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Human Rights Institutions: Rhetoric and Efficacy

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International human rights language has swept across the landscape of contemporary world politics in a trend that began in the 1970s, picked up speed after the Cold War's end, and quickened yet again in the latter half of the 1990s. Yet, while this human rights 'talk' has fundamentally reshaped the way in which global policy elites, transnational activists, and some national leaders talk about politics and justice, actual impacts are more difficult to discern, requiring more nuance and disaggregation. Importantly, there may be substantial cross-regional variations, due to varying colonial and post-colonial histories, and different trajectories in state–society relations. In some instances, there are also important differences in tone between qualitative and quantitative researchers. While many case-study scholars tend to be rather optimistic about the potential for human rights change, statistically inclined researchers often lean towards greater caution and, in some cases, downright skepticism about the transformative potential of international human rights law and advocacy. Given that international human rights treaties, human rights reporting, democracy, and elections do not always influence state practice in expected ways, the authors call for more regionally disaggregated studies, coupled with greater efforts to combine qualitative and quantitative research techniques.

More than ever before, human rights rhetoric is sweeping across the landscape of world politics. The trend began in the 1970s, picked up speed after the Cold War ended in the late 1980s, and quickened again in the latter half of the 1990s. Despite this convergence of language, results are mixed, variable, and sometimes illusive. In this special issue of *Journal of Peace Research*, scholars examine this increase in public human rights discourse and its correlation to the behavior of states in extending better protections to their citizens. While it is clear that human rights talk has grown in a variety of venues, from the media to international treaties, it is harder to discern how, precisely, this discursive surge has influenced the actions of states and their leaders. However, there do seem to be certain models of governance that correlate to stronger human rights regimes, as scholars demonstrate here.

In this special issue, Ramos, Ron & Thoms (2007) use new data to demonstrate increased usage of the term 'human rights' by major Western media. The median use of the term by six of the world's leading media outlets rose 95% from 1986 to 2000, with some publications showing far greater increases. Similarly, Hafner-Burton & Tsutsui (2007) note the same trend in international treaties, focusing specifically on the International Covenant on

Civil and Political Rights (CCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). About 150 countries have ratified these two key human rights treaties, and the pace of ratification was on the rise throughout the latter part of the 1990s. Sikkink & Walling (2007) extend this argument to the international justice sector, documenting an unprecedented explosion in national truth commissions and human rights trials in countries that are either new or transitioning to democracy. Of the 84 such states in existence between 1979 and 2004, more than two-thirds employed some kind of transitional justice mechanism. Carey (2007: 450) makes an analogous argument for the international aid sector, noting that 'Since the early 1990s, respect for human rights has consistently appeared in policy statements by OECD donors.'

Yet, while the discursive environment has changed dramatically, it is not easy to decipher its real-world impacts. Clearly, there is some influence on the way in which international institutions, policy elites, global opinion leaders, and some mass publics talk about political realities. For example, as Ramos, Ron & Thoms (2007) show, country reporting on human rights abuses by *The Economist* and *Newsweek* is statistically associated with expert assessments of those countries' violations. Carlson & Listhaug (2007) make a similar claim for the effectiveness of public opinion in Europe and Latin America, demonstrating a robust link between citizen and international expert views of their governments' human rights behavior. Hafner-Burton & Tsutsui (2007) find that leaders of all kinds are keen to ratify human rights treaties, even when their state apparatuses are grossly abusive. And Sikkink & Walling (2007) show that many political elites and judiciaries are similarly eager to use justice mechanisms to enforce human rights.

Yet, contributors to this special issue also reveal that human rights language may not always influence actual state behavior in expected ways. Carey's (2007) study of European aid patterns, for example, finds that the European Community is mostly indifferent to countries' human rights records when handing out development assistance. Although German development aid is responsive to past records of abuse, bureaucratic inertia and other factors play a far more important overall role in European aid practices. This state of affairs, Carey suggests, bodes ill for the ability of donor states and political conditionality to positively impact global respect for human rights.

The statistical methods used in these articles often detect little behavioral change by abusive states, or any clear link to international human rights institutions and discourse. Hafner-Burton & Tsutsui (2007), for example, test the effects of treaty ratification by abusive states for decades after the date of ratification and find little or no impact over time. This finding runs counter to the expectations of theorists and activists hoping that international law and human rights advocacy can, eventually, socialize many abusive states into better behavior. Similarly, Sikkink & Walling (2007) conduct an investigation into the real-world effects of truth commissions and human rights trials and find no systematically discernable impact on state behavior. Although their detailed investigation of Latin American events clearly refutes the notion that transitional justice mechanisms trigger more conflict and democratic backsliding in that region, they are, as of yet, unable to detect any positive effects either. Their broader project on the global influences of transitional justice is still in its early stages, however, and more regionally specific research remains to be done.

What, then, does work? Many studies demonstrate a strong association between democracy and respect for human rights, and it seems likely that democratization remains essential. However, transitioning political regimes are risky, as numerous studies have associated them with higher levels of political

violence (Thoms & Ron, 2007). Moreover, democratization appears to increase some human rights violations but reduce others (Davenport, 1999). Two of the studies published here probe the democracy/autocracy binary with great sophistication, finding that the dichotomy may be less useful than commonly assumed.

Consider Davenport (2007), who explores the human rights behavior of different autocratic regimes. Although most scholars lump all autocratic regime types into a single category, Davenport carefully distinguishes between types of regimes, including personalistic, military, or one-party systems, as well as several hybrids. He finds that single-party regimes offer an alternative path to decreasing repression, creating a 'Tyrannical Peace' through a certain form of mass political inclusion. When democratic transitions are either risky or unfeasible, Davenport argues, policymakers would do well to view single-party systems as worthwhile alternatives.

Richards & Gelleny (2007) do the same for democratic elections. Although elections are often treated as undifferentiated events, these authors convincingly argue for differentiating between national and presidential polls, demonstrating that the two election types can have opposite effects and that the effects of any types of elections are lagged. Legislative elections broaden political inclusion without threatening losers with total eradication, but presidential elections often imply a rigid, winner-take-all structure that can trigger more conflict and, subsequently, more human rights abuse.

The articles appearing in this special issue thus conclude that while 'human rights' has become a popular way of discussing social justice, its effects are often difficult to pin down, or require more nuance and disaggregation. These and other notes of caution are frequently heard from quantitative researchers, whose tone appears to differ somewhat from that of some qualitative researchers.

In the qualitative tradition, notable human rights successes have been chronicled by Sikkink, whose path-breaking articles on human rights pressure in Argentina and Mexico (Sikkink, 1993), Guatemala (Martin & Sikkink, 1993), and Uruguay and Paraguay (Lutz & Sikkink, 2000) all suggested that local and international activists, in combination with improving liberal polities, could make a real difference. Sikkink was joined by Brysk (1994), who argued in a volume on Argentinian politics that ordinary citizens could successfully defy authoritarian states and reshape basic power structures. In Eastern Europe, Thomas (2001) argued, international human rights norms established through the Helsinki process played a direct role in communism's demise, creating a global stage on which Eastern European resistance could organize.

Why are the qualitative and quantitative visions so dissimilar? To start, each group views the world differently. The qualitative scholars' case studies involve close-to-the-ground scrutiny of the twists and turns in human rights behavior, giving researchers insight into the political nuts and bolts of change. In contrast, the statistical analyses that quantitative researchers use are resoundingly macroscopic; from up high, the twists may appear as minor deviations.

Many of the most prominent qualitative studies have focused on Latin America, but that region may be uniquely blessed in the post-colonial world. Most of its civil wars ended in the 1990s, its state structures are comparatively able, and regional democratization has been reasonably successful. Although US policy has undercut human rights in the region for years, the late 1980s and early 1990s witnessed important US policy changes (Sikkink, 2004). Latin America also has a longer history of legal constitutionalism than most other post-colonial regions (Ball, 2002; Lutz & Sikkink, 2000), making the notion of 'human rights' both culturally legitimate and historically embedded (Carroza, 2003).

Similar conditions do not obtain in Asia, the Middle East, and Africa, and when these regions are included in statistical models, the picture changes profoundly. As both Sikkink & Walling (2007) and Carlson & Listhaug (2007) argue in this special issue, researchers should take care to disaggregate their claims along regional lines. Asia, Africa, the Middle East, and Latin America have all experienced very different colonial and post-colonial trajectories, and Western Europe and North America differ quite dramatically from Eastern Europe and the former Soviet Union. As comparative social scientists have long noted, there is enormous cross-regional variation in patterns of state–society interaction (Centeno, 2003; Englebert, 2000; Herbst, 2000; Holsti, 1996; Migdal, 1988; Putnam, 1993). Since international human rights advocates and treaties often seek to fundamentally reshape state–society relations, it would be wrong to assume that identical efforts will play out in similar ways across world regions. Although some tools may be effective across regions, others may be irrelevant or even counterproductive. Only careful, regionally disaggregated scholarship will help address this question.

Despite all the problems that come with both qualitative and quantitative human rights research (Hafner-Burton & Ron, 2007), the articles featured in this special issue help us understand what the spread of human rights 'talk' may mean for world politics, and where some of the big challenges for efficacy loom. Activists must realize that more talk does not always mean more or better action and that the gap between compelling human rights rhetoric and meaningful political change is often sizeable. Policymakers, moreover, must see that there is more than one model for human rights reform. Democratization and elections are not the only native paths – depending on their forms and regional context, they may even not do the trick – and international treaties, courts, and commissions often fail to succeed. Scholars, meanwhile, would do well to grapple with the difference between the optimistic tone of many case studies and the more skeptical interpretation offered by many statistical analysts. The answer is not to choose one method over the other, but to design more mixed-method research models that reveal – and reconcile – both realities.

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Erratum, *Journal of Peace Research 44(2)*

In our March 2007 issue, a typesetting error occurred in the article by Kazuya Yamamoto, 'Nation-Building and Integration Policy in the Philippines', *JPR* 44(2): 195–213. On page 211, the last line in the left-hand column should have read as follows:

$$Q(t) = Q_0 * e^{(g-\alpha m)(t-t_0)}$$

The letter immediately following the equal sign was printed incorrectly. *JPR* regrets the error.