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Economic Rights and the Policymaker's Decision Problem

Lanse Minkler

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The Human Rights Institute
University of Connecticut
Thomas J. Dodd Research Center
405 Babbidge Road, U-1205
Storrs, CT, 06269, USA

Email: humanrights@uconn.edu
Tel: 860-486-8739
Fax: 860-486-6332
http://www.humanrights.uconn.edu/

Abstract

Economic rights can be instantiated in a variety of ways. This paper investigates the problem with making economic rights into policy from one source: the political policymaker. By modeling the policymaker's decision problem we can identify particular decision flaws and possible correctives that might prompt economic rights instantiation through "enlightened self-interest." A complementary approach involves constitutionalizing economic rights with directive principles and enforceable law, which could work somewhat independently of the policymaker's preferences and/or beliefs. The last part of the paper looks at a sample of actual constitutions to see if government effort toward economic rights fulfillment is related with constitutionalization. The evidence here suggests a positive relationship: those countries with better economic rights provisions in their constitutions demonstrate greater economic rights effort.

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Economic Rights and the Policymaker's Decision Problem

1. Introduction

As internationally agreed upon human rights enumerated in the Universal Declaration of Human Rights, economic rights—the right to an adequate standard of living, the right to employment, and the right to conditional social security-- involve many interesting issues. A conceptual set of issues centers on the foundations for economic rights, what they cover, and their legal justiciability. Measurement issues focus on the difficulty of determining the exact extent to which economic rights are respected. Important questions include, what would count as a good measure of rights fulfillment (knowing that the data has to be properly disaggregated), and how can we best measure government effort to respect and promote economic rights? The final set of issues, and the category in which this paper falls, revolve around policy.[1] Most fundamentally, how should economic rights be made a reality? Like for the other questions, there is no broad agreement on this question, at least among scholars. The purpose of this paper is to sharpen the discussion by focusing on one impediment to instantiating economic rights-- the political decision-maker. To do that, I will use economic analysis to examine the policymaker's decision problem.

By considering the policymaker's decision problem I hope to shed light on exactly what the different kinds of policies are trying to achieve. Some policies might nudge a flawed policymaker towards "enlightened self-interest," while others might induce economic rights fulfillment (e.g., through constitutionalization) no matter what the policymaker's preferences or beliefs. Then I look at the empirical relationship between government effort and constitutionalization. If constitutionalization offers the benefits suggested by the analysis, it should be associated with higher economic rights fulfillment. The evidence here suggests that that is indeed the case, though it represents only a beginning.

It is not difficult to identify the main reasons for why no broad agreement exists on the best ways to instantiate economic rights. Every country is different in its history, culture,

[1] For discussion on all of these kinds of issues, see the contributions in Hertel and Minkler (2007).

institutions, and level of development. And partly because of those differences, different policy preferences exist. Some favor using political processes like lobbying for larger budget appropriations to fund economic rights fulfillment, while at the other extreme some favor constitutionalizing economic rights as enforceable law. The first kind of policy can be criticized for being conditional, uncertain, and temporal, while the second kind of policy can be criticized for diluting constitutions with unachievable goals and rights proliferation. And the constitutional process may require enormous political effort that could be best directed elsewhere. Other ideas include constitutionalizing economic rights as directive principles (policy goals), implementing them through statutory law, focusing on civil and political rights fulfillment, and massive increases in foreign aid. There is no shortage of policy preferences.

While some economists have considered the role of constitutions in policy outcomes, none to my knowledge have considered economic rights provisions. Recent efforts seem to focus on the effects of different electoral rules in constitutions, for instance on government size and spending (see Acemoglu 2005).[2] In contrast, human rights scholars have examined constitutions for social and economic rights provisions, usually focusing on the rights to health care, education and social security. Sadurski (2002) systematically examines all of the post-communist constitutions in Central and Eastern Europe for provisions on health care, education, and social security. Broadly speaking, he finds generous provisions in nearly all of them. But Sadurski's main finding is that no correlation exists between the generosity of socio-economic rights in a constitution and the objective circumstances in that country (i.e., stage of economic growth, speed with which the constitution was created, prospect of admission to the EU, etc.). Gauri (2003) searches 165 constitutions of the world and finds that 116 make reference to the right to education, while 73 do so for the right to health care. Gauri's main argument is that when these rights are thought of as directive principles that impose general duties on governments, the difference between economists' and human rights scholars' analyses narrows measurably. Neither Sadurski nor Gauri look at the relationship between constitutionalization of human rights and government effort to fulfill those rights.

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[2] James Buchanan and his colleagues have argued that distribution rules should be directly incorporated into constitutions in order to limit the effects of politician self-interest (see Brennan and Buchanan 1985). Such rules could accommodate a negative income tax, which could made consistent with the right to an adequate standard of living.

The rest of this paper is organized as follows. Section 2 presents an economic analysis of the political policymaker's decision problem. A standard model is sketched and quickly described in order to see how economists might induce a policymaker to provide more effort toward economic rights implementation. In the following subsections I consider the different implications that arise when assumptions are relaxed about policymaker preference formation and knowledge about policy benefits and costs. In the last part of the section I discuss the incentive properties of including economic rights directly into constitutions, either as directive principles or as enforceable law. Section 3 then looks at the relationship between constitutionalization of economic rights provisions and government effort. To do that, I look at the constitutions of countries with the highest and lowest government effort. Section 4 offers concluding comments and caveats.

2. An Economic Analysis of the Policymaker's Problem

a. *The Basic Set-Up and Standard Implications*

Policymakers must decide how to spend scarce resources, primarily from tax revenue, but also international aid for poorer countries. They choose policies to effect desired outcomes, either their own, their constituents, or some combination of both. Traditionally, we would say that the policymaker's problem is to choose spending in order to maximize her own preference-satisfaction, subject to a budget constraint, and possibly other constraints that assure that the policymaker's incentives are aligned with voters' wishes. More recent analyses recognize that a policy-maker might (a) possess preferences that could change due to rational and moral argument, and (b) confront information (and cognitive) limitations about policy effectiveness and costs.[3] To the extent that a policymaker responds to rational and moral argument and to additional information about policy options, we could say that her decisions more reflect "enlightened self-interest." It might also be possible to tie the policymaker's hands by reducing her choices, through guiding directive principles or with an extra constraint, as in the case of making economic rights enforceable constitutional law.

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[3] Other recent topics in behavioral economics include: loss aversion, the endowment effect, the economic of happiness, emotions, framing effects, fairness, and the role of principles.

To gain deeper insight into policymaker behavior, let's add a little formality. The policymaker can choose two kinds of "goods": policies (x) and perks (z). Perks refer to resources diverted for the policymaker's own personal interest. Policies generate outcomes (Q), for instance, military troops provide national defense, schoolteachers promote literacy, and public employment programs generate jobs. A given policy could also affect more than one outcome, say if additional teachers increase literacy and also student incomes. There are n policies and m outcomes, so $\mathbf{x}=(x_1,x_2,\ldots x_n)$, $\mathbf{Q}=(Q_1,Q_2,\ldots Q_m)$, where $\mathbf{Q}=\mathbf{Q}(\mathbf{x})$. The policymaker has preferences over outcomes and perks (to make things simple assume there is only one kind of perk). The policymaker's utility function, U, describes the relationship between **Q** and z and her preference-satisfaction; a higher U denotes a higher utility index or preference-satisfaction. Policy implementation costs money, so each policy has a price, p. For instance the cost of an additional soldier could be p_j, while the cost of an additional schoolteacher is p_{j+1}, where $\mathbf{p}=(p_1,p_2,..p_j,p_{j+1},..,p_n)$. Perks too have a price, denoted by μ. A low μ indicates that it's relatively easy for the policymaker to divert funds to a Swiss bank account, while high μ suggests significant consequences, political or legal. The money to buy both policies and perks comes from total tax revenues, T, and foreign aid, A, which, when combined, limit the amount of policies and perks the policymaker can enjoy, and forces her to choose amongst trade-offs.

Given all this, we say that the policymaker's problem is to choose **x** and z to maximize $U(\mathbf{Q}(\mathbf{x}),z)$, subject to the budget constraint $\mathbf{px}+\mu z \leq T+A$. A self-interested policymaker who knows how to best fulfill her interests (and who also just spends all the budget) maximizes her utility by choosing the quantity of each of the m policies and the level of perks such that the ratio of marginal benefits and marginal costs are equalized: $(\partial U/\partial x_j)/p_j = (\partial U/\partial x_{j+1})/p_j =\ldots= (\partial U/\partial x_n)/p_n = (\partial U/\partial z)/\mu$, for all j in n. In this case, the marginal benefit is the additional (marginal) utility to the policymaker of choosing one more unit of a policy or perk. Assuming that marginal utility decreases with additional policy or perk funding after some level (and a few other technical assumptions), the utility optimization condition says that, for any j and k, if $(\partial U/\partial x_j)/p_j > (\partial U/\partial x_k)/p_k$ the policymaker could increase her total utility by shifting spending from policy x_k to x_j. Otherwise, the last dollar spent on j was yielded more utility than the last dollar spent on k. The shift in spending to j from k eventually causes the marginal ratio/ marginal cost ratio to equalize because the marginal benefit of x_j will decrease with increased funding while the marginal benefit of x_k increases with decreased funding.

Denote the policymaker's optimization choice in this case as ($\mathbf{x}^*$,z^*). This choice determines how much effort and resources will go to economic rights implementation. Depending on the policymaker's preferences, policy costs and effectiveness, the cost of perk-taking, and available income, this optimization choice could range from full economic rights implementation to full corruption. But ($\mathbf{x}^*$,z^*) most likely represents a combination of some economic rights policy fulfillment, other preferred policy fulfillment, and some perk-taking. If society thought that the policymaker's current choice reflected too little spending on economic rights, what could it do? Most fundamentally it could either reduce the price of policies associated with economic rights fulfillment relative to other options, increase the price of perks, or it could relax the budget constraint. The most obvious, but not necessarily easiest, option would be to increase the price of corruption by either additional monitoring of policymaker activities, increased penalties for unethical perk-taking caught, or both. While there is a big and justified movement to assure political transparency, monitoring political decisions can be quite costly if there's currently little transparency in the political process.

In order to decrease the price of economic rights policies relative to other policies, voters could also reward policymakers with continued support and votes. This kind of voter behavior lowers the effective price of favored policies, thereby encouraging their consumption.[4] One way economists might model this is to appeal to the idea that tomorrow's political support depends on today's actions, thus, in this case, without sufficient economic rights fulfillment in this period the political policymaker might not get a chance to solve her utility problem in the next period.[5] That risk generally increases the likelihood that the policymaker will choose in accordance with voters' preferences. Of course such an analysis assumes that violating voter preferences costs the policymaker, an assumption most appropriate for well functioning democracies with strong political and legal institutions.

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[4] Moreover, if we limit the geographic scope to districts, then sorting could occur with policymakers moving to those districts that match their own preferences and principles. If voters in a district prefer economic rights policy fulfillment, a similarly inclined legislator could move there and get votes. For discussion and evidence of this kind of political behavior see Minkler (2008), Chapter 5: "Lying, Contracts, and Political Behavior."

[5] Formally, $p(x^1)$ is the probability (between 0 and 1) of second period election, which is a function of the first period economic rights policy choice. Viewed from the first period, the policymaker's second period expected utility would thus be: $p(x^1)U(x^2)$, where superscripts denote the time period.

As a final, standard prescription, the budget constraint could be relaxed. If tax revenues and external aid increase, the policymaker can consume more of everything she prefers. Of course increasing tax revenues can be difficult to impossible, and increasing external aid is no easy task either. I will discuss the external aid issue later, but suffice it to say there is a vigorous debate on the desirability and effectiveness of aid, with the result that funders are likely to make their scarce aid even more conditional in the future.

b. *Additional Implications: The Policy Maker's Objective Function*

The discussion so far makes it clear that if voters valued economic rights fulfillment and also could assure that their political representatives honored their preferences, then their wishes would be honored so long as the budget was sufficient. In this section we will investigate the additional implications that arise when we relax some of the traditional assumptions of the analysis. In particular, we will consider preference formation, knowledge gaps about policy effects, and discounting. By adding these things, the "corrected" policymaker decision process could be said to be one of "enlightened self-interest." In section c I will reconsider the budget constraint by (a) more deeply exploring how the international community might be induced to contribute additional aid, and (b) examining the effects of uncertainty about economic rights policy costs. Finally, in section d we will look at what happens when we add another constraint to the policymaker's decision problem, one meant to capture the formalization of economic rights attainment through constitutional law.

In the policymaker's decision framework described above, preferences are assumed to be complete, transitive (inconsistencies are ruled out), exogenous to the agent with no means for self-evaluation or alteration, and the sole foundation of personal welfare and thus choice. Economists prefer to think of the framework as positive description of actual decision-making, and dislike making judgments about preferences mostly because of an admirable, non-paternalistic norm in the profession. But while these simplifications bring elegance to our analyses, they also ignore important factors in real life decision-making, and needlessly dismiss important normative features. Preferences are influenced by social groups, culture, additional information, and reasoned arguments, and their fulfillment is not the sole basis for personal

decision-making because commitments and reasons also can play a role.[6] Moreover, as philosophers point out, there is no reason *not* to evaluate some preferences, for instance those desires directed toward the harm of others like spite or racism, or those that cause harm to oneself like addiction or lying (which can diminish one's own character).

The first thing this means for the policymaker's decision framework with respect to economic rights fulfillment is that her preferences may respond to rational and/or moral arguments for economic rights. Now it's quite possible that without a certain kind of empathy some people will never be convinced of the value or imperative of any human right.[7] But for those already convinced about the importance of civil and political human rights, arguments for economic rights are likely to be compelling. For instance, Henry Shue (1996) identifies basic rights as those minimal reasonable demands that everyone can place on the rest of humanity, and argues that their enjoyment is necessary for the enjoyment of all other rights. Basic rights come in two forms, security rights and subsistence rights. Security rights cover the rights necessary to be free from external harm (murder, torture, rape, assault), while subsistence rights cover the rights necessary for minimal subsistence (clean air and water, adequate food, shelter, and health care). Because both types of basic rights are necessary for human survival, the first aim of all human rights, there is no reason to give one primacy over the other. Additional arguments support economic rights based on claiming (Feinberg 1989), purposeful human action and human dignity (Gewirth 1992 and 1996), need fulfillment necessary for human autonomy (Copp 1992), and the promotion of freedoms (Sen 2001).[8] These powerful arguments appear to have moved some policymakers and citizens.[9] But unlike preferences (at least in economic theory), reasons are subject to evaluation, and reasons judged to be compelling may cause action.

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[6] For additional discussion, see Sen (1977), Hausman and McPherson (2006, especially chapter 8), and Minkler (2008, especially chapter 3).

[7] Beetham (1995) makes this point; Schultz (2002) also emphasizes the importance of empathy.

[8] See Hertel and Minkler in Hertel and Minkler (2007) for further discussion. Also see Beetham (1995).

[9] As I already noted, many (especially newer) constitutions include economic and social rights provisions. Also, even NGO's usually associated with civil and political human rights work, like Amnesty International, have begun to emphasize the importance of economic and social rights. Moreover, some grassroots anti-poverty movements are also invoking economic rights arguments with some success, as witnessed by the Kensington Welfare Rights Union (Ford Foundation 2004).

The second "error" the policymaker could make concerns the relationship between policies (**x**) and outcomes (**Q**)-- the "policy production function". We might assume that the relationships are exact, and known with certainty, as in the analysis offered above. But a more realistic scenario would recognize that there's a good deal of uncertainty between policy implementation and actual outcomes. To describe this kind of a scenario economists use probability distributions over outcomes in order to derive the mean expected outcome(s), and also to reflect the intensity of uncertainty about that estimate (through statistical variance). Some physical relationships can be known with certainty, or at least we can obtain sufficient information to form objective probability distributions about potential outcomes. Those probability distributions can often be refined with more information, sometimes in the form of additional sampling. Policymakers in the political and social world, on the other hand, often have to use subjective conjectures. A policymaker cannot really know what the effects of a public employment program would be with certainty, so she forms an estimate. The problem is that that estimate could reflect incomplete or biased information--- it could be flat wrong.

A policymaker who entertains policies to elevate the standard of living can be pretty sure that various outcomes will be affected, some quite desirably. Such policies would obviously reduce the need for other social programs, and would lead to better health outcomes. But by how much? What other effects might occur? If that uncertainty is so great or some relationships are not even recognized, then the policymaker might mistakenly discount those policies, and errors could be made. The limited evidence suggests just those kinds of errors have indeed been made. For instance, when policymakers (and economists) try to assess the desirability of job training programs, like Job Corps Program, they focus on the increased earnings potential of program participants. But that ignores other important outcomes. In the case of the Job Corps Program, a comprehensive cost-benefit study revealed that in-program output and increased earnings for 4 years after the program accounted for only 80% of the program's costs, but when things like reduced dependence on transfer programs and alternative services, reduced criminal activity, and reduced drug and alcohol abuse were also included, total benefits accounted for 146% of the program's cost.[10] By focusing only on standard direct benefits we underestimate full benefits, which biases our estimates and ultimately our decisions.

[10] Mallar et al (1982), table 8.10, page 248. Also see Ellwood and Welty (2000).

The same kind of mistake can be made when assessing policies aimed at boosting employment. Typically policymakers and economists would compare the policy cost with increased value of output generated by the newly employed. Again, such narrow analyses miss other important outcomes. For instance, Amartya Sen argues that increased employment of women yields other important benefits like increased household equity, reduced fertility rates, and reduced gender bias in children's benefits.[11] More generally, he argues that unemployment is associated with social exclusion, loss of self-reliance and self-confidence, and increased mental and physical illness.[12] Of course because much of this cost can be categorized as "psychological," it can be difficult to measure. However, researchers in the "economics of happiness" literature now know that unemployment is a key contributor to unhappiness. A recent study using sophisticated econometric techniques estimates the dollar value of unhappiness for an unemployed U.S. male at $60,000 per year.[13] While that number could be debated, clearly any analysis that ignores equity or psychological benefits is undervaluing the true benefits of unemployment programs.

If policymakers might undervalue certain programs, so too might they overvalue others. A good deal of Amartya Sen's life work has aimed at dispelling the notions that economic growth and increased average income are intrinsically good. Instead, increased incomes are instrumental to what all humans have reason to value: good, long lives. Sometimes policymakers favor growth policies and ignore other policies that would more directly achieve these objectives. High illiteracy and infant mortality can be found in some prosperous countries, especially among certain ethnic groups and among females, much more so than can be found in some lower income countries (e.g., Sri Lanka). Public health and education programs are especially important to achieve good longitivity outcomes. In fact, one study found that once incomes of the poor and public expenditures on health care are accounted for, GNP/capita adds nothing to explain the life expectancy in a given country.[14] The implication, of course, is that policies aimed at growth, favorite policies among many, are ill-suited for the important goal of increased life expectancy.

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[11] Sen (2001), chapter 8.
[12] Sen (2001), pp. 20-21.
[13] Blanchflower and Oswald (2004).
[14] Anand and Ravallion (1993).

The third kind of error a policymaker could make that would cause her to undervalue economic rights policy implementation is the inclination to discount the future too highly. Like many different kinds of policies, economic rights policies can impose costs immediately, while benefits accrue into the future. Employment training programs increase future earnings (and reduce the costs of future crime, as alluded to above). That recognition implies that the true policy production function takes the form: $\mathbf{Q}^{t+1}=Q(\mathbf{x}^t)$, at least for some Q, where t is the current time period and t+1 is some future time period. Two problems arise. First, the policymaker has to estimate benefits not in the near term, but also in the far term as well. That complicates the problem, increasing the probability of error. Second, the policymaker's time horizon may differ from the publics'. To the extent that the public values the outcomes associated with economic rights policy implementation, it will value future benefits so long as they are properly discounted (i.e., a benefit of equal value today is worth more than the same benefit in the future). That would also be true for a policymaker that follows the voters' wishes. But the benevolent policymaker may not be able to for lack of information.[15] Or the policymaker might care less than the public about future benefits, which would imply that her discount rate would be higher than the general publics' and some valued policy will be ignored. That discount rate divergence could occur if at least some of the benefit accrues well into the future and the policymaker thinks there is a chance she won't be in office to get the credit. Social Security and Medicare reform efforts in the U.S. might have that kind of an explanation.

c. *Additional Implications: The Constraint*

The constraint in the decision problem assures that the policymaker will have to make hard choices: each policy chosen implies an opportunity cost of the best alternative policy not chosen. The first issue with the constraint concerns a problem analogous to the ones just discussed, namely, the subjective/probabilistic nature of costs. Just as it is difficult to know true benefits with precision, so too is it difficult to know full policy costs with precision. Full costs include direct costs (e.g., payroll, materials) and indirect costs (e.g., administration, external

[15] For the public, the value of Q^t is discounted by multiplying it by $1/(1+r^v)$, where r^v is the publics' (voters') discount rate. The same kind of discounting holds for the policymaker, where r^{pm} denotes her discount rate. If $r^v<r^{pm}$ the public values Q^t more than the policymaker, implying that the policymaker may exert less effort to that outcome than the public prefers.

costs, incentive effects). Moreover, to make an informed decision, a policymaker would have to know the true costs of all *alternative* policies.

To illustrate the problem, consider the cost of public service employment to eliminate unemployment in the U.S. When coupled with a conditional basic income guarantee, as provided by certain programs like social security, Medicaid, and disability insurance, a public employment program would go a long ways to economic rights fulfillment. How much would such a national program cost? One answer is that no one knows, partly because the question is rarely asked, and even when it is the assumption (even among economic rights advocates) is usually that such a program would be prohibitively expensive.[16] In contrast, Philip Harvey has actually tried to calculate the cost.[17] Harvey estimated the cost of a public employment program that eliminates all but transitional unemployment cost over the ten year period 1977-1986, when average unemployment was a high 7%, at $1.2 trillion. That's a big number. But Harvey also estimated the savings in redundant program costs, like unemployment insurance and the majority of AFDC, at $725 billion. Coupled with an estimated increase of payroll taxes of $246 billion, Harvey estimates that 82% of the program cost could be covered without any additional deficit spending, making the program quite feasible indeed. And his estimate doesn't even include some of the likely benefits mentioned earlier, like reduced social costs from reduced crime and addiction, and reduced physical and mental illness. Of course Harvey's estimates are sensitive to his assumptions, and additional efforts are necessary to test the robustness of results, but his is the only serious effort of the kind and it is certainly an improvement over those based on conjecture. Policymakers simply cannot know true program costs (and benefits) in the constraint without this kind of information.

If all of the problems discussed so far were somehow corrected, it could be said that the policymaker acted out of enlightened self-interest. While still self-interested, now decisions would be enlightened because they would reflect informed preferences and complete (or more complete) information about true benefits and costs.[18]

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[16] As just one example, consider the words of Cass Sunstein, certainly an advocate for the social and economic policies envisioned by economic rights. When addressing the issue of enforceability of economic rights, he states firmly: "No nation can ensure that every citizen has a job; a certain level of unemployment is inevitable." Sunstein (2004), p. 210.

[17] Harvey (1989), especially chapter 2.

[18] Actually, it would be more accurate to say that the policymaker might now act out of more informed preferences *or* reasons because while reasons might influence preferences they are

It might appear that the surest way to economic rights policy implementation would come from relaxing the budget constraint, either by increasing tax revenue or foreign aid. Of course doing either could prove quite difficult, and in the end may not even work. The poorest countries simply do not have the resources to eliminate poverty, and the richer ones lack either the political will to raise taxes sufficiently, or, if their budget is already sufficient, are unable to allocate it properly for reasons already given. A common refrain is that the vast majority of countries waste too much of their budget on military security at the expense of *human* security.[19]

That leaves foreign aid, a very complicated topic. Some believe that significant increases in foreign aid are necessary to pull poor countries out of "poverty traps," while others believe that even significant increases will yield only marginal improvement at best. For instance, global leaders met in 2000 to at a UN Millennium Summit, which resulted in the adoption and widespread acceptance of Millennium Development Goals. Those goals include reducing children mortality by two-thirds and maternal mortality by three-fourths, achieving universal primary education, and cutting the numbers of people living on $1/day or less (1.1 billion people in 2001) by half from 1990—the base year—to 2015. These ambitious, laudable goals also include ways to get there, including a goal, Goal 8, to increase development aid by the richest (OECD) countries to 0.7% of their GNP.[20] The underlying premise is that the key problem for poorer countries is that they lack sufficient financial resources to meet their development objectives. The constraint is severely binding for important objectives like economic growth and infrastructure, not to mention others associated with economic rights. Jeffrey Sachs and his colleagues at the UN Millennium Project have adopted a sophisticated, ramped-up version of this approach to address African poverty.[21]

That approach has its critics.[22] First of all, empirically there appears to be at best a small but statistically insignificant impact of foreign aid on economic growth. Second, investments

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different from preferences and thus can act as an entirely different motivator. For detailed discussion see Minkler (2008 chapter 3).

[19] See for instance Robinson (2005).

[20] Lower developed countries are also required to earmark .15% of their own GNP. For discussion of Goal 8, see Fukuda-Parr (2007).

[21] Sachs et al (2004).

[22] See for instance Easterly (2003 and 2006), Rodrick (2006), and Bourguignon and Sundberg (2007). Much has been made of Sachs' optimism about the potential of foreign aid versus Easterly's pessimism. Some fear that Sachs is getting expectations too high, while Easterly is promoting inaction (which he is not). For a careful review of the literature, including substantial

can be wasted if property rights are weak, there's corruption, or if there is insufficient institutional capability to turn aid into action. And finally, many poorer countries have been able to grow without the benefit of foreign aid. These scholars tend to advocate a more nuanced case-by-case approach. They tend to promote country self-help, and at the very least recipient involvement in any type and conditions of aid given. Instead of thinking big, the failures of the past counsel thinking small, focusing on proven policies that work, like subsidies to parents for children school attendance, basic health care interventions like vaccinations and bednets, and programs to assure clean water, all of which have worked. This approach certainly has its merits, but it's worth emphasizing that a lot of times these scholars are considering the benefits of foreign aid on economic *growth*, rather than achieving a minimum standard of living. Economic growth is necessary for that goal because it means that there is more income to potentially allocate to the poor, but it is not sufficient because that may not happen as almost every country in the world can attest to, and by itself economic growth does not change the distribution of income.[23] Moreover, some foreign aid aimed at health and education improvements--- like those just mentioned, may bypass some impediments (e.g., weak property rights) to increase economic growth.

If external funders wanted to guide policymaker behavior, they could impose an additional "incentive compatibility" constraint in the policymaker's decision problem. The constraint would alter the policymaker's incentives by offering a reward for results consistent with the funders objectives (improved school attendance, say), and penalize those not consistent, for instance, by reducing aid. Proper design would require that the outcomes of interest are observable to the funder, or that there is something related to those outcomes that the funder can observe (for instance, improved student test scores). But the literature also makes it fairly clear that the bulk of work necessary to improve social and economic conditions within a given country must come from good decisions and policies from within the country itself. That leaves one more possibility, constitutionalization, a topic to which we now turn.

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evidence that foreign aid has had undeniable "micro" benefits (on health outcomes, for instance), but more ambiguous effects on "macro" variables (e.g., economic growth), see Tarp (2006).

[23] Besley and Burgess (2003).

d. *Constitutionalization: Directive Principles and Enforceable Law*

With respect to economic rights policy implementation, the analysis so far indicates that the public can increase the odds of policymaker compliance through efforts like reasoned argument that alters the policymaker's preferences, and information gathering about true policy benefits and costs, both in the present and the future. Another approach would be to adopt or modify the country's constitution to make economic rights either (a) directive principles, or (b) enforceable law. Many constitutions include both. For instance in the Central and Eastern European examples surveyed by Sadurski (2002, pp. 19-20), Albania, Moldova, Poland, and Slovenia each adopt a mixture, as do Spain and Ireland.

Directive principles are important goals that are meant to guide policy actions. When stated explicitly in the country's leading document, these directive principles can provide important information to policymakers about what choices they should make. Typically, directive principles are accompanied by state pledges, to achieve the highest level of employment or health protection for instance. Together stated goals and pledges may reflect social norms and also generate expectations to which policymakers will be held accountable. Failure to meet constitutional directive principles may strip policymakers of legitimacy. If the public can register their displeasure by voting the offenders out of office, policymakers will have to consider the "soft" constraint of decreasing their chances of reelection should they ignore important social goals and pledges.[24] That risk is greatest for societies with strong democracies, judicial systems, and other institutions that can assure political policymaker accountability. In societies with weaker political and legal institutions the risk is weaker, unless there is another source of threat, revolution or military coup for instance.

The option of constitutionalizing economic rights with directive principles is most likely when a society believes that constitutionalization through enforceable law would be too costly due to an inevitable political battle, or because the budget could not support immediate economic rights implementation. Gauri (2003) favors constitutionalizing economic rights as directive

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[24] Recall from footnote 5 that $p(x^1)$ is the probability of second period election as a function of first period economic rights policy choice. Directive principles sharpen the relationship. Denote the policies that would fulfill economic rights as prescribed by the constitutionalized directive principles as x_d. Now the probability of second period election depends on deviations from the ideal, or $p(x_d\text{-}x^1)$. The policymaker chooses x^1, with a larger divergence decreasing p.

principles rather than enforceable law to avoid the inevitable charge that that would leave economic rights impractible and self-defeating. Few, if any, countries could afford economic rights fulfillment, my previous comments about the lack of cost estimates notwithstanding. Osiatynski (1996) favors the directive principle strategy for most economic rights because instantiating them as enforceable law would necessitate courts (rather than legislatures) make policy decisions about implementation, tasks for which they are ill suited. For some, of course, the problem with constitutionalizing economic rights as directive principles is that it gives policymakers too much discretion to ignore or under-fulfill important individual claims. Interestingly, as will be discussed later, in the case of South Africa's constitution there is a middle way in which directive principles are backed up with government obligations to provide programs of access to certain needs fulfillment (e.g., the government must implement a nondiscriminatory housing program for the homeless).

In the strongest case a constitution could specify that each and every citizen is legally entitled to an adequate standard of living as enforceable or justiciable law.[25] This additional constraint would tie policymakers' hands because they would then have to concoct policies and devote resources for that purpose; if they attempted to circumvent the law, courts, responding to aggrieved plaintiffs, would correct the situation. At least that's how it would work in theory. In practice sometimes courts are too weak and/or reluctant to enforce economic rights as justiciable law. At other times they have actively participated in transforming economic rights into broad policy goals.[26] But clearly courts play a vital role in determining the degree to which instantiating economic rights as enforceable law, or as a "hard" constraint, is actually binding.

Those who tout constitutional design as a way of promoting rules over discretion often do so in order to limit the deleterious effects of self-interested politicians. Usually that refers to unethical perk taking. But note the additional implications of the analysis offered here. By instantiating economic rights into a constitution either as directive principles, or more forcefully

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[25] Formally, the additional constraint would look like: $\mathbf{Q}(\mathbf{x'}) \geq \underline{\mathbf{Q}}$, where **x'** are the policies necessary to assure some bundle of outcomes $\underline{\mathbf{Q}}$ that define an adequate standard of living *for every individual*.

[26] See Sarduski (2002) for how the Hungarian Constitutional Court turned the right to Social Security into a target (p.21), and how Constitutional Courts in Central and Eastern Europe are sometimes reluctant to appeal to welfare rights in their decisions (pp.27-28). He also notes that Central and Eastern European Courts have helped transform the meaning of the right to work into state obligations of nondiscrimination of employment choices and full-employment policies (p.29).

as justiciable law, there is less chance that the policymaker will make certain errors in judgment, errors that could occur quite apart from her self-interest no mater how little or how much enlightened. Specifically, the benefits include reducing the effects of policymaker judgment errors from: (a) preferences not in accordance with sound reasoning about economic rights, (b) benefit and cost estimates based on a lack of (or biased) information, and (c) too high of discount rates.

Moreover, there is reason to believe that constitutionalizing economic rights might prove a useful tool to attract external aid. Daniel Farber has argued that constitutionalizing civil and political human rights can attract foreign investment because such rights reduce the probability that the government can expropriate investments made.[27] All governments say they will respect the property rights of foreign investment, but the actual non-recoverable and costly act of constitutionalizing certain human rights makes that talk more credible. The same might be said of economic rights with respect to external aid. If funders decide to concentrate their aid efforts to those countries that will spend it wisely, they will look for credible assurances. Constitutionalizing economic rights could signal that the country is indeed interested in using the aid for such purposes, again because constitutionalization entails certain non-recoverable costs.[28]

The cost of instantiating economic rights as justiciable law in constitutions could be considerable. The enactment or amendment process (for existing constitutions) is likely to be politically difficult and may divert energy and resources from other promising, though politically less divisive, strategies.[29] It may be easier to incorporate such provisions in new constitutions, as many decolonized and former eastern block countries have done. And, because of cost considerations, some prefer to incorporate economic rights in constitutions as directive principles rather than enforceable rights. That strategy gives policymakers room to progressively fulfill policy goals as resources become available.

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[27] Farber (2002).

[28] The only study that I'm aware of that calculates the economic effects of respect for human rights is Blume and Voigt (2004). In a cross country analysis they find that basic civil and political rights do have a positive effect on investment, and that worker rights and equal opportunity rights are associated with higher productivity. None of the human rights they look at ever has a significant negative impact on the economic variables they consider.

[29] This is the approach of Sunstein (2004), Forsythe (2007), Osiatynski (2007) among many others.

3. Economic Rights Effort and the Role of Constitutions

The hypothesis from the analysis is this: if constitutionalization can capture the benefits identified, then the hypothesis is that constitutionalization will induce high political effort towards economic rights fulfillment. So long as the constitution has teeth, either legally or as a guiding document that policymakers take seriously, economic rights provisions will induce policymakers' decisions toward economic rights policy implementation. Of course some constitutions in history have been nothing more than eloquent fiction touting all kinds of rights, but we would expect that those countries that are truly trying to implement economic rights might do so with the aid of constitutions that carry legal force or express social goals and aspirations. Some wealthy countries may achieve good outcomes associated with economic rights (low mortality, high literacy, etc.) with or without expressly supporting economic rights. Those countries enjoy those outcomes due to advanced markets, general respect for civil and political human rights, good resource bases, a lot of entrepreneurial talent, historically cheap labor, and being on the lucky side of colonial relationships. In those cases high incomes are key drivers. Most Western European countries recognize the importance of economic rights and instantiate them to some degree, while the US does pretty well without such support but by virtue of its high average income and the value it places on education.[30] More relevant here are the countries that don't enjoy high incomes, abundant resources, and a fortuitous past. For those that are really trying to achieve the goals of economic rights, do they actually use constitutions to aid their efforts? That's the empirical question.

Two studies exist that attempt to capture government *effort* toward economic rights fulfillment: Kimenyi (2007) and Cingranelli and Richards (2007). To calculate this effort, the studies use one of two common measures for economic rights attainment or performance, either the Human Development Index (HDI) or the Physical Quality of Life Index (PQLI). The HDI is

[30] But there have been periodic attempts in the U.S. to instantiate economic rights more formally. In his famous "Second Bill of Rights Speech," FDR proclaimed that a necessitous man in not a free man, and that injustice should be corrected with a job for all those willing to work. Cass Sunstein (2004) argues that FDR never intended for such a right to be justiciable, but rather as a directive principle aimed at guiding policymakers. Sunstein (2004, pp. 182-183) also discusses a constitutional amendment proposed in 2003 (H.J. Resolution 35) that would, among other things, have given every citizen the right to work in much the same spirit that FDR proposed. Sadurski (2002, p.9) similarly notes U.S. Supreme Court decisions that find no fundamental rights to public education or adequate housing.

a composite index that includes life expectancy at birth, adult literacy rate, school enrollment and per capita income. The PQLI includes infant mortality, life expectancy, and adult literacy. Each composite index includes things we all have reason to value, and that would be protected with respect for economic rights.[31] Not surprisingly, both scores are highly correlated with country income, though there are several cases where well off countries do not perform well, and also where poorer countries do perform well. To find effort, Kimenyi removes income from the HDI measure, and then regresses the modified HDI measure against country income for 173 countries in the year 2002. The residuals of the predicted values of the modified HDI give the relative effort of each country: those with positive residuals have actual (modified) HDI scores higher than predicted given their income, while those with negative residuals indicate lower actual scores than predicted given their income. The highest positive residual, and hence the number one ranked country, belonged to Tajikistan; the largest negative residual, and hence 173rd ranked country, belonged to Burkina Faso. The US ranked 144 according to this method.

Cingranelli and Richards (C&R) also used regression residuals to compile a ranking. But they used PQLI as their dependent variable (to measure attainment), per capita income (to measure ability), and country stance towards the International Covenant on Economic, Social and Cultural Rights--- signatory, party, or not (as a measure of willingness) as regressors. For them, a high positive residual represents high effort because it is associated with an actual PQLI score higher than predicted by a county's ability and willingness. The authors performed non-linear regressions with data for 131 countries for three separate years, 1980, 1990, and 2000. In the year 2000, Georgia ranked first, Botswana last.

There was a fair amount of accord between the measures in both studies. For instance 10 of C&R's top 14 were included in Kimenyi's top 25; all of C&R's bottom 10 were included in Kimenyi's bottom 25. In order to answer the question about the relationship between economic rights effort and the use of constitutionalization, I consulted C&R's top and bottom performers. If constitutions are related to policymaker effort toward economic rights fulfillment, it would be most apparent at the tails of the distribution. So I looked at the constitutions of C&R's top 14 high effort performers, and their bottom 10 performers. The top 14 performers (with Kimenyi

[31] Both measures also suffer from the serious problem that they are country averages--- they are not disaggregated by sex or ethnicity. A country could have a relatively high HDI or PQLI score because the majority are doing well, but also have a smaller disfavored group with very low scores. Real economic rights attainment would protect that group.

rank) in order were: Georgia(5), Armenia (8), Tanzania (64), Madagascar (32), Sri Lanka (16), Mongolia (7), Jamaica (13), Kenya (56), Congo (44), Ecuador (17), Ukraine (24), Jordan (23), Albania (18), and the Philippines (19). Note the geographic and historical diversity. C&R's bottom ten performers (with Kimenyi rank) were: Cote d'Ivoire (163), Gambia (151), Swaziland (165), Burkina Faso (173), Gabon (149), Guinea (167), Nambia (158), South Africa (160), Angola (172), and Botswana (166). Unfortunately, but not surprisingly because of the vestiges of colonialism and other ravages, all of these poor performers are located in Africa.

Of the 14 best performers, I was able to access the constitutions of 9 (Georgia, Armenia, Madagascar, Sri Lanka, Mongolia, Jamaica, Jordan, Albania, and the Philippines). Of the 10 worst performers, I was able to access the constitutions of 5 (Gambia, Namibia, South Africa, Angola, and Botswana). To determine the degree of economic rights instantiation, I looked for provisions for five key tenets of economic rights, namely (i) an adequate standard of living --- the most important one, (ii) suitable or public employment, (iii) education (compulsory, free), (iv) heath care (free components), and (v) the existence of some social security. In order to sort the constitutions according to the strength of their economic rights provisions, I assigned a 1 to those countries with strong provisions, which meant they must include something on "an adequate standard of living," a 2 to denote some provisions and a medium level, and a 3 to denote weak or no provisions (see Table 1). Besides including something on the right to an adequate standard of living, countries with a rating of 1 also had to have provisions in at least tow of the other four economic rights categories. Countries with a rating of 3 had constitutions with at most one economic right provision, while countries with a rating of 2 had two or three provisions. There was a good distribution: five countries rated a 1, four countries a 2, and five countries a 3. The nine best performers in terms of economic rights effort according to C&R had an average score of 1.78; the five worst performers had an average score of 2.4. Because the sample is small and biased I cannot say that the difference in sample means reflects any real (statistical) difference between the groups, but a closer examination of the constitutions would seem to suggest that's the case.

The five best constitutions in terms of their economic rights provisions belong to Georgia, Armenia, Sri Lanka, Albania, and South Africa. Each includes language about an adequate standard of living (or components of such, in the cases of Albania and South Africa), usually as directives. Armenia is the notable exception because an adequate standard of living is

framed as an enforceable right, with the government as the obligated party. Article 31 in Chapter 2 of Armenia's constitution reads:

> Every citizen is entitled to an adequate standard of living for himself or herself and his or her family, to adequate housing, as well as the improvement of living conditions. The state shall provide the essential means to enable the exercise of these rights.

Armenia's constitution also includes free secondary education, health care as prescribed by the law, and some social security. Some rights may be curtailed in the event of martial law in order to protect public health and security, but otherwise all of these rights are described as enforceable.

More often the right to an adequate standard of living is framed as a directive principle. For instance, Chapter 6 paragraph 27 line 2(c) of Sri Lanka's 1978 Constitution reads:

> The state is pledged to establish in Sri Lanka a democratic socialist society, the objectives of which include--- the realization by all citizens of an adequate standard of living for themselves and their families, including adequate food, clothing and housing, the continuous improvement of living conditions and the full employment of leisure and social and cultural opportunities;

Two paragraphs later we find:

> The provisions of this chapter do not confer or impose legal rights or obligations, and are not enforceable in any court or tribunal. No question of inconsistency with such provisions shall be raised in any court or tribunal.

Georgia's and Albania's constitutions include directive employment goals. For instance, Article 32 of Georgia's constitution reads:

> The state shall promote the unemployed citizens of Georgia to be employed. The condition of the provision of a minimum standard of living and the status of the unemployed shall be determined by the law.

Similarly, in Albania's constitution line 1a of Chaper 5 article 59 reads:

> 1. The state, within its constitutional powers and the means at its disposal, aims to supplement private initiative and responsibility with:
>
> a. employment under suitable conditions for all persons who are able to work….

Line 2 flatly states that this provision, and similar ones over housing, health, education, social security, and so on, are not justiciable:

> 2. Fulfillment of social objectives may not be claimed directly in court. The law defines the conditions and extent to which the realization of the objectives can be claimed.

So while both Georgia's and Albania's constitutions recognize the right to employment as an important directive principle, both leave the implementation of the right to statutory law. Like the directive principle nature for an adequate standard of living, this legal division of labor seems to acknowledge a binding budget constraint and also the fashionable "progressive fulfillment" nature of economic rights described in the International Covenant on Economic, Social, and Cultural Rights.

The celebrated South African Constitution provides a middle way between directive principles and enforceable law. Its provisions about adequate housing, health care, food, water, and social security, makes *access* to those things justiciable rights in the respect that the government *must* take reasonable measures to fulfill those rights within its means, on a non-discriminatory basis. Article 27 in Chapter 2 reads:

> 1 Everyone has the right to have access to
> a health care services, including reproductive health care;
> b sufficient food and water; and
> c social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.
> 2 The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.
> 3 No one may be refused emergency medical treatment.

Article 26 uses almost identical language for the right to access for adequate housing. When these provisions were tested, South Africa's High Court based their decisions on judgments about the government's efforts to take reasonable legislative (and other) measures to progressively realize the rights.[32] In a series of important decisions the court consistently imposed on the government the obligation to implement broad programs aimed at meeting minimum needs, such as housing programs for the homeless and to make widespread availability of Nevirapine, a drug to manage the HIV/AIDS pandemic. According to the Court, the

[32] See Sachs (2004).

government does not have the obligation of fulfill any individual's economic rights, but the government does have the legal obligation to implement programs that provide non-discriminatory access to all citizens for the minimum provisions necessary for a dignified life. Thus, while the South African Constitution does not provide economic rights that are *individually* justiciable, its language also does more than state social priorities because it legally mandates the government to act.[33]

All of the "best" constitutions with respect to economic rights belong to those countries that are also the top effort performers, except South Africa, which is in the bottom category. But it might be fair to say that South Africa's performance has to do with the past vestiges of apartheid and the Aids pandemic, and its performance will take a while to catch up. Perhaps its innovative constitution will speed the process.

The medium level constitutions, level 2, belong to Madagascar, Mongolia, Jordan, and Angola. Each of these country's constitutions include some provisions related to economic rights. Interestingly, each one of these countries constitutions talk about work, either the right to work, the duty to work, or both. Mongolia's constitution (chapter 2, article 17) makes it the duty of Mongolian citizens to work, with no reference to a right to work. In contrast, Jordan's constitution recognizes the right to work, but imposes no duty. Both Madagascar's and Angola's constitutions explicitly include both the right to work and the duty to work for their citizens.[34] All governments in this group are obligated to support the right and duty to work through their general social and economic policies. For instance, article 50 in Part 2 of Angola's constitution reads:

> The state will create the requisite political, economic, and cultural conditions to enable citizens to effectively enjoy their rights and fully perform their duties.

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[33] Interestingly, Sri Lanka's 2000 draft constitution in chapter 2 article 25 similarly provides for *access* to health care, sufficient food and water, and appropriate social assistance, quite in the spirit of South Africa's constitution.

[34] Making work a duty is in contraposition to those economic rights advocates who support a basic income guarantee, or BIG (see, for instance, Goodhart 2007). BIG supporters favor minimum income payments to all individuals irrespective of their ability to work so as to avoid stigmatism and to assure the true freedoms that economic rights are supposed to protect and promote.

Such language frames the right to work as a directive principle rather than a justiciable individual right.

The constitutions of Mongolia, Madagascar, and Jordon all make primary education compulsory and free, while Angola's constitution says the state will promote access to education. With respect to health care, the constitutions of Mongolia, Madagascar, and Angola all recognize the right, and in the case of Mongolia resources for certain free procedures will be determined by the law, while in Angola the government is merely obligated to "promote measures" to ensure the right. Finally, the constitution of Mongolia, Madagascar and Jordan all provide for some form of social security, with language that can best be described as directive. Three members of this middle group are included in the top group of economic rights effort (Madagascar, Mongolia, and Jordan), while the other member, Angola, is in the lowest effort group.

The final group of constitutions contain zero or one economic rights provisions. This level 3 group includes Jamaica, the Philippines, Gambia, Namibia, and Botswana. In this group, Jamaica's and Botswana's constitutions have none of the economic rights categories used in this taxonomy, while each of the others address one category each. The Philippines' constitution directs the government to promote affordable health care and to give free health care to "paupers," while both the Gambian and Namibian constitutions provide for free and compulsory primary education. This low ranking does not imply that these constitutions ignore all "justice" concerns. The Philippines' constitution talks about social justice explicitly, and the desirability of reduced income inequality and agrarian reforms. Both the Namibian and Gambian constitutions include provisions on children's rights. But the general paucity of economic rights provisions in each of these constitutions when compared to the other groups is undeniable.

Of these, Jamaica and The Philippines are in the top effort group, while Gambia, Namibia, and Botswana are all in the bottom effort group. Jamaica's 1962 constitution focuses entirely on civil and political rights. The Philippines' constitution does much the same, perhaps due to its US colonial experience. Of course, the low effort group performers are all African countries and certainly their performance is conditioned by their troubled history and current problems, no matter the nature of their current constitutions.

4. Conclusion

Trying to figure out how to instantiate economic rights is not an easy task. By using fairly standard economic methodology I have identified some of the problems by looking at the policymaker's decision framework. One course of action to initiate instantiation would be to inform policymakers about (a) the rationale for economic rights (so as to influence their preferences), and (b) the true associated benefits and costs (to add precision to their calculations). This kind of effort would aim to make the policymaker's self-interested decisions more enlightened.

A possibly complementary course of action would be to tie the hands of the policymaker with directive principles or with enforceable law in the constitution. By adding an additional constraint to the policymaker's decision problem she now has less chance to engage in the kind of decision errors identified. She would also know with more precision those goals that the public deems important. That leads to the central hypothesis of this paper: a key benefit of constitutionalizing economic rights is to reduce policymaker decision errors.

If that hypothesis were true, we would expect to see an empirical relationship between those governments that are really trying to instantiate economic rights and actual constitutional provisions. A positive relationship does appear to exist, at least for the limited sample investigated in this paper. That is, those countries that display high effort in fulfilling the human needs associated with economic rights also on average have the strongest economic rights provisions in their constitutions. On average, those with the weakest provisions are associated with the least effort.

Of course once that is said I have to immediately follow with several caveats. The sample I used to look at the empirical relationship was both small and non-random. Therefore I cannot claim that a statistically positive relationship exists of the type hypothesized. It's at least possible that there is no statistical relationship exists and that high government effort is instead the result of international pressure from other governments, NGOs, and financial agencies. Clearly, further empirical analysis would have to look at *all* constitutions and include proper controls, including government "type" and judicial strength, will, and interpretation. Even if the relationship was statistically confirmed, an important related issue concerns causality. Does government effort stem from or lead to constitutional provisions? A more complete analysis

would look at government effort before and after constitutional provisions were enacted. Even if constitutionalization leads to increased policymaker performance as hypothesized here, what are the mechanics of getting those provisions put into the constitution in the first place? That social action problem is a black box into which I did not even attempt to peak. Perhaps constitutions serve as focal points. On these and other questions, complementary qualitative analysis could shed further light. Nevertheless, the analysis in this paper suggests one reason why constitutionalization could aid economic rights instantiation, and begins the empirical inquiry.

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TABLE 1

Government Effort and Constitutional Economic Rights Provisions

Country	C&R Government Effort Rank (Kimenyi Rank)	Constitution Rank
Georgia	1 (5)	1
Armenia	2 (8)	1
Madagascar	4 (32)	2
Sri Lanka	5 (16)	1
Mongolia	6 (7)	2
Jamaica	7 (1)	3
Jordan	12 (23)	2
Albania	13 (18)	1
Philippines	14 (19)	3
Mean "Highest Effort" Group		**1.78**
Gambia	123 (151)	3
Namibia	128 (158)	3
South Africa	129 (160)	1
Angola	130 (172)	2
Botswana	131 (166)	3
Mean "Lowest Effort" Group		**2.4**