

# CONTENTS

<i>Series Editors' Preface</i>	page xi
<i>Acknowledgements</i>	xiii
<i>List of Abbreviations</i>	xv
<i>Table of Cases</i>	xvii
<b>Introduction: Reasoning Indivisible Rights</b>	<b>1</b>
<b>PART I Setting the Stage</b>	<b>23</b>
<b>1 The ECHR and Socio-Economic Rights Protection</b>	<b>25</b>
1.1 The Civil and Political ECHR and the ECtHR	26
1.2 No Watertight Division	39
1.3 Socio-Economic Protection through Substantive ECHR Rights	47
Conclusion	57
<b>2 Making Sense of the ECtHR's Socio-Economic Protection</b>	<b>59</b>
2.1 The Effectiveness Thesis	62
2.2 The Indivisibility Thesis	69
2.3 An Incomplete Puzzle	77
Conclusion	86
<b>3 The Stages of Fundamental Rights Adjudication</b>	<b>88</b>
3.1 The Structure of Fundamental Rights	89
3.2 Determining the Scope of a Right	95
3.3 Reviewing the Limitation of a Right	104
Conclusion	118

<b>PART II</b>	<b>Core Rights Protection</b>	<b>119</b>
<b>4</b>	<b>Core Rights as Limits to Limitations</b>	<b>121</b>
4.1	A Traditional Understanding of Core Rights Protection	123
4.2	The <i>Wesensgehaltsgarantie</i> : Protecting the Essence of Rights	126
4.3	Absolute and Relative Core Rights Protection	130
	Conclusion	140
<b>5</b>	<b>Minimum Cores and the Scope of Fundamental Rights</b>	<b>142</b>
5.1	The ICESCR and Minimum Core Obligations	143
5.2	Core Rights and Reasonableness: The South African Debate	150
5.3	The Right to a Subsistence Minimum in Germany	170
	Conclusion	176
<b>6</b>	<b>Core Socio-Economic Content</b>	<b>177</b>
6.1	Determining Core Socio-Economic Rights	178
6.2	Minimum Core Content	184
6.3	Minimum Protection for All	192
	Conclusion	196
<b>PART III</b>	<b>Core Socio-Economic Rights and the ECtHR</b>	<b>197</b>
<b>7</b>	<b>A Core Rights Perspective for the ECtHR</b>	<b>199</b>
7.1	Core Rights Revisited	200
7.2	Minimum Core Socio-Economic Protection under the ECHR	213
7.3	Core Indicators and Proportionality Review	219
	Conclusion	231
<b>8</b>	<b>Core Socio-Economic Rights in the Case Law of the ECtHR</b>	<b>233</b>
8.1	Housing	234
8.2	Health and Health Care	251
8.3	Social Security	269
	Conclusion	290
	<b>Conclusion: Fit and Future</b>	<b>291</b>
	<i>Bibliography</i>	299
	<i>Index</i>	319