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The Status of Economic and Social Rights in Appalachia

Logan Thomas
University of Connecticut, lmthomas0@gmail.com

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Logan Michael Thomas

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The Status of Economic and Social Rights in Appalachia

Presented by

Logan Michael Thomas, B.S.

Major Advisor _____

William Berentsen, Ph.D.

Associate Advisor _____

Priscilla McCutcheon, Ph.D.

Associate Advisor _____

Nathaniel Trumbull, Ph.D.

University of Connecticut

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1. Introduction

In recent years, scholarly study regarding a population's well-being in any particular region or country has increasingly turned to a human rights framework to base the analysis. Much like the various quality of life indexes that came before it, a broad human rights viewpoint is able to capture the diverse set of qualities necessary to live a life of dignity. The days of judging any development effort purely on economic standards (e.g., per capita income) seem to be surely in the past (Rodrik 2006). Not only does the human rights framework allow for a broader, more appropriate approach to development, but it also allows for clear focuses within any broad overview. For instance, the right to housing is a clear, individual aspect of the broader economic and social rights (ESR) framework. Such a clear delineation within the broad approach – which may be lacking in the sometimes vague quality of life indexes – allows for both clearer discussion and more focused research.

In addition to the analytical advantages provided via the human rights framework, the field is one in which the arguments made in support of its ideals are both clear and forceful. For instance, Shue (1996) effectively indicates the importance of basic human rights if anyone is to enjoy the most basic aspects of life; without some degrees of security and subsistence (i.e., ESR), any sort of fulfillment or enjoyment in life becomes difficult. The concept of universality so key to the human rights framework ensures that each individual is given the appropriate consideration with regard to well-being; the poor populations in eastern Kentucky are as entitled to the right to education as those wealthy populations in the Northeast megalopolis.

This research seeks to examine the current status of ESR in Appalachia, a region within the United States marked by low levels of socio-economic development (ARC 2012a). The basis for much of the region's current status lies in historical roots linked to years of exploitation

exerted on the region's population by both the private sphere (e.g., mining companies) and elected officials (see Caudill 1962; Haynes 1997; Glasmeier 2002). By utilizing the human rights framework, it is hoped that this research will both (1) make an effective argument regarding the importance of continued research and focus regarding socio-economic development in the region, and (2) provide a clear, in-depth study of the region's ESR status at the county level, an endeavor that has heretofore gone unexplored.

The next section will review the existing literature regarding justifications for human rights, the distinction between ESR and other rights, the United States' history with human rights, as well as Appalachia's socio-economic history. The analytical section will then examine the status of individual ESR within Appalachia. Based upon previous work in the ESR field by Fukuda-Parr, Lawson-Remer, and Randolph (2009), two versions of an ESR index will be developed to examine the broad ESR picture within the region. The analytical section will close by examining government effort to fulfill ESR within the region's counties, utilizing methodology found in work by Cingranelli and Richards (2007) and Kimenyi (2007). The thesis will close by offering a brief discussion and conclusion regarding the results of this study.

2. Literature review

This section will provide a review of the existing literature covering both the thematic and methodological areas examined and utilized in this research. The first subsection will discuss the foundations and various justifications in support of the human rights ideal, as well as the existing international agreements and treaties routinely referenced in any discussion concerning human rights. The subsection will also briefly make reference to the distinction between ESR and other types of human rights. The second subsection will examine the United States' history with human rights, both in terms of the country's involvement in international agreements and treaties, as well as past studies analyzing the status of human rights within the country's borders. Several of the methods to be utilized in the analytical portion of this research will then be introduced in the third subsection. The fourth subsection will focus on the region of interest to this research – Appalachia. First, the region's historical development will be explored, an essential element to fully understanding Appalachia's current conditions. This first focus area will reference the social, cultural, and economic underpinnings of the region, all of which are – like any region – built upon foundations stemming from generations past. The second focus area of the subsection will then turn to history of the Appalachian Regional Commission (ARC), which will include a history of the organization itself, as well as past studies examining the effectiveness of its efforts. The third focus area will examine recent studies exploring (1) the causes of low levels of socio-economic well-being (SEW) in the region, (2) differences in SEW within the region, and (3) one study examining the status of ESR within the United States, which, of course, includes the states comprising Appalachia.

2.1 Human rights

2.1.1 What are human rights?

At first glance, the answer to this question seems rather straightforward. Perhaps the rights to adequate food and water and freedom from torture and enslavement are the first ideals envisioned by most; such human rights are simply those rights that belong to all human beings because they are human. The following language is found on the website of the United Nations' Office of the High Commissioner for Human Rights (2013):

> Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination.

Any type of a qualifying human characteristic, then, is unimportant; the biological identification that one is human is all that is necessary. However, even the slightest bit of additional thought reveals the need to look further into this statement on the existence of human rights. We may all be human, certainly, but what – or whom – grants us these rights? This question has been the focus of much academic debate, and this subsection will briefly introduce many of the philosophies offered to serve as the underpinning of human rights: (1) various religious arguments based on the sacredness of human beings, (2) human dignity, (3) natural law, (4) social constructions, (5) legal positivism, (6) basic needs of human beings, (7) justice, and (8) empathy.

Shestack (1998) offers an extensive breakdown of the multitude of philosophical foundations offered in support of human rights. One argument, of course, is made through the language given to us in many religious practices, and particularly those "with a deistic base" (p. 205). The sacredness of human beings – which comes to us through both our shared creator and

the resulting universal family – leads us to recognize the need to establish the human rights ideal out of respect for this sacredness.

Similar to this religious underpinning is the belief that all humans, by basis of being purposive agents, have dignity; however, the source of this dignity does not rely upon a deity. Gewirth (1992) argues that the actions of all purposive agents have worth, and thus human dignity belongs to all such agents. Each purposive agent acts in order to achieve some ends which the agent feels are worth attaining, a belief one is able to develop because he attributes worth to himself, thus allowing him to justify all ends aimed at sustaining himself. While every purposive agent pursues ends that are worthy and justified because of his own *purposiveness*, all such agents must recognize that others attribute worth to themselves and their actions due to their own *purposiveness*. Following this, it is necessary to attribute inherent human dignity to all, as every human being is a purposive agent seeking to achieve his own worthy ends. And since all human beings, then, have dignity, each should be granted the same, universal human rights.

To accept this foundation of dignity as the basis of human rights entails, to some degree, that one accepts that there is something natural about the human condition – the purposive actions and self-worth – that grants each of us human rights, or natural rights. This idea is strongly supported by some while wholly rejected by others. As Shestack (1998) notes, the theory of natural law "has underpinnings in Sophocles and Aristotle" and can then later be found in the works of Grotius (1646) and Locke (1952) (p. 206-208). The latter two theorists claim that humans enter into social contracts – in which an ideal of human rights is present – because it is their *natural* tendency to do so. Thus, human rights can be said to stem from some natural set of laws. Others claim there is nothing natural about these laws and the human rights that supposedly originate in them; instead, they simply result from human decision-making. As

MacDonald (1984) puts it: "… what those conditions are is not given by nature or mystically bound up with the essence of man and his inevitable goal, but is determined by human decisions" (p. 34). Donnelly (2003), too, believes that there is nothing natural granting human rights, but rather that human rights have formed as a result of social, historical, and moral elements creating a consensus or agreement on what human rights should involve. Essentially, he claims, human rights are a social construct. An example of such a construct is the Universal Declaration on Human Rights (1948). The original Declaration was ultimately a consensus reached by the states involved; nothing in the document is natural – it was all constructed by the various influences of each of the states. Human rights, in this view, are nothing more than a group of settled norms which society has constructed.

Similar to this social construction viewpoint is the legal positivism approach. Much like the former, the latter denies "an *a priori* source of rights and assumes that all authority stems from what the state and officials have prescribed" (Shestack 1998, p. 209). However, unlike the social constructionists, legal positivists require that any settled norm be enforceable in a court of law. This belief, of course, places the sole source of human rights in any legal system; the laws and courts contain influence over human rights, while ethical and moral norms serve as only mere suggestions. Legal positivism also effectively undermines international human rights laws; since these are generally only suggestions and are frequently considered a tier below domestic laws, the international standards are not considered to be the source of any human rights ideal. As Shestack (1998) explains: "… rules of international law are not law but merely rules of positive morality set or imposed by opinion" (p. 210).

Quite different from the legal positivism approach, but similar to the aforementioned viewpoint based upon dignity, is an approach to human rights founded upon a set of basic needs

or core rights required by every human in order to have any semblance of power or control over his own life course. What is actually to be considered a basic need or core right, of course, is the subject of much debate. Shestack (1998) states that, "By necessity one means prescribing a minimum definition of what it means to be human in any morally tolerable form of society" (p. 216). Shue (1996) develops a frequently cited theory of basic rights, in which the realization of them is necessary in order to not only simply survive, but also to enjoy the full realization of all other rights that could eventually be established. The two forms of basic rights discussed by the author involve the right to security and the right to subsistence. The right to security is the freedom from physical abuse, murder, torture, and all other acts that could potentially threaten a person's physical well-being. The right to subsistence includes the rights to clean air and water, adequate food, clothing, shelter, and basic medical care. If a person lives in a situation in which either of these basic rights is not realized, the enjoyment of other rights becomes impossible. As the author himself puts it, "Basic rights, then, are everyone's minimum reasonable demands upon the rest of humanity. They are the rational basis for justified demands the denial of which no self-respecting person can reasonably be expected to accept" (p. 19).

Expanding upon this basic rights approach is the approach set forth by Rawls (1971) based upon justice. The principles of justice set forth in his work seem to lead directly to the ideal of human rights. The first major aspect of Rawls' approach is similar to the primary principle espoused by Shue (1996), requiring that each human has a right to the most basic of liberties necessary for life. The second principle is concerned with distributive justice. In this respect, Rawls asks each of us to place ourselves behind a "veil of ignorance" in which we are incapable of knowing our characteristics, location, or status in life (p. 118). Then, the philosopher contends, we will be able to adequately determine what is just. It seems to follow

naturally that some formulation of human rights would develop from this concept of fairness, as surely few of us would risk casting ourselves an unfortunate lot in life (i.e., no rights) from Rawls' original position.

Rorty (1999) calls on us to forfeit the arguments regarding the philosophical foundations of human rights and rely simply on sentimentality and empathy to promote their ideal. By expanding upon sentimental education and the capacities of our individual empathies, the author claims we will each arrive at an extensive list of human rights. Imagining another's suffering – perhaps a situation in which the other person has no or a limited set of human rights (i.e., a person deprived of adequate food) – and placing ourselves in a similar situation, he argues, will undoubtedly lead most everyone to the acceptance of the human rights framework.

Further, Rorty (1999) goes on to argue that all of the aforementioned attempts at establishing the philosophical foundations of human rights are rather meaningless endeavors. It shouldn't matter how one arrives at their ideal – as long as they somehow get there. Whether one's personal foundations are built with empathy, religion, natural law, dignity, or fairness is of little importance, the author argues. Shestack (1998), however, appears opposed to this idea, writing, "…one's own attitudes toward the subject of international human rights law are likely to remain obscure unless one understands the philosophies that shape them" (p. 201). Regardless of one's opinion on the importance of the philosophical foundations or, especially, the importance of establishing *agreed-upon* foundations, it certainly remains useful to have an understanding of the various schools of thought and underpinnings offered in support of human rights, in which there are certainly more than simply the eight mentioned here: (1) various religious arguments based on the sacredness of human beings, (2) human dignity, (3) natural law, (4) social constructions, (5) legal positivism, (6) basic needs of human beings, (7) justice, and (8) empathy.

2.1.2 The distinction between ESR and other rights

The most common distinction made between the various types of human rights is the classification into two groups: (1) economic, social, and cultural rights and (2) civil and political rights (CPR). One needs to look no further to find this distinction than the unofficially-labeled International Bill of Human Rights, which consists of the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social, and Cultural Rights (1966), and the International Covenant on Civil and Political Rights (1966). Though certainly no issues arise simply *because* of this classification scheme, the separation of the two 'kinds' of rights has naturally entailed comparison of the two broad areas, and a faulty distinction has become prevalent in the field: CPR, such as freedom of religion and the right to a fair trial, cost little or nothing for governments to provide, while ESR, such as the rights to food and healthcare, are very costly. This frequently cited difference between the two has led to unfortunate criticism of ESR, and the following discussion will examine the erroneous nature of the argument.

Cranston (1967) goes so far as to argue that ESR fail three tests that are necessary for qualification as human rights: the test of practicability, the test of genuine universality as a moral right, and test of paramount importance. Regarding the first of the three tests – that of practicability – Cranston claims that most ESR are simply beyond the means of many states to provide. This, of course, stems directly from the idea that ESR are costly while CPR are much less so, or even free. Osiatynski (2007) dispels this common, erroneous belief. In actuality, he notes, all rights *cost* the state something – access to fair elections, judiciaries to enforce contracts, and many other civil and political rights all require a great deal of state resources in order to be fully realized. Minkler (2011), in a paper advocating a government work program in which everyone who wants to work is provided a government-funded job, also refutes this

misconception. While the cost of such a government work program would certainly be high, he notes that given current spending figures on other programs (i.e., military spending and legal structures) used to protect civil and political rights, the cost to provide economic and social rights for all – which can seemingly be achieved through successful implementation of a government work program – seems not so high. Goodhart (2007) makes a similar note when advocating for a basic income guarantee for all citizens. Though the cost of such a program seems ludicrous to most – and certainly fraught with other problems besides overall cost – comparison to the price tags on the aforementioned 'CPR-protecting' government programs puts it in perspective. Harvey (2007) makes similar criticism in his piece on benchmarking the right to work.

In a later piece, Osiatynki (2009) notes:

> Every state provides goods and services to its citizens. In the case of civil and political rights, the provision of services by far outnumbers the delivery of goods (or of money that can be used to buy goods). The courts, police, and the criminal justice system do not provide goods, they render services. (p. 115-116)

As becomes clear, then, though the provision of CPR generally merits the rendering of services and, conversely, the provision of ESR the rendering of goods, both do indeed require resources from the government.

The second test set forth by Cranston (1967) – the ability of a right to be considered a universal moral right – is used by the author to argue that most economic rights cannot be extended to every individual, thus not qualifying them for status as human rights. The author notes the idea of affording holidays with pay to all individuals. Certainly such holidays can only be granted to employed persons, excluding all those who are not employed, thus causing the universality claims of such a right to fail. This argument requiring the universality of each and every right appears to be a misguided attempt to undermine the importance of ESR. One may

argue either way regarding both the importance of the Cranston's universality condition, as well as the importance of holidays with pay; certainly, however, one would be hard pressed to defend the dismissal of other basic ESR, such as the rights to food and healthcare. As noted previously, Shue (1996) argues that without the basic rights that provide for physical security and subsistence, many other rights become unattainable, and perhaps even unimportant. Every human being undoubtedly requires various ESR in order to achieve other rights passing Cranston's universality condition. Though the right to holidays with pay may or may not be considered a universal human right, many other ESR are considered universal and essential – and without question.

The last of the Cranston's (1967) three tests – the test of paramount importance – calls into question the relative importance and level of obligation ESR should be granted. While providing an adequate amount of food to every individual may be a paramount duty, ensuring holidays with pay is not. The former is essential, whereas the latter is not; according to Cranston, common sense is a sufficient judge. In this sense, then, Cranston does indeed grant particular ESR both the previously discussed universality condition, as well as the condition of paramount importance. Copp (1992) would stretch the condition of paramount importance to cover an even wider range of ESR than Cranston. Copp places much greater emphasis on emotional and social well-being and development, as opposed to a minimum level of physical requirements necessary for basic survival. Self-esteem, self-respect, companionship, and social acceptance are all necessary in order for a person to live as an autonomous and rational agent, and such traits are not possible without the realization of many economic rights not considered paramount duties by Cranston. Such reasoning seems to align well with Sen's (1999) formulation of development as the number of freedoms and level of autonomy one is able to

experience. Without the freedoms one is afforded through the realization of a wide range of ESR, one is greatly curtailed in acting autonomously and making choices throughout the course of one's life, which goes directly against the paramount consideration in Sen's well-reasoned formulation.

The primary distinction to be made, then, is offered by Osiatynski (2009):

> In the case of the protection of civil liberties and the implementation of political rights, the state has a monopoly on the provision of the necessary services and goods. Social rights, by contrast, entail the state supplying some people with the very same goods and services that others, often the majority, earn on their own and buy on the market. (p. 116)

It would be very difficult to imagine a scenario in which one is able to secure CPR with his own efforts and resources; in any case, some level of cooperation and agreement is required from the government. Conversely, it can be argued that one is able to achieve the realization of ESR simply through individual effort completely outside of the government's purview. Even here, though, it could be argued that, in the majority of cases, the enjoyment of ESR is based upon both past (e.g., public education) and current (e.g., physical infrastructure) expenditures by the government. Regardless, certainly scenarios are possible without any government involvement, so the distinction remains. Thus, though the classification of human rights into subfields of ESR and CPR may be useful for analytical purposes, any distinction to be made between the two groups does not also warrant the misguided differentiation between the supposed costs of providing rights in the two categories.

2.1.3 ESR in international treaties and agreements

Any discussion regarding the codification of human rights into laws or universal standards naturally entails the mention of international treaties and agreements. The universality of human rights seems to make any differentiation of their status based on national boundaries a

misguided practice. Surely, if human rights are to be accepted for what they have come to represent – rights common to all of humanity – the borders of countries should represent very little with regard to the status of human rights, save for any rights dependent upon local culture and practices.

However, the current international human rights framework depends upon the signatures and ratifications of countries' governments. Even with a country's agreement to any international treaty on human rights, the ideal of national sovereignty certainly takes precedence over the international standards. This precedence can be seen either in (1) reservations made to the original treaty (i.e., the country selects which rights to respect), or (2) simple disregard for the international standards set forth in the treaty. In many scenarios, the costs for failing to recognize the ideals set forth in the agreement are not nearly severe enough to adequately alter the behavior of a country. As Simmons (2009) notes, "In this view, international legal arrangements are weak, enforcement is unlikely, and costs of noncompliance are low. Why not ratify and gain some praise from the international community for doing so" (p. 59)?

This is not to go as far as to claim uselessness or futility with regard to international agreements and treaties. As Simmons (2009) shows by utilizing regression analysis, the ratification of agreements is associated with greater levels of human rights realization at the national level (p. 159-348). Rather, it is simply important to note the shortcomings of the international documents to be discussed in turn; far from being perfectly effective, they are also far from being powerless.

As mentioned previously, the primary international human rights documents are those that constitute the International Bill of Human Rights – the UDHR, ICESCR, and ICCPR. The UDHR (1948) came at the close of World War II when the atrocities of the Nazi regime (and

others) were fully considered, giving the states the impetus to actually place limits on their sovereignty (Simmons 2009, p. 24). No longer would national boundaries serve as blockades to international criticism regarding the treatment of a country's citizens. Within the UDHR are several articles dealing explicitly with ESR. Article 22 reads as follows:

> Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

The articles that follow detail the "indispensable" social and cultural rights mentioned. Article 23 ensures not only the right to work, but also "favourable renumeration ensuring for himself and his family and existence worthy of human dignity" and the ability to join trade unions. Article 24 also concerns the right to work, though in this instance, the right to a reasonable work schedule: "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay."

Article 25 is the focus of much ESR research and work, as a great number of rights are included in just one statement:

> Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Article 25 also stipulates that both mothers and children are entitled to special care. Article 26 then states that each human being has the right to education: "Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit."

Nearly twenty years after the passage of the UDHR, the ICESCR (1966) was adopted and set forth each of the aforementioned standards in greater detail. The various aspects of the right to work are noted in Articles 6, 7, and 8. The right to social security is detailed in Article 9. Article 11 covers the right to an adequate standard of living, including the rights to food, water, housing, and clothing. As opposed to the UDHR, the right to health is separated from the above and elucidated individually in Article 12. The right to education is then established in Article 13.

Many regional agreements and treaties exist in addition to the international ones discussed here. The American Convention on Human Rights (1969), the African Charter on Human and Peoples' Rights (1981), and the Charter of Fundamental Rights of the European Union (2000) are a few of the regional documents in existence. U.S. involvement in the international human rights regime – including the reluctance to ratify the two aforementioned international documents – is a cause for much criticism at both the international and domestic levels. The extent of this involvement will be discussed next.

2.2 The United States' history with human rights

2.2.1 International treaties and agreements

When considering the United States' involvement with international human rights treaties and agreements, it is first important to consider the historical conditions that have given rise to said documents. As Sikkink (1993) notes, and as mentioned previously, the drafting of the UDHR was in large part a response to the atrocities witnessed during WWII. The human rights framework would offer the language necessary to offer the criticism of Nazi practices, for example, and the many heinous activities elsewhere seemingly protected by a country's claims of sovereignty and their own right to self-determination. Certainly this is not to claim that criticism

of the acts was not or is not possible outside of a human rights framework; rather, such a framework, it was believed, would provide a common basis for such criticism and action.

Also becoming present at the time was the ideological divide behind the Cold War that created, in a sense, two approaches to human rights – one espoused by the mainly democratic countries (including the U.S.) seeking to ensure CPR for all, and the other by primarily socialist and communistic countries placing greater importance on ESR (Sikkink 1993). Osiatynski (2009) claims otherwise, stating:

> The division of human rights into two documents – originally proposed by India – was not a result of the Cold War conflict, reflecting instead the consciousness of the different means for implementation of the two categories of rights rather than a perception of their importance or hierarchy. (p. 31)

Regardless of the validity of either author's claims, the political environment is certainly a noteworthy consideration when examining the original formulation of the UDHR.

Though the U.S. was involved in the drafting of the original international human rights documents and voted to adopt the UDHR, to this day, the U.S. remains reluctant to ratify many international human rights treaties and documents. Some may claim that the existing rights afforded through constitutional and other domestic measures largely makes up for the country's refusal to take part in the international framework. Osiatynski (2009) notes:

> It had a well-developed system of constitutional and statutory rights that were enforceable in domestic courts. Equally enforceable domestically were international treaties ratified by the United States. This prompted the U.S. government's caution about ratifying aspirational human rights declarations and covenants. (p. 30)

Even when the U.S. does become a party to an international agreement, the country "attaches a pack of reservations, understandings, and declarations (RUDs), which has evoked criticism abroad and dismayed supporters of ratification in the United States" (Henkin 1995, p. 341). And

since the Constitution is held with such high regard – to a point nearing religious fervor in many instances – no branch of the government is permitted to sign or pass any agreement with any perceived inconsistency with the document originally adopted in 1787.

Of interest to this research is the U.S. involvement with ICESCR. The international covenant, originally drafted in 1966, was signed by the U.S. on October 5, 1977 (United Nations Treaty Collection 2013). However, the document has yet to be ratified; the U.S. claims to believe in the ICESCR's principles but is hesitant to ratify the treaty and place any of its standards into enforceable domestic law. In essence, then, despite the ICESCR being the primary international treaty with regard to ESR, the Covenant is of little use to U.S. citizens in the event of any violations.

2.2.2 Policies affecting ESR both domestically and abroad

Both trade and domestic policies adopted by the U.S. have significant influence on the realization of human rights both domestically and abroad, regardless of whether any explicit reference to human rights is included in a policy's language. Additionally, in some instances, human rights considerations influence the policies, economic activity, and aid flow between the U.S. and other countries. Apodaca and Stohl (1999) examine the flow of U.S. bilateral aid between 1976 and 1995 and find that better performance with regard to human rights in the recipient countries actually influences, at times, the flows of both military and economic aid.

Aydiner-Avsar and Elson (2011) note the shortcomings of NAFTA concerning the extraterritorial obligations set forth in the international human rights framework. For instance, many policies in the U.S. have had a direct impact on the right to food for many Mexicans. Subsidies provided to agribusiness in the U.S. by the federal government – though perhaps in conformation with NAFTA – have a tremendous impact on the agricultural industry in Mexico,

as they allow agricultural producers in the U.S. to undercut local farmers throughout Mexico. Certainly such circumstances are not limited to only the agricultural industry or NAFTA; many similar relationships exist between the U.S. and countries elsewhere (Pogge 2005).

Debates regarding the availability and appropriateness of funding for various social programs naturally involve the realization of ESR, regardless of any explicit mention of human rights. Balakrishnan (2011) argues that the current trend in income tax rates in the U.S. has decreased the revenue source's ability to aid in the fulfillment of ESR. Tax rates for those in the top income brackets have, until very recently, progressively decreased since the 1960s, and the tax rate for the country's richest has gone from as high as 91% to just 35% in 2003. As this highest tax rate declines, a greater burden is placed on those in the low- and middle-income brackets. Since those in the low-income brackets are generally those whose ESR are at risk, it seems counter-intuitive to require a greater percentage of government revenue to be generated from their incomes. The solution here, the author claims, is to simply reverse the current trend of a declining tax rate on the country's richest. Of course, this argument would be refuted by many – in terms of both fairness and the actual effectiveness of such a plan – and is currently one receiving much attention in today's political discussion.

Balakrishnan (2011) also criticizes the structure of both sales taxes and social insurance taxes. Regarding the former, sales taxes do not take into account the consumer's ability to pay. For example, a member of a low-income household pays the same tax rate on food items bought at a market as someone from a high-income household. Regarding the latter of the two tax programs, only wages and salaries up to a certain level are taxed, and all income earned above that level is nontaxable. Thus, the many workers whose incomes lie below that level must dedicate higher percentages of their incomes to social insurance taxes than those whose incomes

are above that level. The regressive nature of the tax could, the author argues, easily be changed by extending the taxable income limit. These two criticisms are also subject to the same, arguably questionable arguments as noted above regarding the fairness and actual effectiveness of any changes.

2.3 Measuring the status of ESR: methods and analysis

Effectively measuring the status of ESR is an ongoing effort that has enjoyed significant improvement in recent years. Over two decades ago, the Human Development Index (HDI) was formulated by Mahbub ul Haq and Amartya Sen while working as part of the United Nations Development Program (United Nations Human Development Reports 2013). The index considers various indices of education, income, and life expectancy; though no explicit mention of ESR is considered, the original formulators' intention was to measure the level of freedom and choice one is able to enjoy in life – as measured by the economic and social benefits one is granted. Such reasoning certainly follows the previously discussed work by Sen (1999), in which expanding individual freedom and choice is argued to be the goal of all development. Increased incomes are merely a *means* to an end – they are not ends themselves.

The Physical Quality of Life Index (PQLI) is another, perhaps less-used measure for the realization of ESR. Though not as robust as the HDI, the PQLI incorporates literacy rates, life expectancy, and infant mortality rates to develop the index, as shown in Cingranelli and Richards' (2007) piece examining government effort to respect ESR. Utilizing PQLI as the dependent variable, the authors examine whether the realization of ESR (as measured by PQLI) is influenced by a government's willingness and ability; the former is measured by whether a state is a signatory or party to the ICESCR, and the latter is simply measured as the log of per capita income. Regression analysis is then utilized to determine which countries are

underperforming or excelling in terms of ESR realization – a designation based upon residual analysis. As this research will utilize similar methodology, this approach will be discussed further in the analysis section to follow. Kimenyi (2007) performs a similar regression analysis as Cingranelli and Richards, though the author utilizes HDI as the dependent variable. When utilizing said methodology to perform analysis, both of the aforementioned studies examine the performance of countries at an international level. The analysis performed by Cingranelli and Richards produces a negative residual of -2.529 for the U.S. in 2000, indicating underperformance in the realization of ESR in the country (2007, p. 232). Kimenyi also finds a lack of effort on behalf of the U.S., with the country ranking 144 out of 173 countries examined (2007, p. 197).

Recently, Fukuda-Parr, Lawson-Remer, and Randolph (2009) developed an index aimed at measuring the fulfillment of ESR rights – the SERF index. The index takes into account the perspectives of both the rights-holders (i.e., the citizens) and duty-bearers (i.e., the states). Outcomes (i.e., socioeconomic indicators) of ESR are included and considered the representation of the perspective of the rights-holders. Like Cingranelli and Richards (2007), the resource capacities of the states are simply measured by per capita GDP. The fulfillment of each right is measured, essentially, as the socio-economic outcome as some function of per capita income. Each of these measures for the individual rights is then added with the others to produce the SERF index. The authors also incorporate detailed methodologies to develop 'penalties' aimed at more effectively measuring each country's performance. For instance, if a country's income is deemed high enough to achieve 100% realization of a particular right but fails to do so, a value is then calculated to be subtracted from that right's measure. By utilizing this 'possibilities' approach as opposed to the residuals approach mentioned previously, the authors claim to

promote a 'maximum' level of achievement as opposed to some 'average level.' In the words of the authors, the residuals approach simply strives to "achieve minimum goals based on per capita GDP levels" (Fukuda-Parr, Lawson-Remer, and Randolph 2009, p. 213). Aspects of this approach are also to be utilized in this research, with the details noted in the analysis section that follows. Randolph, Prairie, and Stewart (2009) also adapt the SERF index to perform statewide analysis of ESR fulfillment. The authors produce rankings of the 50 states and the District of Columbia. By utilizing disaggregated data, the authors are able to examine the right to non-discrimination, finding that, on average, blacks experience the greatest deal of marginalization of all minority groups. The rankings of Appalachian states will be discussed in the next section of this literature review.

In a later piece, Randolph, Fukuda-Parr, and Lawson-Remer (2010) utilize the SERF index to develop country rankings based on data from 2007. Of the 24 high-income countries considered, the U.S. finished last, with northern European countries receiving the highest rankings (p. 247). Similarly, in 2010, the Center for Economic and Social Rights examined data of that same year and found that, compared to OECD countries, the U.S. performs poorly in many ESR indicators – and especially health and social indicators. This, the study indicates, may be attributed partially to the very low social spending found in the U.S. compared to wealthy countries elsewhere.

Minkler and Sweeney (2011) formulate a Basic Rights Index (BRI) aimed at measuring the simultaneous realization of CPR and ESR. To do so, the authors incorporate measures of the two basic rights – physical security and subsistence, as theorized by Shue (1996) – and examine the determinants of the realization of basic human rights at the international level. Amongst other findings, the authors conclude that wealth (as measured by the log of per capita GDP) is a

significant indicator of the realization of basic rights. Apodaca (2007) argues that quantitative analysis is not sufficient for measuring ESR and that qualitative data needs to be utilized to complement the quantitative measures. Though certainly a worthwhile consideration, the issue of data acquisition and disaggregation proves to make such a recommendation a cost and time prohibitive one.

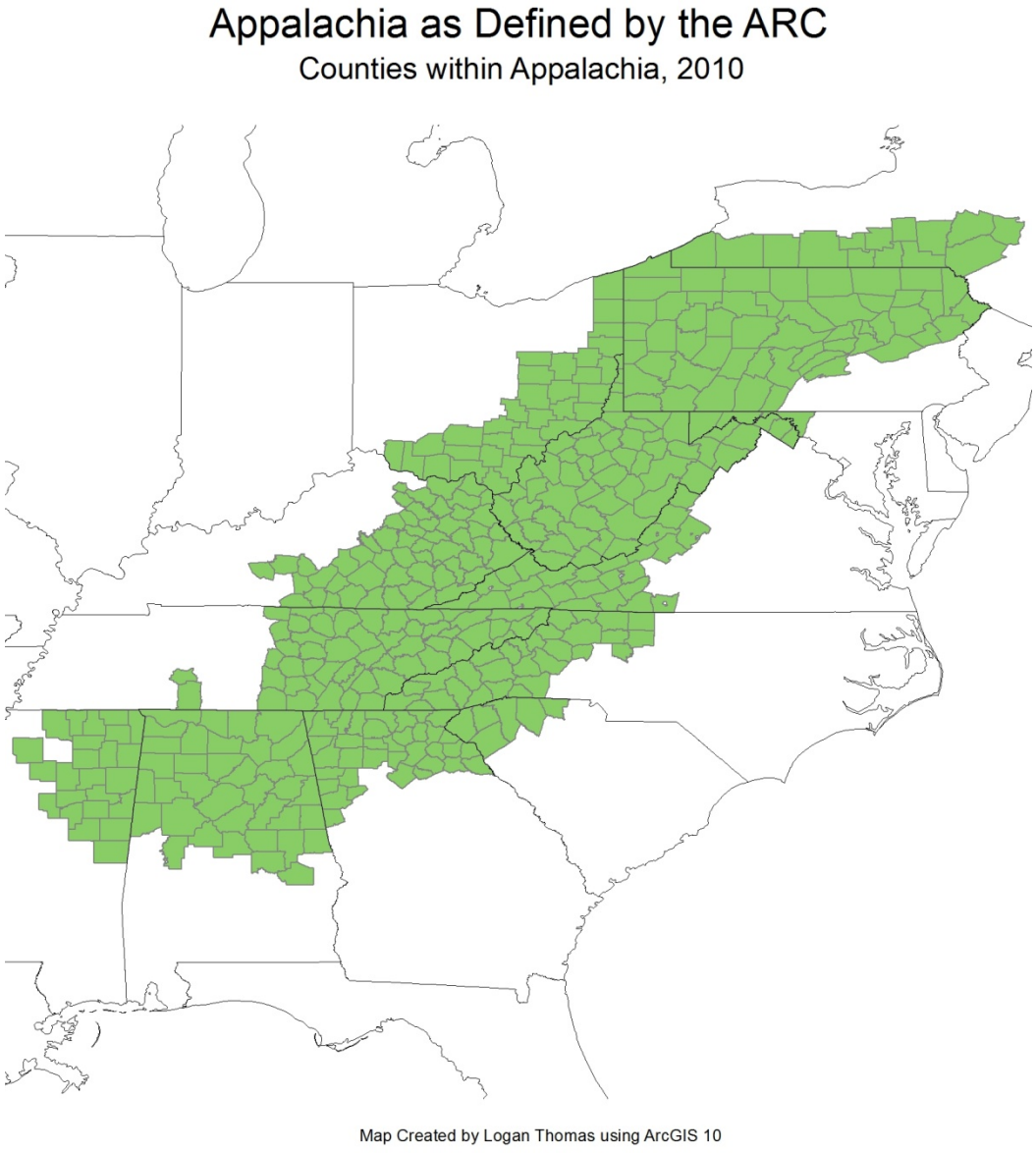
Recent years have witnessed tremendous progress in the measurement and analysis of ESR. Though improvements certainly remain possible, as Chapman (2007) notes, the trajectory of recent work is promising. The next and concluding section of this literature review examines the region of focus in this research: Appalachia.

2.4 Appalachia and human rights

Like most regions consisting of various political-spatial units – in Appalachia's case, particular *counties* of various *states* within the U.S. – establishing borders that accurately delineate the region is a difficult task, and one that will remain susceptible to criticism and arguments so long as such a demarcation exists. Such a process becomes quite evident as one examines the changing definitions of Appalachia throughout the nearly 50-year history of the ARC, the joint state-federal effort charged with improving conditions in the region (this organization will be examined in a later subsection of this literature review). In the initial report produced by the President's Appalachian Regional Commission (PARC) – another entity to be discussed in turn – the region was considered to consist of parts of just ten states (PARC 1964, xv). Today, ARC's demarcation consists of 420 counties across thirteen states: Alabama, Georgia, Kentucky, Maryland, Mississippi, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia (ARC 2012b). In this analysis, the region as it is defined by ARC is utilized. Since the majority of studies concerning the region

adheres to ARC's boundaries, this research will follow suit. Figure 1 below maps the current conception of the region:

Figure 1



2.4.1 Socio-economic history of the region

It is vital that one understands the historical and cultural trends that have led to Appalachia's current socio-economic status. Though various reasons have been offered in

explanation of Appalachia's general lag behind the rest of the country in terms of socio-economic indicators, most find their own roots in one general theme: a history of exploitation. Such exploitation occurred both in the private sphere (e.g., mining companies) as well as throughout public sphere, with the former often interfering with the latter. Caudill's (1962) startling piece first shed light on the historical and cultural conditions that permitted such exploitation to occur in eastern Kentucky, both in the past and at the time of his writing. In many instances – and particularly those involving the mining industry – private interests were able to dictate how law enforcement, court systems, and other tiers of government acted; oftentimes it was hard to separate the two. Developing, in part, from this corruption was an inherent mistrust of government officials. Not only does government assistance or 'help' go against many Appalachians' natural inclination to fend for themselves, the aforementioned historical mistreatment only makes the region's inhabitants additionally wary of government officials and programs.

Glasmeier (2002) has described Central Appalachia as "… a region destroyed by rampant natural resource exploitation, remains mired in poverty because of complex historical circumstances that include a culture of exploitation, abuse and adaptive passivity" (p. 170). Utilizing a Marxist perspective, Haynes (1997) also claims that capitalist exploitation in Appalachia is remarkably pronounced and at the root of the region's underdevelopment.

Despite this troubled past and environmental degradation as noted above, Appalachia remains a region known for its natural beauty. A large number of areas certainly have fallen victim to many of the troubling practices associated with the extraction of natural resources, and particularly those associated with the coal industry. However, the rolling mountains and flowing

rivers are still able to attract a great deal of ecotourism, as Fritsch and Johannsen (2004) indicate in their work.

2.4.2 The history of the Appalachian Regional Commission

While campaigning during the 1960 presidential race, then-candidate John F. Kennedy was reportedly struck by the abject poverty he witnessed during his campaign stops in West Virginia (ARC 2012a). Perhaps with these images still in mind, in 1963, the recently-elected President saw to the formation of the President's Appalachian Regional Commission (PARC), a joint federal-state effort aimed at improving the socio-economic conditions of the lagging region (ARC 2012a). The Appalachian Regional Development Act of 1965 then established the ARC as we know it today, and it remains the most prominent regional development organization in Appalachia nearly a half-century after its inception.

Within ten years of the passage of the ARDA, however, several studies were published in which the authors were highly critical of the ARC's planning efforts, and in particular those involving construction along the Appalachian Development Highway System (ADHS), a network of highways designed to improve access in the region. The lack of access throughout the region was a vital problem noted in the initial report on Appalachia in 1964 (PARC 1964, p. 32-34). However, Hansen (1966) feared that such high levels of funding dedicated to highway construction would prevent the region from investments in what was really needed – social capital and associated items necessary for attracting business and investment. Munro (1969) questioned whether successful transportation investment is possible without existing economic potential, something Appalachia so dearly lacked. Gauthier (1973) was perhaps most critical of the ADHS, citing greatly underestimated construction costs, an actual *inverse* relationship between highway expenditure and per capita income, and a "patchwork of isolated highway

segments which provide no regional basis for coordinated development" (p. 106). Hale and Walters (1974) then predicted that urban areas already well-connected in the existing network of highways would benefit most from the eventual construction of the ADHS; also, cities along the periphery of Appalachia would benefit from the projects, thus possibly leading to a flow of out-migration.

Two decades later, Rephann and Isserman (1994) produced a study seemingly in support of the predictions made earlier by Hale and Walters (1974). The study utilizes a matching methodology in an attempt to isolate the effects of highway construction on development. The authors match counties of comparable characteristics – one that experienced interstate highway development between 1963-75 with one that did not – and then examine how the interstates affected development both during and after construction. Their analysis indicates that already competitive counties with an urban area with a population greater than 25,000 benefit the most from the interstate development. Counties close to these urban areas also experienced some benefits. Uncompetitive rural counties and counties adjacent to where interstate construction took place did not experience any large benefits, and the latter group actually experienced many negative impacts.

Despite the early criticism and near-elimination of the organization during President Reagan's tenure in the White House, recent studies seem to indicate the effectiveness of the ARC's efforts. Utilizing a similar methodology as the aforementioned study a year earlier, Isserman and Rephann (1995) perform an analysis utilizing control groups in which they match Appalachian counties with similar counties elsewhere, based upon similar spatial, economic, and income structures, as well as comparable growth rates in the past. Once the counties are matched, growth rates of the two groups are compared against one another; one, of course, is

within ARC's boundaries and would have benefitted from the Commission's efforts, while the other lies outside of the region. The authors find that "between 1969 and 1991 the counties of Appalachia grew faster than did their control-group twins" (p. 362). The growth "meant $8.4 billion more income for Appalachia in 1991" as a result of the "48 percent more growth in income, 5 percent more in population, and 17 percent more in per capita income" (p. 362). However, the study only examines the gross economic impacts of ARC's efforts; such growth may or may not lead to actual improvement in well-being for large percentages of the counties' populations.

Ziliak (2012) performs a unique analysis of ARC's effectiveness by examining socio-economic data prior to the establishment of the Commission, as well as data then collected throughout its existence. By doing so, the author hopes to determine both: (1) the initial impact of the ARC's efforts by comparing data from 1960 and 1970 – five years before and five years after the passage of the Appalachian Regional Development Act in 1965; and (2) the effects of the ARC's continued efforts through the examination of data from 1970 to 2000. Utilizing multivariate regression analysis, Ziliak finds that incomes throughout the region have converged with comparison groups selected from outside of Appalachia. Perhaps his most significant finding is related to poverty reduction, as he finds that two-thirds of the improvement in poverty levels can be attributed to the first five years after ARDA's passage. The tremendous influx of funding into the region provided dramatic improvements in a very short time frame. Though not as drastic, the findings also indicate the continued benefits accrued to the region as a result of ARC's later efforts. Mencken (2000) and Mencken and Tolbert (2005) also note positive relationships between federal public investment spending and economic growth in the region – though such spending is not limited to only ARC's efforts.

2.4.3 Socio-economic well-being in Appalachia: Traditional factors and studies

The issues present in the region during President Kennedy's tours throughout West Virginia in 1960 and then during Congress' passage of the ARDA in 1965 remain issues today. In the PARC's initial report on the region, (1) low income, (2) high unemployment, (3) lack of urbanization, (4) deficits in education, and (5) deficits in living standards are considered to be the "realities of deprivation" (PARC 1964, p. 1-16). Well-being in the region as measured by traditional socio-economic indicators – per capita income, poverty levels, unemployment rates, and educational attainment – continues to be far below what is experienced in the rest of the country, and even far below that experienced in the non-Appalachian portions of the thirteen states with counties designated as Appalachian (ARC 2012c).

As mentioned previously, many of Appalachia's problems today find their roots in the region's exploitative past. Recent research has indicated connections between the common, generally negative socio-economic characteristics throughout Appalachia and then continued negative outcomes in the future. Low levels of human capital – particularly education levels – are often cited as primary inhibitors of economic growth and development in Appalachia (Black and Sanders 2012). Health indicators – such as mortality from diabetes and infant mortality – are shown to be very poor in the region and actually resulting in other negative outcomes, including lower levels of educational attainment (Currie and Herrmann 2012). Durlauf (2012) points to the existence of long-standing poverty traps in the region, making it especially difficult for policies to be successful in the alleviation of such low levels of well-being.

Noting the strong linkages between growth in urban areas and economic development, Kahn (2012) shows that not only is Appalachia primarily rural and lacking in large urban areas, but the urban areas that do exist in the region rank low in quality of life and productivity levels.

The region's deficit in both quantity and quality of urban areas prevents Appalachia from attracting (and keeping) skilled and educated workers (Kahn 2012). Similarly, Mencken (1998) found that regional differences throughout Appalachia in county well-being can be attributed primarily to differences found amongst nonmetropolitan counties. Within these counties, the industry structure and dependence on coal and other extractive activities are significant determinants of levels of well-being; increased diversity in the former is valued, and heavy dependence on the latter is detrimental.

The lone study examining ESR within the United States, completed by Randolph, Prairie, and Stewart (2009), utilizes the previously discussed SERF index to rank states' performance in the fulfillment of ESR. The following rankings in Table 1 were produced by the authors, with states within Appalachia highlighted:

Table 1
Economic and Social Rights Fulfillment (SERF Index) by State, 2007

Ranking	*State*	*Ranking*	*State*	*Ranking*	*State*
1	North Dakota	18	Utah	35	**Georgia**
2	Wyoming	19	**Virginia**	36	Washington
3	Montana	20	New Jersey	37	**Kentucky**
4	South Dakota	21	Rhode Island	38	**North Carolina**
5	Idaho	22	**South Carolina**	39	Colorado
6	New Hampshire	23	**Ohio**	40	Nevada
7	**West Virginia**	24	**Maryland**	41	**Mississippi**
8	Nebraska	25	Massachusetts	42	New Mexico
9	Maine	26	Arkansas	43	Arizona
10	Vermont	27	Oklahoma	44	Delaware
11	Wisconsin	28	Connecticut	45	Alaska
12	Iowa	29	**Tennessee**	46	Texas
13	Minnesota	30	**Alabama**	47	Oregon
14	Hawaii	31	Missouri	48	**New York**
15	Kansas	32	Florida	49	California
16	**Pennsylvania**	33	Illinois	50	Louisiana
17	Indiana	34	Michigan	51	Washington, D.C.

Source: Randolph, Prairie, and Stewart (2009)

The average ranking for states within Appalachia is 28.38, above the national average of 26. This comparison based on the average, of course, is not robust and few arguments could be based upon it. Without the disaggregation of counties based upon the ARC-designated status, making observations on the fulfillment of ESR within Appalachia remains difficult. It is the focus of this research to provide the disaggregation necessary to perform the sound analysis necessary to reach robust conclusions concerning the status of ESR within Appalachia.

3. Analysis

This section contains the analytical portion of this research. The first subsection offers an overview of the current status of ESR at the county level both within and outside Appalachia. This is accomplished by examining various socio-economic indicators serving as measures of various ESR (e.g., the right to healthcare measured as the percentage of a population under 65 covered by health insurance). The second subsection will then develop an index to be utilized as the measurement of total ESR fulfillment. The methodology will be based primarily on previous work completed by Fukuda-Parr, Lawson-Remer, and Randolph (2009). The third subsection will utilize the index to analyze each county's performance in the fulfillment of ESR based upon available resources, similar to past work performed by Cingranelli and Richards (2007) and Kimenyi (2007).

3.1 Status of ESR

The primary economic and social rights set forth in the ICESCR are as follows:

- Right to work
- Right to social security
- Right to an adequate standard of living
- Right to health
- Right to education

The right to an adequate standard of living is commonly further broken down into the following rights:

- Right to food (and water)
- Right to housing
- Right to clothing

At least one indicator was then chosen to represent as many of the aforementioned rights as possible. Due to the lack of appropriate data available for each indicator above, not each

individual aspect of each right is able to be included in this analysis. The final indicators selected are indicated in Table 2:

Table 2
ESR Indicators Included in This Analysis

Right to:	**Indicators**
Education	(1) High school completion rate
Health	(1) Percentage of population under 65 covered by health insurance
Housing	(1) Percentage of households with rent constituting greater than 35% of household income (2) Percentage of households with more than 1.00 occupants per room (3) Percentage of occupied housing units lacking complete plumbing facilities (4) Percentage of occupied housing units lacking complete kitchen facilities (5) Percentage of occupied housing units with no telephone service available
Work	(1) Unemployment rate (2) Labor force participation rate
Adequate Standard of Living	(1) Poverty rate (individuals)

While the right to social security is not included explicitly in the above arrangement, it is believed that several of the indicators taken together encapsulate the ideal of the right. For instance, people living below the poverty line may certainly be considered to be lacking in the right to have any form of social security that would typically allow them to remain above the poverty line. Also, the right to health as measured by the percentage of a population under 65 covered by health insurance includes a vital aspect of any social security ideal – access to healthcare.

It is also seen above that the right to housing is separated from the right to an adequate standard of living. This is done primarily for purposes to be fully seen in the development of the ESR index later in this section. If each of the housing indicators were included along with poverty rates as part of the right to adequate standard of living, they would greatly limit the

importance of poverty rates due to the weighting methodology utilized by the index. Since each of the above rights is given equal status in the development of the index, each indicator is weighted appropriately. Thus, if considered along with the housing indicators, poverty rates would have only 1/6th of the importance as they would standing alone. Given the appropriateness of the measure in any ESR analysis – due, in part, to its aforementioned ability to capture both the rights to social security and an adequate standard of living – it is believed that this research is best served by the indicator standing alone.

Table 3 below displays the descriptive statistics for each of the ten indicators utilized in this analysis. Table 4 then displays the correlation between each of the ten indicators. The values in each table are based upon the data for Appalachia alone.

Table 3

Descriptive Statistics of Indicators - Appalachia

Indicator	***Mean***	***Standard Deviation***
High School education or higher	78.40	7.32
Health insurance coverage	81.86	3.74
> 35% income on housing	39.04	7.68
> 1.00 occupants per room	1.63	1.04
Lacking plumbing facilities	0.75	0.63
Lacking kitchen facilities	0.77	0.55
Lacking telephone service	4.82	2.72
Unemployment rate	8.74	2.66
Labor force participation rate	56.24	6.56
Poverty rate	18.29	5.78

Table 4

Correlation Between Indicators - Appalachia

	(1)	*(2)*	*(3)*	*(4)*	*(5)*	*(6)*	*(7)*	*(8)*	*(9)*	*(10)*
(1) HighSchool	1.00									
(2) %Health Ins	0.53	1.00								
(3) >35% inc hous	-0.08	-0.13	1.00							
(4) >1.00 per rm	-0.36	-0.43	0.06	1.00						
(5) No Plumbing	-0.32	-0.08	-0.07	0.05	1.00					
(6) No Kitchen	-0.18	-0.01	-0.10	0.03	0.59	1.00				
(7) No Telephone	-0.50	-0.32	0.20	0.31	0.24	0.29	1.00			
(8) Unemp %	-0.41	-0.18	0.27	0.27	0.11	0.09	0.26	1.00		
(9) LF Part %	0.59	0.12	-0.18	0.07	-0.34	-0.12	-0.29	-0.26	1.00	
(10) Poverty %	-0.70	-0.37	0.43	0.25	0.29	0.11	0.50	0.53	-0.67	1.00

3.1.1 The right to education

High school completion rates are utilized to measure the status of the right to education. Data were gathered from the U.S. Census Bureau's American Community Survey's 5-year estimates of 2006-2010 (U.S. Census Bureau 2010a). Values are provided in Table 5 below.

Table 5

Right to Education

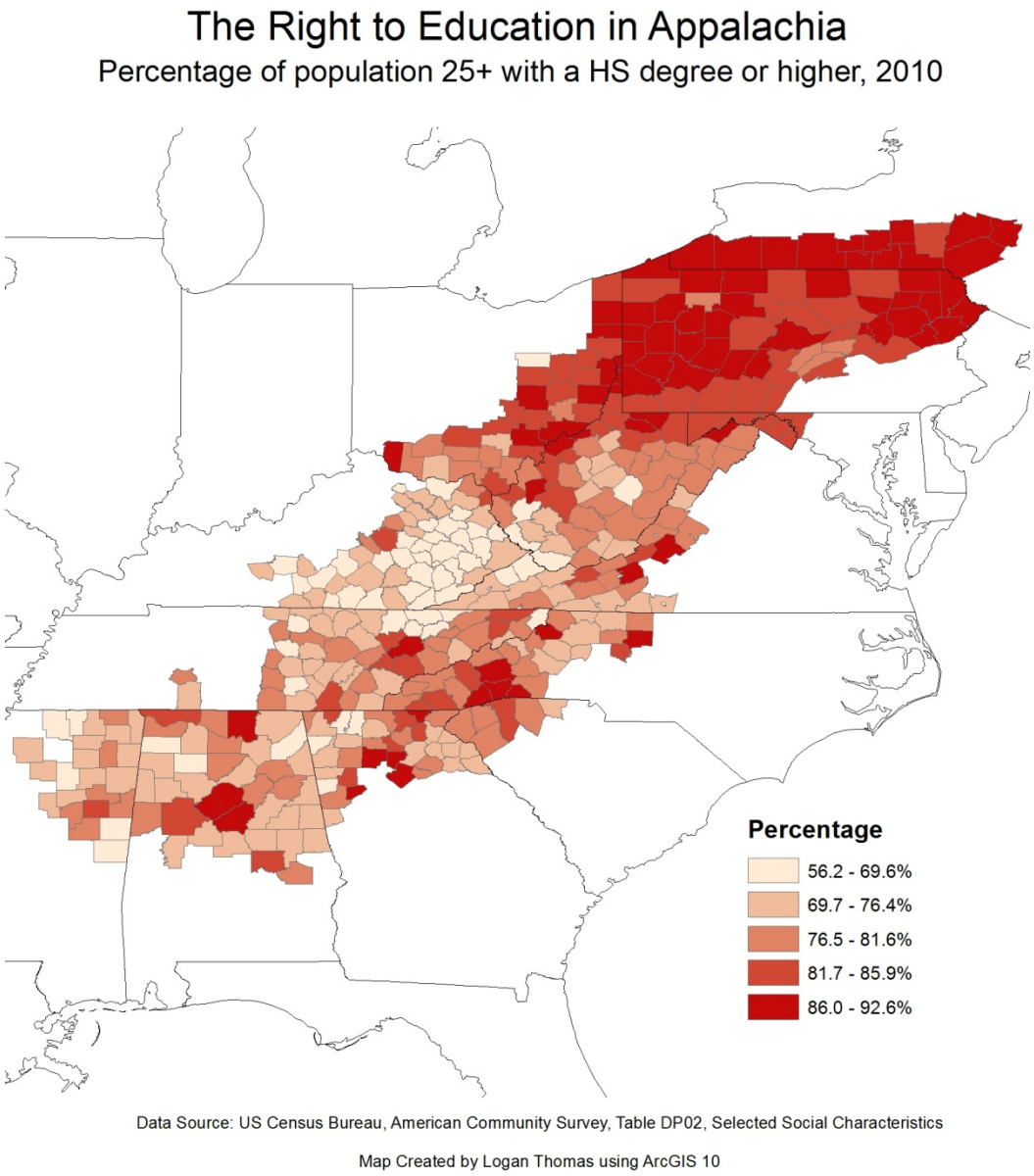
Percentage of population 25+ earning a HS degree or higher, 2010

Region	***Percentage***
Appalachian Alabama	81.45
Appalachian Georgia	81.75
Appalachian Kentucky	71.78
Appalachian Maryland	84.02
Appalachian Mississippi	75.93
Appalachian New York	87.93
Appalachian North Carolina	82.09
Appalachian Ohio	84.29
Appalachian Pennsylvania	88.39
Appalachian South Carolina	81.56
Appalachian Tennessee	80.51
Appalachian Virginia	77.10
Appalachian West Virginia	81.91
Appalachia	82.91
Non-Appalachian Portions of ARC States Above	85.25
Rest of country (outside of Appalachia)	85.23
United States	85.03

Source: US Census Burueau, American Community Survey, Table DP02, Selected Social Characteristics

Percentages of the population 25+ having earned a HS diploma or equivalent or higher are indicated for the Appalachian regions of each of the thirteen states with counties within the ARC's designated boundaries. Percentages are then shown for (1) Appalachia as a whole, (2) the non-Appalachian portions of those same states with at least some area within ARC's borders, (3) the rest of the country excluding only Appalachia, and, finally, (4) the entire country. As can be seen, Appalachia performs poorly compared to the other three geographic categories. Only Appalachian regions of two states – Appalachian New York and Pennsylvania – perform better than the national average.

Figure 2



As indicated in Figure 2 and Table 5, values in central Appalachia are especially poor, with Appalachian Kentucky having the incredibly low percentage of 71.78%. The right to education experiences pronouncedly low fulfillment in the eastern portion of the state, with values as low as 56.8% in Leslie County and 57.2% in Wolfe County.

3.1.2 The right to health

The percentage of a population under 65 covered by health insurance is utilized to measure the right to health. Since Medicare covers those 65 and older, the age cutoff provides a more appropriate measure that won't be biased based upon a county's age distribution. Data were gathered from the U.S. Census Bureau's Small Area Health Insurance Estimates for 2010 (U.S. Census Bureau 2010b). Values are provided in Table 6 below.

Table 6

Right to Health

Percentage of population under 65 covered by health insurance, 2010

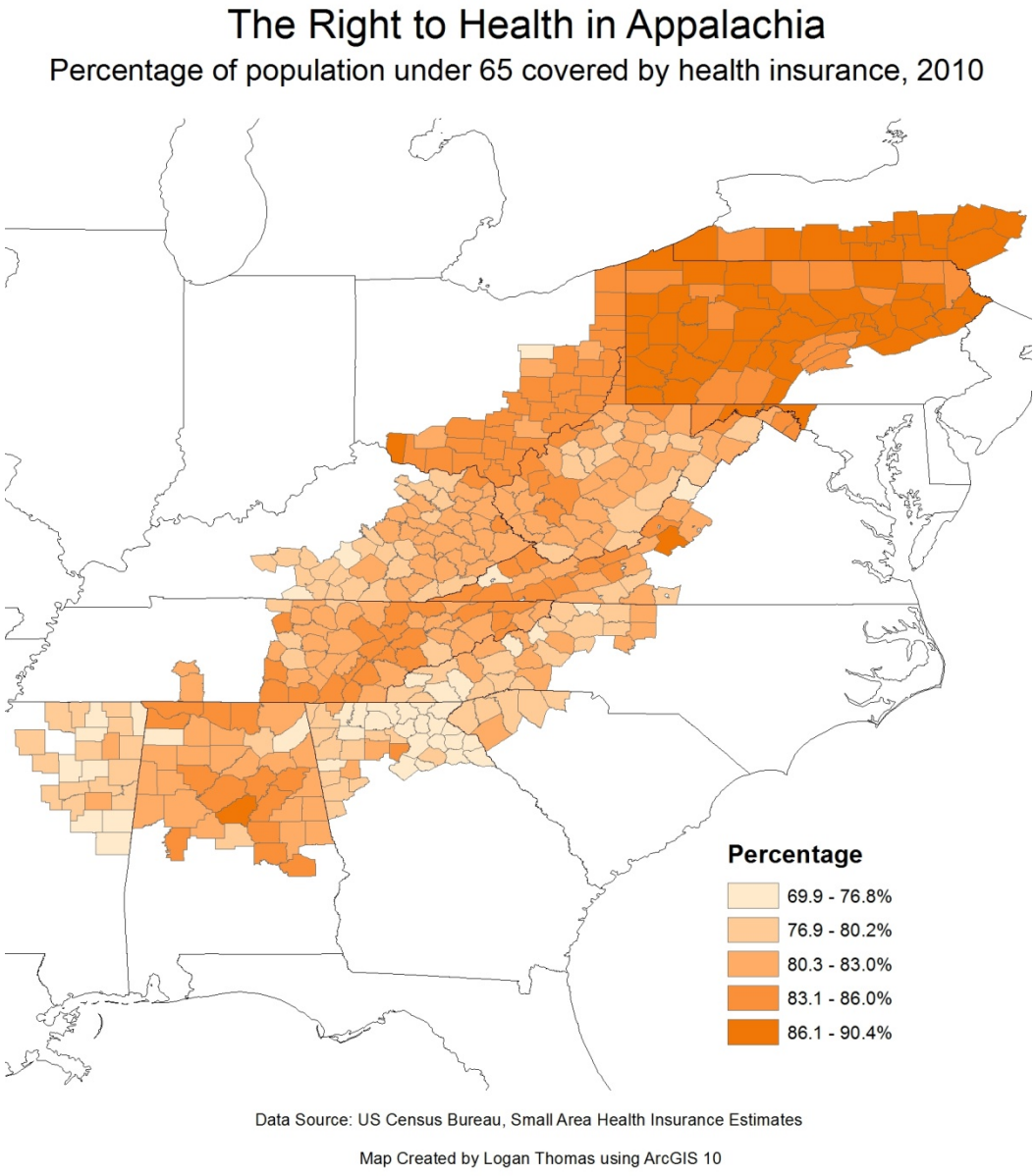
Region	***Percentage***
Appalachian Alabama	83.32
Appalachian Georgia	77.52
Appalachian Kentucky	80.71
Appalachian Maryland	87.20
Appalachian Mississippi	78.28
Appalachian New York	87.83
Appalachian North Carolina	79.59
Appalachian Ohio	84.64
Appalachian Pennsylvania	88.01
Appalachian South Carolina	79.24
Appalachian Tennessee	83.40
Appalachian Virginia	82.60
Appalachian West Virginia	82.58
Appalachia	83.21
Non-Appalachian Portions of ARC States Above	84.25
Rest of country (outside of Appalachia)	82.18
United States	82.26

Source: US Census Bureau, Small Area Health Insurance Estimates

As indicated in Table 6 above, Appalachia performs better than the national average as a whole, and eight of the region's states' Appalachian portions are above the national average. Appalachian Kentucky (80.71%) is again below the national average, though Appalachian

Georgia (77.52%), Appalachian Mississippi (78.28%), Appalachian South Carolina (79.24%), and Appalachian North Carolina (79.59%) all have lower percentages than the state.

Figure 3



3.1.3 The right to housing

Five measures are utilized to represent the right to housing: (1) percentage of households with rent constituting greater than 35% of household income; (2) percentage of households with more than 1.00 occupants per room; (3) percentage of occupied housing units lacking complete plumbing facilities; (4) percentage of occupied housing units lacking complete kitchen facilities; and (5) percentage of occupied housing units with no telephone service available. The measures featured above capture various aspects of the right to housing, including affordability (#1 above), size (#2), cleanliness (#3 and #4), and connectivity (#5). Given the increasing importance of Internet access in many tiers of society – school, work, and leisure – the last of these five measures is certainly appropriate. All data were gathered from the U.S. Census Bureau's American Community Survey's 5-year estimates of 2006-2010 (U.S. Census Bureau 2010c).

Table 7 and Figure 4 show the percentages of households with rent constituting greater than 35% of household income. Appalachia has a lower overall percentage of households paying large portions of their incomes towards rent than the national average. Ten of the region's thirteen states' Appalachian portions perform better than the national average.

Table 7

Right to Housing

Percentage of households with rent constituting greater than 35% of household income, 2010

Region	***Percentage***
Appalachian Alabama	40.32
Appalachian Georgia	40.72
Appalachian Kentucky	41.16
Appalachian Maryland	36.63
Appalachian Mississippi	43.74
Appalachian New York	42.24
Appalachian North Carolina	41.65
Appalachian Ohio	41.78
Appalachian Pennsylvania	38.13
Appalachian South Carolina	39.61
Appalachian Tennessee	37.79
Appalachian Virginia	41.58
Appalachian West Virginia	39.19
Appalachia	39.83
Non-Appalachian Portions of ARC States Above	41.26
Rest of country (outside of Appalachia)	41.87
United States	41.74

Source: US Census Bureau, American Community Survey, Table DP04, Selected Housing Characteristics

Figure 4

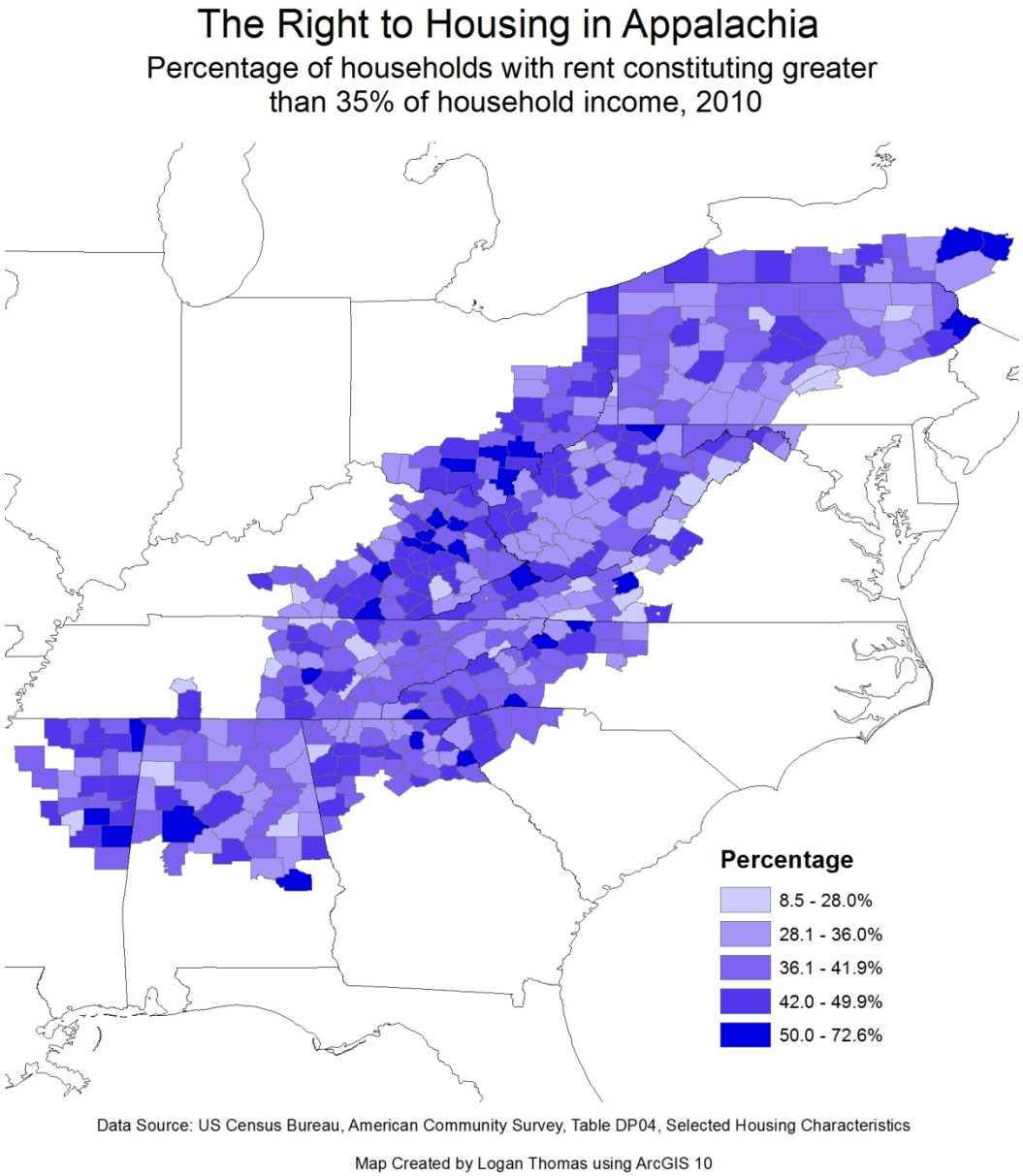

The Right to Housing in Appalachia
Percentage of households with rent constituting greater than 35% of household income, 2010
Percentage
8.5 - 28.0%
28.1 - 36.0%
36.1 - 41.9%
42.0 - 49.9%
50.0 - 72.6%
Data Source: US Census Bureau, American Community Survey, Table DP04, Selected Housing Characteristics
Map Created by Logan Thomas using ArcGIS 10

Table 8 and Figure 5 show the percentage of occupied housing units with more than 1.00 occupants per room. As noted previously, this measure captures the appropriateness of the size of a household given the number of occupants. As could be expected, Appalachia performs well in this measure, with the entire region's percentage (1.47%) being nearly half that of the national average (3.10%). Each of the thirteen states' Appalachian portions is well below the national average, as well. This may largely be attributed to the predominantly rural nature of the region; 42 percent of the population in Appalachia is considered rural, whereas just 20 percent of the entire U.S. population is given the same designation (ARC 2012b).

Table 8

Right to Housing

Percentage of occupied housing units with more than 1.00 occupants per room, 2010

Region	***Percentage***
Appalachian Alabama	1.71
Appalachian Georgia	2.65
Appalachian Kentucky	1.75
Appalachian Maryland	1.20
Appalachian Mississippi	2.31
Appalachian New York	1.37
Appalachian North Carolina	1.99
Appalachian Ohio	1.20
Appalachian Pennsylvania	0.86
Appalachian South Carolina	1.52
Appalachian Tennessee	1.44
Appalachian Virginia	1.11
Appalachian West Virginia	1.08
Appalachia	1.47
Non-Appalachian Portions of ARC States Above	2.49
Rest of country (outside of Appalachia)	3.25
United States	3.10

Source: US Census Bureau, American Community Survey, Table DP04, Selected Housing Characteristics

Figure 5

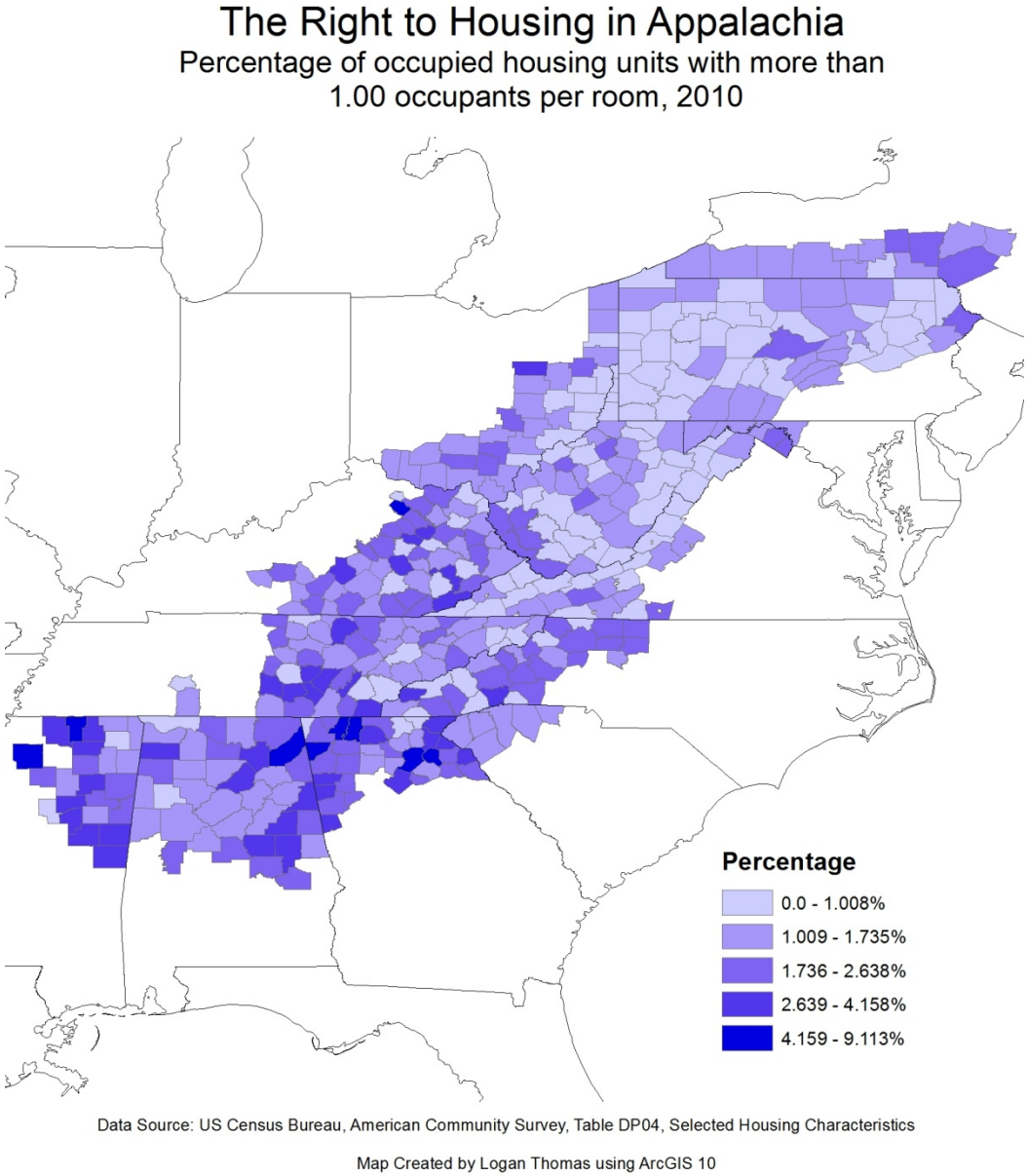

The Right to Housing in Appalachia
Percentage of occupied housing units with more than 1.00 occupants per room, 2010
Percentage
0.0 - 1.008%
1.009 - 1.735%
1.736 - 2.638%
2.639 - 4.158%
4.159 - 9.113%
Data Source: US Census Bureau, American Community Survey, Table DP04, Selected Housing Characteristics
Map Created by Logan Thomas using ArcGIS 10

Table 9 below indicates the percentage of occupied housing units lacking complete plumbing facilities. Appalachia's percentage as a region (0.54%) is just one one-hundredth of a percentage point higher than the national average (0.53%). It is again worth noting Kentucky's extremely high value (1.14%), which is over twice the average of both Appalachia and the country as a whole. As shown in Figure 6, high percentages are especially pronounced in the eastern part of the state, as well as throughout all of central Appalachia.

Table 9

Right to Housing

Percentage of occupied housing units lacking complete plumbing facilities, 2010

Region	***Percentage***
Appalachian Alabama	0.41
Appalachian Georgia	0.44
Appalachian Kentucky	1.14
Appalachian Maryland	0.42
Appalachian Mississippi	0.59
Appalachian New York	0.60
Appalachian North Carolina	0.45
Appalachian Ohio	0.54
Appalachian Pennsylvania	0.46
Appalachian South Carolina	0.37
Appalachian Tennessee	0.61
Appalachian Virginia	0.76
Appalachian West Virginia	0.66
Appalachia	0.54
Non-Appalachian Portions of ARC States Above	0.50
Rest of country (outside of Appalachia)	0.53
United States	0.53

Source: US Census Bureau, American Community Survey, Table DP04, Selected Housing Characteristics

Figure 6

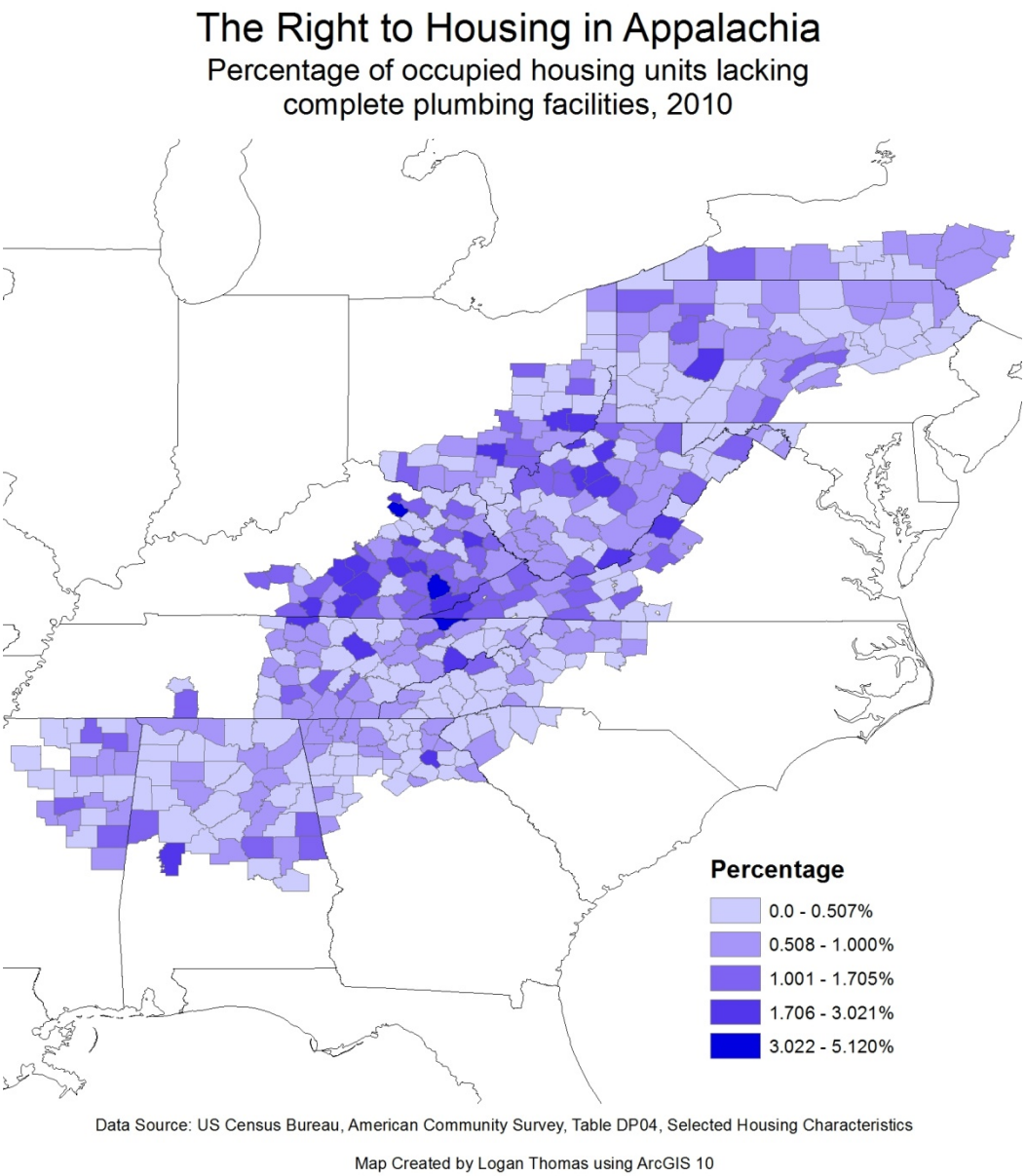

The Right to Housing in Appalachia
Percentage of occupied housing units lacking complete plumbing facilities, 2010
Percentage
0.0 - 0.507%
0.508 - 1.000%
1.001 - 1.705%
1.706 - 3.021%
3.022 - 5.120%
Data Source: US Census Bureau, American Community Survey, Table DP04, Selected Housing Characteristics
Map Created by Logan Thomas using ArcGIS 10

Table 10 and Figure 7 display the percentage of occupied housing units lacking complete kitchen facilities. Appalachia performs better in this housing measure, with the region's total percentage (0.70%) lower than that of the national average (0.79%). Appalachian Kentucky once again displays the highest percentage amongst all of Appalachia (0.93%), with nearly one out of every 100 housing units lacking kitchen facilities.

Table 10

Right to Housing

Percentage of occupied housing units lacking complete kitchen facilities, 2010

Region	***Percentage***
Appalachian Alabama	0.62
Appalachian Georgia	0.53
Appalachian Kentucky	0.93
Appalachian Maryland	0.73
Appalachian Mississippi	0.72
Appalachian New York	0.80
Appalachian North Carolina	0.57
Appalachian Ohio	0.88
Appalachian Pennsylvania	0.76
Appalachian South Carolina	0.57
Appalachian Tennessee	0.80
Appalachian Virginia	0.65
Appalachian West Virginia	0.60
Appalachia	0.70
Non-Appalachian Portions of ARC States Above	0.72
Rest of country (outside of Appalachia)	0.79
United States	0.79

Source: US Census Bureau, American Community Survey, Table DP04, Selected Housing Characteristics

Figure 7

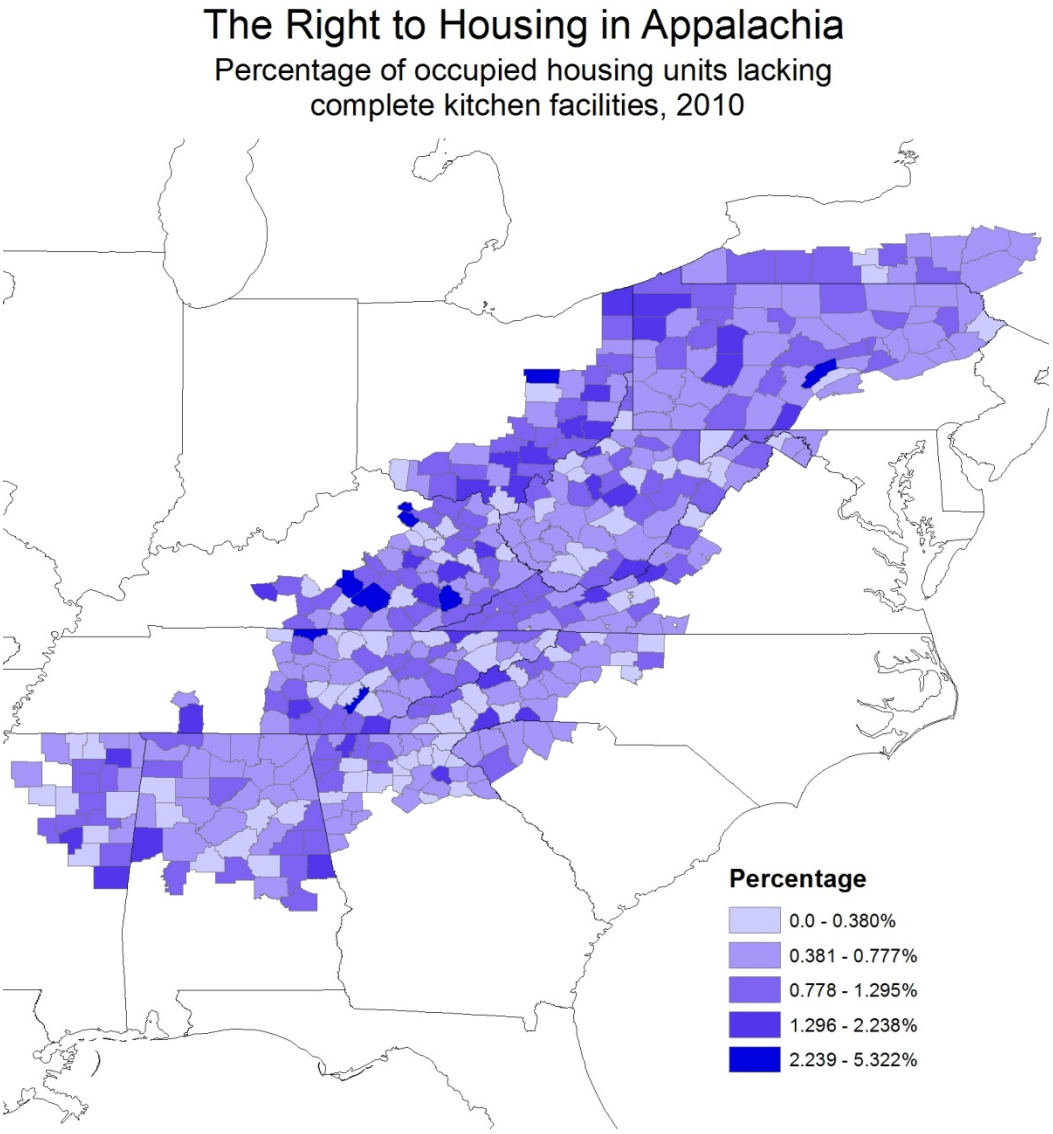

The Right to Housing in Appalachia
Percentage of occupied housing units lacking complete kitchen facilities, 2010
Percentage
0.0 - 0.380%
0.381 - 0.777%
0.778 - 1.295%
1.296 - 2.238%
2.239 - 5.322%
Data Source: US Census Bureau, American Community Survey, Table DP04, Selected Housing Characteristics
Map Created by Logan Thomas using ArcGIS 10

Table 11 shows the percentage of occupied housing units with no telephone service available. Appalachia's percentage (4.00%) is higher than that of the U.S. as a whole (3.68%), and eleven of the thirteen states' Appalachian portions are higher than the national average. Appalachian Kentucky is once again the worst performer with 6.43% of occupied housing units lacking access to telephone service. Figure 8 clearly indicates the difference in connectivity between northern Appalachia and the central and southern portions of the region.

Table 11

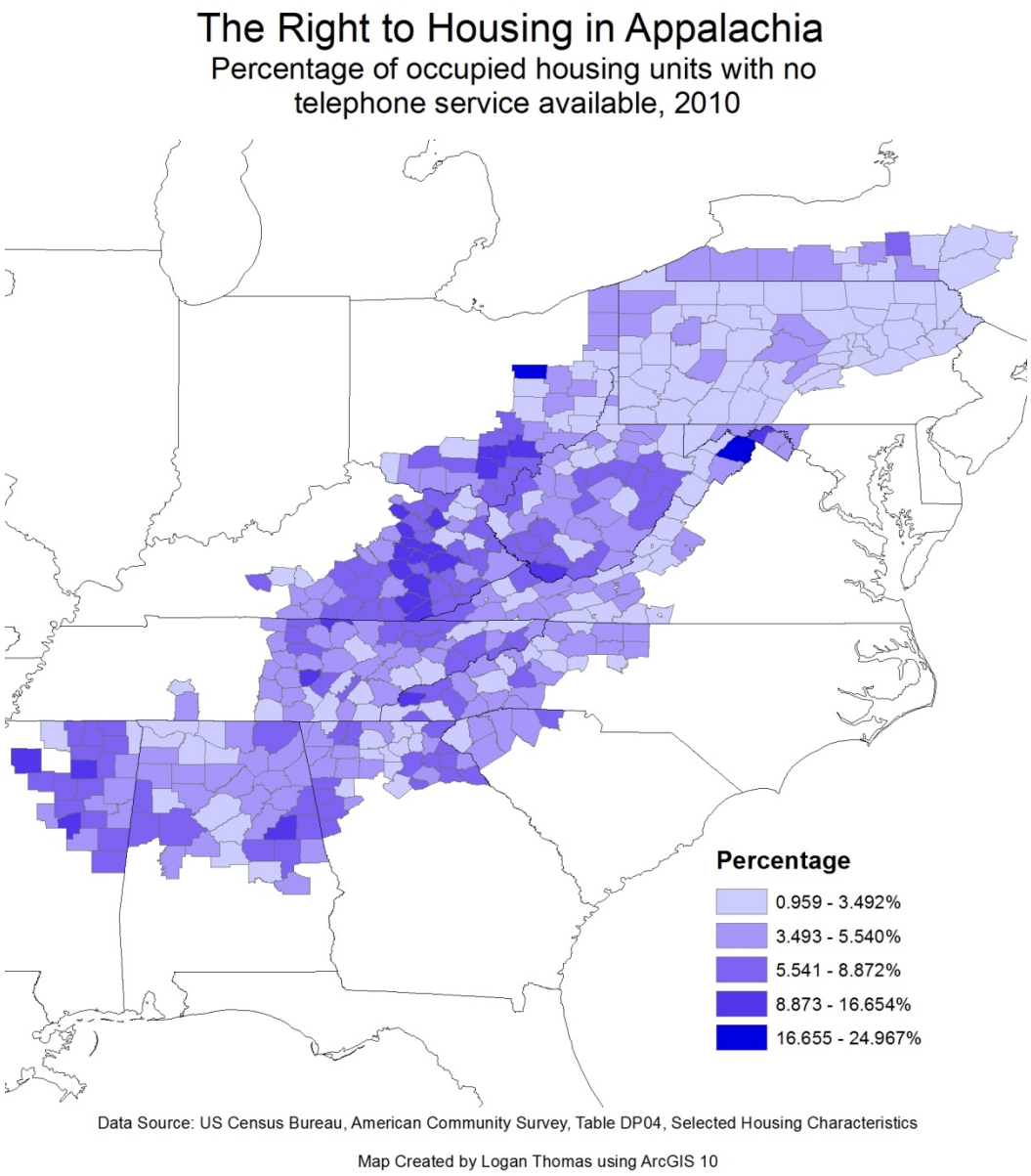
Right to Housing

Percentage of occupied housing units with no telephone service available, 2010

Region	***Percentage***
Appalachian Alabama	3.99
Appalachian Georgia	4.39
Appalachian Kentucky	6.43
Appalachian Maryland	3.79
Appalachian Mississippi	6.27
Appalachian New York	3.90
Appalachian North Carolina	4.08
Appalachian Ohio	4.58
Appalachian Pennsylvania	2.44
Appalachian South Carolina	4.74
Appalachian Tennessee	4.35
Appalachian Virginia	3.57
Appalachian West Virginia	4.73
Appalachia	4.00
Non-Appalachian Portions of ARC States Above	3.94
Rest of country (outside of Appalachia)	3.66
United States	3.68

Source: US Census Bureau, American Community Survey, Table DP04, Selected Housing Characteristics

Figure 8



3.1.4 The right to work

Two indicators are utilized to represent the right to work: (1) unemployment rates and (2) labor force participation rates. Data for both measures were gathered from the U.S. Census Bureau's American Community Survey's 5-year estimates of 2006-2010 (U.S. Census Bureau 2010d). While unemployment is a rather straightforward indicator to select, it is hoped that the

inclusion of labor force participation rates captures the effect of long-term unemployment on workers' decisions to remain actively seeking employment. Long-term employment data weren't available at either the temporal or spatial scales desired for this research, though the two measures noted here assuredly measure the right to work sufficiently.

Table 12 and Figure 9 display the unemployment rates across the region. As can be seen, Appalachia's unemployment rate (8.11%) is slightly above the national average (7.91%). Eight of thirteen Appalachian portions of states experience higher rates than the country as a whole, with Appalachian Mississippi (10.40%) and Appalachian Kentucky (9.37%) having the highest percentages of unemployed workers.

Table 12

Right to Work

Unemployment rate, 2010

Region	***Percentage***
Appalachian Alabama	8.53
Appalachian Georgia	8.32
Appalachian Kentucky	9.37
Appalachian Maryland	6.86
Appalachian Mississippi	10.40
Appalachian New York	7.40
Appalachian North Carolina	8.27
Appalachian Ohio	9.35
Appalachian Pennsylvania	7.15
Appalachian South Carolina	9.10
Appalachian Tennessee	8.31
Appalachian Virginia	7.46
Appalachian West Virginia	7.13
Appalachia	8.11
Non-Appalachian Portions of ARC States Above	7.90
Rest of country (outside of Appalachia)	7.91
United States	7.92

Source: US Census Bureau, American Community Survey, Table DP03, Selected Economic Characteristics

Figure 9

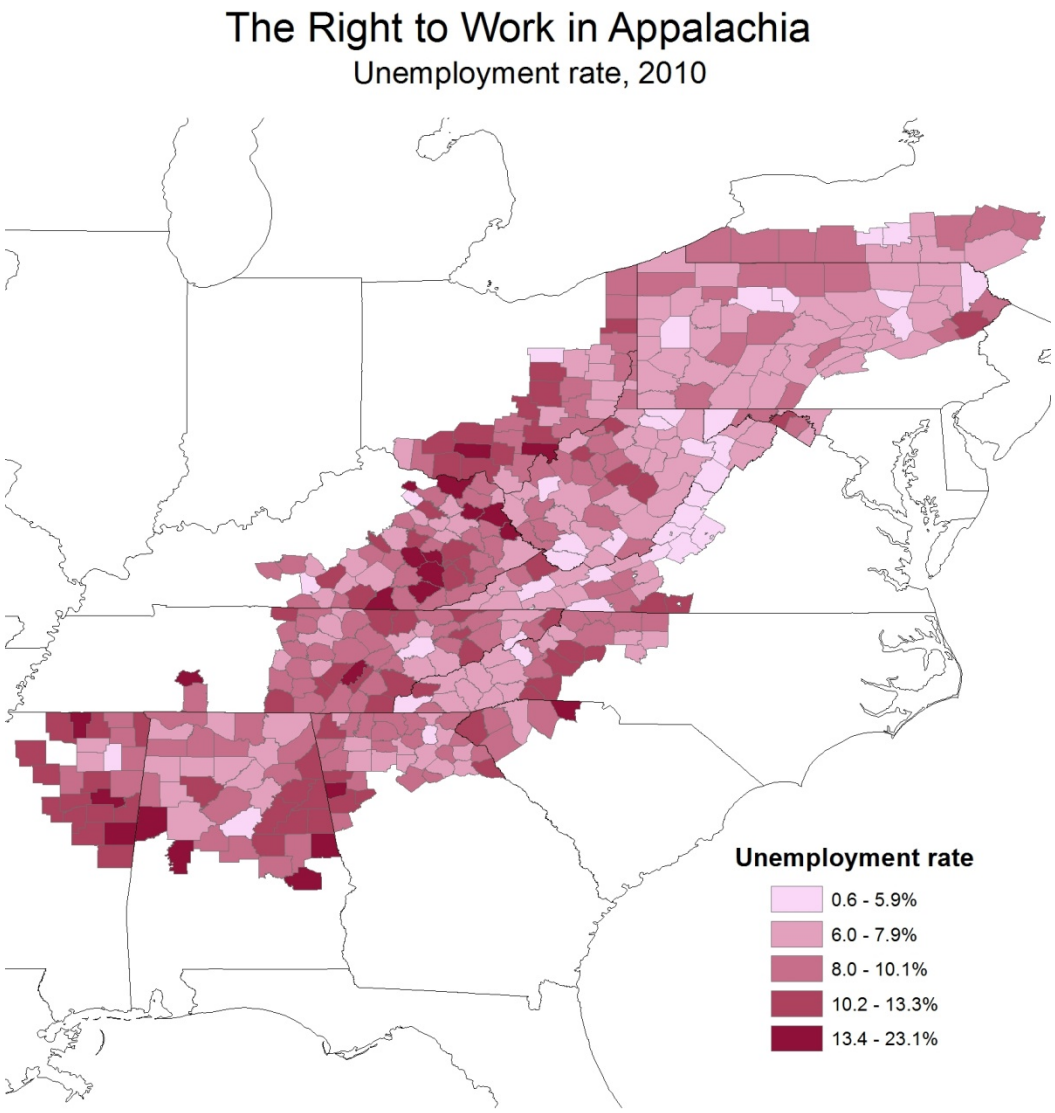

The Right to Work in Appalachia
Unemployment rate, 2010
Unemployment rate
0.6 - 5.9%
6.0 - 7.9%
8.0 - 10.1%
10.2 - 13.3%
13.4 - 23.1%
Data Source: US Census Bureau, American Community Survey, Table DP03, Selected Economic Characteristics
Map Created by Logan Thomas using ArcGIS 10

Table 13 and Figure 10 document labor force participation rates. As indicated below, Appalachia exhibits nearly a five percent deficit in this measure compared to the national average (60.14% in Appalachia, 64.99% for the entire country). Twelve of the thirteen states' Appalachian portions are well below the national average, with the exception of only Appalachian Georgia (66.87%). Appalachian Kentucky (50.95%) is over four percentage points lower than the next nearest performer, neighboring West Virginia (55.00%), and it can nearly be said in the former that only one out of two capable working bodies is in the labor force. Of course, this measure does not account for the informal or illegal trades, or those simply choosing to fend entirely for themselves, a characteristic of many Appalachians, as mentioned previously.

Table 13

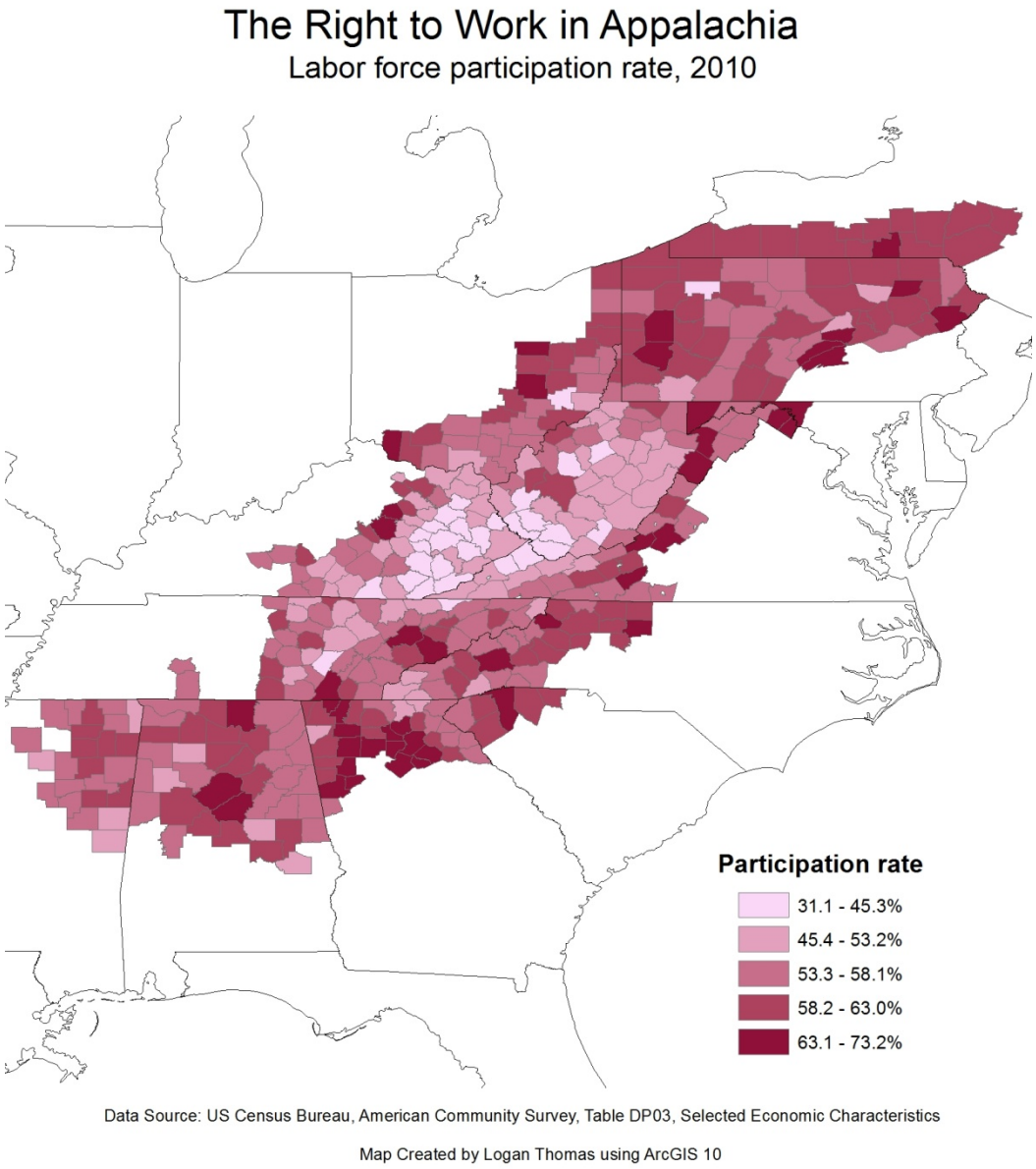
Right to Work

Labor Force participation rate, 2010

Region	***Percentage***
Appalachian Alabama	61.02
Appalachian Georgia	66.87
Appalachian Kentucky	50.95
Appalachian Maryland	61.64
Appalachian Mississippi	57.91
Appalachian New York	61.18
Appalachian North Carolina	60.73
Appalachian Ohio	58.97
Appalachian Pennsylvania	60.64
Appalachian South Carolina	62.54
Appalachian Tennessee	59.74
Appalachian Virginia	55.45
Appalachian West Virginia	55.00
Appalachia	60.14
Non-Appalachian Portions of ARC States Above	65.35
Rest of country (outside of Appalachia)	65.44
United States	64.99

Source: US Census Bureau, American Community Survey, Table DP03, Selected Economic Characteristics

Figure 10



3.1.5 The right to an adequate standard of living

The individual poverty rate is utilized to represent the right to an adequate standard of living. Data were gathered from the U.S. Census Bureau's American Community Survey's 5-year estimates of 2006-2010 (U.S. Census Bureau 2010d). By definition, poverty rates measure access to this right; living below the poverty line is generally to be considered an *inadequate*

standard of living. The individual poverty rate for all people and all ages was chosen over any other poverty measure, such as the family poverty rate, since the primary principle of any human rights ideal is the universal, *individual* realization of rights. Table 14 and Figure 11 display poverty rates throughout the region. The poverty rate in Appalachia (15.67%) is nearly two percentage points higher than that of the United States as a whole (13.84%). Ten of the thirteen Appalachian portions of states experience rates higher than the national average. Like the previous indicators, Appalachian Kentucky (24.46%) exhibits the poorest performance in the region, as nearly one out of four people is found to be living in poverty. Appalachian Mississippi (22.78%) is nearly as high.

Table 14

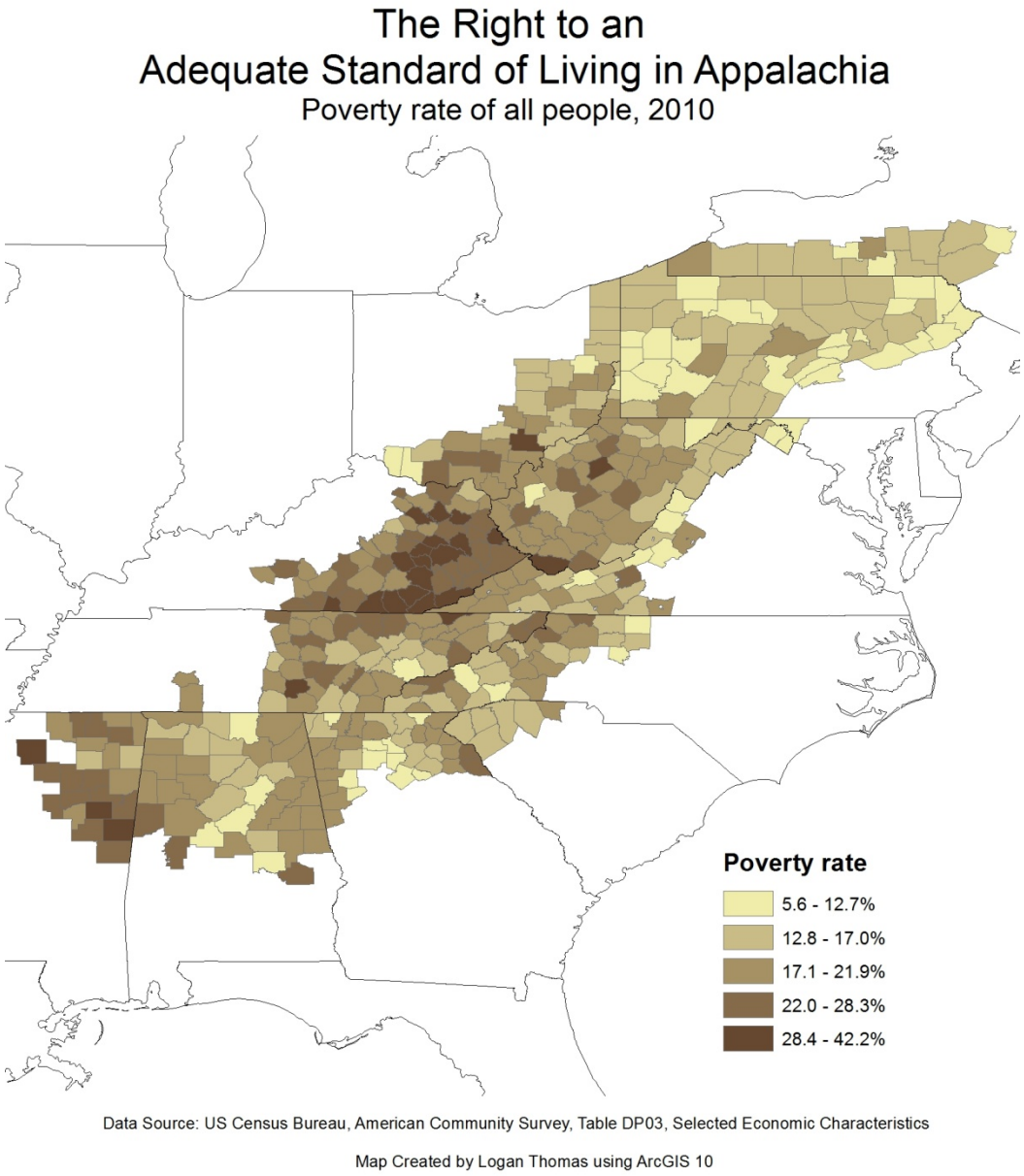
Right to an Adequate Standard of Living

Poverty rate of all people, 2010

Region	***Percentage***
Appalachian Alabama	15.80
Appalachian Georgia	13.07
Appalachian Kentucky	24.46
Appalachian Maryland	11.87
Appalachian Mississippi	22.78
Appalachian New York	15.06
Appalachian North Carolina	16.11
Appalachian Ohio	16.45
Appalachian Pennsylvania	12.86
Appalachian South Carolina	15.22
Appalachian Tennessee	16.93
Appalachian Virginia	17.71
Appalachian West Virginia	17.38
Appalachia	15.67
Non-Appalachian Portions of ARC States Above	14.01
Rest of country (outside of Appalachia)	13.68
United States	13.84

Source: US Census Bureau, American Community Survey, Table DP03, Selected Economic Characteristics

Figure 11



3.1.6 Available Resources

Nearly all international human rights treaties and agreements call on national governments to achieve rights to the maximum of available resources. Article 2 of ICESCR notes that each state shall "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." As

mentioned in the preceding literature review, all previous studies concerning the realization of ESR have utilized some measure of per capita income (or GDP) to represent "available resources." This analysis will utilize per capita income. Though other measures of income exist and are commonly used throughout similar research such as this, per capita income provides the most straightforward measure, and one that is also in alignment with the previous studies measuring ESR (Cingranelli and Richards 2007; Kimenyi 2007; Fukuda-Parr, Lawson-Remer, and Randolph 2009).

Table 15 and Figure 12 below show per capita incomes across the region. Data were gathered from the U.S. Census Bureau's American Community Survey's 5-year estimates of 2006-2010 (U.S. Census Bureau 2010d). As can be seen, Appalachia's per capita income ($22,727) is well below the national average ($27,334). Appalachian Kentucky ($17,638) and Appalachian Mississippi ($18,200) are once again the poorest performers, though no Appalachian portion of the thirteen states comes even near the national average.

Table 15

Available Resources

Per capita income, 2010

Region	***Income ($)***
Appalachian Alabama	23,780
Appalachian Georgia	24,293
Appalachian Kentucky	17,638
Appalachian Maryland	24,533
Appalachian Mississippi	18,200
Appalachian New York	23,048
Appalachian North Carolina	22,927
Appalachian Ohio	20,963
Appalachian Pennsylvania	24,267
Appalachian South Carolina	23,294
Appalachian Tennessee	22,247
Appalachian Virginia	20,384
Appalachian West Virginia	21,232
Appalachia	22,727
Non-Appalachian Portions of ARC States Above	28,360
Rest of country (outside of Appalachia)	27,747
United States	27,334

Source: US Census Bureau, American Community Survey, Table DP03, Selected Economic Characteristics

Figure 12

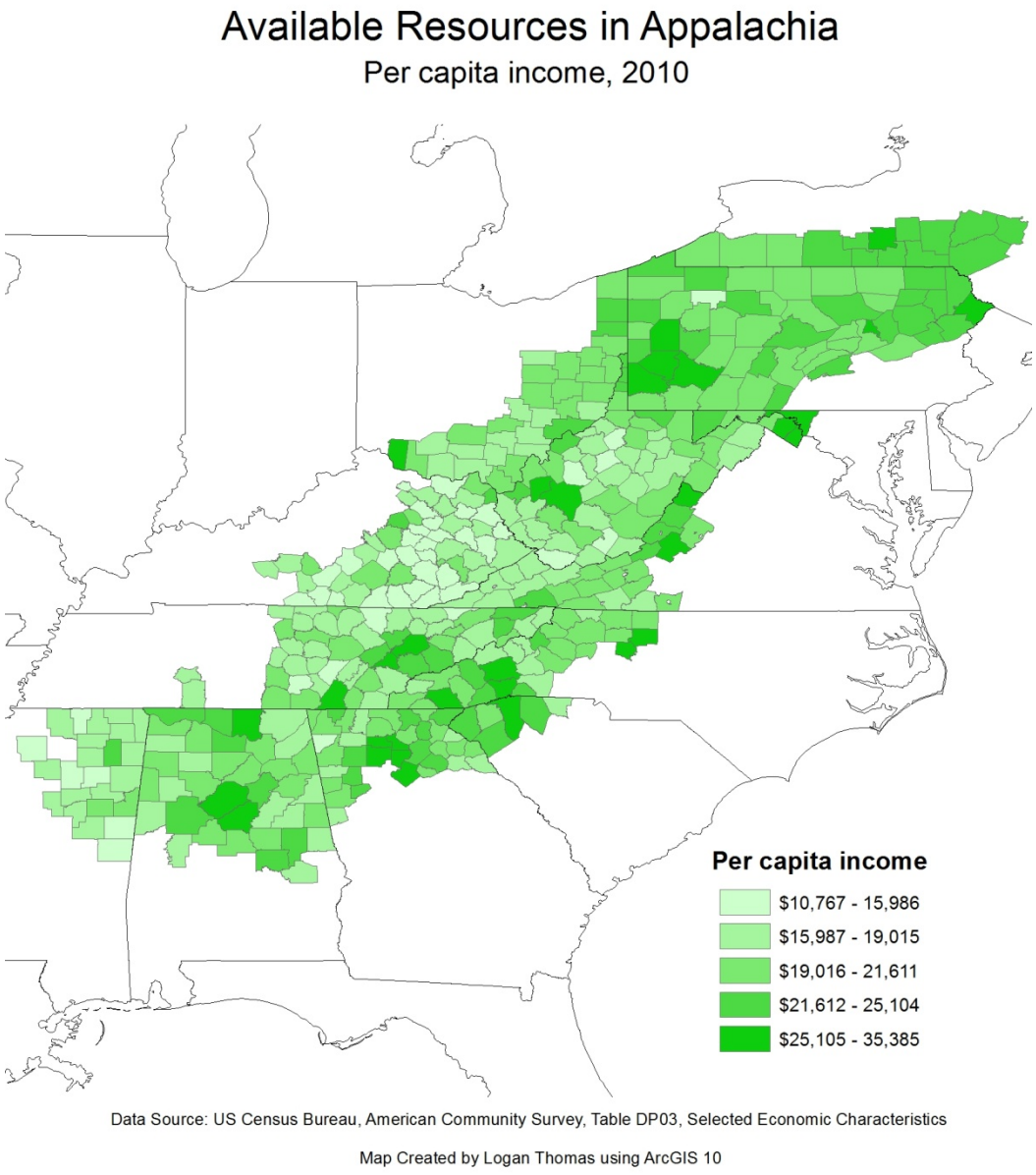
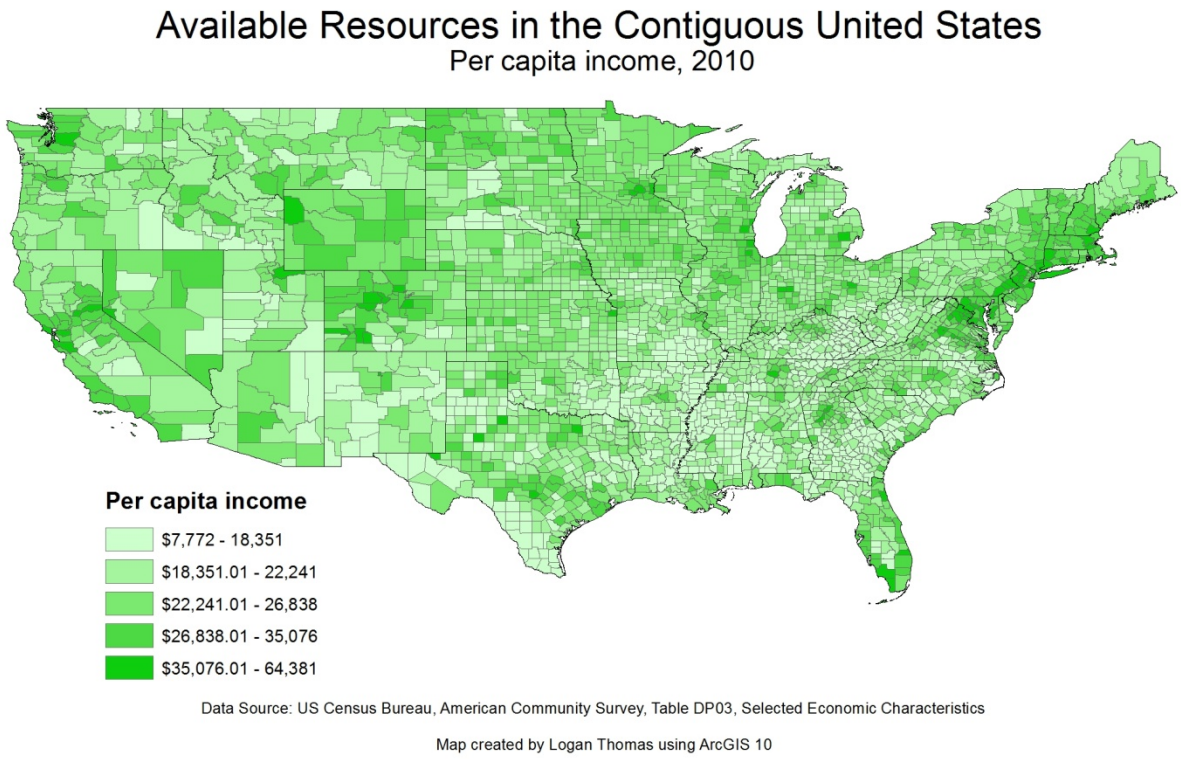


Figure 13 below then shows per capita income across the contiguous United States. As can be seen, the highest incomes tend to be located in metropolitan regions throughout the country, with the highly populated Northeast megalopolis representing the most pronounced, consistently high income area. Of course, this megalopolis is just several hundred miles away from those extremely poor counties found in central Appalachia.

Figure 13



3.2 ESR Index

This section aims to create an index that measures the fulfillment of ESR based upon the indicators gathered in the previous subsection. This index, then, will serve to represent the 'total' ESR fulfillment of each county. As mentioned previously, the development of this index is based largely on past work completed by Fukuda-Parr, Lawson-Remer, and Randolph (2009). Their original ESRF index was designed to measure the fulfillment of ESR at the international level. The first step the authors take is similar to what was done in the preceding section – select measures to represent the realization of the various ESR to be included in the index. The authors then take into account each country's available resources by incorporating some measure of GDP. By doing so, their index includes the perspectives of both the rights-holders (i.e., citizens and other individuals in a particular state) and duty-bearers (i.e., the states).

The authors incorporate a country's GDP via two methods: (1) a ratio approach and (2) an achievement possibilities frontier approach. The former of the two simply takes a 'realization' measure and divides it by the log of per capita GDP. For example, for measuring the right to food in developing countries, that component of the index is measured as follows through the ratio approach:

Z = (100 – child stunting rate in country X) / (log of per capita GDP in country X)

The same process is then performed with each individual right to be included of the ESR index. The values are then weighted appropriately – depending upon the number of rights included in the analysis, as well as the level of importance given to each – and added together to produce the ESRF index.

The achievement possibilities frontier (APF) approach estimates a curve for each individual ESR to determine the maximum level of achievement possible for each indicator at any given per capita income level. The frontier is developed by examining each indicator in relation to per capita GDP from 1990 to 2006. The highest level of the indicator at a particular per capita GDP level is then used to develop the index for each of the five dimensions; quite simply, to determine the index for a particular dimension, a state's actual value is divided by the historically highest level of the indicator:

Z = (country X's raw score on the indicator) / (highest level of the indicator experienced at country X's income level)

While the index for each dimension is straightforward, the development of the frontiers proved to be a difficult process for the authors. To develop a best-fit line for each indicator, three different variants of income were used (per capita GDP, natural log of per capita GDP, and per capita GDP squared) and seven functional forms considered (linear, logarithmic, inverse,

quadratic, power, growth, and exponential). Several data points had to be removed (states experiencing conflicts and those with former command economies) in order to ensure the best possible measure. The best fit line took on different forms for each of the indicators, a concern of the authors, who placed much emphasis on the benefits of simplicity and replicability.

Rather than incorporating a country's available resources directly into the ESR index, this research will utilize only the realization measures from the previous section. The following subsection will then analyze the ESR index based upon a county's available resources. This is done for a number of reasons. First, the ESRF index as formulated by Fukuda-Parr, Lawson-Remer, and Randolph (2009) is primarily concerned with international comparisons of vastly different countries with wide ranges in the both the realization of ESR and available resources. Building available resources into the index is certainly desirable given the authors' considerations, but the range of both realizations and resources in the U.S. is not so large as to require the same in this research. As noted in the previous subsection, though Appalachia experiences poor performance in many of the individual ESR and lacks in resources (i.e., per capita income), the region performs above or near the national average in both the right to health and the right to housing. Had incomes been built into the right to health measure, for instance, Appalachia's performance would certainly have seemed even more impressive than as it is currently viewed. However, this may cause discussion of the region's superior performance to be tempered by the urge for it to be attributed to the low per capita incomes experienced throughout, as opposed to the simply higher values evidenced clearly in the subsection as it currently exists. Second, basing an ESR index partly upon income seems to permit or accept lower ESR realization for those with lower incomes – an ideal that seems to go directly against the universality element of human rights. Again, though the vast range of ESR values

throughout the world may necessitate the inclusion of income at the international level, the U.S. does not pose a similar problem. Instead, given that this research considers the ESR fulfillment of just one country – and given that country's claims of equal access for all – limiting the expectations of ESR fulfillment based upon income seems inappropriate.

The following is the methodology used to arrive at the two versions of the index to be utilized in this analysis:

Right to education component = Z_1 = HS completion rate 25+ (%)

Right to health component = Z_2 = Health insurance coverage <65 (%)

Right to housing component = Z_3 =

0.2 * (100 – Percentage of households with rent constituting greater than 35% of household income) +

0.2 * (100 – Percentage of occupied housing units with more than 1.00 occupants per room) +

0.2 * (100 – Percentage of housing units lacking plumbing facilities) +

0.2 * (100 – Percentage of housing units lacking kitchen facilities) +

0.2 * (100 – Percentage of housing units lacking telephone service)

Right to work component = Z_4 =

0.5 * (100 – Unemployment rate) + 0.5 * (Labor Force participation rate)

Right to an adequate standard of living component = Z_5 = 100 – Poverty rate (%)

ESR Index:

Version 1: $0.2 * (Z_1 + Z_2 + Z_3 + Z_4 + Z_5)$

Version 2: $(Z_1 * Z_2 * Z_3 * Z_4 * Z_5) / 10^8$

The maximum value for each of the components of the index is 100. In Version 1 of the ESR Index, the values for each component are simply added together and then multiplied by 0.2 in

order for the index to be based from 0 to 100. In Version 2, the values of each component are multiplied together and then divided by 10^8 to again create an index that ranges from 0 to 100. The primary reason for including this second version in addition to the first is to create an alternative measure that places greater emphasis on the simultaneous realization of rights, similar to past work undertaken by Minkler and Sweeney (2011). For instance, consider the following example in Table 16:

Table 16		
Example of Differences in Index Versions		
Component	*County A*	*County B*
Z_1	90	86
Z_2	90	86
Z_3	90	86
Z_4	90	86
Z_5	70	86
ESR Index version 1	86.00	86.00
ESR Index version 2	45.93	47.04

Though County A and County B both have the same values for Version 1 of the ESR Index, County B receives a higher value in Version 2, as County A is 'punished' due to its very low value for Z_5. Whether such a significant penalty is warranted is certainly up for debate, as the simultaneous realization of ESR is not viewed by all scholars in the same regard. Thus, this research will utilize both versions of the ESR Index in the discussion and analysis to follow.

Table 17		
ESR Index Descriptive Statistics for Comparison		
	Version 1	*Version 2*
Mean	83.40	40.86
Median	83.80	40.85
Std. Deviation	4.17	9.94
Minimum	64.15	9.73
Maximum	94.03	72.74
Range	29.87	63.01

As shown in Table 17, Version 2 of the ESR Index has a much larger standard deviation and range, which is to be expected given its methodology.

Table 18 and Figure 14 display the values for Version 1 of the ESR Index below. Given the region's poor performance in most of the aforementioned individual measures, the low values as determined via the index are certainly to be expected. Ten of the thirteen Appalachian regions of states perform below the national average, and both Kentucky and Mississippi are both well below one standard deviation removed from the value for the entire U.S. The region's poor performance relative to the non-Appalachian portions of the same states should also be noted, as Appalachia's deficit is even more pronounced in this regard.

Table 18

ESR Fulfillment

ESR Index Version 1

Region	***Value***
Appalachian Alabama	83.16
Appalachian Georgia	83.14
Appalachian Kentucky	77.71
Appalachian Maryland	85.64
Appalachian Mississippi	78.89
Appalachian New York	85.56
Appalachian North Carolina	82.41
Appalachian Ohio	83.50
Appalachian Pennsylvania	86.35
Appalachian South Carolina	82.59
Appalachian Tennessee	82.74
Appalachian Virginia	81.29
Appalachian West Virginia	82.36
Appalachia	83.43
Non-Appalachian Portions of ARC States Above	84.89
Rest of country (outside of Appalachia)	84.49
United States	84.40

Source: Author's calculations of Census data

Figure 14

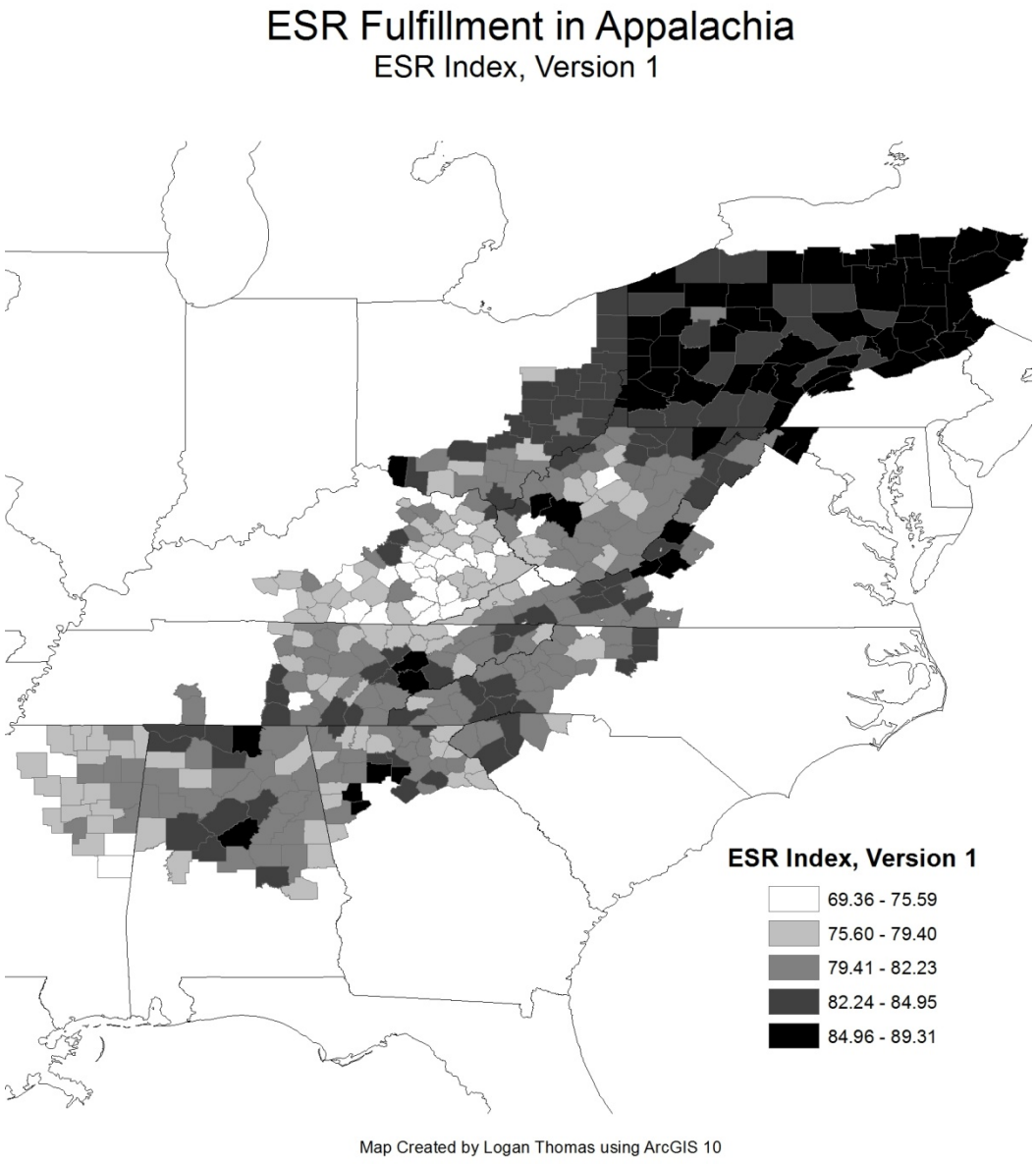


Figure 15 below then shows ESR fulfillment across the contiguous U.S. As expected, the Northeast megalopolis has a high concentration of high ESR fulfillment, and especially so in the northern portion, or central and southern New England. The Great Lakes region and northern Plains states also have consistently high values throughout, with such strong performance

stretching into the Rocky Mountains states. There is a very noticeable divide in ESR fulfillment between the northern and southern United States.

Figure 15

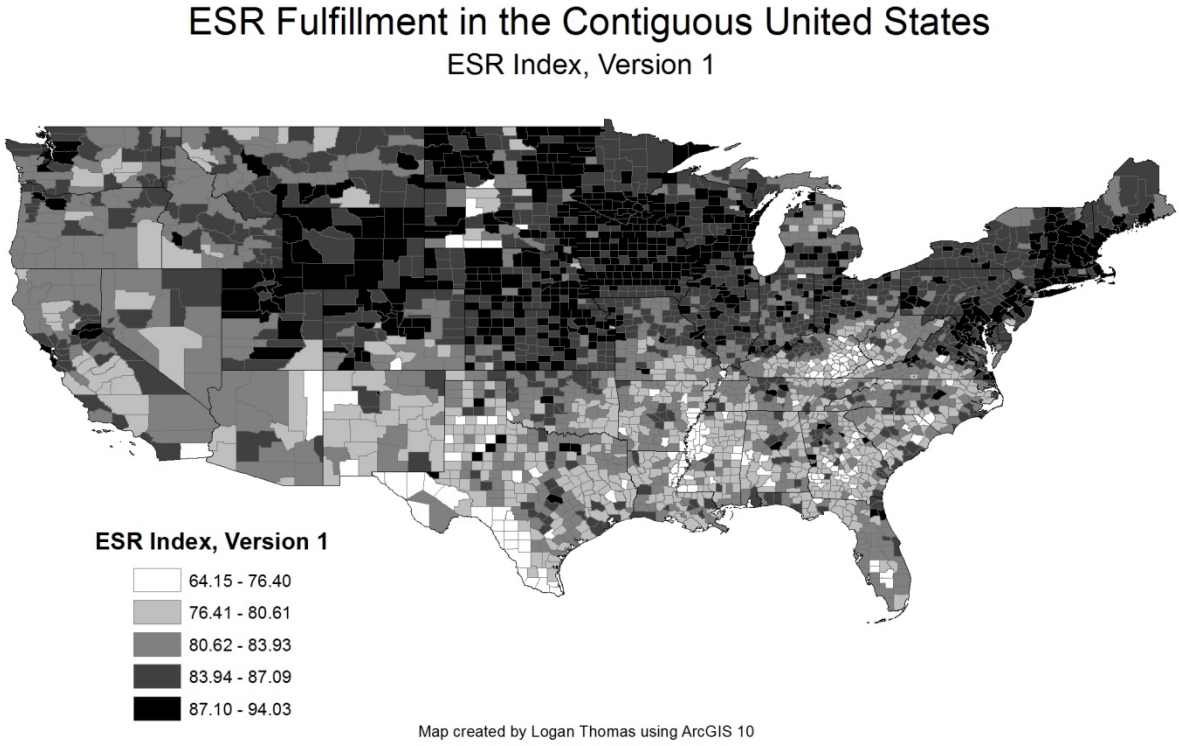


Table 19 and Figure 16 display values for Version 2 of the ESR Index. Once again, the low values are to be expected, and only three of the thirteen Appalachian regions of states perform better than the national average. Appalachian Kentucky and Mississippi are also the poorest performers, as is the case with Version 1.

Table 19

ESR Fulfillment

ESR Index Version 2

Region	***Value***
Appalachian Alabama	39.47
Appalachian Georgia	39.41
Appalachian Kentucky	27.79
Appalachian Maryland	45.70
Appalachian Mississippi	30.22
Appalachian New York	45.50
Appalachian North Carolina	37.71
Appalachian Ohio	40.22
Appalachian Pennsylvania	47.59
Appalachian South Carolina	38.10
Appalachian Tennessee	38.44
Appalachian Virginia	35.08
Appalachian West Virginia	37.50
Appalachia	40.11
Non-Appalachian Portions of ARC States Above	43.86
Rest of country (outside of Appalachia)	42.85
United States	42.61

Source: Author's calculations of Census data

Figure 16

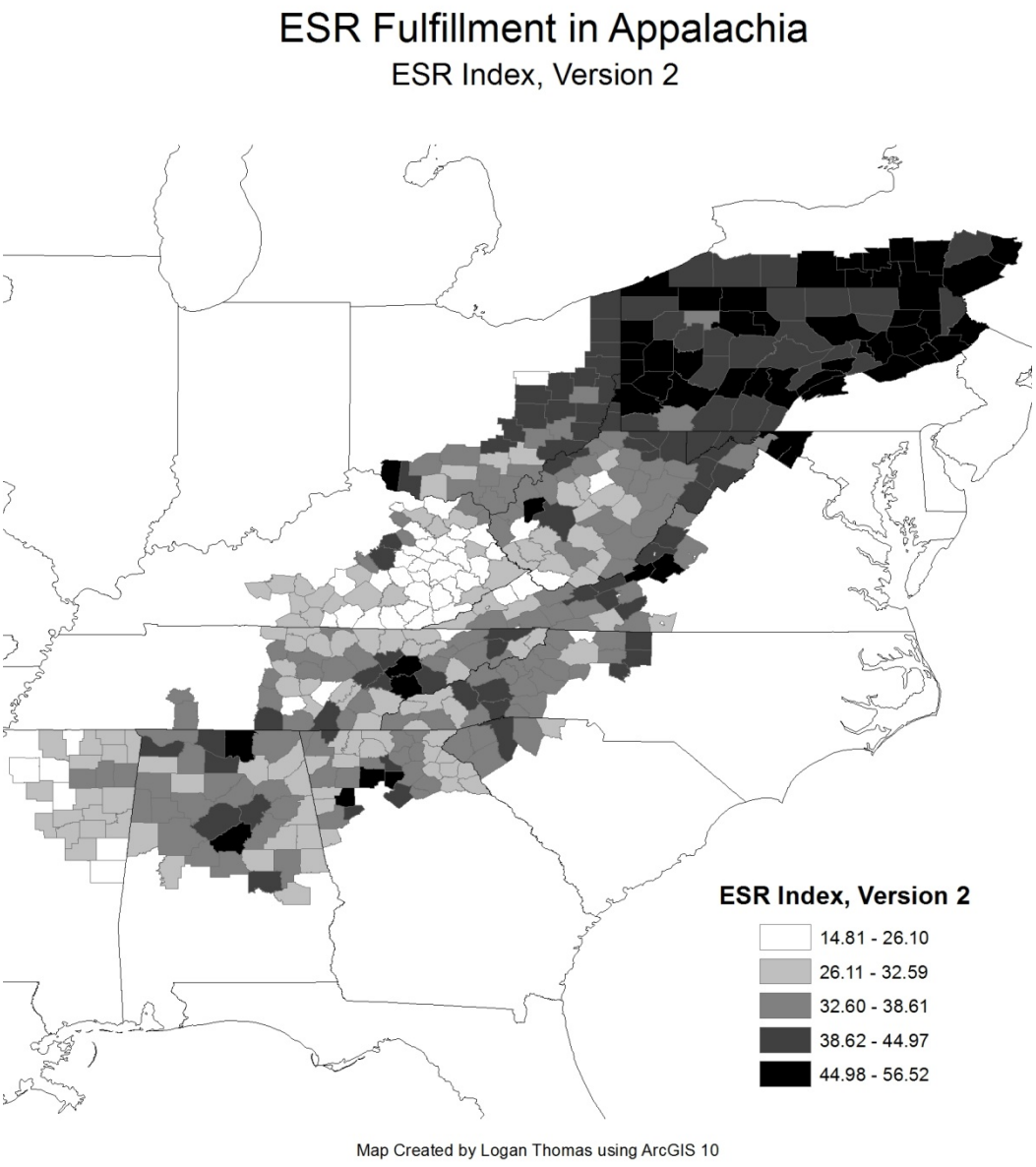
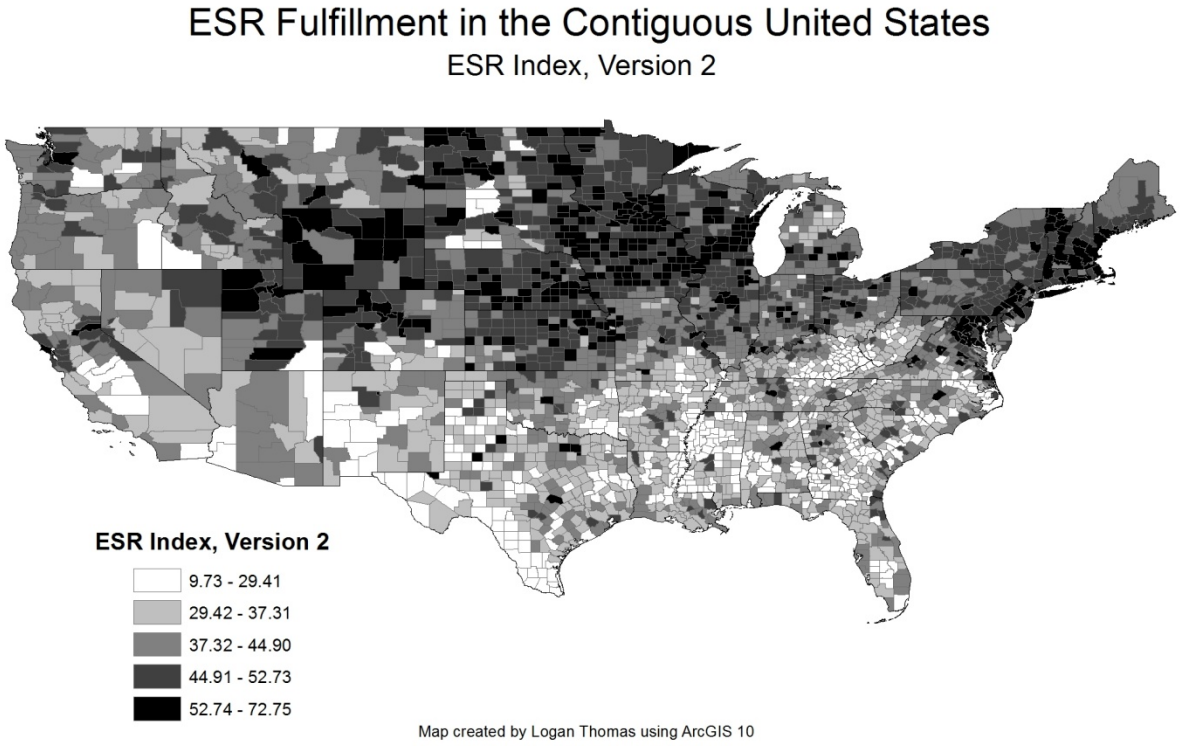

ESR Fulfillment in Appalachia
ESR Index, Version 2
ESR Index, Version 2
14.81 - 26.10
26.11 - 32.59
32.60 - 38.61
38.62 - 44.97
44.98 - 56.52
Map Created by Logan Thomas using ArcGIS 10

Figure 17



The same national pattern that appeared with Version 1 is also seen with Version 2, as expected. The marked difference between the northern and southern portion of the U.S. remains.

As can be seen in Table 20, the rankings for each state are identical for both versions of the ESR Index, and a distinct pattern emerges within Appalachian. Northern Appalachia performs very well relative to the rest of the region, with Pennsylvania, Maryland, New York, and Ohio ranking 1-4. Central Appalachia does not fare nearly as well, with Tennessee (7th), North Carolina (9th), West Virginia (10th), Virginia (11th), and Kentucky (13th) all performing rather poorly. As noted, Tennessee and North Carolina are the best performers in the central part of Appalachia, though their classification could easily be considered 'southern,' as well. Lastly, southern Appalachia includes Alabama (5th), Georgia (6th), South Carolina (8th), and Mississippi

(12th). Though the latter's performance is certainly well below the national and regional averages, the other three states perform much better in comparison.

Table 20

ESR Fulfillment

Rankings

Region	***Version 1***	***Version 2***
Appalachian Alabama	5	5
Appalachian Georgia	6	6
Appalachian Kentucky	13	13
Appalachian Maryland	2	2
Appalachian Mississippi	12	12
Appalachian New York	3	3
Appalachian North Carolina	9	9
Appalachian Ohio	4	4
Appalachian Pennsylvania	1	1
Appalachian South Carolina	8	8
Appalachian Tennessee	7	7
Appalachian Virginia	11	11
Appalachian West Virginia	10	10

3.3 Fulfillment and available resources

Past research performed by Cingranelli and Richards (2007) and Kimenyi (2007) has sought to measure government effort to fulfill ESR. Both studies utilize regression analysis to measure the effect of a government's available resources – as measured by GDP per capita – on the fulfillment of ESR. Cingranelli and Richards utilize PQLI as the dependent variable, while Kimenyi utilizes HDI, both of which were described in the preceding literature review. Both studies, as expected, find strong positive relationships between GDP per capita and ESR fulfillment. Kimenyi notes: "… there is a clear positive relationship between per capita income and measures of human development" (p. 187). However, measuring government effort to fulfill ESR based upon available resources produces another relationship, as according to Cingranelli and Richards: "the correlations between logged GDP per capita and our effort scores for 1980,

1990, and 2000, are -0.0165, -0.0137, and -0.0132, respectively" (p. 225). Effort scores in both studies are calculated by utilizing residual analysis. If the predicted value for an ESR fulfillment measure based on an area's logged GDP per capita is higher than the actual value experienced in that area – by utilizing the coefficients and equation produced in the regression analysis – then that particular area is deemed to have an effort deficit, or is considered to be underperforming based on available resources.

This research will utilize very similar methodology to the two aforementioned studies. The two versions of the ESR Index formulated in the preceding section will both be analyzed as a function of logged per capita income. Predicted and actual values will then be compared as part of a residual analysis to determine government effort to fulfill ESR. The functional form utilized in the ordinary least squares (OLS) regression analysis is as follows:

$$\text{ESR Index} = a + \text{Logarithm (Per capita income)} + e$$

Table 21 below displays the results of the regression analysis for both versions of the ESR Index.

Table 21

Regression Results		
	Version 1	*Version 2*
Adjusted R Square	0.613	0.608
Observations	3,142	3,142
Intercept Coefficient	-62.86	-306.12
Standard Error	2.07	4.97
t-Stat	-30.30	-61.56
Logged per capita income	14.63	34.71
Standard Error	0.21	0.50
t-Stat	70.51	69.80

The values calculated through these regression analyses are then utilized to create predicted values for each county's ESR index values. As note previously, actual and predicted values are

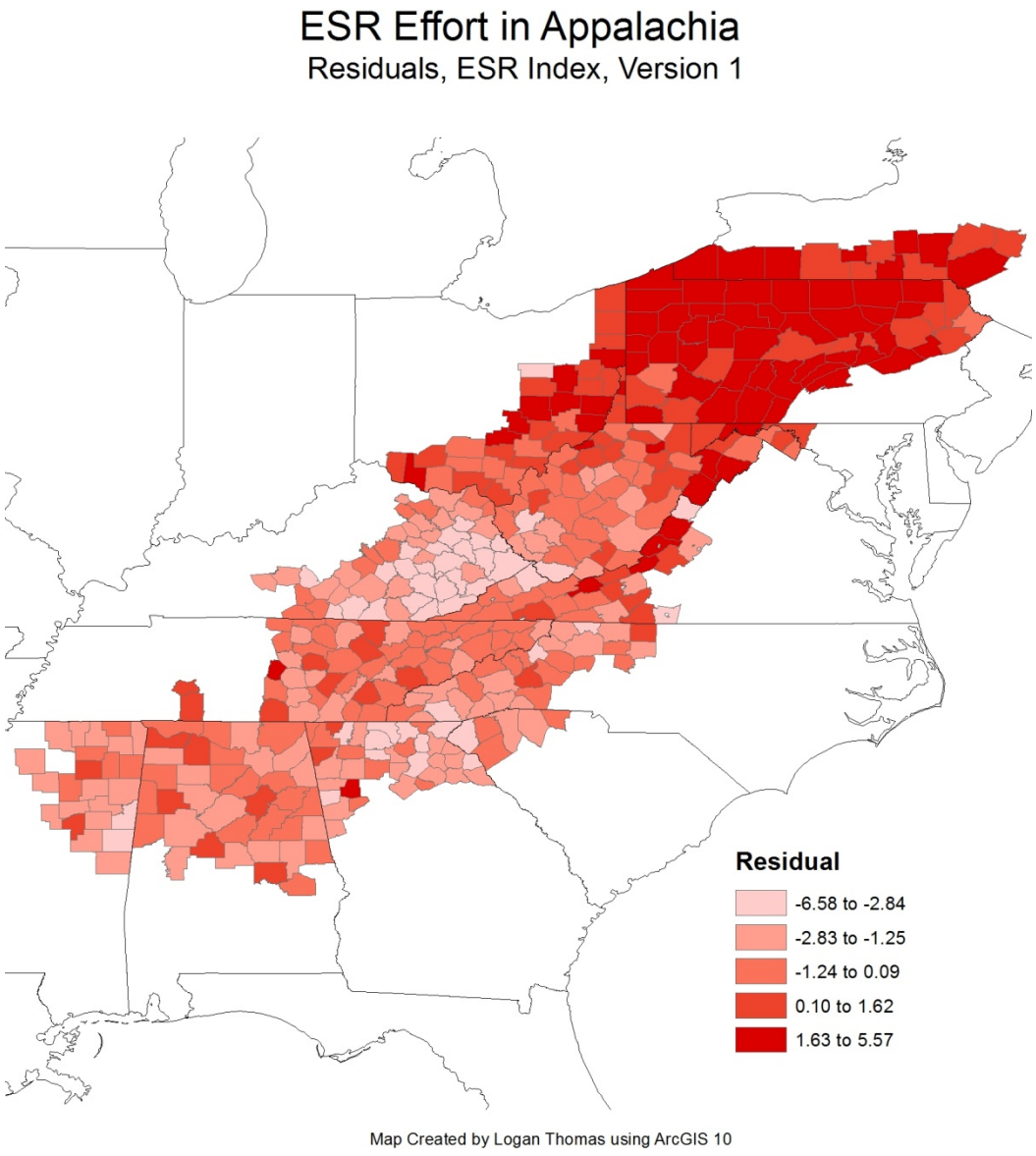
compared and residuals are produced. Table 22 below displays basic statistics for the residuals found for each version of the ESR index.

Table 22		
ESR Index Residuals Descriptive Statistics		
	Version 1	*Version 2*
Mean	-4.1785E-13	-6.52024E-13
Std. Deviation	2.60	6.22
Minimum	-14.11	-31.62
Maximum	8.00	23.23
Range	54.85	22.11
Sum	-2.04866E-09	-1.31288E-09

Table 23 displays actual and predicted values, as well as residuals, across Appalachia for Version 1 of the ESR index. Figure 18 below maps residuals across the region.

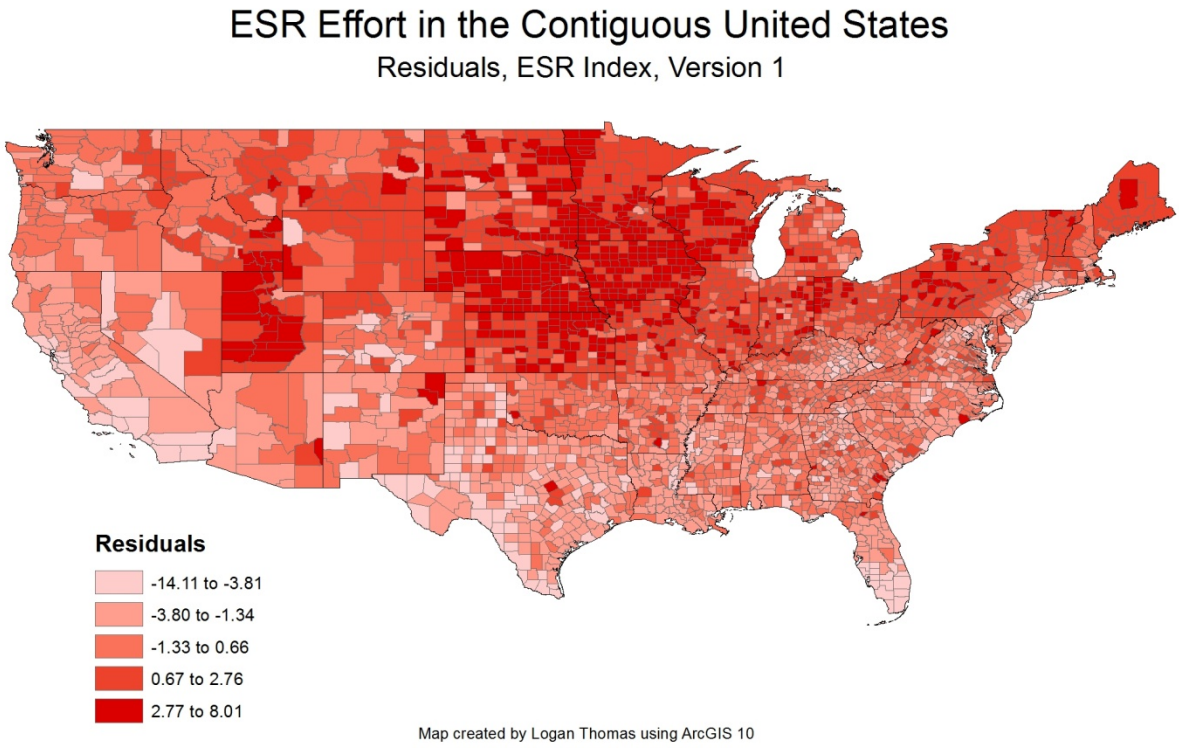
Table 23			
ESR Fulfillment as a Function of Available Resources			
ESR Index Version 1			
Region	***Actual***	***Predicted***	***Residual***
Appalachian Alabama	83.16	84.59	-1.42
Appalachian Georgia	83.14	84.90	-1.75
Appalachian Kentucky	77.71	80.21	-2.51
Appalachian Maryland	85.64	85.04	0.59
Appalachian Mississippi	78.89	80.67	-1.78
Appalachian New York	85.56	84.13	1.43
Appalachian North Carolina	82.41	84.05	-1.64
Appalachian Ohio	83.50	82.74	0.76
Appalachian Pennsylvania	86.35	84.88	1.47
Appalachian South Carolina	82.59	84.28	-1.70
Appalachian Tennessee	82.74	83.61	-0.87
Appalachian Virginia	81.29	82.33	-1.04
Appalachian West Virginia	82.36	82.93	-0.57
Appalachia	83.43	83.92	-0.49
Non-Appalachian Portions of ARC States Above	84.89	87.16	-2.28
Rest of country (outside of Appalachia)	84.49	86.84	-2.35
United States	84.40	86.62	-2.22
Source: Author's calculations of Census data			

Figure 18



As clearly shown in Figure 18, effort appears to be highest in the northern portion of the region, which, of course, also experiences the highest ESR fulfillment values. Aside from eastern Kentucky, central Appalachia does not perform as poorly with regard to ESR effort as it does with ESR fulfillment. Rankings of the Appalachian portions of states will be provided in the following discussion.

Figure 19



The divide between the northern and southern portions of the U.S. still exists with regard to ESR effort, though it appears, perhaps, not as stark as the divide found with ESR fulfillment. Interestingly, the Northeast megalopolis does not perform nearly as well with regard to effort as pure fulfillment. While Maine lacked in ESR fulfillment compared to the rest of the Northeast, the state now stands out in the region for its strong effort performance, as does much of the Midwest and Utah.

Table 24 displays actual and predicted values, as well as residuals, across Appalachia for Version 2 of the ESR index. Figure 20 below maps residuals across the region, and Figure 21 does the same for the contiguous United States. Patterns on both the regional and national level appear quite similar for both versions of the ESR index.

Table 24

ESR Fulfillment as a Function of Available Resources

ESR Index Version 2

Region	***Actual***	***Predicted***	***Residual***
Appalachian Alabama	39.47	43.67	-4.20
Appalachian Georgia	39.41	44.42	-5.00
Appalachian Kentucky	27.79	33.30	-5.51
Appalachian Maryland	45.70	44.76	0.94
Appalachian Mississippi	30.22	34.39	-4.17
Appalachian New York	45.50	42.59	2.91
Appalachian North Carolina	37.71	42.41	-4.70
Appalachian Ohio	40.22	39.30	0.92
Appalachian Pennsylvania	47.59	44.38	3.21
Appalachian South Carolina	38.10	42.96	-4.86
Appalachian Tennessee	38.44	41.36	-2.93
Appalachian Virginia	35.08	38.32	-3.24
Appalachian West Virginia	37.50	39.74	-2.25
Appalachia	40.11	42.10	-1.99
Non-Appalachian Portions of ARC States Above	43.86	49.79	-5.92
Rest of country (outside of Appalachia)	42.85	49.03	-6.18
United States	42.61	48.51	-5.90

Source: Author's calculations of Census data

Figure 20

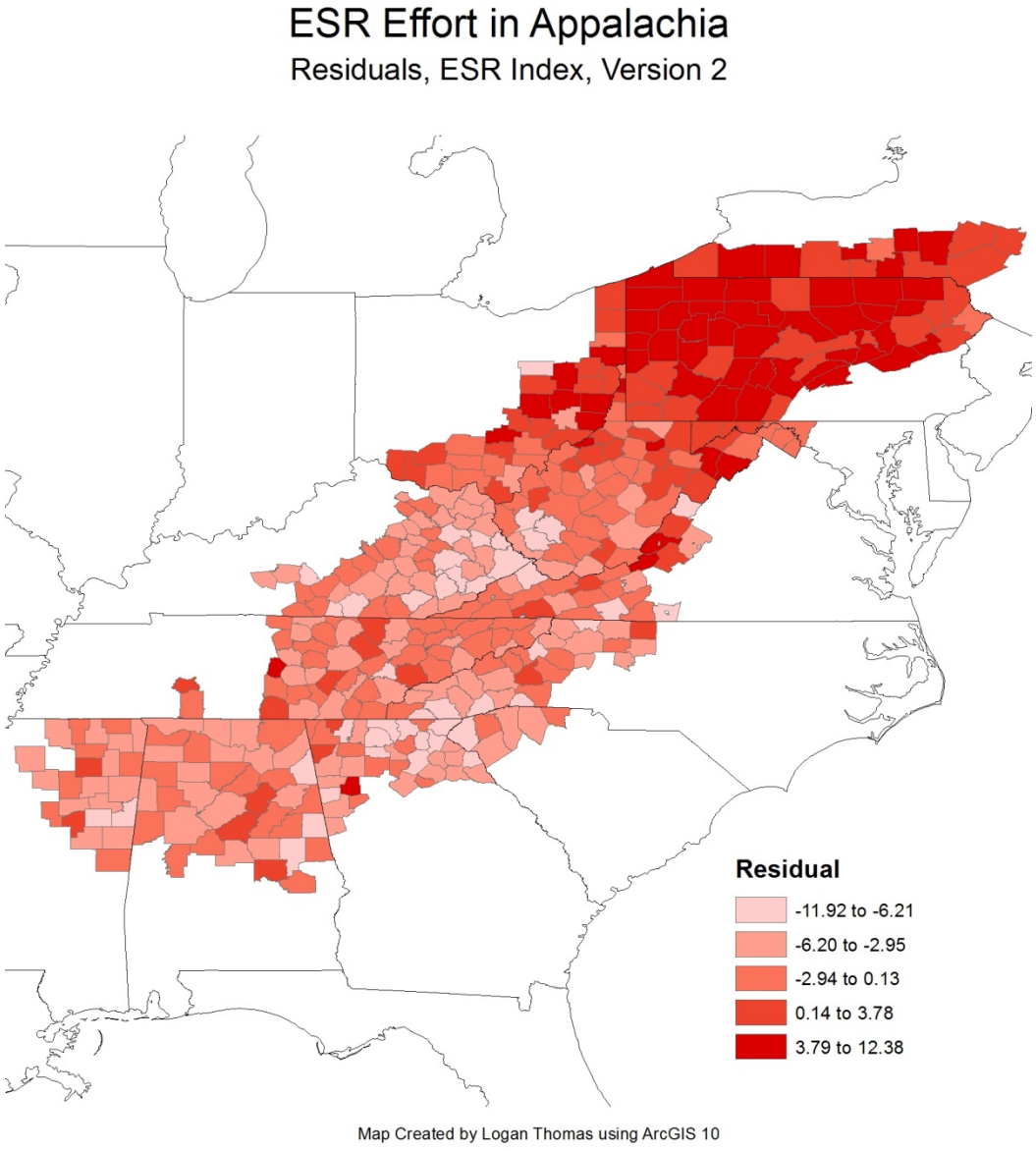

ESR Effort in Appalachia
Residuals, ESR Index, Version 2
Residual
-11.92 to -6.21
-6.20 to -2.95
-2.94 to 0.13
0.14 to 3.78
3.79 to 12.38
Map Created by Logan Thomas using ArcGIS 10

Figure 21

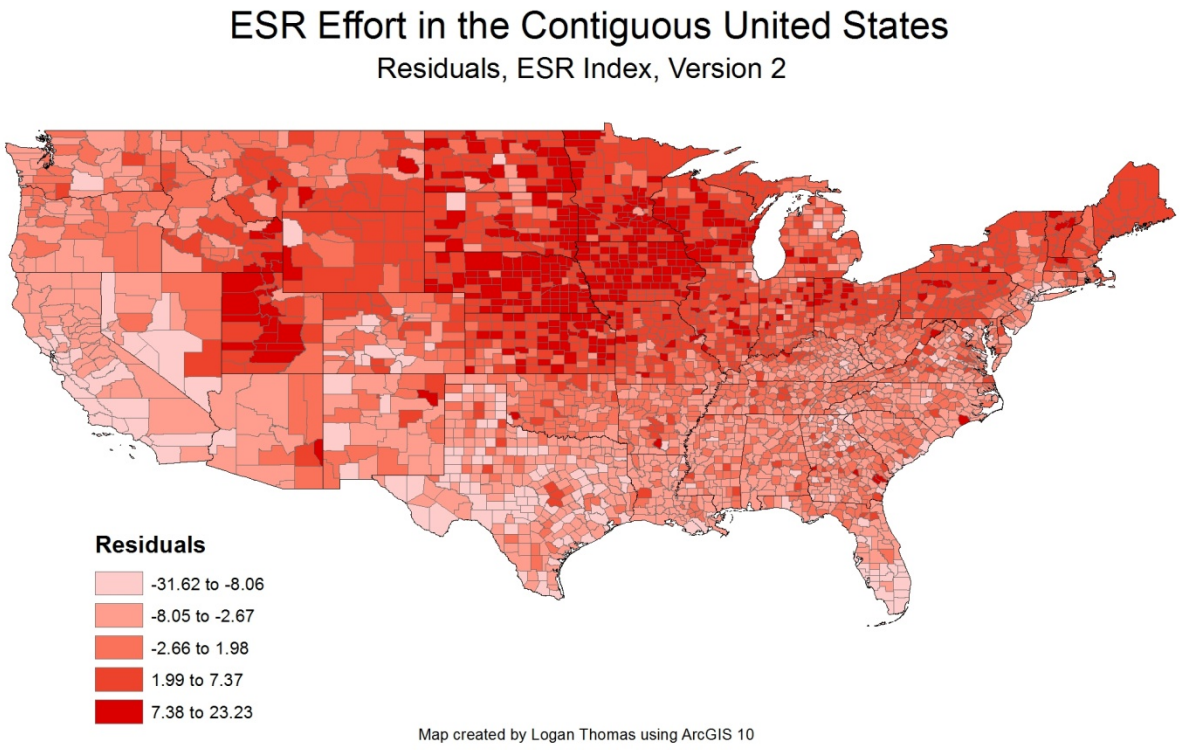

ESR Effort in the Contiguous United States
Residuals, ESR Index, Version 2
Residuals
-31.62 to -8.06
-8.05 to -2.67
-2.66 to 1.98
1.99 to 7.37
7.38 to 23.23
Map created by Logan Thomas using ArcGIS 10

Table 25 then ranks the Appalachian portions of states based upon residuals, with the highest positive residual earning the highest ranking, and then the lowest negative residual earning the lowest ranking.

Table 25

ESR Fulfillment as a Function of Available Resources

Residual Rankings

Region	***Version 1***	***Version 2***
Appalachian Alabama	8	9
Appalachian Georgia	11	12
Appalachian Kentucky	13	13
Appalachian Maryland	4	3
Appalachian Mississippi	12	8
Appalachian New York	2	2
Appalachian North Carolina	9	10
Appalachian Ohio	3	4
Appalachian Pennsylvania	1	1
Appalachian South Carolina	10	11
Appalachian Tennessee	6	6
Appalachian Virginia	7	7
Appalachian West Virginia	5	5

Table 26 displays the above residual rankings next to each Appalachian portion's rankings in terms of absolute ESR fulfillment (originally found in Table 18 and Table 19). Perhaps the most noticeable rankings are those belonging to Appalachian Kentucky (13th in the rankings of both versions of the ESR Index, as well as 13th in effort for both) and Appalachian Pennsylvania (1st in both versions of the ESR Index, as well as 1st in effort for both).

Though the southern states were noted for their average to slightly above average performance in ESR fulfillment in the preceding section, effort rankings in the southern portion of Appalachia are quite poor. Appalachian Alabama (5th in ESR Fulfillment in Version 1 and 8th in Effort, and 5th in ESR Fulfillment in Version 2 and 9th in effort), Appalachian Georgia (6th and 11th, and 6th and 12th), Appalachian Mississippi (12th and 12th, and 12th and 8th), and Appalachian

South Carolina (8th and 10th, and 8th and 11th) all perform well below average in effort rankings. Meanwhile, Central Appalachia, save for the aforementioned Kentucky, performs well in terms of effort. Though effort scores for Appalachian North Carolina (9th and 9th, and 9th and 10th) are below average like the state's ESR Fulfillment values, Appalachian Tennessee (7th and 6th in both), Appalachian Virginia (11th and 7th in both), and Appalachian West Virginia (10th and 5th in both) all receive higher effort rankings than ESR fulfillment scores. Lastly, northern Appalachia performs well in terms of both ESR fulfillment, as noted previously, and effort, with Appalachian Maryland (2nd and 4th, and 2nd and 3rd), Appalachian New York (3rd and 2nd in both), and Appalachian Ohio (4th and 3rd, and 4th and 4th) all joining Appalachian Pennsylvania near the top of the rankings.

Table 26

ESR Fulfillment and Government Effort

Rankings	**Version 1**		**Version 2**	
Region	***ESR Fulfillment***	***Residual/Effort***	***ESR Fulfillment***	***Residual/Effort***
Appalachian Alabama	5	8	5	9
Appalachian Georgia	6	11	6	12
Appalachian Kentucky	13	13	13	13
Appalachian Maryland	2	4	2	3
Appalachian Mississippi	12	12	12	8
Appalachian New York	3	2	3	2
Appalachian North Carolina	9	9	9	10
Appalachian Ohio	4	3	4	4
Appalachian Pennsylvania	1	1	1	1
Appalachian South Carolina	8	10	8	11
Appalachian Tennessee	7	6	7	6
Appalachian Virginia	11	7	11	7
Appalachian West Virginia	10	5	10	5

4. Discussion and Conclusion

The preceding section clearly indicates the underdevelopment – in terms of ESR fulfillment – of Appalachia when viewed in comparison to the rest of the United States. Of the ten indicators utilized in this study to represent five ESR, the regions performs worse than the national average in the following: (1) percentage of population 25+ earning a HS degree or higher, (2) percentage of housing units lacking complete plumbing facilities, (3) percentage of occupied housing units with no telephone service available, (4) unemployment rate, (5) labor force participation rate, and (6) poverty rate of all people. Also, available resources in the region – as measured by per capita income – are much lower than the national average. Both versions of the ESR developed in this research indicate that in terms of total ESR fulfillment, the region lags behind the national average. However, when available resources are taken into account and government effort to fulfill ESR is measured, the region as a whole performs better than the U.S. in its totality, though it should be noted that both residuals are negative, indicating a lack of effort on behalf of both the region and the country.

ESR fulfillment within Appalachia takes on a distinct pattern: high levels of fulfillment in the northern portion of the region, low levels in the southern portion, and extremely low levels throughout most of the central region. Eastern Kentucky, West Virginia, and the western parts of Virginia experience very poor performance in terms of ESR fulfillment. Appalachian Kentucky, it can reasonably be said, is far and away the worst performer, with only Appalachian Mississippi coming close to matching the low levels experienced in much of eastern Kentucky.

In terms of effort, however, the region produces a slightly different pattern. The Appalachian portions of the four northern states (Maryland, New York, Ohio, and Pennsylvania) have the only positive residuals in the region, indicating strong effort to fulfill ESR on behalf of

the respective states' governments. Whereas most of central Appalachia was considered in the bottom tier in terms of strict ESR fulfillment, the states comprising the central part of the region actually produce generally better effort scores than those states in southern Appalachia. Appalachian Kentucky remains the poorest performer, but both Virginia and West Virginia are considered to be in the middle tier in terms of effort. Interestingly – though perhaps not surprisingly – generally liberal states are those that perform well in both terms of ESR fulfillment and effort. For instance, just five states within Appalachia voted in favor of President Obama in the 2012 presidential election: Maryland, New York, Ohio, Pennsylvania, and Virginia (Federal Election Commission 2012). The Appalachian portions of those first four states, of course, are the strongest performers in this study.

At the national level, a similar north-south divide exists both in terms of ESR fulfillment and effort, with high levels in the north and lower levels in the south. In terms of strict ESR fulfillment, metropolitan regions stick out throughout the country for strong performances, though not nearly as much in terms of effort. Future research efforts may focus on the patterns of ESR fulfillment and effort at the county level throughout the entire country. Additionally, variables may be added to the regression analysis to both (1) better measure a county's available resources, as well as (2) better understand what factors influence ESR fulfillment and effort. For instance, regarding the latter suggestion, voting histories of the counties may be incorporated to measure the political leaning and determine whether a liberal/conservative divide is more than simple, apparent correlation.

By incorporating the human rights framework into this study, a heretofore unexplored approach to well-being in Appalachia has been introduced. Not only does the human rights framework provide for clear, more detailed analysis, but it also offers justifications for the

subject material. It is hoped, then, that this thesis serves as merely a starting point for which to explore human rights and well-being throughout the United States, and in particular, in poor, underdeveloped regions such as Appalachia. As the results indicate, much work remains to be done.

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