088)	(13.741)	(13.740)	(19.224)
Number of observations	120	114	113	69	69	69
R-squared	0.01	0.04	0.07	0.19	0.2	0.25

Notes: Robust standard errors are in parentheses.
Asterisks denote significance: * significant at 10%; ** significant at 5%; *** significant at 1%