SEEING DOUBLE
Human Rights Impact through Qualitative and Quantitative Eyes

By EMILIE M. HAFNER-BURTON and JAMES RON*

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Todd Landman. 2005. *Protecting Human Rights: A Comparative Study*. Washington, D.C.: Georgetown University Press, 231 pp.
Sally Engle Merry. 2006. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press, 269 pp.
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I. Introduction

OVER the course of the past two decades the idiom of human rights has spread like wildfire across international policy arenas, reshaping the way statespersons, journalists, and scholars speak about international relations,[1] international law,[2] trade,[3] development assistance,[4]

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[1] Foot 2000.
[2] Steiner and Alston 1996.
[3] Hafner-Burton 2009.
[4] Uvin 2004; Carey 2007.

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media reporting,[5] and postconflict justice.[6] The budgets of nongovernmental human rights groups are mounting, and the list of human rights training courses grows longer by the year.[7] Rich countries increasingly include human rights machineries within their foreign policy bureaucracies,[8] and human rights agencies at the UN and in regional bodies are being reconfigured and strengthened.

Public support for human rights within the industrialized North is also widespread. In the United States, for example, a 2005 Gallup survey found 86 percent in favor of "promoting and defending human rights in other countries."[9] A survey of American and West European "opinion leaders" that same year suggested that Amnesty International's reputation was stronger than that of many leading corporations.[10] Figure 1 shows a handful of these successes, demonstrating an increase in mainstream media use of the term "human rights," growth in the number of international human rights governance organizations (IGOs), and increased reliance on human rights–related trade conditionality.[11]

The pace and extent of this rights revolution is remarkable.[12] Until the mid-1970s human rights activists were routinely excluded from global policy circles. Today the discourse on finance, security, and power increasingly shares center stage with human rights principles and institutions. Human rights have become an integral component of world culture,[13] superseding modernization theory as the dominant way of discussing social change in the developing world.[14] Rights language has diffused across global divides, infusing both Northern and Southern discussions with new terms and agendas. What, however, does all this mean for the work of transnational human rights promoters?

This global network of "principled issue" actors, we argue, is engaged in two separate campaigns.[15] The first seeks to persuade political, cultural, and economic elites worldwide that human rights principles are universal, desirable, and pragmatic; Figure 1 suggests this effort is en-

[5] Ramos et al. 2007.
[6] Bass 2000; Sikkink and Walling 2007.
[7] Rodgers 2007.
[8] Thomas 2001.
[9] Gallup 2005; based on 1008 telephone interviews with adults living in the continental United States.
[10] Edelman 2006. The survey included 1950 twenty-five-minute telephone interviews and defined "opinion leaders" as individuals aged thirty-five to sixty-four, with annual incomes of $75,000 USD (currency-adjusted) and over, college degrees, and jobs in media, business, or public policy.
[11] Ron, Ramos, and Rodgers 2005; Ramos, Ron, and Thoms 2007; Hafner-Burton 2005b; Hafner-Burton, Pevehouse, and Mansfield 2008.
[12] Ignatieff 2000.
[13] Finnemore 1996b; Meyer et al. 1997.
[14] Rajagopal 2003, 168.
[15] Keck and Sikkink 1998.

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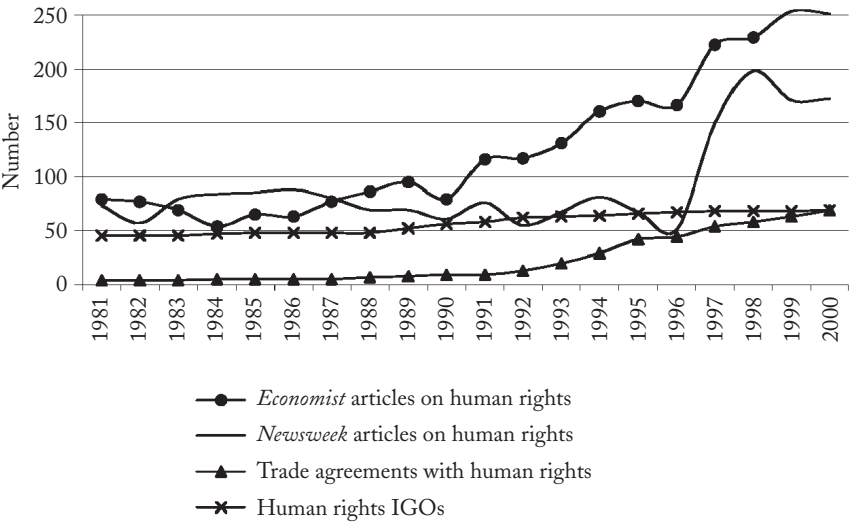


FIGURE 1
LEVEL OF HUMAN RIGHTS ACTIVITY WORLDWIDE
(1981–2000)

joying substantial success. The second task is more ambitious, seeking to translate human rights policies and language into a lasting reality. The first task requires tens of thousands of journalists, bureaucrats, and politicians to prioritize human rights language in their meetings, writings, and statements. The second is more complex, requiring tens of millions of state and parastatal agents—judges, police officers, bureaucrats, soldiers, and paramilitaries—to change their daily routines. Given well- known problems of international oversight, regulation, and enforcement, the scope of this second task seems daunting.[16]

Realists and Marxists have long wondered about the ability of international law to generate real change. Now committed human rights sympathizers are also asking tough questions, spurred on by persistent gaps between rhetorical success and empirical reality.[17] As one historian of human rights recently mused, "What if claims made in the name of universal rights are not the best way to protect people?"[18] Although such questions are anathema to the activists and scholars promoting human rights, the global ascendancy of the rights idiom demands careful scrutiny.

[16] For a review of the international legal compliance literature, see Bradford 2005.
[17] Ignatieff 1999; Kennedy 2004; Mutua 2002.
[18] Cmiel 2004.

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This kind of cautious skepticism is not new, since observers of all manner of well-intentioned international policies regularly voice concern about the real-world effects of these policies. Doubts are particularly acute in the development arena, where evidence of the positive impact of aid on growth remains elusive.[19] There is also concern about the unanticipated effects of international humanitarian aid and military intervention;[20] international postwar peace building, reconstruction, and transitional justice;[21] global health promotion;[22] and international environmental protection.[23] In some cases this skepticism is motivated by evidence of unanticipated, negative policy effects, but in other instances, the real-world magnitude of individual problems seems much greater than the available policy remedies. Thus, when skeptics voice concerns about the efficacy of international rights promotion, they are joining the ranks of a much broader critical policy community.

There is little doubt that international human rights promotion helps some people some of the time. Our question, however, is this: can international human rights instruments consistently produce positive results worldwide, and can they make a difference when needed most?

The answer is contested by empirical scholars of human rights working within the international relations tradition, and it seems that opinions are shaped, at least in part, by the choice of research method. Those working in the more established case study tradition tend toward greater optimism, while those working in the newer quantitative genre are more skeptical. There are exceptions, and with time and more mixed-method research, the two communities are likely to converge. Still, these methodologically induced differences are real, and they mirror broader fissures within the social sciences. Indeed, the gap between qualitative and quantitative researchers is so wide that many liken it to a religious or cultural divide. Each tradition has its own rhetorical style, logic, notions of causality, and techniques for case selection, and each views the other with skepticism.[24] We thus write in a spirit of explanation and reconciliation, seeking to help interested scholars think carefully about the Other's techniques and conclusions.[25]

We highlight the eights books listed on the masthead because of their timeliness, excellence, interdisciplinary nature, and varied research

[19] Easterly 2006; Rajan and Subramanian 2005.
[20] Belloni 2007; Kuperman 2008; Weinstein 1995.
[21] Brahm 2006; Paris 2004.
[22] Garrett 2007.
[23] Victor 2001.
[24] Mahoney and Goertz 2006.
[25] The Mahoney and Goertz 2006 piece appeared in a useful special issue of *Political Analysis* devoted to "Causal Complexity and Qualitative Methods."

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methods. The latter is especially important, as our chief argument here is that, to date, assessments of efforts at protecting human rights have been shaped in large part by choice of research method. The interdisciplinary nature of these contributions is also crucial; although our article focuses on the relevant international relations literature, other disciplines are making vital contributions, and IR scholars have much to learn.[26]

II. What Kind of "Human Rights"?

We focus here on personal integrity rights, which include the right to life and the inviolability of the human person. Violations of personal integrity rights include prolonged and arbitrary detention, extrajudicial killing, torture, genocide, and other severe violations of bodily integrity. As such, there tends to be broad international agreement on the universality of these rights, and they are seen by many as indispensable to human dignity and therefore as deserving of absolute protection.[27]

In recent years, the correlates of respect for personal integrity rights have been studied by a new breed of quantitative scholars. Most of these scholars draw on two key sources of cross-national data: the Political Terror Scale (PTS) and the Cingranelli and Richards Index (CIRI).[28] Both assign country-year numbers to assess state respect for personal integrity rights, and both use annual country assessments by Amnesty International and the U.S. State Department. A fair bit of the relevant qualitative research has been similarly oriented toward personal integrity rights, although the dependent variable is typically less precisely measured across cases than in the quantitative genre. Better precision in the definition of the variable, of course, increases reliability but says

[26] The books listed on the masthead come from multiple disciplines, but our concern is with their relevance to the work of IR human rights scholars. As a result, we do not speak to the books' implications for debates within anthropology, comparative politics, or the general-interest foreign policy community, all of which have vigorous, human rights–related debates.

[27] Donnelly 1989. Acute poverty is not often classified by established Western scholars as a violation of personal integrity rights, despite its obvious life-threatening properties. Intentional starvation by government actors, by contrast, would likely be included because of its intentional and official nature.

[28] Countries ranked 1 by PTS are effective at preventing personal integrity abuses; those ranked 5 do a very poor job. PTS data are culled by scholars from annual U.S. Department of State and/or Amnesty International country reports (Gastil 1980; Poe and Tate 1994; Gibney and Dalton 1996) and are available for download from http://www.unca.edu/politicalscience/images/Colloquium/faculty-staff/gibney.html. We use the State Department–based PTS scale in this article. CIRI (Cingranelli and Richards 1999) draws on similar sources for its nine-point physical integrity index, while using smaller scales for some social and economic rights. To facilitate CIRI-PTS comparisons, we inverted the original CIRI index; countries ranked 0 are highly respectful of human rights, while those ranked 8 do a very poor job. CIRI data are available for download from http://ciri.binghamton.edu/.

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little about the intrinsic validity of the measure. As a general rule, qualitative measures typically score higher on validity than their quantitative counterparts, but this often comes at the expense of reliability.[29] Different scholars, in other words, are likely to measure the qualitative variables in quite different ways, complicating efforts to compare findings across studies.

Other important human rights are not measured by PTS and CIRI, including the right to participatory government, proxied by many as democracy. The latter is tracked by two other key sources: the seven-point Freedom House political rights and civil liberties scales and the twenty-one-point Polity IV index.[30] Importantly, neither is highly correlated with PTS or CIRI, suggesting that many countries are both democratic *and* abusive (Turkey, India, Israel, and Brazil, among others, come to mind).[31] Since our interest here is in the state's actual treatment of its population rather than regime structure or political opportunities, we focus heavily on personal integrity rights, using the PTS and CIRI indexes when quantitative measures are appropriate.

Social and economic rights are also vital parts of the human rights corpus, but until now these have not been the focus of substantial empirical scholarship within the international relations tradition. This omission may well stem from North America's bias toward civil and political rights.[32] In addition, it may be shaped by the tacit division of intellectual labor between the fields of international relations and development economics, as well as by the sense among some commentators that social and economic rights are "positive rights" that should be introduced gradually. Personal integrity rights, by contrast, are vital and immediate "negative rights," and states are obliged under international treaties to immediately cease and desist from their abuse. In addition, there are still no widely agreed upon cross-national time-series measures for economic and social rights, making it hard for quantitative scholars to gain much traction.[33]

[29] Babbie and Benaquisto 2002.

[30] Freedom House data on civil and political rights are available online at http://www.freedomhouse.org/template.cfm?page=1. Polity IV democracy data are available online at http://www.cidcm.umd.edu/polity/.

[31] The correlation between democracy measures (Freedom House and Polity IV) and personal integrity rights measures (CIRI and PTS) range from -0.38 to 0.52 (perfect correlation is +/-1.0). Within each kind of measure, by contrast, the correlations are far higher: Freedom House and Polity IV are correlated at -0.91, while PTS and CIRI are correlated at -0.81.

[32] Blau and Moncada 2005.

[33] CIRI does have data for social and economic rights; its strengths and weaknesses are discussed below. Some scholars use the Human Development Index (HDI) or the Physical Quality of Life Index (PQLI) to measure respect for economic and social rights. HDI is a composite of a population's life expectancy at birth, adult literacy rate, gross enrollment ratio for primary, secondary and tertiary schools,

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III. What Does the Evidence Say?

We begin our survey with the qualitative genre, whose broadly optimistic tendencies have stimulated much international policy-making, activism, and media discussion.

Case Study Optimism

The first major human rights impact studies appeared in the early and mid-1990s and tended to focus on Latin and Central America, where vigorous local human rights actors found international support from liberals, leftists, progressive churches, and members of the U.S. Congress. Notable successes in the region were chronicled by Kathryn Sikkink, whose articles on Argentina and Mexico,[34] Argentina and Guatemala,[35] and Uruguay and Paraguay[36] all suggested that transnational activist networks could have a positive impact. In these cases, local activists bypassed oppressive governments to provide crucial information on abuses to transnational activists, who gradually prodded the Northern media to investigate, denounce, and, eventually, shame Northern governments into policy change. This boomerang process was especially effective when parts of the U.S. government grew more responsive to the activists' human rights pressures. Sikkink was joined by Brysk, among others, whose analysis of Argentinean politics suggested that ordinary citizens could use human rights principles to defy authoritarianism.[37]

The tone of these early studies was optimistic, dovetailing with a broader wave of hopeful post–cold war writing on Latin America. Although these authors were never naïve about the possibilities of human rights efforts, they all believed, to varying degrees, that positive change could be achieved through local-transnational coalitions. International human rights rhetoric, they thought, could have a real, observable impact.

Latin America's early prominence stemmed from a variety of factors, including the region's high profile in U.S. congressional debates over the links between human rights, anticommunism, and foreign policy.[38]

and GDP per capita in Purchasing Power Parity dollars. PQLI is a composite of national life expectancy at age one, adult literacy, and infant mortality. Both are problematic, however, due to missing data and because they measure socioeconomic *outcomes*, rather than government *efforts* to fulfill social and economic rights. New initiatives are under way to build new measures.

[34] Sikkink 1993.

[35] Martin and Sikkink 1993.

[36] Lutz and Sikkink 2000.

[37] Brysk 1994.

[38] Forsythe 1988; Sikkink 2004.

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Although other regions of the world were often more compelling to U.S. strategists, a vigorous network of Latin and North American activists, working with church supporters[39] and U.S. legislators, transformed U.S. policy-making in the Americas into a key political battle ground. As result, Sikkink argues, much of the Northern world's contemporary human rights policy repertoire—including nongovernmental documentation and advocacy, media "naming and shaming," treaty writing, and legislative efforts to link foreign aid to human rights performance—first originated in the U.S.–Latin American nexus.[40] This left wing of the global human rights movement emerged in the 1970s and had strong intellectual roots in Latin American liberation theology, the American civil rights movement, and in United States experiences in Vietnam.

At the same time, a parallel right-wing strand of human rights activism emerged among American neoconservatives concerned with communist abuses.[41] Some of these made common cause with Western Europeans concerned about abuses in Eastern Europe and desirous of creating a human rights–oriented European identity. As was true for the movement's left wing, synergies between its right wing and the U.S. Congress propelled communist abuses to the forefront of U.S. policy debates.

Although the left and right wings were bitter cold war rivals, they tacitly built up the idiom of human rights through cycles of debate, propelling countries that American governments *either* opposed *or* supported onto the global rights agenda.[42] Human rights leftists criticized America's authoritarian allies, rightists criticized the Soviets and other American opponents, and global newspapers covered both sides of the debate. Much of the qualitative scholarship has since moved on, to deal with regions and countries outside the direct policy orbit of the United States. Contributors to the Risse, Ropp, and Sikkink volume, for example, suggested that governments in Kenya, South Africa, Uganda, Tunisia, Morocco, Indonesia, and the Philippines were all ensnared in an international discursive "spiral" that eventually empowered local human rights groups.[43] Khagram makes a similar argument for India, focusing on the transformative power of local-transnational feedback loops.[44]

[39] Cleary 1997.
[40] Sikkink 2004.
[41] Laber 2005; Thomas 2001.
[42] Ron, Ramos, and Rodgers 2006.
[43] Risse, Ropp, and Sikkink 1999.
[44] Khagram 2004.

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But even studies of countries well off the beaten U.S. policy track have tended to search for an American policy hook, including Hertel's analysis of activism surrounding the Bangladeshi garment industry. Although generally invisible to American policymakers, Bangladesh enjoyed temporary prominence in the early 1990s due to the anti–child labor legislation spearheaded by a handful of American legislators. The Bangladeshi garment industry was then a significant exporter to the U.S., as well as a major employer of children, providing lawmakers, labor advocates, and human rights campaigners with a powerful window of opportunity.

As time went on, many qualitative studies noted important scope conditions for their claims,[45] and many explicitly recognized that human rights progress is often partial.[46] Sikkink, for example, has remained upbeat about human rights activism in Latin and Central America, while noting the movement's failure in Guatemala.[47] Human rights successes are not inevitable; some countries are better candidates than others for reform; and setbacks are always possible. The number of skeptical case studies within the international relations tradition is increasing, and the field may ultimately achieve greater balance.[48] Yet since most states today "talk the talk" of human rights even if they do not necessarily "walk the walk," many qualitative scholars remain optimistic, seeing these as discursive and political openings in even the most repressive of states. Thus, for example, Foot's remarkable study of China acknowledges that domestic implementation is weak while also demonstrating the country's increasing engagement with human rights debates at home and abroad.[49]

The early optimism of the case study genre persists and perhaps for good reason: constructivism seeks to demonstrate the relevance of norms, ideas, and activism, and one good way of doing so is to focus on instances of normative impact. In many ways, this optimism has also been bolstered by qualitative studies documenting the construction and diffusion of new norms, including Finnemore's study of humanitarianism;[50] Price's and Cameron's works on the land mine ban;[51] Finnemore

[45] Keck and Sikkink 1998, 26–29; Thomas 2001, 287; Risse, Ropp, and Sikkink 1999, 34–35.
[46] Foot 2000.
[47] Sikkink 2004.
[48] Important skeptical case studies include Ron 1997; Snyder and Ballentine 1996; and Snyder and Vinjamuri 2003–4.
[49] Foot 2000.
[50] Finnemore 1996a.
[51] Price 1998; Cameron 1998.

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and Sikkink's study of women's rights and the laws of war;[52] and Clark's account of Amnesty International's efforts against torture, disappearances, and political killings.[53] These and other related studies have been complemented by international legal scholars exploring the doctrinal details and techniques of human rights legal diffusion.[54] Although much of this work focuses on international norm *creation* rather than *implementation*, it often suggests, if only implicitly, that better practices are likely to follow. And even when scholars suggest that discursive change might be the *only* major outcome, they argue for its continued analytical importance.[55]

Indeed, the spread of rights language among activists in the global South is remarkable, as qualitative scholars such as Bob, Merry, Hertel, and others document.[56] International relations theorists often focus on state discourse, but these three key studies highlight the popularity of rights language at the activist grass roots. Social justice advocates are increasingly framing their struggles in terms of human rights, while abandoning or downplaying leftist, ethnic, or nationalist terminology. In many cases, this transformation is heartfelt and genuine; in other cases, the discursive shift may be more instrumental. Some activists find it useful to work on two levels, using rights language externally to boost international legitimacy and resources, but using other (and potentially more indigenous) terms when speaking to local constituents or allies. The intensity of this two-level game will vary across both countries and regions, depending on the extent to which the notion of "rights" is seen as legitimate.[57] In Latin America, for example, rights talk may be more broadly legitimate than in parts of Asia, Africa, or the Middle East.

Importantly, analysts should refrain from criticizing on normative grounds activists who instrumentalize rights talk; after all, they are merely responding rationally to incentives created by well-intentioned foundations, government aid agencies, and activists in the global North. As Bob, Merry, and Hertel all note after close engagement with NGOs in the global South, activists who ignore the latest international fashion risk being outstripped by their more norm-savvy counterparts. Since international attention can make or break an organization, the ability to

[52] Finnemore and Sikkink 1998.
[53] Clark 2001.
[54] Chayes and Chayes 1995; Koh 1996–97; Helfer 1999.
[55] Rajagopal 2003.
[56] Bob 2005; Hertel 2007; Merry 2006.
[57] Gurowitz 1999.

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skillfully deploy rights language may be crucial to a group's continued survival. The global diffusion of human rights, in other words, is produced both by Southern demands for justice and by Northern supplies of funds, attention, and legitimacy.

Statistical Skepticism

Statistical researchers have been more skeptical about the effects of this discursive shift, perhaps because their methods yield less clear cut evidence of behavioral change. On the whole, cross-national statisticians seem less inclined to conflate the growing human rights rhetoric, norms, and institutions with changing patterns of respect for personal integrity rights. We divide the quantitative literature into two generations of overlapping research. The first focuses on the general determinants of government respect for personal integrity rights, while the second studies the effects of efforts to promote international human rights.

First-generation researchers began their work in the 1970s and 1980s with pioneering studies that used elementary statistical techniques to cull evidence from multiple states over multiple years.[58] The first truly global analysis, however, was done in the mid-1990s by Poe and Tate.[59] Like many studies to follow, this comparison of repression across 153 countries in the 1980s found that authoritarianism, large populations, and wars were major causes of personal integrity abuse and that per capita poverty also mattered, albeit less significantly. Later research added further risk factors such as military regimes and argued that former British colonies and leftist regimes tended to be better behaved.[60] The evidence also suggested that the end of the cold war had led to major reductions in political imprisonment, although rates of torture and extrajudicial killings appeared to hold steady.[61] Weak democracies did a poor job of protecting personal integrity rights, and democracy mattered most for protecting personal integrity when domestic political institutions were strong.[62] Like other social ills such as racism, civil war, and inequality,[63] government personal integrity rights violations are path dependent, and past abuses are good predictors of future misbehavior. Incremental reform is possible, but dramatic improvements are most likely after major political upheavals.[64]

[58] McKinlay and Cohen 1975; Park 1987; Mitchell and McCormick 1988; Henderson 1991.
[59] Poe and Tate 1994.
[60] Poe, Tate, and Keith 1999.
[61] Cingranelli and Richards 1999.
[62] Davenport and Armstrong 2004.
[63] Elbadawi and Sambanis 2002; Tilly 1989; Winant 2001.
[64] Call 2002.

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The second generation of statistical cross-national research began focusing in the late 1990s on the effects of international human rights policies. Cumulatively, it suggests that more human rights policies and pressures do not reduce violations in and of themselves. Indeed, it seems that they can only affect state behavior indirectly and in conjunction with many other conditions. Different states also respond to human rights pressures in different ways, and it is often the case that more international pressure leads to contradictory policy reactions. Cardenas's statistical study of world trends in the 1990s fits squarely within this generation, showing that international human rights pressures are most closely associated with more ratification of human rights treaties but *not* with fewer government violations.[65] To work, these pressures must be applied to states absent a national security threat, where the economic interests of domestic elites are threatened by norm violations *and* where pro–human rights constituencies have broad social support. According to Cardenas: "International human rights influence cannot succeed in creating rights-protective regimes until all three conditions are satisfied. Indeed, this explains why human rights reform can take so long to achieve."[66] International human rights laws and organizations have only modest effects in only some countries, and although many governments sign on to global norms, few engage in real reform.[67] The public "naming and shaming" of abusive governments, moreover, is often followed by contradictory policy results, even though the UN, international media, and human rights NGOs do a reasonably good job of publicizing government misbehavior.[68] Governments put in the global spotlight make small improvements to some rights but carry on, or even intensify, violations of others.[69] Although most statistical researchers use time lags to measure performance over time, they still find only limited grounds for optimism.

Second-generation statistical researchers have discovered some good news but attribute most of it to particular scope conditions and domestic factors. International human rights treaties, for example, have moderately positive impacts on states that are democratizing; in these transitional systems, local human rights activists may be able to incorporate international laws and norms into emerging new institutions.[70] This scope condition is an important one, suggesting that it is the process of

[65] Cardenas 2007.
[66] Cardenas 2007, 115.
[67] Keith 1999; Hathaway 2002; Hathaway 2005.
[68] Ron, Ramos, and Rodgers 2005; Ramos, Ron, and Thoms 2007; Lebovic and Voeten 2006.
[69] Hafner-Burton 2008.
[70] Simmons 2008.

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democratic transition, rather than democracy per se, that matters most. Yet this scope condition also imposes powerful limits on international policy. By some calculations, just over fifty states have begun a democratic transition since the 1960s.[71] This suggests that only one-quarter of the world's countries *could have been helped* by international human rights laws and treaties. Ever since the new millennium, moreover, this number has fallen to fewer than two dozen, not all of which have recently abused human rights.[72] If correct, this suggests that international human rights laws are likely to help about 10 percent of the world's current population, over half of which lives in Latin America or Eastern Europe.[73] In raw numbers of course, 10 percent of the world population is a vast figure. Still, this is far from the global fix that some have hoped for. Interestingly, this cautious prognosis resonates somewhat with recent work on international development assistance, where even the most optimistic of observers acknowledge that significant portions of the world's poor will not be helped by current aid policies.[74]

Much depends on definitions, and conditions seem far more promising when we consider stable democracies such as India and Brazil as potential beneficiaries of international human rights efforts. After all, more than one-third of the world's population lives in countries that are both democratic and abusive of human rights.[75] Yet for this to be true, we would have to amend the theoretical claims of scholars such as Call, Simmons, and Moravscik, all of whom suggest that positive reforms are most likely when states are engaged in major upheavals or *transitions* to democracy, when political uncertainty creates windows of opportunity for local norm entrepreneurs.[76] Once political structures congeal, even into democracy, positive change is less likely, as India's one hundred and sixty million Dalits (Untouchables) can attest.[77]

At the margins, second-generation statistical analysts do find scope for improvement. Local activists can use international law to mobi-

[71] In her comprehensive book on the impacts of international human rights law, Simmons 2008 shows that treaties are most likely to spur improvements in states undergoing democratic transition. Simmons defines these states as those that have *ever* crossed the threshold of 7 in the Polity IV score. The Polity database, as discussed below, is a common measure of political regime type.

[72] Among the states Simmons 2008 identifies as most likely to improve human rights practices after ratifying international human rights law—the transitional ones that have crossed the threshold of 7 on the Polity IV score—only a subset abuse human rights; many already protect them reasonably well.

[73] Calculated with 2003 World Bank population data.

[74] Collier 2007.

[75] The precise figure is 36.13 percent, most of which is accounted for by India.

[76] Call 2002; Simmons 2008; Moravscik 1995; Moravscik 2000.

[77] Human Rights Watch 2007.

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lize against repression,[78] and larger civil societies and greater global interdependence are both associated with less repression.[79] Trade and investment can also reduce states' proclivity to abuse personal integrity rights,[80] and certain types of trade agreements can have small but positive effects.[81] The statistical evidence on other economic institutions, however, is mixed. Abouhard and Cingranelli, for instance, use statistics to analyze 131 developing countries from 1981 to 2003 and show that implementation of structural adjustment agreements leads to less respect for personal integrity (although, paradoxically, it is followed by some democratic reforms). Governments undergoing prolonged IMF structural adjustments have murdered, tortured, politically imprisoned, and also disappeared more of their citizens. They also, however, have better-developed democratic institutions, freer and fairer elections, and more freedom of speech and press.[82]

Overall, second-generation quantitative work expects only small policy-related improvements in specific countries. As Landman notes with wry understatement, the "limited impact of international human rights law on human rights protection should be of interest to scholars and practitioners" (p. 9). International rights promotion can help a bit when domestic conditions are right, but it rarely initiates reform on its own. Moreover, it seems to have little impact on many of those countries that need the most help, including those ruled by dictators or plagued by war.

The first-generation statistical work thus found that respect for personal integrity rights was driven by large-scale phenomena, such as democracy, peace, and economic growth, that resist easy policy manipulation. The second generation found that international human rights promoters could not, in and of themselves, dramatically alter that equation. All this differs dramatically in tone from the work of some leading qualitative studies in international relations, which suggests that international norms, activism, and laws can and do matter. Why, then, are qualitative and quantitative scholars promoting such different visions?

IV. Explaining the Divide

We suggest three main reasons for this "double vision." First, some scholars interpret the same evidence in different ways; second, prob-

[78] Hafner-Burton and Tsutsui 2005; Neumayer 2005.
[79] Landman 2005.
[80] Apodaca 2001; Richards, Gelleny, and Sacko 2001; Hafner-Burton 2005a.
[81] Hafner-Burton 2005b.
[82] Abouhard and Cingranelli 2007.

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lems of measurement and research design produce different results; and third, scholars often focus on different dependent variables and are thus talking at cross-purposes. On occasion, all three problems may be in play simultaneously.

Same Evidence, Different Interpretation

differing vantage points

Qualitative and quantitative scholars see the same empirical world from different vantage points. Case specialists are embedded in the twists and turns of local conditions, but statisticians fly high above the landscape, focusing only on the broadest of trends. Understandably, these different views yield quite different assessments.

Interpretive differences also have important implications for what scholars may realistically expect from international human rights policy. Figure 1 suggests that world conditions are improving due to the proliferation of new protection mechanisms and rights-related rhetoric. According to PTS and CIRI, however, actual trends in state repression of personal integrity rights are less promising. (Figures 2 and 4 are based on CIRI; Figures 3 and 5 are based on PTS).[83] Figures 2 and 3 suggest that the regional averages of government propensity to abuse personal integrity rights have changed little over twenty-five years and that some regions may have even witnessed negative trends. Figures 4 and 5 do the same analysis by per capita GDP, demonstrating that the hundred poorest countries have, on average, experienced few gains and that even the richest countries have experienced modest repressive increases.

There are some important caveats to consider, of course. For starters, flat or negative trend lines may stem partly from better reporting over time, more information on abuses, and more stringent coding practices. Thus, a "moderate" abuse in the 1970s may be coded in the 1990s as "severe" as standards change, although that increase in reportage is not likely to be equal for all countries. That, too, makes predicting a bias over time difficult. In addition, the PTS and CIRI data sets are something of a moving target, in that each includes more country-year information over time.

Still, it is remarkable to see how different the overall tone of Figure 1 is from that of Figures 2–5. The former depicts a world of increasing

[83] Figure 2 uses CIRI data for 152 countries in the developing world to plot regional country repression averages; Figure 3 replicates this with PTS data for 147 countries. Here, we exclude North America, Western Europe, and Oceania to economize the graphs. Figure 4 uses CIRI data on 176 countries to plot the average repression of countries ranked by per capita GDP; Figure 5 replicates this with PTS data on 166 countries.

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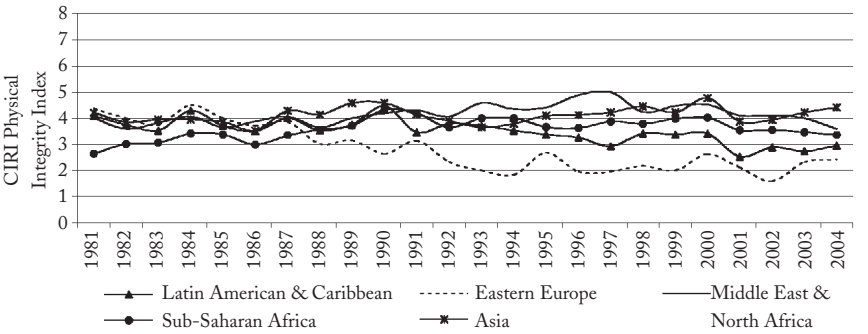


FIGURE 2
HUMAN RIGHTS RECORD BY REGION, CIRI DATA
(1981–2004)

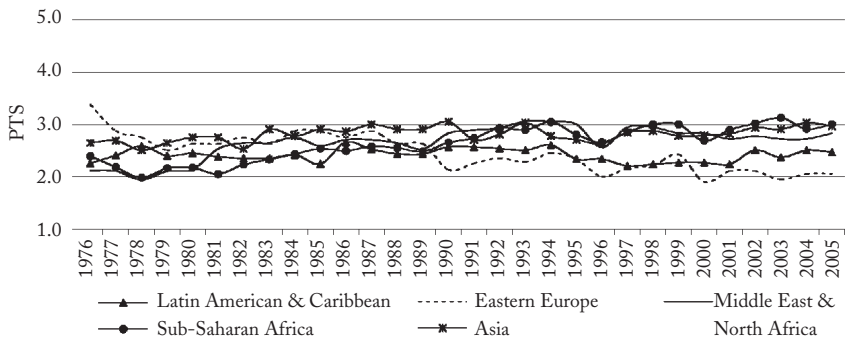


FIGURE 3
WORLD HUMAN RIGHTS RECORD BY REGION, PTS DATA
(1976–2005)

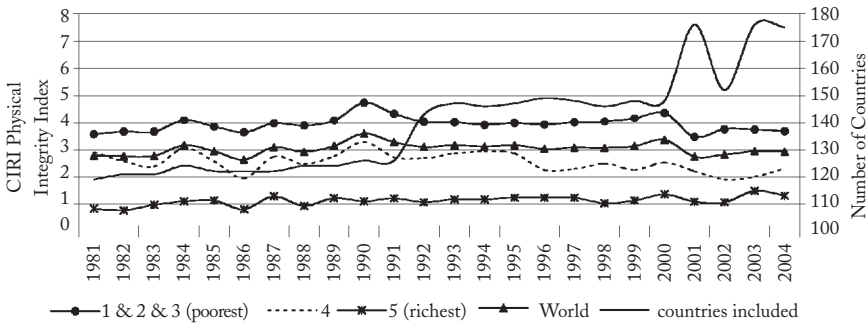


FIGURE 4
WORLD HUMAN RIGHTS RECORD BY GDP PER CAPITA QUINTILES, CIRI DATA
(1981–2004, FOR 176 COUNTRIES)

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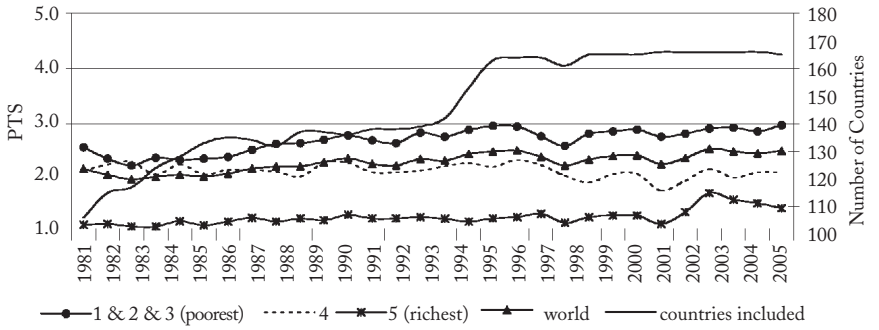


FIGURE 5
WORLD HUMAN RIGHTS RECORD BY PER CAPITA QUINTILES, PTS DATA
(1976–2005, 166 COUNTRIES)

human rights talk, mechanisms, and institutions, while the latter offer quite limited evidence of real improvement in respect for personal integrity rights.

PHILOSOPHICAL DIFFERENCES

Double vision may also be based in part on varying moral philosophies, a subject Stephen Hopgood delicately explores in his superb ethnography of Amnesty International, the "Vatican" of world human rights activism. To those suffering repression in countries with good preconditions for reform, the ability to draw on international human rights help is vitally important, and to suggest their experience is unimportant because they are in a minority seems misguided and coldhearted. Confronting the similarly daunting task of alleviating world hunger, Pogge notes: "Seeing the global poor as one vast homogeneous mass, we overlook that saving ten children from a painful death by hunger does make a real difference, *all* the difference for these children, and that this difference is quite significant even when many other children remain hungry."[84] To a utilitarian seeking effective and broadly applicable protection mechanisms, however, this kind of cold calculation may be necessary. Justifications for human rights actions, moreover, may vary dramatically, with some claiming that international human rights promotion is morally important regardless of impact and others insisting that outcomes must be rigorously assessed. A fascinating example of this comes from Hopgood, who records a senior Amnesty International staffer as saying he persevered in his work because of moral principles,

[84] Pogge 2003, 8.

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rather than results, and had "very low expectations of having an impact" (p. 13). Differences between moral deontologists and consequentialists are not easily resolved through methodological discussion.

COUNTERFACTUAL CAUSATION

How do researchers know human rights improvement when they see it? Different counterfactual claims provide bases for different calculations of successful human rights promotion and may also explain the qualitative/quantitative divide. [85] A flat trend line, after all, says little about how bad things *might* have been without human rights promotion. What would have happened if the international human rights community had never existed at all? Counterfactual thinking might suggest that the graphs would have recorded far steeper repressive increases had it not been for the emergence of international human rights laws, norms, and institutions. One way to evaluate the success of human rights promotion efforts, in other words, is to imagine what might have happened without the human rights intervention. Even when violations worsen over time, conditions might have been even more worrying without the intervention. This kind of counterfactual reasoning helps us realize that it is possible to recognize that violations may well increase even when human rights efforts are relatively successful. A related exercise involves erroneous wishful thinking, in which we imagine an unlikely ideal—for instance, that human rights treaties cure all of the world's abuses—and then claim failure when the real world comes up short.[86]

Research Design and Data

SELECTION ON THE (REGIONAL) DEPENDENT VARIABLE

Many of the earliest and most influential case studies focused on Latin America. According to the CIRI data portrayed in Figure 2, this optimism is well founded: Latin America seems to be a real success story, with average country repression of physical integrity declining substantially from 1981 to 2004.[87] If the CIRI data are to be believed, it is likely that these gains stemmed from a unique combination of civil war termination, church sympathy, democratization, civil society strength, U.S. policy change, and state longevity, all of which helped embed human rights within the region's cultural and legal traditions.[88] As Merry

[85] Fearon 1991.
[86] Sikkink 2008.
[87] Based on scores for 24 countries in 1981, rising to 33 in 2004.
[88] Ball 2002; Carroza 2003; Casteneda 1994; Cleary 1997; Lutz and Sikkink 2000.

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(p. 5) convincingly argues in her multisite ethnography of human rights implementation: "Rights need to be presented in local cultural terms in order to be persuasive," and this task should logically be easier in some countries and regions than in others. In Latin America the cultural embedding of "rights" should be easier than in Asia, Africa, or the Middle East, due in part to the different patterns of colonization and decolonization across the various regions. The state in Latin America has a much longer history, and it was formed when constitutional liberalism was the dominant paradigm for postcolonial states, rather than the Marxist developmental state of the 1950s–60s.

When we turn to the PTS data presented in Figure 3, however, the optimism about Latin American trends seems misplaced. According to this data set, average repression in the region appeared to have *increased* from 1976 to 2005.[89] Much depends on the source of data, in other words, and the Latin American trend is not robust across empirical sources.

Eastern Europe is a more robust case of improvement, since average levels of repression among the region's twenty-three countries declined quite substantially on both the CIRI and PTS scales.[90] As in Latin America, the notion of "rights" is more culturally embedded in Eastern Europe due to the longer history of independent statehood in that region. Some church leaders, intellectuals, and civil society members also played useful roles in the transition period, and local activists enjoyed strategically motivated support from policy elites and transnational activists based in North America and Western Europe.[91] The two main data sources on personal integrity rights, in other words, portray Eastern Europe as a clear success story but are split on trends in Latin America. The data are similarly equivocal for the Middle East and North Africa. According to CIRI (Figure 2), average repression of physical integrity in the region declined, but according to PTS (Figure 3), conditions in that region deteriorated. Both data sets agree that average repression rose in sub-Saharan Africa and Asia.

These world-regional variations suggest that the early and most influential qualitative studies may have mistakenly generalized from the Latin American and Eastern European experiences. Although the

[89] Based on scores for twenty-four countries in 1976, rising to thirty countries in 2005. The worst culprits were Brazil and Colombia, followed by Jamaica, Peru, Venezuela, the Dominican Republic, and Ecuador.

[90] In this case, both CIRI and PTS begin with eight countries, in 1981/1976, respectively, and end with nineteen countries in 2004/2005.

[91] Laber 2005; Thomas 2001.

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modern human rights movement (in both its left and its right variants) came of age through debates centered on these two regions, researchers focusing on Africa, Asia, or the Middle East may be barking up the wrong theoretical tree. As Katzenstein argues, "cross cutting forces are experienced and deployed" rather differently across regions.[92] Yet researchers in both methodological traditions still write as if the relevant causal variables operate uniformly across space. Among statisticians, analysts typically use regions as controls rather than as substantive variables, although a handful of new studies seem to recommend otherwise.[93]

SUBSTITUTION

Government substitution of one abusive method for another may also contribute to double vision. For example, some governments may respond to international human rights pressures by replacing brutal methods of torture with more sophisticated techniques that leave few physical scars. As Rejali's detailed history of torture argues, "torturers . . . have turned more and more towards techniques that leave few marks," using "clean" or "stealth" methods (p. 5). The more human rights watchdogs scour populations for physical evidence of abuse, the more likely torturers are to shift to less visible techniques.[94]

Substitution can work in other ways, as well, including the subcontracting of violence to clandestine cross-border forces and paramilitaries.[95] Examples include American renditions in the war on terror; Rwandan proxies in the eastern part of the Democratic Republic of Congo; Bosnian Serb paramilitaries supplied by the Serbian state; Colombian right-wing paramilitaries; Israeli-backed Christian militias in Lebanon; and Sudan's Janjaweed.

Thus while statistical scholars find that democracies are better protectors of human rights, there is reason to fear that the actual impact of democracy may be less impressive. As democracies are subject to greater scrutiny, in many cases this provides states with incentives to shift to less obvious or more circuitous methods of abuse. Nuanced qualitative studies will record these changes as human rights impacts (albeit not necessarily of a positive nature), but statistical researchers may miss them entirely.

[92] Katzenstein 2005, ix.
[93] Carlson and Listhaug 2007; Hafner-Burton, Ron, and Ramos 2008a.
[94] For an earlier version of this argument, see Ron 1997.
[95] Brenner and Campbell 2000.

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MISSING DATA

Although PTS and CIRI are the most complete cross-national sources for violations of personal integrity rights, data for many countries, especially those that are small and seemingly insignificant, are missing. The evidence is therefore biased toward countries that "matter" enough to attract reporting. But as Ron, Ramos, and Rodgers and Ramos, Ron, and Thoms demonstrate, the volume of country human rights reports is only partially shaped by actual experiences of abuse.[96] Better data collection will gradually solve this problem, but important historical gaps will remain, complicating efforts to build good theories.

Time poses a real challenge for statistical analysts. Both CIRI and PTS list country scores dating back to 1981 and 1976, respectively, but data for many country-years are missing. The sources for both data sets are Amnesty International and/or the U.S. Department of State, and if there are missing data, that means that they failed to write a relevant country report that year. Unless the reasons were random—and they probably were not—selective source reporting is yielding nonrandom samples, complicating efforts to draw valid inferences.

PROBLEMS OF SOURCES

Both research communities rely on sources with their own agendas. In the quantitative world the repertoire of sources is particularly limited, since both CIRI and PTS rely on Amnesty and U.S. Department of State annual reports. (CIRI uses both sources to code a single country-year, while PTS produces two separate measures from each source.) Quantitative studies suggest that the Amnesty and State Department evaluations are converging over time,[97] but this may indicate the emergence of a unified Northern view of the world, rather than a more accurate view of reality. Moreover, the U.S. Department of State reports rely in part on information from Amnesty, making it hard to argue that the two sources are in fact entirely separate.

The sources available to qualitative researchers are far more numerous, of course, since local NGOs, religious organizations, academics, and journalists publish a wealth of specialized country material. Yet these also come with specific agendas, and their findings are not easily comparable across time and space or across studies. Standards for surveillance and evaluation differ from source to source and year to year, complicating the comparisons that are vital to sorting out cause and effect.

[96] Ron, Ramos, and Rodgers 2005; Ramos, Ron, and Thoms 2007.
[97] Poe, Carey, and Vazquez 2001.

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PROBLEMS OF SCALE

Whenever qualitative researchers look at variation over time or space, they make claims about variation in levels of human rights abuse. Although terms such as "more" or "less" are not particularly precise, they work reasonably well with small-N studies. Once multiple countries and time periods are compared, however, these implicit scales become less useful. The statisticians' numerical scales are more effective for large-N research, but both the PTS and CIRI indexes are problematic. PTS uses a limiting five-point scale, and CIRI does only a slightly better job with a nine-point spread. In both cases, the gaps *between* points may conceal more than they reveal, and it is hardly surprising that the world of reform looks so flat to the statistical eye.

In the case of PTS, the real distance between a country ranked 4 (next-to-worst abuser) and 5 (worst abuser) may be vast. It will show up statistically, however, as only a one-unit difference. It also conceals more variation at the top of the repression scale than it does at the bottom, since category 5 is more heterogeneous than category 1. Qualitative researchers may discover that courageous activists struggled for years to achieve a one-unit change from 5 to 4, but to the quantitative, PTS-based eye, their efforts would appear to have had only marginal effect.

A quick glance at the PTS tables reveals this to be a real problem. Indonesia in 2004 and Cambodia in 1976 were both coded as 5 by the Amnesty-based PTS, as was true for Algeria in 2003 and Rwanda in 1994. To the statistical eye, therefore, these abuses will appear equal. To observers familiar with the actual history of these countries, however, this equality would seem incredible: Cambodia and Rwanda experienced genocide in 1976 and 1994, whereas Indonesia and Algeria in 2003 were plagued by far less deadly political violence. Consider also Ron's qualitative treatment of differences between the 1994 harassment of Muslims in Serbia and Montenegro and the 1992 ethnic cleansing of Muslims just across the border in Bosnia; PTS coders gave both country-years a 5.[98]

These problems persist with CIRI's nine-point scale. Iraq, for example, is ranked 0 (worst category) since the early 1980s, despite dramatic variations in that country's experience of repression. Other 0 designations included Turkey in the mid-1990s, India to the present day, and Sudan from the mid-1990s, despite dramatic differences across time

[98] Ron 2003.

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and space. For scholars using CIRI, however, all of these experiences of repression were identical.

PROBLEMS OF DATA STICKINESS AND SLIPPAGE

Qualitative researchers who create their own measures to evaluate the success or failure of international human rights promotion face a tough problem. Without standardized measures, they must invent their own standards of appraisal, and this can create slippage across studies. For one researcher, the tiniest change in behavior might be interpreted as a success, while for another looking for bigger shifts in the same practices, identical changes might be interpreted as failure. How, for example, should we compare the changes in the ten case studies discussed in the Risse, Ropp, and Sikkink volume?[99] The book provides few clear guidelines, making it hard to arrive at a reasonably precise estimate of the varying country impact of transnational activism and norms.

Quantitative scholars face a different problem. According to both CIRI and PTS, most countries change very little at all, suggesting that government abuse may be extraordinarily sticky over time. As noted above, this path dependency is not unique to human rights abuse; it appears to be a constant factor in many facets of social and political life. Consider what we know about annual changes in countries' repressive behavior in the CIRI and PTS scales, respectively.

In the CIRI data set a country has about a one in three chance of getting better, getting worse, or staying the same from one year to the next; the improvements that do take place, however, are relatively small steps. This stickiness is even more pronounced in the PTS data set, which is less fine grained: most countries never change their practices from year to year, and when they do, the shift is usually quite small. Quite often, moreover, repression gets worse, rather than better. Such change as does occur is often small scale; few countries undergo the monumental reforms required to make citizens truly safer. When we calculate these same trends over a period of three years rather than over a single year, the results are nearly identical, suggesting that stickiness of abuses is a long-term problem.

As noted above, some of this apparent stickiness may be an artifact of reporting and coding practices. Human rights analysts are loath to reward governments with high scores from one year to the next, fearing this will wrongly signal that current reform efforts are sufficient.[100]

[99] Risse, Ropp, and Sikkink 1999.
[100] Ron, Ramos, and Rodgers 2005.

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Scholarly coders of Amnesty International reports, moreover, may be more critical of abusive behavior in the 1990s than in the 1970s, because standards of acceptable behavior have changed dramatically since the end of the cold war and because the recent period has seen the rise of a powerful human rights advocacy network.[101] There may also be more *reports* of abuse from countries that are in fact *less* abusive, since the less repressive countries often have a freer press. Some of the path dependency revealed by analysts using CIRI and PTS, in other words, may stem from the knowledge-creation process itself, rather than from actual state behavior.

Differences in Dependent Variables

HUMAN RIGHTS VERSUS DEMOCRACY

Problems of double vision are also compounded by variation in the dependent variables used to measure impact. One of the biggest methodological challenges facing both qualitative and quantitative researchers is how to distinguish respect for personal integrity rights from regime type. As noted above, most statistical researchers measure the former with either PTS or CIRI and estimate the latter with Freedom House or Polity IV. Although related, these measures are by no means identical. PTS and CIRI measure state *behavior*, Polity measures state *structures*, and Freedom House measures a combination of both. Clear distinctions are problematic, and for some, respect for civil and political rights is one of democracy's defining features.[102] Yet as noted above, political democracy and the human rights behavior of individual states are not identical, and the quantitative measures of each are not highly correlated. Indeed, some authors suggest that the monitoring produced by democracy can make things worse: Rejali and Ron both argue that monitoring by international and local democratic forces can encourage torturers to use "cleaner" techniques, whereas Brenner and Campbell contend that monitoring provides incentives for clandestine government reliance on death squads.[103]

It thus matters a lot whether researchers are focusing specifically on democracy or on government respect for personal integrity rights. As noted in Figures 2–5, average world levels of government repression of physical integrity (measured by CIRI and PTS) do not appear to have improved dramatically over time. Figures 6 and 7, by contrast, show that average political and civil rights (measured by Freedom House) have

[101] Mack 2005.
[102] Langlois 2003.
[103] Ron 1997; Brenner and Campbell 2000.

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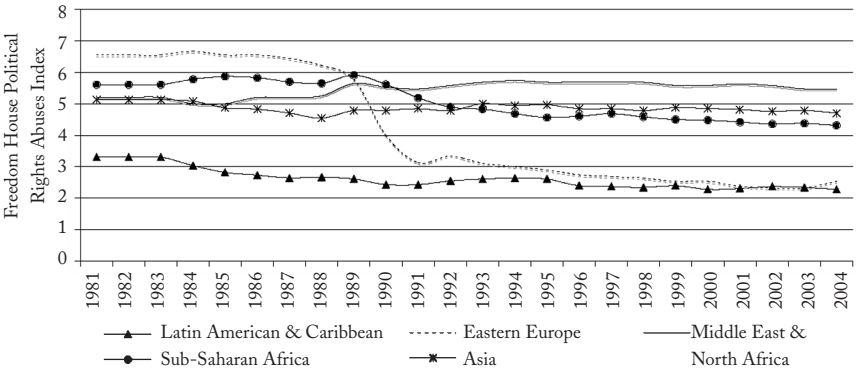


FIGURE 6
WORLD POLITICAL RIGHTS BY REGION
(1981–2004)

gotten better over time. Latin America and Eastern Europe have had the best outcomes, but other parts of the world are also improving.

Yet in some cases, qualitative researchers have implicitly conflated the existence of democratic structures or democratic regimes with greater regime and state respect for human rights. That is, many conflate "political democracy" with a lower propensity by state agents to engage in torture, discrimination, extrajudicial killing, and arbitrary arrest. In some cases, scholars tacitly assume that when human rights advocacy leads to greater political openness and democracy, then one can also simply assume improvement in the state's respect for personal integrity rights without having to demonstrate empirically that that is the case. Thus, for example, Brysk, Foot, Khagram, and Thomas all focus more heavily (if perhaps tacitly) on the ability of human rights pressures to promote *democratization,* rather than to reduce repression.[104] In these and other influential works, human rights activism is modeled as a key *independent* variable and democratization is taken as the *dependent* variable of interest (although respect for personal integrity rights often lurks not far behind). Chandhoke, to take another example, argues that a "Blitzkrieg" of pressures by transnational human rights activists on Indonesia's Suharto regime in the 1990s "spectacularly managed to overthrow a regime on the grounds that it was not respecting the basic rights of its people."[105] Although important in its own right, this finding implies that the Indonesian state's human rights behavior was actu-

[104] Brysk 1994; Foot 2000; Khagram 2004; Thomas 2001.
[105] Chandhoke 2002, 39.

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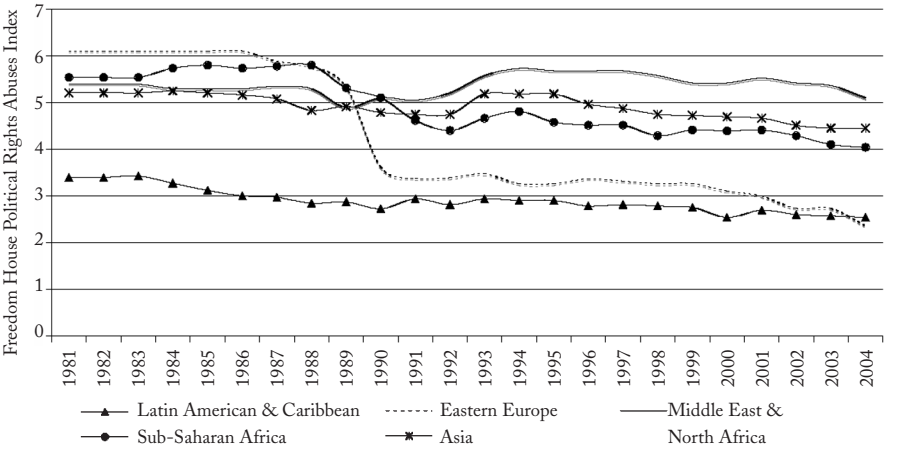


FIGURE 7
WORLD CIVIL LIBERTIES BY REGION
(1981–2004)

ally better. Yet the author does not attempt to measure actual change in the behavior of police officers, prison officials, interrogators, and bureaucrats across the country. Identifying such measurable change is, after all, the only way to empirically verify the assumption that political democracy boosts respect for personal integrity rights.[106]

The basic structure of multivariate regression, by contrast, forces statistical scholars to distinguish more consistently between democracy and various kinds of repression. In most cases, statistical work on human rights designates regime type as an *independent* variable (measured by Freedom House or Polity IV), while considering state repression of physical integrity (measured by PTS or CIRI) as the *dependent* variable of interest.

Researchers from each methodological community, in other words, often focus on different outcomes, creating confusion among readers and policymakers alike. Statistical scholars can easily communicate with one another because they agree on the variables of interest (PTS, CIRI, Freedom House, or Polity), but this shared understanding does not extend across the methodological divide.

Similar problems emerge for causality. In theory, existing cross-national data should allow researchers to distinguish between the ef-

[106] An exception to this trend is Sikkink 2004, who theoretically distinguishes between democracy and repression and then carefully measures the latter by studying patterns of regime-induced death and disappearance in Latin America.

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fects of policies such as international treaties, "naming and shaming," or transitional justice and control variables, such as regime type. Yet among statistical studies regime type typically accounts for much of the variation, leaving very little room for international human rights factors to make a "pure" or net difference.

To be sure, statistical scholars rarely believe that the link between democracy and human rights is simple. Some autocracies are respectful of human rights;[107] full democracies are more respectful than partial democracies;[108] some types of elections are more beneficial;[109] and democratic transitions can be associated with greater repression.[110] Nevertheless, most statistical work seeks to distinguish between the isolated effects of regime type, on the one hand, and international advocacy/policy, on the other. In most cases, this work finds that democracy is more important. Although the democracy/human rights distinction may be overstated, it remains a key feature of the statistical genre and helps explain why statisticians do not find much evidence of positive international impact. Since qualitative researchers rarely insist on such a clear distinction between causal factors, they frequently conflate the causal effects of democratization with those of international human rights promotion. This problem of sorting out causes from effects is a general one, of course, and is rendered even more complex by the case researcher's need to do justice to the details of history. Yet without great care, it is easy to mistake one cause for another or even a cause for an effect.

PROCESS VERSUS OUTCOME

Many of the more optimistic scholars focus on the *process* of global institution building rather than on the *effects* of those institutions. Given that human rights were once dismissed as mere chatter, social scientists are rightfully enthusiastic over activists' ability to plant justice-seeking flags in neorealist territory. Transnational activists *can* make a difference, and international institution building is entirely worthy of scholarly attention. Yet process should not be conflated with outcomes, as the troubled history of development aid reminds us. Billions of dollars have been poured in to antipoverty norms, institutions, and schemes over the last fifty years, but there is broad disagreement over what it has all accomplished. Indeed, some even claim that development or-

[107] Davenport 2007.
[108] Bueno de Mesquita et al. 2005.
[109] Richards and Gelleney 2007.
[110] Fein 1995.

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ganizations themselves contribute to the problem.[111] Human rights researchers hail from different scholarly traditions and rarely reflect on the lessons of development aid. For many, the institutional, normative, and discursive proliferations detailed in Figure 1 are considered evidence of change. But as Figures 2–5 suggest, clear links between global discursive and institutional change and meaningful state reform are difficult to discern.

AN EXCLUSIVE FOCUS ON SPECIFIC RIGHTS IN STATISTICAL DATA SETS

Finally, cross-national statistical work is hampered by the fact that most rights enshrined in the 1948 Universal Declaration—including economic, social, and cultural rights—are nowhere to be found in PTS, the most commonly used data set. CIRI corrects for this by focusing on a greater range of human rights, including workers' rights and the rights of women, buts its sources are still limited to Amnesty and the U.S. Department of State, and most of its measures of social and economic rights are limited to a two- or three-point scale. As noted above, some researchers use two composite development indexes—the Human Development Index (HDI) and the Physical Quality of Life Index (PQLI)—but there is some dispute as to whether these sources can accurately measure government respect for social and economic rights. Both data sources, moreover, suffer from problems of missing data and over-time comparability.

Given the urgency of addressing the shortage of high-quality global data, quantitative researchers would do well to acknowledge that current human rights statistics are shaky and possibly misleading and that their studies gloss over partial successes that are meaningful to many. These potential problems need more study and consideration. Despite these limitations, however, new statistical research has the potential to make an invaluable contribution to the field of human rights when used with care and sophistication; the same holds for many of the studies reviewed here. The tools are best used, however, to identify broad trends over many years and large spaces of the world map, to spot *major* swings in policies and practices, and to put an individual country's experiences into a much broader comparative context than is possible using case study methods alone. Like other quantitative data, such as GDP variables commonly used in economics, human rights data are not conducive to identifying nuances or sources of behavior, and researchers cannot with much confidence use these data alone to assign causality to the trends

[111] Dichter 2003.

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being uncovered. Qualitative researchers, meanwhile, would do well to pay greater attention to these new statistical studies and their potential contributions and shortcomings, making every effort to design their own research, case selection, and measurement techniques to facilitate interstudy comparability across the methodological divide.

V. Why Do International Human Rights Thrive? Hypotheses for Research

Assume, for argument's sake, that the gloomy findings of most human rights statistical research can be chalked up to bad data and that the qualitative evidence about the success of the regime is more accurate. If so, then the global momentum for human rights is so strong because it is already on the right track, and more human rights laws, institutions, courts, advocates, and publicity are needed.

Assume, alternatively, that Figures 2–7 offer reasonably accurate portrayals of reality and that at least some of the new quantitative skepticism is warranted. Why, then, is the transnational momentum for human rights so strong? Perhaps, like other policies that thrive regardless of outcomes, the international human rights regime flourishes because it fulfills a range of "latent" functions.[112] To explore how these latent functions might work, consider America's efforts to stop illegal cross-border migrant and drug smuggling.[113] Although U.S. border patrols persistently fail to stop clandestine traffic, they still proliferate, with both popular and elite support. One explanation for this is the latent effects of border controls, including symbolic affirmation of the state's territorial authority, enhanced bureaucratic budgets, and new opportunities for political grandstanding. The escalation of U.S. border policing, in other words, may thrive for reasons entirely unrelated to actual enforcement. Is the growth of international human rights institutions driven, at least in part, by similar processes? The literature provides a range of intriguing hypotheses.

Consider Hopgood's argument that Amnesty International was created in the 1960s by individuals seeking a post-Christian political identity that would resonate with emerging leftist "new social movements" (p. 9). If this or similar arguments are true, human rights may serve as a new "civil religion," replacing parochial patriotism with transnational symbols such as the Universal Declaration of Human Rights

[112] Merton 1957; Portes 2000.
[113] Andreas 2000.

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or shared rituals such as UN human rights trials and investigations.[114] In contrast to domestic politics, where distributional squabbles often reign supreme, foreign policy offers the nation a sense of unity, "nobility and grandeur."[115] A human rights–based foreign policy can thus help replace the unifying effects of the welfare state's social compact[116] or, more ominously, affirm Northern notions of superiority.[117] More simply, the proliferation of relatively toothless human rights institutions may be a useful vehicle for global elites seeking either to demonstrate compassion without engaging in serious economic or political redistribution or to expand the institutional and disciplinary influence of lawyers and other human rights workers at the expense of development economists.[118]

Ironically, the work of qualitative scholars who are the most optimistic about human rights lends some credence to these views. As constructivists, they emphasize the ideological and normative resonance between human rights ideas and Western political identities. As Thomas notes, the European Community's strong push for a human rights–friendly foreign policy in the early 1970s was an expression of its essential "internal identity," rather than a consequences-driven exercise preoccupied with measurable results.[119] Or, as Sikkink argues, states such as the United States have promoted human rights because their "officials believe they live in the kind of state that *should* adopt such policies."[120] Liberal democracies in the Americas and elsewhere have "rights identities," and this may prompt them to promote human rights policies for expressive, rather than consequentialist, reasons. If these and other related claims have merit, international human rights institutions may be thriving, at least in part, for reasons entirely unrelated to their actual capacity to protect vulnerable people.

VI. Where Do We Go from Here?

Among scholars of world politics, the early and most influential case study research has been generally optimistic, using instances of success to promote the notion that human rights laws, norms, and activists can make a difference. Their statistical counterparts, by contrast, have been

[114] Cladis 2001.
[115] Hunt 1987, 190.
[116] Chandler 2002.
[117] Mutua 2002; Razack 2004.
[118] Rajagopal 2003.
[119] Thomas 2001, 51.
[120] Sikkink 2004, 7.

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more skeptical, in part due to their focus on instances of marginal improvement or no improvement at all. These differences are partly based on varying interpretations of the same evidence, problems of research design and measurement, and attention to different outcomes. How should concerned scholars proceed?

Better cross-national data would surely help, since both the standard PTS and CIRI sources suffer from important limitations. There is, however, little reason to believe that new and improved data collection for abuses of personal integrity rights is imminent. Only a handful of institutions produce human rights narratives in a country-year format that makes for easy coding into quantitative indicators, and fewer still go back in time. NGOs and global governance agencies regularly conduct population health surveys with components relating to human rights, but attempts to convert these into human rights assessment tools are likely to spark intense political opposition. Such surveys, moreover, will do little to address the historical record, which is vital for building testable theories. Prospects for improvement are somewhat better in the field of economic and social rights, where new initiatives are under way to collect and use better data;[121] and existing historical and contemporary data on budgets, expenditures, and socioeconomic outcomes can be reanalyzed within a human rights lens.

Much can also be done to improve the work of case study experts, including controlled case comparisons.[122] For example, country experts could assess the relative impact of international and domestic factors by comparing the human rights record of countries varying along these dimensions.[123] Cases should be carefully and transparently chosen, so that the methods for each study can be fully debated. Case study experts should also make clear whether they are studying human rights institutions and activism as an *independent* variable in the process of domestic institutional change, or whether government respect for personal integrity rights is their *dependent* variable. In the latter case, they should be careful not to conflate democratization with actual respect for these rights and should provide a clear scale for measuring change. Importantly, they should take note of Rejali's argument that expanding democratic opportunities create incentives for clandestine forms of abuse. Although an increase in explicit government attention to human rights concerns is important, it must not be mistaken for real change in actual levels of state repression.

[121] We thank Steven Marks for a helpful discussion on these initiatives.
[122] George and Bennett 2005.
[123] Sambanis 2004.

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The field would also benefit from more mixed-method research, a project that Cardenas, among others, has helped advance in her book by carefully interweaving statistical analyses of the effects of human rights pressures on 172 countries in the 1990s with in-depth case studies of Chile and Argentina followed by mini–case studies of countries in other regions. International relations scholars should borrow from colleagues in comparative politics such as Lieberman, whose "nested analysis" advocates sequenced large- and small-N studies.[124] In his view, statistical research is necessary but insufficient and should be followed or preceded by case studies that test the plausibility of large-N variables and mechanisms and engage in theory building or modification. Luckily, human rights scholars have already studied the predictive power of standard large-N models,[125] and these efforts can be complemented by case studies.

Another mixed-method approach could focus on variation at the national and subnational level.[126] Although most of the new wave of quantitative work has looked at cross-national patterns, there is much to be learned from within-country analyses over time and region. In countries such as Colombia and Guatemala, high-quality national data sets already exist,[127] while in countries such as Nepal and Israel/Palestine, useful data sets could easily be built from existing NGO reports.[128] Spatially disaggregated country data could then be regressed on regional indicators of wealth, democracy, media coverage, and civil society, all of which appear as statistically significant factors in the cross-national regressions. These findings could then be supplemented, tested, and elaborated upon by qualitative analysis, including the type of ethnographic fieldwork done by Merry in different locales.

If scholars do finally conclude that international human rights institutions cannot deliver as much as hoped, what should we do? Based on the "do no harm" principle of foreign aid, we see no compelling reason to advocate an end to human rights efforts. Even if human rights is a strategy for Northern identity construction rather than a realistic vehicle for global reform, it remains a more attractive option than many alternatives, including racism, nationalism, or consumerism. Below, we

[124] Lieberman 2005.
[125] Poe, Rost, and Carey 2006.
[126] We thank Michael Spagat for this suggestion.
[127] Ballesteros et al. 2006; Ball 1999.
[128] Nepal data are available online from the Informal Sector Service Center (INSEC), http://www.inseconline.org/. Israel/Palestine data are available online from B'Tselem, www.btselem.org. More generally, see http://www.benetech.org/human_rights/ for efforts to build national human rights datasets; and http://www.cdavenport.com/, for a discussion of and access to various human rights data.

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outline some potential human rights harms that should be thoroughly explored. Nevertheless, we see no reason as yet to believe that any of these poses an imminent and severe threat to human well-being.

Here, perhaps, is where human rights parts ways with other global assistance sectors, many of which have documented risky side effects. Poorly designed development aid, for example, has been shown to undermine economic growth,[129] provoke conflict,[130] prolong autocracies,[131] contribute to environmental degradation,[132] or destroy traditional livelihoods.[133] Concerning international human rights policies, however, we see no credible evidence that the unanticipated side effects have even begun to approach these levels of harm.

This does not mean that human rights scholars have no reason to be concerned. As members of other scientific communities have long recognized, any purposive social intervention, no matter how well intentioned, can cause unexpected harm. In the medical world, these "iatrogenic effects" consistently cause widespread injury and death, and similarly discouraging findings appear in the criminal justice and therapeutic literatures.[134] Since virtually any purposive social action will produce unintended consequences,[135] human rights researchers should be more consistently and systematically concerned with the possibility that even the best-intentioned activism, norm construction, and norm enforcement can do harm over the short, medium, or long term.

What might some of these human rights–related harms consist of? Consider, for example, the notion that international efforts to prosecute human rights abusers may undermine peace by provoking political backlash,[136] or that free speech advocacy may inadvertently fan the flames of ethnic conflict.[137] Or, similarly, recall that powerful countries imbued with human rights–fueled self-righteousness have used excessive force to "fix" troubled areas in the Balkans, Africa, and Middle East.[138] Although America's Iraq misadventures may have reduced the short-term risk of reckless, self-styled "human rights" interventions, the temptation still remains. Finally, both activists and scholars should consider the hazard of appearing to promise more than can be deliv-

[129] Rajan and Subramanian 2005.
[130] Uvin 1998.
[131] Wrong 2002.
[132] Rist 2002.
[133] Escobar 1995.
[134] Berens 2002; Dishion, McCord, and Poulin 1999; Rhule 2005; Sharpe and Faden 1998.
[135] Merton 1936.
[136] Snyder and Vinjamuri 2003–4.
[137] Snyder and Ballentine 1996.
[138] Chandler 2002; Razack 2004; Packer 2005.

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ered. If human rights investigations are mistaken for effective international protection, adequate protection methods, including indigenous peace processes, may be delayed or derailed. Although these and other counterfactuals may be tough to study, the effort must be made.

From a methodological standpoint, the most complex risk to evaluate is the possibility that human rights language is suffocating rival idioms of social and political protest and draining resources from other, possibly more effective social movements.[139] The discursive reach of human rights is vast, and it has displaced rival narratives of dissent worldwide. Even when ineffective, activists may still use rights talk for reasons of international legitimacy and funding. Although it is too early to know with any confidence whether this is the case, such discursive crowding out of local alternatives may eventually undermine local capacities to resist oppression in more appropriate ways. Intriguingly, Hopgood cites an account of an Indian critic who compared Amnesty International to McDonald's: "You are the face of globalization in human rights terms. You come in here . . . you displace local cuisine and activism" (p. 175). Evaluation of this kind of risk requires multisite studies with only limited potential for generalization, but "global ethnography" is a growing field,[140] and important anthropological work is already under way (Merry). Substantial multimethod and interdisciplinary work may yet demonstrate that these and other risks are overblown and that human rights promotion does not create major harms. The research required to establish this, however, is far from complete.

Over the last fifteen years, scholars have demonstrated that the human rights movement is a powerful discursive and institutional force. The full spectrum of this development's empirical outcomes is very unclear, however, and the real work of impact evaluation has just begun. This process will most successfully advance when scholars from both sides of the methodological divide engage more rigorously in debate, drawing on the theoretical and empirical tools their disciplines have to offer. At the same time, they should fine-tune those tools so that they can engage each other in more productive conversations. Qualitative scholars should devote more attention to statistical findings, situating their case research within global and regional patterns and focusing more self-consciously on problems of research design. Quantitative scholars, for their part, should spend more time in the field or immersed in case study materials and must acknowledge more readily the prob-

[139] Kennedy 2004; Hammami 1995.
[140] Burawoy et al. 2000.

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lems with their data. In both cases, scholars should also investigate the unintended consequences of human rights promotion. To further this effort, human rights analysts should engage more closely with scholars of other international assistance sectors, including, most importantly, those who study development aid. Both human rights promotion and development assistance are potentially life-saving work, but they also involve unanticipated risks of various kinds. Like researchers testing the utility of a new drug,[141] scholars of both development and human rights should subject their preferred policy interventions to rigorous testing over time and space, ensuring that the benefits truly outweigh the potential harms. Students of scientific knowledge production have long observed a tendency to publish accounts of positive intervention more frequently than to publish null or negative results.[142] Human rights researchers should take care not to fall into the same trap.

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[141] Banerjee 2007.
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