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# The Health Case for Economic and Social Rights Against the Global Marketplace

TED SCHRECKER

“All observations of life are harsh, because life is. I lament that fact, but I cannot change it.”

—Margaret Atwood, *The Tent* (McClelland and Stewart 2006)

*Over the past few decades, most of the world’s economies and societies have been integrated into the global marketplace, revealing and deepening various socioeconomic divisions. In this article, I undertake three major tasks. First, I outline the processes that have led to that deepening, identify the underlying set of values, and indicate the connection with influences on population health. Second, I compare and contrast a policy perspective that takes seriously economic and social rights related to health with the values of the global marketplace. Third, I argue that emerging aspects of globalization underscore the urgency of the human rights challenge to the global marketplace. I also suggest a research agenda focusing on the conditions under which governments are likely to respond in ways that strengthen their commitment to economic and social rights domestically and internationally, while at the same time offering some rather pessimistic observations about the prospects for policy change.*

## Introduction: The Global Marketplace and Perfect Storms

The most powerful chapter in historical sociologist Margaret Somers’ important book *Genealogies of Citizenship* (Somers 2008) presents the devastation of New Orleans by Hurricane Katrina and its human consequences as a parable illustrating the state of citizenship in the contemporary United States—or, more accurately, the collapse of citizenship and its replacement with a series of exchange relations based on mutual advantage and open only to those with the price of admission. When the hurricane hit and the levees broke, it became apparent that evacuation plans presumed that everyone had access to an automobile. Those who could afford to do so packed up the car and drove to higher ground. Others, overwhelmingly poor and African American, were left to fend for themselves as

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refugees in their own country. As Somers puts it: “Unable to fulfill their side of the newly marketized exchange called citizenship, the left-behind of New Orleans . . . did not elicit much concern at any level of government because with their social exclusion they were no longer recognized as moral equals. They had become a surplus, superfluous, and disposable population” (2008: 72).

Over the past few decades, most of the world’s economies and societies have been influenced, if not transformed, by globalization: “A pattern of transnational economic integration animated by the ideal of creating self-regulating global markets for goods, services, capital, technology, and skills” (Eyoh and Sandbrook 2003: 252). Although Hurricane Katrina has no direct connection to economic integration, the operations of the global marketplace have routinely created “perfect storms” at the national or subnational level that have revealed and deepened socioeconomic divisions in much the same way as Katrina. In the next section of the article, I outline the processes that have led to that deepening, identify the underlying set of values, and indicate the connection with influences on population health. In the section that follows, I compare and contrast a policy perspective that takes seriously economic and social rights related to health with the values of the global marketplace, in a way that is intended in particular to interest “rights skeptics.” In the concluding section, I argue that recent trends in globalization underscore the urgency of the human rights challenge to the global marketplace while at the same time offering some rather pessimistic observations about the prospects for policy change, which may indeed be read as reinforcing the skepticism I have tried to address in the preceding section. The tentative nature of the arguments in this section will be dissatisfying to some readers, but I am far less confident in arguing the feasibility of peaceful solutions to the inequities magnified by the global marketplace than I am in describing the channels of influence linking the global marketplace with routine violations of economic and social rights or in arguing the merits of a human rights perspective as against the “savage sorting of winners and losers” (Sassen 2010) that is now under way. Hence, the epigraph for this article.

### **Globalization and the Neoliberal Transformation**

Eduardo Galeano (2000: 166) has described globalization as “a magic galleon that spirits factories away to poor countries”; this effect and its consequences for employment and livelihood are perhaps the most familiar dimensions of globalization. A shift in labor-intensive manufacturing out of high-income countries and into low-wage Export Processing Zones was clearly in evidence by the late 1970s (Fröbel, Heinrichs, and Kreye 1980). Since then, the organization of production across multiple national borders has become much more sophisticated and fine-grained (Dicken 2007), leading to the emergence of a global labor market (Schrecker 2009a) that has increased economic inequality as divisions have deepened among integrated, precarious, and excluded forms of employment (Cox 1999). The nature of the incentive for firms to roam the world in search of the lowest wages and most “flexible” employment relations was captured in an article by journalist James Fallows on the phenomenal growth of Chinese manufacturing for export markets: “A factory work shift is typically 12 hours, usually with two breaks for meals (subsidized or free), six or seven days per week” (2007: 58). The manager of a US-owned plant Fallows interviewed elaborated: “The people here work hard. They’re young. They’re quick. There’s none of this ‘I have to go pick up the kids’ nonsense you get in the States” (Fallows 2007: 58). By the early years of the new century, employment in Mexico’s maquiladora manufacturing plants, infamous for low wages and miserable working conditions, had declined as production for the US market shifted to China (Anonymous 2003; United States General Accounting Office 2003);

Vietnam was poised to become “the next China” because of its even lower labour costs (York 2005); and an editorial in *The Africa Report* noted that “Across Africa, governments claim a new enthusiasm for the Beijing model: tough political controls combined with a determination to accelerate economic growth” (Smith 2010: 3).

Finance as well as production has been reorganized on a global scale (Schrecker 2009b), with the value of predominantly speculative transactions on the world’s foreign exchange markets amounting to more than 500 times the value of foreign direct investment in plant and equipment. Even before the dangers of global interconnectedness were demonstrated by the economic crisis that spread across the world in 2008, rapid disinvestment or capital flight had reduced the value of national currencies by 50 percent or more and plunged millions of people into poverty and economic insecurity in Mexico in 1994–1995, several south Asian countries in 1997–1998, and Argentina in 2001. In the aftermath of the Mexican financial crisis of 1994–1995, the then-managing director of the International Monetary Fund (IMF) noted the importance of “market perceptions: whether the country’s policies are deemed basically sound and its economic future, promising” and warned (threatened?) that “shifts in the market’s perception of these underlying fundamentals can be quite swift, brutal, and destabilizing” (Camdessus 1995).

Capital flight exacerbates economic inequalities. A stratagem that by definition is available only to the owners of liquid assets, it enables them to avoid (and sometimes even to profit from<sup>1</sup>) economic consequences that the working class must live with, while economies are starved of resources that could be invested in their own development and external debt burdens become heavier.<sup>2</sup> Even the anticipation of capital flight can enable the owners of hypermobile financial assets to define the boundaries of national social and economic policy; this happened before and after the Brazilian elections of 2002, about which financier George Soros famously noted that “In the Roman empire, only the Romans voted. In modern global capitalism, only the Americans vote. Not the Brazilians” (Hilton 2002). One author refers to this dynamic as “a return to property-based voting rights, but on an international scale” (Harris 1999: 32).

Such developments must be understood as the outcome of government policies at the national level, and in particular with reference to the influence of the most powerful actors in the world system (Bond 2009; Marchak 1991). Domestic political repression, targeting workers in particular, has historically been essential to state strategies of attracting export-oriented foreign direct investment and contract production by using low wages and labor market flexibility as a source of comparative advantage (Amsden 1990; Deyo 1989). In the international frame of reference, by the end of the 1970s, “debt crises” in many developing economies threatened the viability of overexposed private sector lenders in the United States, in particular. The effect was to create an opportunity for the World Bank and International Monetary Fund (IMF), which were and are dominated by the G7 governments (Buirra 2004; Faini and Grilli 2004), to use the conditions attached to structural adjustment lending and the threat of being cut off altogether from international borrowing to promote multiple, more or less coordinated domestic policies of integrating national economies into the global marketplace. Reflecting the influence of the United States in redesigning the global order, albeit with crucial support from right-wing governments in Germany and Britain, John Williamson identified what he called the Washington Consensus in development policy (Williamson 1990). He memorably observed a few years later that in the process of codification he “deliberately excluded from the list anything which was primarily redistributive, as opposed to having equitable consequences as a by-product of seeking efficiency objectives, because [he] felt the Washington of the 1980s to be a city that was essentially contemptuous of equity concerns” (Williamson 1993: 1329).

Unfolding in parallel, with an important push from World Bank and IMF promotion of trade liberalization, were the multilateral trade negotiations that led to the establishment of the World Trade Organization (WTO), the regime of trade policy agreements that it administers, and a proliferation of bilateral and regional treaties that further reduce barriers to the cross-border flow of goods, services, and investment. These agreements routinely reflect the vastly unequal bargaining power of the parties, arising in the first instance from differences in market size: Access to the US market, for example, is more significant for a small economy like Ecuador or Guatemala than its domestic markets will ever be to the United States or European Union. These disparities affect not only the negotiation of trade agreements but the conditions under which parties make use of dispute resolution procedures (Stiglitz and Charlton 2004). Livelihoods were destroyed as domestic producers were unable to compete with a flood of low-cost, often subsidized imports (Carmody 1998; de Ita 2008; Paasch 2009). Compounding the damage, at least over the short run, many governments, especially in low-income countries, were unable to make up from other sources the substantial losses in tariff revenue associated with trade liberalization (Aizenman and Jinjark 2009; Baunsgaard and Keen 2010), adding to pressures for domestic austerity.

The social and economic policies in question are usually described as neoliberal; although, as Jaggar points out, little is “neo” about neoliberalism. Rather, it represents a return to “the non-redistributive laissez faire liberalism of the seventeenth and eighteenth centuries, which held that the main function of government was to make the world safe and predictable for the participants in a market economy” (Jaggar 2002: 425), sometimes using highly coercive policies. Neoliberalism is best understood as comprising simultaneously a policy or program, a pattern of reorganizing state institutions, and an ideology (Ward and England 2007). Raw power and ideology frequently operate in a symbiotic way, for example, when the transformations in the international order described in the preceding paragraphs provide the context in which domestic political actors are able to promote radical reorganization of economic life and social institutions along market lines using the rationale of necessity (Fourcade-Gourinchas and Babb 2002).

Especially in the context of human rights, it is useful to understand the internal structure of neoliberalism as a system of thought that views the market as the normal and natural basis for organizing almost all areas of human activity; that generally avoids ethical analysis of distributional consequences even when they are fatal; and that assigns a heavy burden of proof to those who would organize human interactions on any other basis (Harvey 2005a; Somers 2008: 38–41). Two examples drawn from World Bank documents, although the Bank is not always as hard-edged in its promotion of neoliberalism, suffice to illustrate this point.

In 1991, a widely published excerpt from a memorandum by World Bank economist Lawrence Summers defended on cost-benefit grounds the logic of dumping toxic waste in countries where wages (and therefore the cost of illness) are lowest, and people are most likely to die of something else first: “[T]he costs of health impairing pollution depends on the foregone earnings from increased morbidity and mortality. From this point of view a given amount of health impairing pollution should be done in the country with the lowest cost, which will be the country with the lowest wages. I think the economic logic behind dumping a load of toxic waste in the lowest wage country is impeccable and we should face up to that” (Summers 1991: 163). Although a subordinate later claimed that he had written the memo and Summers merely signed it, whoever wrote the text is correct about the economic logic, and any idea that it represents a pathological extreme should be dispelled by an observation in the seldom-quoted last paragraph: “[T]he arguments against all of these

proposals for more pollution in LDCs [Least Developed Countries] . . . could be turned around and used more or less effectively against every Bank proposal for liberalization” (Summers 1991: 166).<sup>3</sup>

Similar initial presumptions were evident in the Bank’s *Social Protection Sector Strategy*, which invoked the need for “[a] new conceptualization of social protection that is better aligned with current worldwide realities” (Holzmann and Jörgensen 2001: 1); realities that Bank policies had done a great deal to create. It redefined the primary objective of social policy as “social risk management” (the adaptation of a term from the financial services industry is itself revealing) and argued that “In an ideal world with perfectly symmetrical information and complete, well-functioning markets, all risk management arrangements can and should be market-based (except for the incapacitated)” (Holzmann and Jörgensen 2001: 9, 16). Governmental intervention to help the nonincapacitated poor was seen as justified only when market failures result from the fact that the poor “are more vulnerable than other population groups because they are typically more exposed to risk and have little access to appropriate risk management instruments” such as privately purchased insurance (Holzmann and Jörgensen 2001: 10). To understand the breathtaking sweep of this prescription, recall that market failure as defined in microeconomics has nothing to do with the ethics of how markets allocate resources but simply describes a situation in which resources are allocated differently from the way they would be if markets worked as economics textbooks suppose they do. The most frequently cited reasons for market failure include incomplete information on the part of buyers and sellers (usually with buyers lacking information that is routinely available to sellers at low or zero cost); the existence of monopsony or monopoly power, enabling dominant buyers or sellers to restrict prices or supplies, and therefore competition, in a particular market; and the existence of negative or positive externalities: Spillover effects affecting third parties that are unpriced or uncompensated. The fact that some people’s basic needs are not met, or that a growing proportion of the population is sinking into penury, does not constitute evidence of market failure.

What connects globalization, neoliberalism, and health? The report of the Commission on Social Determinants of Health (2008) drew attention to the importance of the conditions of life and work that make it easy for some people to lead long and healthy lives, and all but impossible for others. More than a billion people in the world suffer from chronically insufficient caloric intake, the most extreme form of undernutrition (United Nations Food and Agriculture Organization 2009). Economic deprivation creates situations in which the daily routines of living are themselves hazardous: For example, charcoal or dung smoke from cooking fires is a major contributor to respiratory disease among the world’s poor (Bruce, Perez-Padilla, and Albalak 2000; Ezzati and Kammen 2002). Approximately one billion people now live in slums, and rapid urbanization will increase the number to 1.4 billion in 2020 in the absence of effective policy interventions (Garau, Sclar, and Carolini 2005). An estimated 1.1 billion people lack access to clean water and 2.6 billion have no access to basic sanitation (United Nations Development Programme 2006). The health consequences of poverty and economic marginality have been too widely described, by clinicians and researchers alike (see, e.g., Bates et al. 2004; Farmer 2003; Farmer et al. 2006; Prüss-Üstun et al. 2008), to require further elaboration here. Although the figures cited here pertain primarily to low- and middle-income countries (LMICs), deprivations that are destructive of health persist in the richest countries of the world; indeed, they are likely to become more frequent and severe in those contexts, for reasons explained later in the article. These deprivations may or may not involve extreme poverty, in either the absolute (as measured by the World Bank) or relative sense. One of the most striking findings in the population health literature is the near-ubiquity of socioeconomic gradients in health in countries rich

and poor alike (Commission on Social Determinants of Health 2008). Poverty is, however, one of the social determinants of health (gender discrimination is another) with respect to which both the evidence base for effects on health and the connection to human rights are clearest.

It is often claimed that the poverty-reducing effects of global economic growth will, over the long term, lead to widely shared improvements in population health (Feachem 2001). The claim is superficially plausible, but between 1981 and 2005, a period during which the value of the world's economic product quadrupled, progress in reducing poverty was modest at best. World Bank researchers estimate that 1.4 billion people were living in extreme poverty (defined as an income of \$1.25/day or less, in 2005 dollars, adjusted for purchasing power parity) in 2005. This represented a decline of 500 million since 1981, but on a worldwide basis the decline was accounted for entirely by fast-growing China. In other words, wherever in the developing world outside China someone escaped extreme poverty—and substantial reductions did occur in some countries—someone else fell into it. Based on a higher poverty line of \$2.50/day, the number of people living in poverty worldwide actually increased from 2.7 billion to 3.1 billion, with reductions in China offset by substantial increases in India (288 million) and sub-Saharan Africa (294 million) (Chen and Ravallion 2008). When the benefits of growth “trickle down” at all, they do so with excruciating slowness (Woodward and Simms 2006). Further, in some countries, potential health benefits of rapid growth and poverty reduction have almost certainly been undermined by marketization of health care systems, reducing the affordability of care for much of the population and rendering large numbers of people vulnerable to the effects of catastrophic health care expenditures (Akinet al. 2005; Dummer and Cook 2008; Sepehri, Chernomas, and Akram-Lodhi 2003; Tang et al. 2008; van Doorslaer et al. 2006) and by work-related injuries, illnesses, and deaths.

Although full exploration of the relevant philosophical terrain is outside the scope of this article, it is important to note the power of an argument presented by Thomas Pogge (2002, 2004, 2005, 2007) that this state of affairs is fundamentally unjust. Pogge begins from the proposition that severe poverty in itself represents a violation of human rights, for reasons many of which involve its unavoidably destructive effects on health, and argues that moral responsibility for poverty (and for poverty reduction) follows causal responsibility across national borders by way of the operation of social and economic institutions the actions of which have transnational, if not global consequences. For Pogge, the obligation for which the strongest intellectual case can be made is not the “positive” duty to reduce deprivation, even when this could be done (as it could be) at minimal cost to the global affluent, but rather the “negative” duty to avoid doing harm (specifically, to avoid the human rights violations that are unavoidably associated with severe poverty) by way of the design and maintenance of national and international social institutions. Stated another way, if it can be demonstrated that current levels of severe poverty are higher than they would be under a plausible alternative set of social institutions, then a duty exists on the part of those with primary responsibility for the design and maintenance of those institutions to avoid doing the harm associated with the institutional designs in question, instead replacing them with other institutions that would be effective in reducing poverty. Abundant historical evidence links current patterns of deprivation to the policies of G7 governments and the financial institutions whose decisions they control, such as the World Bank and the IMF. One must assume that these policies could have reflected different priorities such as “adjustment with a human face,” the title of a landmark early UNICEF study on the destructive consequences of structural adjustment mandates (Cornia, Jolly, and Stewart 1987). At least, this presumption must be entertained unless one adopts a purely

mechanistic conception of the relation between policy positions and the relative strength of domestic constituencies that denies the agency of political leaders and in effect absolves them a priori of all moral responsibility, on the basis that they were just doing what they had to do.

### **Economic and Social Rights Against the Global Marketplace**

Smaller and Murphy (2009: 113) argue that “Human rights are not associated with one type of economic system. Human rights provide a framework for policymaking, law and action. But they do not dictate any one way of organizing markets or stimulating economic growth.” Nevertheless recognition of economic and social rights, in particular, implies certain limits on the ways in which markets operate and the extent to which they penetrate social relations; in fact, Smaller and Murphy make this point with respect to trade policy and the global market in food. The position is supported in general terms by an extensive body of human rights scholarship (Berthelot 2007; Eide 2005; Gómez Isa 2005; Oloka-Onyango and Udagama 2003), and with more specific reference to health and globalization by an additional body of analysis (Chapman 2009; Chapman 2010; Schrecker, Chapman, Labonté, and De Vogli 2010). In this section of the article, I outline the value of economic and social rights as a challenge to the global marketplace, drawing on some of the relevant human rights instruments, UN system interpretations, and international law scholarship but not constructing a legal argument. My aim is rather to illustrate the radical contrast between contemporary neoliberalism and a human rights perspective in a way that avoids the self-referential character of much legal scholarship. In particular, I hope to suggest the power of the human rights critique of neoliberalism to colleagues who are skeptical of “rights-talk” but whose presence in the relevant intellectual enterprises and political coalitions is essential if that power is to be realized.

Because human rights “are predicated on the intrinsic value and worth of all human beings” independent of their situation (Chapman 1993: 21), the idea of a human right loses much of its meaning if its realization is contingent on an external criterion such as the income of an individual, a household, or (on a per capita basis) a country. The concept of intrinsic value and worth assumes special importance because market allocations of resources unavoidably favor the well endowed—a point that is clear from Summers’ memo—whereas from a human rights perspective “[t]he litmus test . . . is the extent to which the rights of the most vulnerable and disadvantaged individuals within the community are assured” by any set of policies or institutional arrangements (Chapman 1993: 23). Thus, from a human rights perspective the improved health status of the expanding middle class in a fast-growing economy does not offset or excuse the persistence of violations of human rights associated with poverty, economic insecurity, or lack of access to health care among their less-favored compatriots.

Recognition of the obligation to respect, to protect, and to fulfill human rights, in the widely cited formulation adopted by the Maastricht Conference (1998: para. 6), logically requires the acknowledgement that rights-holders have a valid claim on resources necessary to the fulfillment of those rights, including access to a remedy when that claim is denied (see, e.g., Rolnik 2008: para. 49), even though others may assert competing claims based on property or other rights. Human rights claims may or may not involve direct provision of resources; they may, instead, relate to the priorities that a society adopts as it allocates resources among competing uses and users. Regardless of the specific nature of the claims in question, they are matters not of charity but of justice—a point made with particular force in the *Human Development Report* for 2000 (United Nations Development Programme

2000; see also Yamin 2008)—and claims based on human rights may take precedence over claims of other sorts.

Although he was not writing in a human rights frame of reference, philosopher Henry Shue (1996) invoked a distinction that is relevant in this context between one person's need for another bowl of black beans and another's desire for another jar of caviar. The market is incapable of making this distinction, and, if the black beans are essential for realizing the right to an adequate standard of living or the right to enjoyment of the highest attainable standard of physical and mental health specified in Articles 11 and 12, respectively, of the International Covenant on Economic, Social and Cultural Rights (ICESCR), then taking human rights seriously implies a state obligation that must be fulfilled even at the cost of reducing the caviar-eater's opportunities for discretionary consumption. Here, again, think of the far from hypothetical tension in many LMICs between the consumer preferences of an emergent middle class or the priorities of real estate investors, able successfully to impose their definitions of the public good or the public interest on government policy (Ocheje 2007), and the survival needs of a larger segment of the population that remain unmet. In a different vein, it has frequently been argued that in cases of conflict, human rights obligations must take precedence over legal obligations that arise from the provisions of trade agreements (Hunt 2004: para. 11, 23; Smaller and Murphy 2009).

The contrast between the human rights perspective and the values of the global marketplace—decommodification vs. commodification (Bond and Dugard 2008)—is dramatic. In the marketplace, no one has a claim on, for example, the resources necessary to provide “adequate food, clothing and housing,” in the words of Article 11 of ICESCR, unless the contents of his or her wallet—in the case of children, the contents of their parents' wallets—are also adequate. According to the human rights perspective, everyone has such a claim subject only to the availability of resources, with availability defined in a frame of reference within which human rights are assigned priority. To provide an illustration of the relevance of this distinction to national policy, postapartheid governments in South Africa have partially privatized water utilities and have adopted pricing regimes organized around full cost recovery and the elimination of cross-subsidies from rich to poor consumers in the pricing structures of utilities that remain under public ownership (Loftus 2005; McInnes 2005; Ruiters 2005, 2006). They have grudgingly provided an inadequate free basic minimum water supply, beyond which commercial pricing applies and prepaid meters have allowed the large-scale disconnections that inevitably follow, given the unaffordability of water tariffs for the poor, to be “socially privatized” and rendered relatively invisible (Harvey 2005b). A similar critique based on the distinction between formal access and real-world affordability has been advanced concerning the South African housing policy (Miraftab and Wills 2005).

Contrast this approach with the interpretation of the UN Committee on Economic, Social and Cultural Rights (CESCR) that “[t]he direct and indirect costs and charges associated with securing water must be affordable, and must not compromise or threaten the realization of other Covenant rights” (CESCR 2003: para. 12[c][ii]) and that “Any payment for water services has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with water expenses as compared to richer households” (para. 27). South African governments' performance with respect to water provision clearly fails to satisfy these requirements. It could be objected that South Africa has not ratified ICESCR. However, the argument here in the first instance concerns not governments' legal obligations—and a strong case can be made that South Africa's water policies contravene the economic and

social rights provisions of its own constitution (Bond and Dugard 2008; Flynn and Chirwa 2005)—but rather the normative challenge that economic and social rights present to the values of the marketplace and the consequences of commercialization.

From this analysis, it follows that to respect, to protect, and to fulfill economic and social rights obligations will often require substantial redistribution of resources. The necessary resources must first be available to the state in question—a point recognized in Article 2(1) of ICESCR, which requires each state party “to take steps . . . to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant.” This is often referred to as the progressive realization principle. However, resource availability cannot be defined only by the preferences of the powerful. Johannesburg’s rich suburbanites would no doubt prefer today’s water tariff structure, which does little to discourage them from filling their swimming pools, and a national income distribution—among the world’s most unequal—that permits them to do so while the poor remain subject to disconnection and the social control mechanisms of prepaid metering. Thus, human rights claims must confront what one scholar has referred to “failures of political will that are cloaked in claims of resource scarcity” (Yamin 2009: 13). CESCR has also held that “even in times of severe resources constraints . . . the vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes” (CESCR 1990: para. 12). It further held that states that have ratified the relevant instruments are obligated immediately to fulfill a “minimum core content” with regard to each economic, social, and cultural right (CESCR 1990: para. 10). General Comment 14, the Committee’s explication of the right to health under ICESCR, enumerates an extensive list of core obligations related to the right to health, insisting that that “a state party cannot, under any circumstances whatsoever, justify its non-compliance with the core obligations . . . which are non-derogable” (CESCR 2000: para. 47; for further explication, see Chapman 2002). Above and beyond core obligations, “there is a strong presumption that retrogressive measures taken in relation to the right to health are not permissible. If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are duly justified by reference to the totality of the rights provided for in the Covenant in the context of the full use of the State party’s maximum available resources” (CESCR 2000: para. 32). The General Comment on the right to water (CESCR 2003: para. 19) contains essentially identical language.

Taken together, the nonderogability of core obligations and the presumption against retrogression clearly render impermissible an entire range of policies that invoke anticipated long-term gain as a justification for short-term pain. This is not just an academic point. Consider the approach taken by a team of World Bank economists to health and development in the former Soviet bloc following the collapse of the Soviet Union. They acknowledged that neoliberal policies had led to deterioration in the health status of much of the population but justified that effect with reference to anticipated “improvements in health status, through long-run increases in real income, more effective approaches to disease prevention, healthier lifestyles, improved regulation of environmental and occupational risks and incentives for higher-quality health care” (Adeyi et al. 1997: 133). In this vein, Narula (2006: 703) notes that a rights-based, as distinct from an “economic,” approach to hunger and food security will not tolerate policies that rely on market forces to boost agricultural production if they reduce the ability of people to feed themselves over the short term, for example by eliminating subsidies for agricultural inputs or food purchases.

The link with explicitly redistributive policies underscores the incompatibility of the human rights perspective with today’s drift toward what international relations scholar

Richard Falk has called “the social disempowerment of the state” that “follows from the impact of neoliberal ideas, reinforced by arguments about competitiveness in more closely linked regional and world markets” (Falk 2000: 23). In fact, Falk’s description of how neoliberalism has transformed the role of the state is incomplete: In some respects, neoliberal globalization has required expansion of state powers, for example to relocate populations in order to facilitate conversion of the land they occupy to highvalue uses or to monitor compliance with “workfare” requirements attached to income support (Peck and Tickell 2002). At issue, rather, are a state’s willingness and capacity to redistribute resources to reduce inequalities in a way that is consistent with human rights commitments (redistribution upward being all too frequent), including regulating the activities of large and powerful private actors like transnational corporations. Living up to core human rights obligations even—perhaps especially—in a low-income country would “require an activist, committed state party, with a carefully honed set of public policies related to the right to health” (Chapman 2002: 205); this in a context where, in the words of a former UN special rapporteur on housing rights, “globalization and the process of increasing economic integration have limited the role and capacity of States to provide adequate resources and other provisions which are often necessary in fulfilling economic, social and cultural rights” (Kothari 2002: para. 51). The contrast between what neoliberalism demands and accepts from state institutions and what a human rights perspective requires cannot be clearer.

Human rights potentially offer citizens an opportunity to hold their governments accountable for performance with respect to a range of social determinants of health (Potts 2008; Riedel 2009; Yamin 2009). Despite much talk about a post-Westphalian order, implementation of economic and social rights specified in international law usually depends on entrenchment in national legislation or constitutions, in a form that rights-holders can seek to enforce through the courts (Eide 2007; Gloppen 2008; Schrecker et al. 2010). The effectiveness of such provisions has been most clearly demonstrated with respect to human rights claims involving access to essential medicines (Hogerzeil 2006; Hogerzeil et al. 2006), but the available research also describes effective economic social and economic rights litigation of other kinds. Notably, an investigation (Gauri and Brinks 2008) of litigation related to the right to health and education in five countries (South Africa, Brazil, India, Nigeria, and Indonesia, with cases involving the right to health by far the more numerous) concluded that “legalizing demand for [social and economic] rights might [*sic*] well have averted tens of thousands of deaths in the countries studied in this volume and has likely enriched the lives of millions of others” (Brinks and Gauri 2008: 303; for a more eclectic and less conclusive range of studies involving both high- and low-income countries see Langford 2008).

Conversely, support for the position of rights skeptics comes from at least one country that has entrenched a right to health in its constitution—Brazil—where some researchers find that improvements in access to medicines resulting from litigation have not only failed to reduce health inequalities, as access to the courts is more readily available to the better off (da Silva and Terrazas 2008; Ferraz 2009), but also magnified health policy’s inherent tendency to focus on pharmaceutical cures for particular diseases rather than on health system strengthening or social determinants of health (Petryna 2009: Chapter 4). The pharmaceutical industry, an important domestic political constituency in Brazil, stands to benefit from the success of such litigation, and indeed it has been claimed that pharmaceutical companies have paid lawyers to assist with it and have supported patient organizations (Jurberg 2009).

Perhaps for this reason, the Brazilian case is an exception to the general rule that courts hesitate to issue rulings with major policy and budgetary implications for government

(see, e.g., Liebenberg 2008 on South Africa), despite the clearly identified need to analyze budgetary processes and priorities in order to assess the priority that governments attach to human rights (United Nations High Commissioner for Human Rights 2007). Evidence of this selective reticence does not justify rejecting a strategy of entrenching social and economic rights in law. It does suggest limits to the strategy, having to do in the first instance with organizational and administrative problems such as the individualistic bias of litigation in many legal systems, the reluctance of courts to trespass on the terrain of government budgetary decisions, and the possibility of corporate capture of human rights litigation (analogous to regulatory capture). A further set of limitations, having to do with the nature of the political process, is addressed in the next section of the article.

The tendency of globalization to magnify inequalities creates a need to redistribute resources and opportunities among nations, as well as within them, if commitments to economic and social rights are to be meaningful. This will require not only a renewed commitment to the value of state action at a national level but also a reinvigorated and explicitly value-driven multilateral commitment to global justice, as improbable as that may seem. More specifically, the need is for ways of holding to account governments of countries that occupy the commanding heights of the world economic and geopolitical order whenever their policy choices compromise economic and social rights outside their borders. Human rights law at first seems ill suited to the task, both because of its primary application to nation-states (rather than, for example, international organizations) and its historical focus on how those nation-states act toward those within their borders. However, the existing body of international human rights law provides at least two promising entry points.

The first of these is the obligation of a state party under Article 2(1) of the ICESCR to “take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant”—an obligation the Maastricht Guidelines (Maastricht Conference 1998: para. 19) extend to participation in international organizations and their governing bodies. This obligation is of special relevance to the operations of the World Bank and IMF, which as noted are dominated by a handful of G7 governments. Hammonds and Ooms (2004) thus argue that World Bank and IMF policies must at the very least meet the test of noninterference with a borrower country’s ability to satisfy core obligations and to pursue progressive realization of economic and social rights, and that Bank member states are in breach of their obligations under ICESCR when they support policies that do not meet this test. The argument is of special importance because the Poverty Reduction Strategy Paper (PRSP) process, a prerequisite for obtaining debt relief under a series of multilateral arrangements that began in the mid-1990s, in many respects replicates the destructive features of earlier structural adjustment conditionalities (Gore 2004; Sheppard and Leitner 2010). Ceilings for increased public expenditure on health care and education, which have prevented the expansion of health systems in sub-Saharan Africa even when donor funds had been committed, and conditionalities that have interfered with famine relief are cases in point (Centre for Economic Governance and AIDS in Africa and RESULTS Educational Fund 2009; Narula 2006: 715–718; Ziegler 2009: para. 54).

A second entry point arises from an expanding body of analysis and jurisprudence, notably from the Inter-American Commission on Human Rights and the European Court of Human Rights, regarding the extraterritorial obligations of states and actors such as transnational corporations that are in at least some respects under the control of states (McCorquodale and Simons 2007; Narula 2006). A relatively straightforward example involves export credit agencies (ECAs) that, along with the International Finance Corporation

(IFC), the commercial lending unit of the World Bank, play an essential role in financing the activities of transnational corporations in LMICs, notably in natural resource extraction and processing. ECAs are clearly under the control of their national governments and, therefore, should be held to account when the corporate investments they support interfere with the host country's human rights obligations (McCorquodale and Simons 2007: 607–608, 611–613). A further application of human rights law is suggested by the argument that states can be “seen to be facilitating extraterritorial harm perpetrated by a corporate national” when they negotiate bilateral investment treaties (BITs) with LMICs that contain investor protection provisions that restrict the host state's ability to regulate the performance of foreign investors (McCorquodale and Simons 2007: 621–623). Since most contemporary bilateral and regional trade agreements contain such provisions, which are among the reasons for describing trade agreements as comprising the constitution of a new global economic order (Grinspun and Kreklewich 1994; Schneiderman 2000), the possibilities are intriguing.

Even more than within national borders, the problem here is one of moving from treaty language to implementation. It has been written that “The right to food [for example] is hard law; it is binding on states upon ratification of the ICESCR. To characterize the right to food as soft law misrepresents and undermines the legal obligations of states to respect fundamental human rights norms. The problem lies not with the binding nature of the norm, but with weaknesses in implementation, enforcement, and a lack of universal ratification” (Narula 2006: 775). I would argue that universal ratification is less important than the operationally equivocal nature of bindingness in international human rights law—or, stated another way, the problematic hardness of “hard law” in that frame of reference. Although it is potentially significant that, for example, the United States has ratified neither ICESCR nor comparably important instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), “potentially” is the operative word. Universal ratification would not necessarily or automatically improve compliance, domestically or internationally. The key issue is rather the absence of mechanisms for sanctioning noncompliant states parties to the relevant human rights instruments, whether in the form of a supranational institution (improbable) or in the form of an agreed-upon regime of sanctions for noncompliance analogous to, perhaps even combined with, the regime of sanctions established under trade agreements (superficially, somewhat less improbable).

Too much can be made of the comparison between trade agreements and human rights instruments, but it does have value, since under international law each category of agreement applies only to those countries whose governments have agreed to be bound by its provisions. Trade agreements incorporate mechanisms for dispute resolution, but there are no “trade police” to enforce their findings. Complaints are initiated, in the first instance, from motives of commercial self-interest and compliance is secured, or not, by way of financial penalties imposed by national governments on imports from the noncompliant state. Alternatively, in the case of investor-state provisions in many bilateral and regional trade agreements, foreign investors may be able to advance claims for compensation for financial losses in host-country courts on terms more favorable than those available to domestically owned firms. Giving substance to the concept of bindingness in human rights law, at least as it applies to international agreements, will require analogous mechanisms, including a way either of harnessing commercial self-interest in the service of human rights obligations or providing for complaint initiation, dispute resolution, and compliance procedures driven at least in part by other motivations. The political difficulties are briefly discussed in the next section of the article, in terms of a future research agenda with a

particular focus on the domestic political conditions under which national governments might agree to such a set of procedures.

### **“Now, More Than Ever”: Globalization and Human Rights Politics**

“Now, more than ever, the obligation to eradicate poverty must not be forgotten” is how the UN independent expert on human rights and extreme poverty initially responded to the global economic crisis (Sepúlveda Carmona 2008). It is far from clear that her observation was heeded. By mid-2009, in the United States (the epicenter of the crisis, and one of the world’s richest countries), more than a million schoolchildren were homeless or at imminent risk of homelessness, and one in four children lived in a household that was receiving federally funded food vouchers, or “food stamps” (DeParle and Gebeloff 2009; Eckholm 2009). Although major increases in poverty were anticipated in LMICs, responses in terms of expanded social protection have been described as “minimal” (McCord 2010). At the international level, a critique of initial responses to the crisis on the part of high-income countries and multilateral institutions noted that the responses were not rights-based and focused on restoring economic growth rather than benefiting the poor and otherwise vulnerable, remarking that the economic impacts of the crisis “are not merely unfortunate; they signify *prima facie* massive and systemic breaches of international human rights law, such as the right of everyone to an adequate standard of living and to continuous improvement of living conditions and the right to work” (Fukuda-Parr and Salomon 2009). It is worth reiterating that such breaches will continue as routine and unremarkable in the absence of more effective compliance mechanisms.

Despite this rather bleak initial prognosis, “now, more than ever” sums up the relevance of the human rights challenge to the global marketplace in view of three sets of changes in the nature of that marketplace.

In a development that initially appears paradoxical, the reorganization of production and finance on a global scale has intensified local conflicts over the uses of space. A 2003 UN Habitat report on *The Challenge of Slums* drew on 29 city case studies to conclude that “the prime resources of the city are increasingly appropriated by the affluent. And globalization is inflationary as the new rich are able to pay more for a range of key goods, especially land” (United Nations Human Settlements Programme 2003: 43). Real estate is of growing importance as a basis for capital accumulation, even in some of the world’s poorest countries, as “developers are lured into the property sector by the profits to be realized from an emerging *consumer class* of ‘winners’ in the globalization of these urban economies, and from multinational and local corporate investors” (Shatkin 2008: 387, writing about metropolitan Manila; emphasis in original). Compelling incentives are thereby created for displacing the poor, often with active state support, in favor of higher valued uses and users. In 2008, eviction of more than 200,000 families was anticipated in Manila as a result of planned developments (Shatkin 2008: 395). An official of the state in which Mumbai is located justified a program of slum demolitions by saying that “we showed political courage for the first time and sent a strong signal that you cannot expect free space in this city anymore” (Lakshmi 2005). Large numbers of poor urban residents were displaced by Beijing’s highly profitable hosting of the Olympic Games and South Africa’s of the FIFA World Cup (Bénit-Gbaffou 2009; Fowler 2008; Newton 2009); India appeared to be following the same path in advance of the Commonwealth Games (Burke 2010). In various ways, the rich are simply outbidding the rest for the resources of the city.

The financial crisis of 2008 was not an isolated event, but rather one manifestation among several of a new and distinctively volatile and predatory form of global capitalism

(Sassen 2010). The securitized high-risk mortgages that were among the triggers of the crisis themselves suggest the scope of the problem: “[W]ith these instruments, housing becomes an efficient mechanism for getting at the savings of households worldwide—a form of primitive accumulation that moves faster than extracting profit from lowering wages” (Sassen 2009: 412; see also Sassen 2008)—a variation on the theme of real estate as a means of capital accumulation. Escalated bidding wars for metropolitan space are now accompanied by a new bidding war outside the cities, with potentially far-reaching consequences for health, that involves large-scale leases and acquisitions of agricultural land by state or private investors from high-income countries for food or biofuel production, primarily for home-country consumption and motivated both by anticipated profits and concerns about security of supply. These acquisitions may threaten the availability and affordability of food in the countries where they occur and often involve agreements that are not available for public scrutiny (Cotula et al. 2009; Smaller and Mann 2009; von Braun and Meinzen-Dick 2009). The implications of this pattern for the right to food and associated health outcomes must be considered in conjunction with a drastically increased flow of investment into global commodity markets for many food products. Many researchers argue that speculative activity in such markets contributed substantially to the 2008 increase in food prices that proved disastrous for the poor in many parts of the world; certainly, the increases cannot be plausibly attributed to changes either in supply or in demand on the part of real-world consumers (Ruel, Garrett, Hawkes, and Cohen 2010; Wahl 2009).

A final set of changes, related to and often driving the intensification of contests over urban space, has been described in various ways. Distinctions between north and south based on national boundaries or per capita income statistics lose much of their meaning when (as in Mexico City, for example) Roche Bobois and Bang and Olufsen showrooms sit side by side overlooking a freeway, behind a high steel fence (author’s personal observation, April 2010), in a metropolis where in 2000 three out of every ten households lived on a monthly income of \$340 or less (Connolly 2009). Sassen refers to “peripheralization at the core” (Sassen 2006; Sassen-Koob 1982) of cities in high-income countries; a pattern exemplified by recent observations of the living conditions of undocumented Mexican workers in New York City: “a basement shared by eighteen single men, an unheated garage that is home to two Mexican families, an abandoned tractor trailer . . . and an abandoned tugboat and barge, both vessels half in and half out of the water, and each providing housing to another two or three men” (Hellman 2008: 159). The connection with migration has been described in terms of global “survival circuits” in which predominantly female workers flee desperate conditions in LMICs for uncertain futures as part of an expanding pool of low-wage service sector labor in the precarious, largely unregulated labor markets of high-income cities (Sassen 2002).

As patterns of economic and social inclusion and exclusion within geographical boundaries are (re)organized around the terms of connection to the global economy, it is useful to draw on an analogy suggested by Robinson’s argument for “social” rather than “territorial cartography” (Robinson 2002). In cartography, isolines connect points of equal value on a map; in the politics of the twenty-first century, they can be understood metaphorically as connecting individuals and households based on their roles and opportunities in the global economy and offering a guide to the contours of their political allegiances. Isolines marking distributions of resources and opportunity now routinely cross national borders (recall the Mexico City example), but the gradients they describe may be as steep within a single metropolitan area as on a global scale (Perlman 2010: 176). The disposable populations referred to by Somers are to be found everywhere, and in many contexts globalization is increasing their numbers and their desperation even as it creates unimaginable wealth for a few.

Even within the UN system, there is no shortage of human rights analysis that relates globalization to social determinants of health—a point that can be illustrated, in addition to examples cited earlier, with respect to housing and food. Housing was long ago identified “as the environmental factor most frequently associated with conditions for disease in epidemiological analysis” by the Committee on Economic, Social and Cultural Rights (1991: para. 8[d]), and the relation between globalization and violations of the right to adequate housing has been consistently foregrounded by two special rapporteurs on the topic since the position was created in 2000 (see, e.g., Kothari 2001: para. 59; Kothari 2002: para. 51 *et seq*; Kothari 2004: para. 30). The first rapporteur drafted a set of guidelines for the (very limited) conditions under which “forced evictions” are permissible that were quite detailed enough to be incorporated into development assistance policy and lending conditions (Kothari 2006: Appendix), but meaningful take-up has not happened. The second rapporteur issued an especially far-reaching report that drew from historical literature and contemporary research on the worldwide financial crisis that began in 2008 to situate contemporary housing and homelessness crises in the context of neoliberalism and to recommend a variety of policy measures, including “massive investment in housing. . . . States must react as promptly as they did to intervene in the international financial system to address the housing crisis worldwide, so as to implement their obligation to protect the right to adequate housing for all” (Rolnik 2009: para. 91). Again, evidence of recognition in public policy is minimal.

Analyses of globalization and the right to food are more recent, but similarly trenchant. In 2008, the second special rapporteur on the right to food devoted much of his first annual report to the crisis created by rising food prices, arguing for a rights-based response organized around avoiding policies with a negative impact on the right to food (including some promotion of biofuels), controlling private actors, and international cooperation on several fronts (De Schutter 2008: para. 24). Subsequently, he proposed a set of guidelines for large-scale land leases and acquisitions, emphasizing the human rights obligations both of home states and the World Bank (De Schutter 2009b). In another (non-UN) publication, he has emphasized the need to ensure that trade agreements and high-income country trade policies avoid violating the right to food, emphasizing the extraterritorial obligations of states and arguing, for example, that “where a state heavily subsidizes agricultural products that are exported by companies under its jurisdiction, with the effect of crowding out the local producers in the receiving markets, this should be treated as a violation of the right to food by the exporting state, since it constitutes a threat to food security in the importing country” (De Schutter 2009a: 17). Housing and food are useful case studies because sophisticated human rights analyses are available, as well, from international civil society organizations.<sup>4</sup> The problem, in short, is not the adequacy of analysis but the barriers to action, and these must be located with reference to the domestic and international political economy of resistance to policies of redistributing resources and regulating private accumulation.

In the national frame of reference, former Brazilian finance minister Rubens Ricupero has noted that “no serious measures can be taken to put an end to extreme poverty and inequality without forcing the richest segments of the population not only to pay taxes, but to pay much more than others” (quoted in Beghin 2008: 3). Teichman’s recent analysis of Mexican and Chilean social policy (Teichman 2008) illustrates how and why this objective is often frustrated in practice. She refers not only to labor movements weakened by globalization (see also Hershberg 2007) but also to the threat of capital flight and, in the Mexican case, to the continuing burden of government debt arising from a public bailout of well-connected bankers during the 1990s (Cypher 2001). She concludes that

“resisters to a new redistributive settlement may include not just the business community, but also upper and middle-income groups . . . along with technocratic allies within the state” (Teichman 2008: 447) whose links with the World Bank and the Inter-American Development Bank were forged during the era of structural adjustment. With specific reference to human rights, Teichman—who interviewed numerous high-level officials in her study countries—observes that in Mexico:

Discussions between the government’s Intersecretarial Commission on Human Rights and human rights organizations produced, in early 2004, a consensus on a new human rights bill. In the negotiations, civil society groups . . . pressed for and achieved an expanded concept of human rights that included social rights (labor rights and measures prohibiting discrimination against women). However, the president’s legal office removed the social and labor rights aspects of the bill before sending it on to Congress. (Teichman 2009: 74)

With necessary variations to reflect particular national contexts, these insights are almost certainly transferable to the politics of redistribution and rights in many other settings, as the new social cartography of a globalized world changes class structure and political allegiances, minimizing the risks to governments from simply ignoring those with little to offer in the global marketplace.

Another illustration of how this dynamic plays out in practice is noted in the United Nations Development Programme’s 2005 *Human Development Report*: “Were India to show the same level of dynamism and innovation in tackling basic health inequalities as it has displayed in global technology markets, it could rapidly get on track for achieving the MDG [Millennium Development Goal] targets” (United Nations Development Programme 2005: 30). The new social cartography similarly helps to explain why, for example, some LMIC governments have agreed to “TRIPs-plus” provisions in bilateral and regional trade agreements, which undermine flexibilities in patent protection for essential medicines negotiated under the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPs), with full knowledge of the health consequences (Roffe, Von Braun, and Vivas-Eugui 2008; Shaffer and Brenner 2009), and why South Africa’s government resisted public provision of antiretroviral therapy even after repeated court judgements held this to be a human right under the provisions of the country’s constitution (Kapczynski and Berger 2009; Natrass 2006). Politics of all kinds involve a series of exchange relations between rulers and ruled and, like the dispossessed post-Katrina, people living and working near the bottom of the gradients generated by globalization’s new cartography have little to offer their rulers, even under conditions of formal democracy.

These observations suggest not only the normative urgency of rights-based approaches to health and social policy but also the value of a research agenda that includes careful enumeration of domestic constituencies that would gain and lose from a rights-based approach to social and economic policy, in much the same way that social scientists have examined governmental commitments to trade liberalization. As an illustration of the value of this comparison, although political scientist Michael Lutz (1996) examines only one case (Mexico) to which the international pressures of globalization are relevant, and he pays too little attention to political economy (*cf.* Babb 2002), his historical study of the circumstances under which governments pursue trade liberalization is valuable for its emphasis on the importance of domestic “facilitating coalitions” that are *not*, it must be emphasized, the same thing as popular majorities. Under what conditions can we envision

national governments committing themselves to a meaningful multilateral framework for human rights accountability that would constrain their domestic and foreign policy choices to the same degree as contemporary trade agreements?

Valuable descriptions of the rationales for stated concern for global health in the foreign policy of high-income countries have been provided by Labonté and Gagnon (2010), who find that human rights are frequently referenced at the level of rhetoric, but without concrete policy commitments, while concerns for security predominate. A more analytical view is provided by Ziai (2010), who uses both documentary sources and interviews to examine the development policies of the Social Democratic-Green coalition that governed Germany between 1998 and 2005. Notwithstanding a manifesto commitment to development policy as structural economic change, the coalition failed to challenge the dubious presumption that poverty reduction is best achieved through growth-oriented global market integration; it also failed successfully to champion such more specific initiatives as repudiating odious debts or integrating development objectives into trade policy. Ziai explains this with reference to the need for multilateral agreement involving governments whose views on critical aspects of the global marketplace had little in common but also to resistance from the German finance ministry, which on some major issues disregarded policy resolutions of the Bundestag. Our attention is thereby directed back to how the new transnational cartographies of wealth and influence associated with globalization affect political allegiances and the playing out of political conflicts within national borders,<sup>5</sup> and consequently the prospects for advancing economic and social rights internationally.

These are complicated, intractable issues that require further social scientific exploration. They present challenges for research and advocacy, but their intractability does not confirm the “realist” view that economic and social rights as articulated in international law are merely aspirational; a view that ultimately represents a generic abandonment of the ideal of a rule-governed international order. At the same time, human rights and the policies that give effect to them must never be regarded as a *deus ex machina*. Historically, when they have gained meaning beyond the level of rhetoric, it has always been as a result of political contestation, often long and bitter. A former UN High Commissioner for Human Rights has described them as “the closest thing we have to a shared values system for the world” (M. Robinson 2007: 242). This may be too strong, but their legal recognition nevertheless may offer the most plausible route to achieving by nonviolent means the transformation of national and international institutions and practices that deny opportunities for good health and long life to literally billions of people.

## Notes

1. As in the case of wealthy Mexicans who shifted their assets into US dollars before the peso collapse of 1994 and were then able to purchase Mexican assets at devalued prices with their dollar holdings.
2. Economic historian Thomas Naylor (1987) observed more than two decades ago that “[t]here would be no ‘debt crisis’ without large-scale capital flight” (p. 370). More recent research on 40 countries in sub-Saharan Africa, the world’s poorest region, estimates the value of capital flight between 1970 and 2004, plus imputed interest earnings, at \$607 billion, a figure that is roughly *three times* the value of those countries’ external debt obligations (Boyce and Ndikumana 2008).
3. Summers went on to positions including Secretary of the Treasury in the Clinton administration, president of Harvard University, and most recently Director of President Obama’s National Economic Council. At least in the United States, public life clearly rewards those who do not question the expendability of the poor.

4. Notably the Centre for Housing Rights and Evictions (<http://www.cohre.org>), the FoodFirst Information and Action Network (<http://www.fian.org>) and the Institute for Food and Development Policy (<http://www.foodfirst.org>).
5. The German case suggests that important variables for further comparative analysis include the tension between legislative and executive branches of government and the ways in which the imperatives of the global marketplace strengthen the hegemonic role of finance ministries, as the primary mediators between domestic policy and global financial power, relative to other agencies of government.

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