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Mark Paul, *The Ends of Freedom: Reclaiming America's Lost Promise of Economic Rights* **(University of Chicago Press, 2023).**

Mark Paul's *The Ends of Freedom* is a timely work of political economy, marshaling Franklin D. Roosevelt's early vision of an economic bill of rights in support of six foundational guarantees: the right to a good job, the right to education, the right to housing, the right to health care, the right to a basic income and banking, and the right to a healthy environment. Moving between historical sources and current policy proposals, the book uses one to support the other, with American political traditions proving the plausibility of present proposals, and with present concerns necessitating a relearning about a forgotten past. As Paul notes, the US is one of the richest nations ever to exist, and yet 65 million of its over 340 million people live near or below the poverty line, and pervasive racial inequalities exist regarding access to housing, health care, and food. This book engages the discourse of freedom and rights as a political and economic tool to address this imbalance, suggesting that rights can offer both a floor for security as well as a ceiling on excess political and economic power.

In referencing the framework of rights, Paul's opening chapters revive past American wisdom learned from crises, including the Great Depression, World War II, and the Great Recession; these inform his discussion of the crises connected with COVID-19, and our climate-challenged present. Paul also reaches for earlier American conceptions of freedom—in the Declaration of Independence, in Thomas Paine and Alexander Hamilton's contributions, and in the early state constitutions, such as Massachusetts's, as well as in the later poor peoples' campaign undertaken by Martin Luther King Jr. and the civil rights movement.[1] Subsequent economic bills of rights are presented as contrasts to American traditions—Paul explores Ronald Reagan's changing emphasis on the freedom to work, minimal taxation, freedom of property, and freedom to participate in a free market as an appropriation and capture of these ideas. Recent historical examinations of the rise of the ideas of Hayek and Friedman, the Mont Pelerin Society, and the birth and expansion of neoliberalism are all discussed in the first part of the book. The middle chapters canvas each of the six rights in detail, and the final chapter attempts to address the question of how such rights are paid for. Here, Paul doubles down on a Keynesian distinction between the constraints of "real resources" (listing "supply constraints" such as raw materials and operational limits) and the fiscal and monetary scarcities that can be addressed with policy ideas, such as tax reform, income caps, and price controls.

Paul's economic rights framing arrives at a moment in which the neoliberal commitments to market freedoms are under great pressure, and being reimagined by both the right and the left. It is likely to appeal to a wide American audience, going to the heart, as it does, of "American" ideals. Yet that audience is not bounded by American experiments, and this review, while commending the book's ambition, points to areas that would strengthen Paul's claims.

First, Paul's book does not address the international and comparative context in which rights claims are made. While it begins with an international assessment of the US (quoting the dire report by the United Nations Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, after a 2017 fact-finding tour to the US), its sights remain steadfastly internal to America. This misses the comparative and international picture that was part of FDR's vision. For example, when FDR articulated his "Second Bill of Rights," he was giving voice to an aspiration that was internationally informed and international in design. Indeed, scholars have sought to explore this insight for the

[1] For a similar argument, see Emily Zackin, *Looking for Rights in All the Wrong Places* (Princeton University Press, 2013).

constitutions being drafted across the postwar world, including after the end of the Cold War.[2] Cass Sunstein's *The Second Bill of Rights* made a version of this argument,[3] but the comparative legal scholarship produced in the two decades since—examining how policymakers, advocates, and courts in South Africa, Colombia, India, and elsewhere have actually engaged with a constitutionalized economic and social (and civil and political) bill of rights[4]—represents a body of learning, and broader case studies of "freedom" and economic rights, that Paul largely sets aside.

That learning is important for thinking through how America's "lost promise" can bolster, or detract from, the freedoms experienced abroad. So too is it important for thinking about a purely domestic form of freedom, in light of the enforcement challenges that appear inevitable in "American" versions of rights. In the US, debates around economic and social rights have largely occurred under the assumption that there are no rights without remedies, and that rights only find their footing in powerful domestic courts.[5] Critics from the left, in particular, have been skeptical of the "judicialization of politics" that can result. Again, the comparative version of rights-based legalism looks very different. Courts are not necessarily "juristocratic" in this picture, and can act creatively in relation to remedies; so too can parliamentary or legislative committees, or so-called "fourth branch" institutions, take a role.[6] These comparative insights are not necessarily integral to a study in political economy. That said, they do much to dispel some longstanding American objections against such rights, and must be integrated into any research agenda on legalizing these guarantees within the US.

Second, the international picture also shows how economic and social rights have expanded in recent decades, none perhaps more so than the human right to a clean and healthy environment. Such a right, recognized by the General Assembly in 2022 with over one hundred states voting in favor, has been constitutionalized or legislated in a range of these states. Paul creatively imagines what this version of freedom looks like, by closing his analysis of the six rights with a dedicated chapter on the right to a healthy environment, drawing on examples from the 2018 Green New Deal and other US initiatives. But similar developments internationally help inform this vision, not only in movement strategies and litigation, particularly around climate issues, but also in changing the scope and content of all rights. "Freedom" must now be defined according to planetary boundaries, according to many scholars and movements.[7] One of Paul's examples comes from the Civilian Climate Corps, which instantiates both a job guarantee and climate mitigation and adaptation work (130–31). But many other examples that Paul offers, such as the right to a home, seem to have omitted such learning. These planetary boundaries inform the examples of urban and house design that Paul examines, but they might also extend to other forms of freedom tested by the world's changing climate, such as the US policies that require revisiting in light of mass displacements from extreme weather events and more slow-moving changes.[8]

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[2] See, for example, Young, Katharine G. 2012. *Constituting Economic and Social Rights*. Oxford University Press.
[3] Sunstein, Cass. 2004. *The Second Bill of Rights: FDR's Unfinished Revolution and Why We Need It More Than Ever*. Basic Books.
[4] Gauri, Varun, and Daniel Brinks, eds. 2008. *Courting Social Justice*. Cambridge University Press.
[5] For example, Cross, Frank. 2001. "The Error of Positive Rights." 48 *UCLA Law Review* 857.
[6] See chapters in Langford, Malcolm, and Katharine G. Young, eds. 2022. *The Oxford Handbook of Economic and Social Rights*. Oxford University Press.
[7] See, for example, Garavito, César Rodríguez. 2022. "Climatizing Economic and Social Rights." In *The Oxford Handbook of Economic and Social Rights*, edited by Malcolm Langford and Katharine G. Young. Oxford University Press.
[8] Samuel Moyn suggested that socioeconomic rights did not sufficiently engage with inequality; again, international experience dispels this criticism somewhat, although Paul does not fully engage this critique. Moyn, Samuel. 2018. *Not Enough: Human Rights in an Unequal World*. Harvard University Press.

Finally, there is a further comparative dimension worth pressing. Paul's emblematic rights pioneer, FDR, was also an aggrandizing executive whose (unexecuted) court-packing plan and wartime internments remind us that the political energy powering economic rights resentments or progress has often flowed through, and partly depended on, institutional norm-breaking. The parallel today is pointed. Hungary's 2011 Fundamental Law contains an extensive catalogue of (conditioned) economic rights, entrenched through supermajoritarian revision and coexisting with systematic dismantling of judicial independence and press freedom. Viktor Orbán's sixteen years in power ended in 2026, and yet he is not the only contemporary leader seeking to reshape understandings of fundamental rights.[9] A book about economic rights for our current political moment should grapple with the risk of weaponizing them, with great implications for all rights, including civil and political rights. As with the climate study, far more thought needs also to be put into how the assumptions around equality (including gender, race, citizenship, and other categorizations) can be simultaneously retrenched and co-opted by rights discourse.

None of this diminishes what Paul has accomplished. *The Ends of Freedom* is a serious work that fills a genuine gap in the American political economy literature. Its integrated treatment of six economic and social rights provides a usable template for advocacy and further scholarship. Its "greening" of the FDR tradition points toward important further policy and movement visions. And its recovery of that tradition, at a moment when it is being selectively invoked and distorted by illiberal movements worldwide, makes it a valuable and urgent contribution.

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[9] See Landau, David. 2013. "Abusive Constitutionalism." 47 *UC Davis Law Review* 189. On Hungary's 2011 Fundamental Law, see Scheppele, Kim Lane. 2013. "The Rule of Law and the Frankenstate," 26 *Governance* 559. On implications for human rights, see de Búrca, Gráinne, and Katharine G. Young. 2023. "The (Mis)appropriation of Human Rights by the New Global Right." 21 *International Journal of Constitutional Law* 205.