# CONTENTS

*List of Figures*  ix  
*List of Tables*  xi  
*List of Contributors*  xiii  
*List of Abbreviations*  xxi  
*Foreword*  xxiii  

**Acknowledgements**  xxv  

1  **Introduction**  1  
   **Katharine G. Young**  

**PART I**  **Adjudication and Rights: Global Trends**  35  

2  **Justiciable and Aspirational Economic and Social Rights in National Constitutions**  37  
   **Evan Rosevear, Ran Hirschl and Courtney Jung**  

3  **Judicial Politics and Social Rights**  66  
   **Malcolm Langford**  

4  **Constitutional Non-Transformation? Socioeconomic Rights beyond the Poor**  110  
   **David Landau and Rosalind Dixon**  

**PART II**  **Adjudication and Rights in Context: Two Contrasts**  135  

5  **The Right to Education in the American State Courts**  137  
   **Michael A. Rebell**  

6  **Legislating Human Rights: Experience of the Right to Education Act in India**  158  
   **Arghya Sengupta, Ajey Sangai, Shruti Ambast and Akriti Gaur**
PART III  Adjudication and Rights: Democracy and Courts  185

7  The Participatory Democratic Turn in South Africa’s Social Rights Jurisprudence  187
SANDRA LIEBENBERG

8  Why Do We Care about Dialogue? ‘Notwithstanding Clause’, ‘Meaningful Engagement’ and Public Hearings: A Sympathetic but Critical Analysis  212
ROBERTO GARGARELLA

9  Empowered Participatory Jurisprudence: Experimentation, Deliberation and Norms in Socioeconomic Rights Adjudication  233
CÉSAR RODRÍGUEZ-GARAVITO

10  Courts and Economic and Social Rights/Courts as Economic and Social Rights  259
JUDITH RESNIK

PART IV  Economic and Social Rights in Retrenchment: Past and Future  287

11  The Future of Social Rights: Social Rights as Capstone  289
JEFF KING

12  The Present Limits and Future Potential of European Social Constitutionalism  324
COLM O’CINNEIDE

13  Canada’s Confounding Experience with Health Rights Litigation and the Search for a Silver Lining  353
COLLEEN M. FLOOD, BRYAN THOMAS AND DAVID RODRIGUEZ

14  Universal Basic Income as a Social Rights–Based Antidote to Growing Economic Insecurity  377
PHILIP ALSTON

PART V  Economic and Social Rights in Development: Local and Global Trajectories  405

15  Rights as Logistics: Notes on the Right to Food and Food Retail Liberalization in India  407
AMY J. COHEN WITH JASON JACKSON
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Human Rights, Investment and the Rights-ification of Development: The Practice of ‘Human Rights Impact Assessments’ in Large-Scale Foreign Investments in Natural Resources</td>
<td>434</td>
</tr>
<tr>
<td></td>
<td><strong>JEREMY PERELMAN</strong></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Human Rights Testimony in a Different Pitch: Speaking Political Power</td>
<td>470</td>
</tr>
<tr>
<td></td>
<td><strong>LUCIE WHITE</strong></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Grassroots Lawfare: How South Africa’s Urban Poor Use Land as a Legal Instrument</td>
<td>503</td>
</tr>
<tr>
<td></td>
<td><strong>KERRY RYAN CHANCE</strong></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Public Budget Analysis for the Realization of Economic, Social and Cultural Rights: Conceptual Framework and Practical Implementation</td>
<td>527</td>
</tr>
<tr>
<td></td>
<td><strong>OLIVIER DE SCHUTTER</strong></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Bridging the Gap: The Evolving Doctrine on ESCR and ‘Maximum Available Resources’</td>
<td>624</td>
</tr>
<tr>
<td></td>
<td><strong>RODRIGO UPRIMNY, SERGIO CHAPARRO HERNÁNDEZ AND ANDRÉS CASTRO ARAÚJO</strong></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Waiting for Rights: Progressive Realization and Lost Time</td>
<td>654</td>
</tr>
<tr>
<td></td>
<td><strong>KATHARINE G. YOUNG</strong></td>
<td></td>
</tr>
</tbody>
</table>