
SHAREEN HERTEL
University of Connecticut

Measuring human rights is a complex challenge—particularly economic rights, which are by definition “progressively realized” (hence, must be measured over time) and are often conflated with measures of economic development. This article provides an overview of contemporary scholarly and policy efforts at measuring economic rights. It argues for an approach that captures both policy performance and the process by which economic rights can be realized in different societies, over time. Drawing on the author’s own research with grassroots economic rights advocates, the article also highlights the political imperative of more effectively measuring such rights.

Keywords: human rights, economic rights, economic development

In many countries—industrialized and developing—if the average person were asked “What are human rights?,” she or he would typically respond by listing the nonderogable rights of the person (the right not to be tortured or abused, for example) or by naming civil and political rights (such as the right to freedom of expression). “When you see the news and hear about a human right you think, ‘Aha, the disappeared, the political prisoners, police brutality,’ and this characterizes the left as much as the average citizen,” observes Mexican feminist and activist Carmen Valadez. “This is the first image you have about human rights.”

Such responses do not mean that people are unaware of economic rights. But they do indicate that civil and political rights are generally better recognized as human rights than are economic, social, and cultural ones. Despite their relative neglect in policy circles and academia over much of the past half-century, economic rights have gained momentum within the rapidly expanding human rights field over the past decade—largely as a result of popular-level advocacy on these issues, worldwide (Tomasevski 2005).

1Carmen Valadez (founding member, Factor X), interview by the author, Tijuana, Mexico, September 27, 2001.
2Notably, activists, scholars, and policy makers in countries other than the United States have carried out more work on analyzing and promoting economic rights than have their counterparts in the United States. Indeed, the real laggards in scholarship and policy work in this area, until quite recently, have been U.S.-based scholars, activists, and policy makers. These themes were central to the Minnesota-Stanford-Wisconsin MacArthur Consortium on Peace and International Cooperation’s “Summer Institute: A New Human Rights Agenda? Changing Dimensions in Human Rights Advocacy,” a conference hosted June 21–23, 2001, University of Wisconsin-Madison. Details available electronically via: http://www.icgc.umn.edu/ConsortiumArchives/Summer%20Inst%20Human%20Rights%202001.htm

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The rise of economic rights as public concern is, in part, due to globalized economic relations that have created deeper and more complex relationships of production and exchange. Advances in communications and transportation technologies have bolstered the ability of activists to collaborate in defense of people whose rights are at risk in the global economy. Lack of government ability (or willingness) to harness the benefits of globalized economic production and distribute the gains more equitably has generated yet more interest in economic rights. As Rolf Kunnemann, President of the Germany-based Foodfirst International Action Network, has argued:

Economic, social, and cultural rights are the only means of self-defense for millions of impoverished and marginalized individuals and groups all over the world. These rights are playing an increasing role in the way that grassroots organizations in many parts of the world see their struggles. Economic rights are slowly but surely progressing in the circles of international law and in the United Nations human rights system. (Kunnemann 1995:332)

Along the Northern border of Mexico, grassroots activist Frans Ingelberts echoes this observation: "...we're speaking from a new perspective because...there's a wider conception of rights if you look at it from the perspective of human dignity. To have a decent life, you have to have indispensable rights in all their aspects—not just the question of your physical integrity or personal aspects. You have to have the right to food, to health, to work. ... And perhaps it's not really written down yet, there aren't many documents that already have all the economic rights lined up. But we go about discovering them precisely as they're violated."3

Part of the reason why economic rights are less well defined than civil and political ones is that economic rights are less well measured. Measuring economic rights poses special challenges because of disputes over their status as rights, and because of their “progressively realized” character (meaning that these rights are not immediately enforceable, as are many civil and political rights).

Yet, as noted above, average citizens around the world increasingly invoke the language of rights in framing their demands for adequate food, shelter, education, sanitation, healthcare, and other basic human needs—the core of economic rights—which in turn makes it necessary for states and other obligated parties to answer the practical question, “How much is enough?” to fulfill these rights.4

Although economic, social, and cultural rights are often grouped together—as in the International Covenant on Economic, Social, and Cultural Rights (IECSR)—this article focuses on economic rights alone because they lend themselves well to a discussion of measurement. The article provides a stock-taking exercise of economic rights measurement and a template for further study. It begins by clarifying the conceptual terrain; proceeds with a discussion of existing quantitative measures of economic rights and their limitations; and ends with a brief review of new research approaches and policy applications.

The article challenges the stark divisions between categories of rights as well as the forced dichotomy between negative rights (i.e., freedoms from) and positive rights (i.e., entitlements to). It focuses on economic rights because of the newfound intellectual and political currency of these rights. Throughout, I draw upon lessons

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3 Frans Ingelberts (Catholic lay missionary), interview by the author, Piedras Negras, Mexico, January 8, 2002.

4 Philip Alston distinguishes between needs and rights as follows: “Needs can be deferred until those in power think it might be timely to address them. Needs can be defined and formulated by experts; they are usually seen to be eminently flexible and relative. ... Rights, on the other hand, belong to individuals, who can and will assert them and strive to give them meaning and substance. They can be neither expropriated, nor defined, nor arbitrarily put on the back burner, by officials,” emphasis added (cited in Green 2001:1095). See also United Nations Office of the High Commissioner for Human Rights (OHCHR), “Draft Guidelines on a Human Rights Approach to Poverty Reduction” (OHCHR 2002:1).
from my own research on grassroots human rights advocacy, which has shown that activists invoke the language of economic rights strategically to increase the political salience of their claims—and the likelihood that these claims will be addressed by power-holders, both in the public and private sector (Hertel forthcoming).

**Conceptual Issues**

Economic rights are not well defined either in international human rights law, or in academic or policy literature. The UN Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) list various rights. But neither provides a basic definition of human rights (Beitz 2003), let alone a classification scheme that would enable us to separate the rights into discrete subcategories. In this article, I offer a working definition of economic rights, aware that debates on the subject are ongoing.\(^5\) It includes the following components:

1. the right to an adequate standard of living (including subsistence rights);
2. the right to employment; and
3. the right to basic income guarantees for those unable to provide for themselves.

The justification for this three-part definition of economic rights is that all three elements are necessary to enable human beings to function fully—that is, to exercise their capabilities (Sen 1999) and to be autonomous (Copp 1992). Moreover, instantiating the three elements as rights, rather than as charity, affords claimants agency to realize their capabilities and autonomy.

The right to an adequate standard of living is the cornerstone of the definition of economic rights used in this article. The UDHR refers explicitly to this right in Article 25, and stipulates that in order to be adequate, a standard of living must provide for the “health and wellbeing” of the rights-holder and his/her family. Article 25 also stipulates that an adequate standard of living should include “food, clothing, housing and medical care and necessary social services.” By contrast, Article 11 of the ICESCR does not include references to health, medical care, or social services but instead stipulates that “adequate food, clothing, and housing and continuous improvement in living standards” must be attainable for a standard of living to be adequate.

This article defines the right to an adequate standard of living as one that provides for fulfillment of subsistence rights, specifically food, clothing, shelter, potable water, basic medical care, and basic education. I do so because with slight variations, most authors place subsistence rights at the core of economic rights: Kunnemann (1995:324), Moser and Norton (2001:12),\(^6\) and Cingranelli and Richards (2004),\(^7\) all include the right to food, clothing, and shelter among economic rights. Basic


\(^{6}\)Cingranelli and Richards draw their list of economic rights directly from the ICESCR: right to work; to equal remuneration for work of equal value; to a decent standard of living; to reasonable working hours; to social security; to adequate food, clothing and housing; to continuous improvement of living conditions; to medical care; and to education.

\(^{7}\)Kunnemann includes the following as economic rights: the “right to gain and sustain an adequate standard of living,” including freedom from hunger; the right to adequate food, clothing and housing; and the right to work. He also includes “labor rights” (including right to just and favorable working conditions, and trade union rights). However, for Kunnemann, the right to social security, the right to adequate physical and mental health, and the right to “protection of the family” are all “social,” not economic, rights. He considers the right to education a cultural right.
health care, clean water and sanitation, and education at least to the primary level are also included by other authors (Beetham 1995:48; Milner, Poe, and Leblang 1999).8

The right to employment is the second element of the definition of economic rights used in this article. I assume that the state has the duty to create an enabling environment in which people can attain “decent work” (i.e., qualitatively acceptable) in a nondiscriminatory manner, and that the state has a duty to promote conditions under which full employment and comprehensive regulation of the private sector are possible.9 I also assume that rights claimants themselves have a duty to attempt to fulfill their economic rights through their own productive efforts. If a person is unable to do so because of “unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control” as referred to in Article 25 of the UDHR, then the state is obliged to provide the social insurance implicit therein.10

This, in turn, leads to the third element of the definition of economic rights used in this article—basic income guarantees. This definition does not include a generalized income guarantee provided by the state to all citizens. Instead, it stipulates only the targeted provision of income guarantees to vulnerable persons unable to fulfill their own subsistence rights through their own efforts (i.e., through employment, the second part of the definition).11

Even the most carefully worded definition of economic rights is unlikely to escape political controversy—and this one is no exception. Widening global inequality amidst increases in global wealth has intensified the practical significance of economic rights—particularly the reluctance of many of the world’s “have” to consider redistribution in favor of the “have-nots” (UNDP 2003). Yet, as Nobel laureate in economics Amartya Sen argues:

The understanding that some rights are not fully realized, and may not even be fully realizable under present circumstances, does not, in itself, entail anything like the conclusion that these are, therefore, not rights at all. Rather, that understanding suggests the need to work towards changing the prevailing circumstances to make the unrealized rights realizable, and ultimately, realized.

[emphasis in the original] (2004:348)

Changing the prevailing circumstances could mean a redistribution of power and resources, both within countries and between them—a profoundly political process with potentially radical social implications. Economic rights advocacy can thus provide a powerful tool for organizing and social change, because as Beetham (1995:44, 60) explains, “The promotional aspect of the human rights agenda is not only addressed to those whose responsibility it is to secure the rights in question. It

8Milner, Poe, and Leblang 1999) argue that subsistence rights are those necessary for basic human functioning and should include “access to adequate food, clothing and housing,” all of which are “guaranteed in the UDHR...the ICESCR goes beyond the UDHR in recognizing the right to ‘the continuous improvement of living conditions’” (emphasis added). They also include the right to health, education, nutrition, and water supply/sanitation (1999:422).


11Other authors argue for more generalized basic income guarantees, for example, Michael Goodhart (forthcoming) “None So Poor That He Is Compelled to Sell Himself: Democracy, Subsistence, and Basic Income,” in Economic Rights: Conceptual, Measurement and Policy Issues, Shareen Hertel and Alanson Minkler, eds., and Richard A. Wilson, Cambridge, U.K.: Cambridge University Press.
also serves as a legitimation for the deprived in their struggles to realize their rights on their own behalf, by providing a set of internationally validated standards to which they can appeal." Using the language of rights as a tool in social struggle is an empowering strategy for the poor themselves; it makes the poor agents of change rather than merely recipients of aid.

Using the language of rights in relation to economic development also requires some fundamental conceptual adjustment. Growing disparity in wealth around the world begs the recognition that economic development and economic rights are not synonymous. Equating the two ignores problems of distribution and equity because it underplays the politics of decision making that lead to inequity and underdevelopment.

Poverty, in large measure, is the result of a series of politically and socially constructed decisions—at the national and international levels—about who gets what (Milner et al. 1999:410). Gender disparities within even comparably wealthy societies, for example, make it clear that socialized patterns of inequity undergird economic rights shortfalls. Aggregate improvements in economic growth can mask persistent and widening disparities within societies. Thus, it is important to distinguish between economic rights and other, more general terms such as “level of poverty” or “amount of inequality.”

While economic development is vital to sustaining democracy, as Zehra Arat’s (1991) research has shown, equating wealth with economic rights ignores the politics of distribution and the interconnections between civil, political, economic, and social rights. Moreover, Kunnemann (1995:336) argues that reducing economic rights to nothing more than the fulfillment of basic human needs could “eventually even be used as a pretense for violations of economic human rights. This is what currently occurs in a number of countries trying to use what they call ‘economic rights’ to justify top-down oppressive and marginalizing policies and developmental projects which violate human rights.”

Sen and Martha Nussbaum (Nussbaum and Sen 1993; Nussbaum 1997–1998; Sen 1999) have responded to policy makers who would justify growth at the expense of liberty by pointing out that the two are inextricably tied—particularly in terms of women’s human rights and development—and by introducing the concept of human capabilities, which they link directly to the concept of human freedom. Their seminal work on human capabilities demonstrates the extent to which human development can flourish only where people themselves have the capability to participate in decision making about their own lives and the physical, mental, and other capabilities to translate their choices into action. Understanding economic rights and measuring them require us to disentangle the politics of claim-making, duties, and obligations.

### On Claims and Obligations

One of the main challenges central to analysis of economic rights is making sense of the nature of claims and obligations. For David Copp (1992:251–252), subsistence rights are the foundation of economic rights claims, which he distinguishes carefully from wants or goals: “Matters of basic need...are required in order to achieve many of our goals, and so they are also usually needed instrumentally, but they are needed independently of our goals and regardless of our circumstances. We do not need to know anything about your goals, desires, or circumstances in order to know that you need a nutritious diet.” Meeting one’s basic needs is thus essential to achieving autonomy (hence, the first part of the three-part definition of economic rights introduced in this article).

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12See also Rhoda Howard (1983).
The state is the party principally obliged to fulfill human rights claims. Its generic obligation is to *respect, protect, and fulfill* rights (Kunnemann 1995:327). Fulfilling a right does not mean that the state has an obligation to provide all of the resources to do so. Rather, the state provides the remainder after individuals themselves have attempted to fulfill their own basic needs (hence, the second part of the definition of economic rights introduced here).

Copp (1992:231) argues that individuals have a “*conditional right against the state*” to be enabled to meet their own basic needs—“provided that one’s society is in favorable circumstances” (emphasis added). He does not mention the role of overseas development assistance in bridging the gap between state capability (or lack thereof) and fulfillment of subsistence rights—though other authors raise this issue in relation to the right to development, arguing that the international community has an obligation to assist less-developed states in providing for their own citizens’ right to development (Baxi 1998; UN OHCHR 2002:3).

For Copp (1992:260), however, the level of obligation for fulfilling subsistence rights extends *beyond* the state:

...ordinary citizens have a duty to assist the state in discharging its duty by contributing to programs intended to enable every citizen to meet his basic needs. The state cannot discharge its duties without the support of individual members of society, and the state is the agent of society, which is an aggregate of its members... in favorable circumstances, the better off have a duty to pay their share until the point is reached that the worst off are enabled to meet their basic needs.

Moser and Norton (2001:vii–viii), too, extend the concept of the obligation to *respect, protect, and fulfill* rights in two ways—first, by arguing that the responsibility to fulfill rights also obliges the state “to *facilitate, provide and promote*” the conditions necessary to do so (emphasis added). For example, the state has the obligation not only to protect property rights but also to ensure equal access to economic opportunity both through effective enforcement of nondiscrimination laws and through legislation aimed at promoting the well-being of vulnerable groups. 13

Second, Moser and Norton (2001) like Copp (1992) extend the nature of obligation to include nonstate actors. This is a major departure from the traditional interpretation of states as principal parties obliged to fulfill human rights. It has emerged as academics and activists have grappled with the reality that nonstate actors (specifically, multinational corporations) wield significant financial leverage over states in an era of highly mobile production and investment. Moser and Norton’s framework thus includes nonstate obligations in recognition of the fact that states alone are not solely responsible for setting an enabling environment in which economic rights can be protected and promoted. The private sector also plays an important role.

Since the 1990s, the burgeoning of voluntary codes of conduct and standards for corporate responsibility has led not only to the creation of new mechanisms for linking rights obligations to nonstate actors (such as private companies) but also to a rethinking of the role of the state vis-à-vis the private sector in terms of safeguarding economic rights (Hertel 2003). The literature on corporate social responsibility and ethical sourcing is rooted in an understanding of states and corporations as *jointly responsible* for protecting and promoting human rights. 14 States may have the power to set the regulatory environment and to determine general fiscal, monetary, and development policies. But the need to attract and retain private-sector capital resources requires the state to contribute to programs intended to enable every citizen to meet his basic needs. The state cannot discharge its duties without the support of individual members of society, and the state is the agent of society, which is an aggregate of its members... in favorable circumstances, the better off have a duty to pay their share until the point is reached that the worst off are enabled to meet their basic needs.

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13See also Green (2001:1071–1072).

means that such official policy decisions are often heavily influenced by consideration of corporate interests.

If basic civil rights (such as freedom of association) are not upheld, or if the wages and benefits afforded workers are too meager to support basic needs, then both state and corporations come under public attack. The corporation is accused of mistreating its workers—and the state, of tolerating the abuse in the interest of promoting economic growth. The popular backlash against neoliberal policies in Latin America, for example, can be traced in part to citizen concerns over perceived increases in civil and political rights violations occurring in the wake of shifts toward privatization and market-led development policies (Carleton 1989). Concern is also mounting over persistent and in some cases growing inequality.

Moser and Norton (2001) have developed a “how-does-who-claim-what-from-whom” framework for “applying rights to sustainable livelihoods.” Their framework is similar to Patrick Ball’s (1996) who-does-what-to-whom formulation, widely applied to analyze chains of accountability in relation to killings, torture, disappearances, and detention. The Moser and Norton framework undergirds a “channels of contestation matrix” used to map the institutional channels through which claims can be made, the nature of claims, the methods of staking claims, and the nature of obligation. The matrix helps illustrate the manner in which economic rights are fulfilled through a process of social struggle involving civil society actors as claimants and the state as well as corporate actors as obligated parties.

Craig Scott (2001:31, 35) also extends the concept of obligation for economic rights to nonstate actors, arguing for a broader notion of governance that can be viewed along three axes:

- **Vertical**: from state to nonstate actor;
- **Horizontal**: from one individual to another and/or toward public authorities within a given state; and
- **Diagonal**: from state to nonstate actors and vice versa across borders.

For Scott, the concept of diagonal rights extends economic rights governance beyond the domestic realm, into the transnational arena.

Skeptics could argue that diffusing responsibility beyond the state to include nonstate actors risks rendering everyone responsible—and no one ultimately accountable—for their fulfillment. But ideas such as Moser and Norton’s as well as Scott’s are pushing the boundaries of traditional international relations, legal, and human rights theory. Their work and my own is informed by realities on the ground—where human rights advocates and others impatient for social change invoke the language of economic rights and demand accountability on multiple levels, with the aim of strengthening their grounds for claim-making.

**Further Thoughts on Liberalism and Economic Rights**

As noted above, one of the challenges of measuring economic rights is the frequent equating of economic rights with economic development—which this article challenges. A minimal degree of economic growth and development are necessary but
not sufficient conditions for the achievement of economic rights. Seymour Martin Lipset (1994:2) subtly adds that there has been “no case of political democracy that has not been a market economy. . .[but] there have been numerous cases of non-democratic market economics.” Yet, because of the strong United States influence on the evolution of international human rights discourse, liberal democracy and capitalism (as a particular system for achieving economic development) have often been considered prerequisites for fulfilling economic rights.

Howard and Donnelly (1986:810–811) note that there is an important difference between “having a human right and merely enjoying the substance of a right.” In communist regimes, for example:

…but one may be guaranteed the substance of certain human rights—that is, goods, services, and opportunities may be enjoyed. They are not, however, enjoyed as rights; those who conform receive certain benefits, but the state may freely bestow or withdraw these as it sees fit. This is as true of economic and social rights as civil and political rights. One is not entitled to these benefits simply as a human being, one does not have the special control provided by possession of a right, and one’s claims to enjoy these benefits do not have the force of human rights.

In democratic regimes, citizens can exercise political freedoms, they are better able to advocate for their economic rights—to point out longstanding social inequalities and to push for redistribution through political channels open to public input (UN OHCHR 2002:4, 16–17). Sen’s work on famines, for example, has demonstrated the benefits of such freedoms for development: famines are statistically much less likely to occur in democracies than in authoritarian political systems.19

But political participation can be a conflictive and contentious process, particularly in newly democratic regimes undergoing economic adjustment. Citizens of countries in contemporary Eastern Europe, for example, have not been satisfied with procedural democracy alone and have used their new-found political freedoms to demand improvements in their economic well-being (Milner et al. 1999:416–418). Similarly, in Latin America, Guillermo O’Donnell, Jorge Vargas-Cullell, and Osvaldo Iazzetta (2004) have carried out recent pioneering research in conjunction with the UN Development Programme (UNDP), aimed at analyzing linkages between democratic consolidation, human rights, and human capabilities. They focus on the fragility of recently restored democracies in that region in light of ongoing economic instability and crisis—linking the erosion of popular support for democracy in Latin America to citizens’ frustration with various regimes’ failures to protect and promote basic economic rights.

Material concerns are central to the conceptualization of the “good life” that informs much modern human rights scholarship, across disciplines—and across political systems. Property rights are at the core of what Howard and Donnelly (1986:807) have referred to as minimalist liberal interpretations of human rights—which they distinguish from liberalism in general. Minimalism emphasizes the protection of property rights to the exclusion of all other economic rights—which, they argue, “borders on logical contradiction: we can see no way

18In this quote, Lipset cites Peter Berger (1986:9).
19See Sen (1999), Chapter 7, for a lengthy list of the author’s previously published work on famines.
20Separately, Latin American human rights scholar and activist Eduardo Caceres (2000:23) argues: “Neoliberal reformers have implemented legal and constitutional reforms that systematically attacked existing systems for the protection of social and economic rights. . . . Far from modernizing, the deregulating and deprotectionist wave has seriously undermined the opportunity for millions of men and women to reach a much hoped-for modernity. . . . As social rights have been chipped away, they have been replaced by clientelistic structures. . . . It is not strange, then, that today we speak of neopopulism to refer to. . . . governments which have paradoxically been touted as the cutting edge of modernizing, neoliberal reform. If the human rights movement has a principal strategic challenge, it is to cut the Gordian knot of this paradox.”
that precisely and only this one economic right can justifiably be allowed on the minimalist’s list of human rights.”

Instead, Howard and Donnelly (1986:805–807) argue that the principle of “equal concern and respect,” which is foundational to liberalism, requires the state to take positive steps “to cancel unjustifiable market inequalities, at least to the point that all are assured a minimum share of resources through the implementation of social and economic rights. . .this implies, for example, rights to food, health care, and social insurance” (Articles 22, 25 of the International Covenant on Economic, Social, and Cultural Rights).

Yet, minimalist liberal notions of rights have strongly influenced the development of modern human rights theory (particularly legal theory and political science) as well as related law and policy practices.21 This has led both to overemphasis on property rights and to overdrawn distinctions between negative and positive rights. Indeed, the tendency to equate economic development narrowly with economic rights and to restrict economic rights to a minimalist notion of property rights has limited economic rights measurement significantly and stymied the search for broader and more robust indicators.

### On Measurement

Until recently, economic rights have remained the poor step-sister to other types of human rights research, scholarship, and advocacy (Cesarini and Hertel 2005). While there may be limits to the measurability of a concept, however, this does not necessarily diminish its relevance, agues Jonathan Fox (2004:69). And this is certainly the case with economic rights.

There is ample statistical information available on socioeconomic development but these data are not necessarily gathered or analyzed from a rights perspective. Maria Green (2001:1090) notes that one of the major debates in the human rights field is, in fact, the place of socioeconomic indicators. There is not a “clear consensus on what, precisely, would distinguish a human rights indicator from a development indicator, except perhaps for the obvious need to have information that could reflect discrimination and for the emphasis on legislative and other legal processes.” As Malhotra and Fasel (2005:17) note, much socioeconomic development data fail to convey information on mechanisms for redress and/or accountability that are vital to understanding the processes by which economic rights are protected.

Instead, existing human rights measures focus principally on violations of rights, and mostly on violations of civil and political rights. Human rights monitors tend to track incidences of state abuse of negative dimensions of rights—rather than track the state’s ability to fulfill the positive dimensions. In this connection, existing standards-based scales as well as events-based measures focus largely on civil and political rights, including the Freedom House Index and the Political Terror Scale—both of which offer upwards of three decades’ worth of data on civil and political rights in scores of countries.22

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21As Todd Landman points out: “[P]olitical science is primarily interested in researching the variation in the protection of political and civil rights, where the economic and social dimensions of human rights are considered exogenous or explanatory. This omission of other human rights is partly due to the history of the discipline and partly due to the quest for commensurability of measures across disparate cultural contexts. Political science has traditionally been interested in the design, analysis, and evaluation of political institutions that best realize the “good life” through the establishment and protection of fundamental political and civil rights, while concerns with social welfare could be considered over the long term” (emphasis added) Todd Landman (2002:922).

22Collected works on human rights measurement include: Nanda, Scarritt, and Shepherds (1981), Jabine and Claude (1992), and Inkeles (1997). Todd Landman and Claudia Dahlerus have highlighted this prior work in their proposal for the first comprehensive edited volume on human rights measurement in over a decade (on file with the author).
But existing measures of human rights do not convey the negative and positive dimensions of all rights. Nor are they adequate for measuring the progressive realization of rights over time. Official monitoring tends to focus on state (not nonstate) actors, and on violations rather than promotion of rights. So does most monitoring by nongovernmental organizations (NGOs).

Kenneth Roth (2004), Executive Director of the New York–based organization Human Rights Watch, argues that for groups like his it is most practical to focus on arbitrary or discriminatory treatment in the area of economic rights rather than on questions of distributive justice. This approach builds on the work of scholars such as Audrey Chapman (1996), who laid out a “violations approach” for monitoring economic, social, and cultural rights in the mid-1990s. Concurrently, Human Rights Watch began to expose egregious violations of economic rights by state (and occasionally nonstate) actors, using the shame-and-blame techniques honed through its decades of work on civil and political rights advocacy. Roth (2004:72) has since argued that work on economic rights is “essential to our credibility” (emphasis added)—an acknowledgment that economic rights advocacy has long been neglected by human rights NGOs based in industrialized countries, and that the legitimacy of those groups vis-à-vis their grassroots partners in the developing world increasingly depends on taking up the challenge of promoting economic rights.

This work has also responded, in part, to earlier calls for “new approaches in data collection, analysis, and interpretation, focusing on the status of the poor and disadvantaged groups but also disaggregating the data for a number of variables, including gender” (Dankwa, Flinterman, and Leckie 1998:706–707). Human Rights Watch’s work on economic rights thus focuses on situations in which discrimination has prevented people from realizing their economic rights—either through discriminatory access to work or other resources, or through unfair treatment on the job.

But the thorny problem of measuring distributive justice in relation to economic rights remains. To date, as Cingranelli and Richards (2004:7–8) point out, “[g]overnment abuse of physical integrity rights has...been the phenomenon of chief theoretical interest in almost all empirical studies of the determinants and consequences of government abuse of human rights.... There is no similar measure of government respect for the economic and social rights of their citizens.” Much of the literature on basic human needs focuses on the results of development, or lack thereof (e.g., infant mortality or school enrollment figures)—not the government practices that lead to high or low levels of human development.

For example, the UNDP’s Human Development Index, as Cingranelli and Richards (2004:8) point out, “concentrate[s] on objective social indicators measuring ends (conditions), not means (or practices).” Instead, they argue that:

What is needed is a measure of government efforts to respect economic and social human rights that could be directly compared with measures of government practices to respect physical integrity rights or government policies respecting civil liberties.... Government respect for economic human rights is a function of both a government's economic ability to provide these rights, and its willingness to use available resources to

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23Roth (2004) includes references for a number Human Rights Watch reports produced over the past decade on economic rights–related abuse in a range of countries and sectors, worldwide.

24As Latin American scholar and human rights activist Carlos Basombrio (2000:11) argues, maintaining a “radical” critique of the existing structures of power in society is critical to the legitimacy of the human rights movement in that region: “...it is important to figure out how to maintain the radical nature of the movement’s mission as it attempts to be perceived as a valid intermediary with the state... legitimacy and efficacy can be acquired only by maintaining a radical critique of power, in combination with a capacity to contribute towards concrete solutions to immediate problems people face on a day-to-day basis... the human rights movement must be willing to challenge people’s fears and conventional wisdom without losing their support, and learn to tap into their intuitive perceptions.”
provide these rights. . . . A fair and objective measure of government practices must, therefore, control for differences in national wealth. . . . The proportion of resources, not the absolute amount, spent on these policies indicates the priority governments place on improving the economic and social conditions of citizens. The value of this approach is that it refocuses attention on practices rather than conditions. [emphasis added] (2004:10–11)

Cingranelli and Richards (2004:12) are thus refining an integrated measure of government “willingness” to fulfill economic rights. They calculate their measure based on the residual of the following equation:

\[ PQLI = a + b \left( \text{logarithm of GDP/capita} \right) + e \]

where \( b \) is the coefficient of ability and \( e \) the coefficient of willingness. For a given country, a positive residual indicates that the government of that country raised the standard of living of its poorer citizens more than would be expected given available resources, whereas a negative residual indicates worse performance than expected, given resources. No residual indicates performance at the expected level.

Critiques of the Cingranelli and Richards index vary. Some are technical—such as concerns about the use of the weighting scale used in constructing the index; or the inability of the model to account for the effect of exogenous shocks or policy change over time; or concern about the appropriateness of attributing the unexplained variance in a residual entirely to government willingness. Other critiques go to the heart of the causal relationships central to Cingranelli and Richards’s theory-building: is government willingness really the key variable of interest—or might government effectiveness be a more powerful predictor of economic rights fulfillment? Does willingness really equal what Cingranelli and Richards (2004:15) refer to as “success in policy making and implementation”? 

Separately, economist Mwangi Samson Kimenyi (2005) has developed a preliminary index for ranking governments in terms of the degree to which their macroeconomic policies are “pro-poor” in nature. Similar to Cingranelli and Richard’s “willingness” measure, Kimenyi (2005:7) focuses on effort by countries to use growth policies aimed at addressing poverty. He defines pro-poor growth as economic expansion associated with reductions in relevant measures of poverty, arguing that in such a scenario, “income growth by the poorest group exceeds the average income growth rate” (2005:3). Kimenyi (2005:7) acknowledges that pre-existing high levels of inequality can reduce the impact of even the best-intentioned policies, and argues that “growth with redistribution, then, is the only way to achieve poverty reduction and overall human development.” He explores a range of institutional factors that affect both policy development and effectiveness.

Critics of both the Kimenyi index and the Cingranelli and Richards index argue that the resulting country rankings yield odd outcomes: the best-ranking countries tend to cluster among formerly Communist states, where economic rights may be well respected in theoretical terms but critics wonder about the practical implementation of related policies. How might the nature of pro-poor policies be affected by external shocks, internal corruption, or disease? For example, the prevalence of HIV/AIDS and its iterated effects in Sub-Saharan Africa are factors not accounted for in Kimenyi’s discussion.

On a technical level, some fault the indices for being derived from residuals. Critics argue that the values attributed to the residuals simply do not reflect an analytically sharp, single concept because the residual itself, by definition, accounts for much wider variance in the data and hence should not be allowed to serve as a proxy for a single concept—such as government willingness to implement pro-poor policies.

More precise measures of the processes and outcomes integral to distributive justice would advance the discussion of economic rights significantly. Such meas-
ures could focus on subsistence rights, for example, and could be designed to centrally incorporate elements of timing (i.e., progressive realization as well as retrogression in rights achievement) along with distribution.

I have not developed such an independent measure of economic rights. But the UNDP Human Development Report began to move in this direction in the mid-1990s by developing scaled indices to demonstrate how discrimination affects distribution of resources and access to opportunities through the development of several explicitly gender-adjusted indices used to rank country performance.

The “Gender-Related Development Index” (GDI) refined the standard “Human Development Index” (HDI) so that the integrated HDI score (based on income, longevity, and education data) would reflect differential achievement by gender. And a “Gender Empowerment Measure” (GEM) was developed to rank countries according to the level of “women’s participation in political decision making, their access to professional opportunities, and their earning power” in each (UNDP 1995). Country performance in a given year is the result not only of events in that year but also of decades of systematic marginalization of particular groups such as women or ethnic minorities.

Yet we are not able to discern from the HDI, GDI, or GEM why, how, or when government or private sector actors made moves that either reinforced or began to reverse these inequalities. So we need new measures that capture not only performance but also process—the role of the state and private sector in creating the conditions within which unequal distribution arises and/or diminishes, and the means available to people in society for redressing such inequalities. And we need measures that convey performance at more than one “snapshot” in time, thus capturing the notion of progressive realization (Green 2001:1090–1091).

Putting the issue of economic rights on the table politically—as many social movement actors have done—has helped spur collection of the relevant data. The emergence of the concept of “gender-disaggregated data” provides important lessons in this regard. As recently as the 1970s, few governments compiled basic health, education, or income-related data disaggregated by gender. But feminist activists pressed for such surveying and data compilation over the course of several decades of UN conferences on women, beginning in Mexico City in 1975 and ending in Beijing in 1995. The Committee on the Elimination of All Forms of Discrimination against Women (which monitors the UN convention of the same name, i.e., the CEDAW) continues to urge states party to the treaty to disaggregate data by gender (Green 2001:1093).

The results have been twofold: (1) creation of more gender-sensitive approaches to eliciting data (i.e., education of survey administrators not to assume that the “head of household” is always male, e.g., but instead to ask women as well about their income and labor) and (2) corresponding changes in the management of statistical information at the national and international level (i.e., creation of gender-disaggregated databases).

Yet, despite these advances, a persistent lack of field-level data remains a problem for researchers and policy makers alike interested in the economic rights of women. As explained in the Human Development Report (1995:72–73), there is “substantial

26Malhotra and Fasel (2005:23, 28–29) recommend the development of structural indicators, process indicators, and outcome indicators for tracking progress in human rights implementation, as these together capture “both the ‘flow’ and the ‘stock’ aspects of the process of social change and development that underpins the protection and promotion of human rights”—particularly economic rights.
28See also Malhotra and Fasel (2005:4, 11).
disparity” in income between men and women “but data on such disparities are lacking.” Similarly, “how family resources are shared within the household is difficult to determine,” and data on “wages in rural areas and in the informal sector are rare”—all of which make analyzing income distribution by gender challenging. These data shortfalls reflect the stubborn persistence of a public/private divide in research and policy making on women’s lives—a dichotomy also reflected in research on the formal/informal division of labor in the economy. We need research that transcends these divides. Gathering such data at the field level will require sensitivity on the part of researchers and political will on the part of the states that are often loathe to recognize or address longstanding inequities and abuses in the “private” and “informal” realms.

Several significant attempts to measure economic rights have nonetheless centered on gendered human rights violations and/or patterns of achievement. Poe, Wendel-Blunt, and Ho (1997) published a paper in which they coded annual U.S. State Department Country Reports on Human Rights Practices to classify women’s economic and political rights in the countries covered, using this standards-based measure. Clair Apodaca (1998) made advancements on the Poe measure, developing her own index focused on women’s rights to work, health, education, and to an adequate standard of living. Her innovation was to demonstrate the effect of achievement in women’s rights over time, thus capturing the aspect of “progressive realization” integral to economic rights assessment. More recently, Sweeney (2004) has explored how global trends—such as economic globalization, increasing democratization, secularism, and internationalization of human rights norms—have affected women’s economic, social, and political rights in 160 countries between 1981 and 2003. For all of these authors, missing data problems were a significant obstacle.

For those interested in more qualitative analysis of economic rights, the lack of refined measures also presents a problem. My own research explores why people engage in contentious politics and how normative understandings of human rights change over the course of such contestation. I map changes in the human rights norms invoked by activists at the grassroots level during different phases of their campaigns, analyzing why different norms are referenced at different stages. The specific human rights conventions, declarations, or other treaty language referenced by activists in naming wrongs and claiming rights are what I refer to as “normative benchmarks.”

I identify change in those benchmarks over time—specifically the introduction of new or alternative benchmarks—to analyze change in human rights understandings. From the outset of a protest campaign through its conclusion, rights claims made by protestors may broaden to include not only civil and political rights demands but also economic rights—or may narrow.

For example, activists may demand that corporations provide their workers with a “living wage”—namely, a wage sufficient to meet the basic needs of workers (Rosenbaum 2000). But how much pay is “sufficient” to meet “basic” needs, and where do “needs” end and “desires” begin? How can we compare living wage transculturally and over time? Can increased wages in one factory enable workers to overcome the effects of economic development shortfalls in their country, more generally? Where does the company’s responsibility end and where does the state’s responsibility begin in terms of fulfilling the right to a living wage?

In my work, reference to a specific human rights treaty is the data point for analysis. But more refined measurement of the actual content of the treaty and its

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29Green (2001:1080) defines benchmarks as “goals or targets that are specific to the individual circumstances of each country” and indicators as “play[ing] a role as a sort of way station on the road to benchmarks.” My level of analysis is different: I gather campaign-level data on human right rhetoric, and analyze the role of different normative benchmarks within the campaign itself rather than at the country level.
implementation—particularly measurement of economic rights—would strengthen my ability to analyze the effectiveness of a campaign. How are words translated into action? Why do activists bother invoking economic rights if we cannot measure them?

Hence, I confront challenges similar to other scholars analyzing economic rights. In my work, refined measures of economic rights would enable me to analyze the content of protestors’ demands and to assess how effectively those demands are met over time by actors the campaigns target (such as state and/or corporate actors). The pioneering efforts at measuring economic rights discussed above illustrate the complexity of the challenge—and the open terrain for new theoretical and empirical work.

**Conclusion**

Measuring economic rights may seem daunting, given that basic concepts remain contested and the mechanisms for implementation unclear. But this article has offered an integrated definition of economic rights, an analysis of the nature of related claims and obligations, and an assessment of measurement efforts to date—all in the hopes of spurring further work in this area. I have argued that we need to track not only state abuse but also the state’s ability to fulfill the positive dimensions of economic rights. We need better measures of progressive realization of rights over time. We need measures not only of discrimination but also of distributive justice. We need to focus not only on performance but also on process—understanding economic rights as a means to the dual ends of economic development and social justice. We also need to develop mechanisms for redress and/or accountability—in public and private realms, and formal and informal sectors.

Regardless of how fast (or slow) academics and policy makers move to address these challenges, activists worldwide will continue to invoke the term economic rights amidst their efforts at naming wrongs and claiming rights. In so doing, they answer—through their actions, if not explicitly—the rhetorical question “Why bother?” and push the scholarly community toward new research frontiers in the process.

**References**


