

Book Review

The Global New Deal, *by* William F. Felice

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The table of contents of William Felice's *The Global New Deal*¹ reads like a human rights activist's list of world problems. Felice tackles the lack of social and economic rights, problems of race and gender inequalities, excessive military spending, and environmental degradation. Then, as the title suggests, he offers large-scale international solutions, a "Global New Deal" inspired by Roosevelt's efforts in the Depression.² Felice's perspective is that of a teacher confronted with a skeptical student, one who feels that little can be done to change the world in the face of the current system of international governance. When small-scale good deeds, "volunteerism and charity," fail to sufficiently address world problems, he responds pointedly: "So let me scream out: There are alternatives!"³ The alternatives he gives include strengthening existing international agencies involved in global development and creating several new international funds and agencies related to development goals.⁴ His framework of strengthened international cooperation presents large development goals as both doable and practical.⁵

Felice sets his policy program in the framework of human rights, but his broader argument appeals to economics: economic rights constitute global public goods.⁶ Public health, education, and other economic rights provide benefits that flow beyond national borders. Given the potential positive externalities, individual nations are failing to provide these benefits at a globally efficient level.⁷ "[I]nternational organization and cooperation," through a more powerful United Nations and other reforms, are then justified.⁸ Felice proposes that such reforms, capitalizing on the interlocking incentives of the rich and poor, are both "realistic and

1. WILLIAM F. FELICE, *THE GLOBAL NEW DEAL* (2d ed. 2010).

2. *Id.* at 23.

3. *Id.* at 16.

4. *Id.* at 258.

5. *Id.* at 259.

6. *Id.* at 60-72.

7. *Id.* at 42.

8. *Id.* at 25.

doable.”⁹ In this way, the work invokes something of the spirit of Jeffrey Sachs’s *The End of Poverty*, which addresses similarly sweeping problems and solutions.¹⁰

This “big push” idea in development has been subject to criticism. For example, as William Easterly consistently preaches, “[t]he promise of a big solution to a very big problem is an outlier in the practice of economics.”¹¹ In contrast to what Easterly might describe as Felice’s project of “setting utopian goals,” Easterly’s “piecemeal” approach to development would involve a series of smaller, less globally ambitious projects,¹² more akin to the “volunteerism and charity” that Felice insists is insufficient for confronting global problems.¹³ While scholars may debate the effectiveness of various development methods, these contrasting approaches may not be mutually exclusive. Indeed, while Felice focuses on the UN, he applauds the efforts of the smaller NGOs that have participated actively with the UN on development issues.¹⁴ The success of the Global New Deal depends on both international action and local support.¹⁵

Felice’s New Deal is centered on the provision of economic human rights, rights which themselves arise in response to development.¹⁶ At our current stage in history, the UN recognizes a broad class of material concerns as human rights. This broad class can be broken down into *economic* rights, such as the right to property and social security, and *social* rights, to education, housing, and welfare.¹⁷ The 160 parties to the UN’s International Covenant on Economic, Social, and Cultural Rights (ICESCR) ascribe to these statements of economic and social human rights.¹⁸ In contrast, U.S. presidents have viewed the provisions of the treaty simply as goals to be worked toward,¹⁹ or have even attempted to “define ‘economic rights out of existence.’”²⁰ As of 2011, the United States has not ratified the ICESCR.²¹

Economic rights are fundamental, according to Felice, perhaps not because of philosophical bases, but rather due to their economic

9. *Id.* at 259.

10. JEFFREY D. SACHS, *THE END OF POVERTY: ECONOMIC POSSIBILITIES FOR OUR TIME* (2005).

11. William Easterly, *The Big Push Déjà Vu: A Review of Jeffrey Sachs’s The End of Poverty: Economic Possibilities for Our Times*, 44 J. ECON. LIT. 96, 98 (2006).

12. *Id.* at 103-04.

13. FELICE, *supra* note 1, at 16.

14. *Id.* at 286.

15. *Id.* at 286-87.

16. *Id.* at 75.

17. *Id.* at 2.

18. International Covenant on Economic, Social, and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 [hereinafter ICESCR].

19. FELICE, *supra* note 1, at 237 (describing President Carter’s policy).

20. *Id.* at 238 (quoting Phillip Alston, *U.S. Ratification of the Covenant on Economic, Social, and Cultural Rights: The Need for an Entirely New Strategy*, 84 AM. J. INT’L L. 365 (1990)) (describing President Regan’s policy).

21. *Status of Treaties: International Covenant on Economic, Social and Cultural Rights*, UNITED NATIONS TREATY SERVICE (Apr. 12, 2011, 6:53 AM), http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en.

consequences. Social rights form a global public good, a good from which positive externalities extend past national borders. An innovating, educated public spreads its benefits around the world.²² Clean air, water, and biodiversity are common resources that cross national borders.²³ As disease can spread globally, public health in any country benefits the world as a whole.²⁴ Secure housing would decrease the number of “economic immigrants fleeing insecure conditions” which would “benefit other countries, without rivalry or exclusion.”²⁵

Apart from economic justifications for social rights, a legal positivist finds evidence of rights in the fact that states have enshrined them by treaty.²⁶ For example, the ICESCR defines economic rights for its party nations.²⁷ The U.N. Convention on the Rights of the Child includes a right to health care,²⁸ an adequate standard of living,²⁹ and education.³⁰ The U.N. Universal Declaration of Human Rights states a right to social security,³¹ an adequate standard of living,³² and education.³³

Fulfilling economic and social rights, and receiving the international benefits that flow from them, requires action by a state. These affirmative rights contrast with passive or permissive rights, which only require non-action, such as in allowing freedom of assembly or freedom of the press. For affirmative social rights, the ICESCR specifies how much action should be taken. Parties to the ICESCR have an obligation to provide economic necessities (food, education, housing, social security, etc.) by taking “all appropriate means and [using] the maximum available resources.”³⁴ Although states ultimately have responsibility for compliance with their treaty obligations, Felice discusses methods by which international enforcement could become more of a reality.³⁵

Felice then discusses economic and social rights in the context of several related international issues: the environment, race and gender, and military spending. Human rights and development are often seen as conflicting with environmental protection: economic development pressures the environment, and emphasizing long-term environmental issues may distract from human rights needs.³⁶ Felice, however, views “environmental protection as a vehicle for the fulfillment of human

22. FELICE, *supra* note 1, at 62.

23. *Id.* at 64.

24. *Id.* at 68.

25. *Id.* at 72.

26. *Id.* at 77.

27. ICESCR, *supra* note 18.

28. Convention on the Rights of the Child art. 24, Nov. 20, 1989, 1577 U.N.T.S. 3.

29. *Id.* art. 27.

30. *Id.* art. 28.

31. Universal Declaration of Human Rights, G.A. Res. 217(III)A, art 22, at 71, U.N. Doc. A/Res/217(III) (Dec. 10, 1948).

32. *Id.* art. 25.

33. *Id.* art. 26.

34. FELICE, *supra* note 1, at 80.

35. *Id.* at 101-07.

36. *Id.* at 129.

rights."³⁷ Though human rights treaties generally omit references to a right to a healthy environment, exceptions include the African Charter on Human and Peoples' Rights and the San Salvador Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights.³⁸ In addition to these sources, Felice appeals to "soft" international law: actions by states that, though not law, have some consequence beyond simple assertion of will.³⁹ For instance, the U.N. Charter of Economic Rights and Duties of States calls for "[t]he protection, preservation and enhancement of the environment."⁴⁰ Policy-wise, Felice supports Dan Esty's proposal that these concepts be strengthened with a World Environmental Organization, similar to the WTO.⁴¹

Felice confronts the additional challenge of delivering social rights to potentially marginalized members of society, such as minorities and women. Parties to the International Convention on the Elimination of All Forms of Racial Discrimination agree to give minorities equality before the law regarding economic rights such as education, health care, and housing.⁴² The ICESCR forbids discrimination on account of sex,⁴³ and gives protection to mothers before and after childbirth.⁴⁴ Felice proposes that women and minority rights be strengthened by reforming United Nations committees. The U.N. Minority Rights Committee has need of a larger staff devoted to its work and a greater level of professionalism in its operations,⁴⁵ and the U.N. Women's Rights Committee can increase its focus on education and health care.⁴⁶

The final policy area Felice considers is the role of military spending on economic and social rights. Heavy military spending necessitates a tradeoff with domestic spending that might go towards education, health care, and housing. Felice points to the United States as an egregious offender in the realm of excessive military expense, comprising 41.5% of all global military spending,⁴⁷ with billions of U.S. taxpayer dollars supporting the international weapons trade.⁴⁸ Yet, especially given the liberal classification of global public goods earlier in the book,⁴⁹ one might consider the public good aspect of U.S. military spending. For instance, as Eyal Benvenisti writes:

37. *Id.*

38. *Id.* at 130.

39. *Id.* at 132.

40. G.A. Res. 3281 (XXIX), ch. 3 art. 30, A/RES/29/3281 (Dec. 12, 1974).

41. FELICE, *supra* note 1, at 268-72.

42. International Convention on the Elimination of All Forms of Racial Discrimination, *opened for signature* Mar. 7, 1966, S. Exec. Doc. C, 95-2, 660 U.N.T.S. 195.

43. ICESCR, *supra* note 18, art. 2.2.

44. *Id.* art. 10.

45. FELICE, *supra* note 1, at 173-76.

46. *Id.* at 274-77.

47. *Id.* at 209.

48. *Id.* at 228.

49. *See id.* at 27-72.

The US has a strong motivation, coupled with reasonably sufficient military strength, to maintain global stability. This serves both its own interests and the interests of many other communities, certainly in the developed world, but also of many developing societies. This global stability constitutes what economists call a “pure public good.”⁵⁰

This example highlights one area where readers may benefit from reading beyond *The Global New Deal*. For instance, when speaking of solutions to racial disparities, Felice states that “[t]he costliness or burdensome nature of such actions cannot be used as an excuse for inaction.”⁵¹ Cost should not be used as an excuse for inaction, but weighing of costs, and the evaluation of empirical evidence, is constantly needed in development.⁵² Otherwise, the risk is ineffectual intervention, or intervention that causes more harm than good. For example, when discussing the use of experimental evaluation of development programs in the context of education, Banerjee and Duflo state that “it is clear that some [interventions] are much cheaper than others. . . . [T]he cost per extra year of education induced ranges from \$3.25 to more than \$200. . . . Moreover, it became clear that economists were not the only people clueless [about costs and benefits]; implementing organizations were not much better informed.”⁵³

It remains to be seen whether Felice’s proposals are “realistic and doable,”⁵⁴ and whether the international community can fully address the deep issues raised in his work. While Felice goes beyond much of the human rights literature in offering an economic rationale for intervention in social rights, the book is lighter on the economics or empirics that will underlie the proposal. The book works well, however, as an introduction to global problems and the international agencies combating them. And, as Felice’s central tenet holds, if improved public health, education, and standards of living across the world result from such international aid, the ensuing international public goods will benefit rich and poor alike. Felice’s enthusiasm for the topic and the hope he brings to progress on deep international issues is infectious. *The Global New Deal* is an excellent overview of global problems and the potential of the future.

50. See Eyal Benvenisti, *The US and the Use of Force: Double-edged Hegemony and the Management of Global Emergencies*, 15 EUR. J. INT’L L. 677, 681 (2004). Benvenisti also points out that unilateral action can lead to global instability. *Id.*

51. FELICE, *supra* note 1, at 163.

52. See, e.g., Abhijit V. Banerjee & Esther Duflo, *The Experimental Approach to Development Economics*, 1 ANN. REV. ECON. 151 (2009).

53. *Id.* at 153. Peter Uvin believes that “Rwanda is an extreme example of this failure of development aid.” He “faced many unanswered questions about the role of the whole enterprise: its manifest incapacity to promote genuine improvements in the quality of life for the vast majority of the poor; its top-down, external nature; and its interaction with the forces of exclusion, oppression, and powerlessness” PETER UVIN, *AIDING VIOLENCE: THE DEVELOPMENT ENTERPRISE IN RWANDA* 5 (1998).

54. FELICE, *supra* note 1, at 259.