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978-1-107-16021-7 — Social Rights Judgments and the Politics of Compliance

Edited by Malcolm Langford, César Rodríguez-Garavito, Julieta Rossi

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SOCIAL RIGHTS JUDGMENTS AND THE POLITICS OF COMPLIANCE

The past few decades have witnessed an explosion of judgments on social rights around the world. However, we know little about whether these rulings have been implemented. *Social Rights Judgments and the Politics of Compliance* is the first book to engage in a comparative study of compliance of social rights judgments as well as their broader effects. Covering fourteen different domestic and international jurisdictions and drawing on multiple disciplines, it finds significant variance in outcomes and reveals both spectacular successes and failures in making social rights a reality on the ground. This variance is strikingly similar to that found in previous studies on civil rights, and the key explanatory factors lie in the political calculus of defendants and the remedial framework. The book also discusses which strategies have enhanced implementation and focuses on judicial reflexivity, alliance building, and social mobilisation.

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SOCIAL RIGHTS JUDGMENTS AND THE POLITICS OF COMPLIANCE

Making It Stick

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P R E F A C E

The maturing of socio-economics rights jurisprudence in diverse jurisdictions prompts questions about its effectiveness. This book is the first comparative and interdisciplinary study that closely analyses the issue of compliance. Not only does it map the degree to which judgments are implemented but it also examines the casual factors and strategies which have proved useful in practice. We hope it provides a valuable resource to scholars and practitioners alike in thinking through the dynamics of compliance and tackling non-compliance.

The origins of this book lie in a meeting organised by the International Network for Economic, Social and Cultural Rights (ESCR-Net) in Bogota together with our respective institutions: the University of Oslo, the University of Los Andes, the Center for Law, Justice and Society (Dejusticia) and the University of Lanús. After generous support from Ford Foundation, a conference was held in Bogota in May 2010, and many of the papers presented have emerged as chapters in this volume.

The book draws together scholars and some advocates from a range of disciplines. The result is that the methods vary from single case studies to the more quantitative, but most deploy a comparative case method. In order to enhance consistency and comparability across the chapters, contributors were asked to address a common set of questions and topics. We would like to deeply thank them for their willingness to take on the challenge, particularly in uncovering new insights and perspectives, and their patience in dealing with endless questions and queries from the editors.

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PREFACE

In the production of the book, we are very grateful to John Berger at Cambridge University Press for his support for the project from its inception, to Siva Prakash Chandrasekaran, Helen Francis and Lisa Sinclair for shepherding the book through its various phases and to Sumathi for the painstaking copy editing of the entire manuscript.