

Example Answers from the First Midterm Exam
Human Rights
New York University
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The grades on the following exams range from 93% to 98%. I have omitted essays with scores lower than 23 points out of 25. The included essays reveal that the student did the required readings, noted the lecture and discussion material, thought hard to turn this knowledge into an essay, and presented a coherent and creative argument.

Student 1

- 1. Measuring concepts and identifying cause-and-effect relationships are crucial activities in the study of human rights. Choose one of these activities and explain why. Use a few examples.**

Measurement is an integral aspect in the study of human rights in the same way that measurement is key in all of the sciences: you have to know what it is you are studying. Conjecture that isn't firmly rooted in reality carries a higher risk of being useless or even detrimental to the intended goals. Which isn't to say that there are no issues to be had with measurement. Data must be carefully collected and scrutinized for any flaws that must then be corrected. For example, modernization theory predicts that increasing modernization naturally leads to democracy by increasing the access to information as well as the size of the middle class. However, were this the case, one would expect to see a steady rise in the amount of democracies over the last decade or so. Instead, the amount of democracies reached a plateau in the early nineties. Thus, we can conclude that modernization theory, alone, at least, is not sufficient to explain the continuing presence of non-democracies.

Another important concept that is frequently measured are the classifications and propagation of democracies. According to Polity IV, five components are necessary, yet interchangeable, in determining if a government is or is not a democracy. There must be competitiveness and openness of executive recruitment, executive restraint, regulation of participation, and competitiveness of political competition. While these are undoubtedly important in a stable democracy, it is debatable whether or not they are interchangeable. Is regulation of participation equally as important to a democracy as openness of executive recruitment? This is a question worth asking and investigating. Evidence indicates that the presence of a multiparty system is the most prominent indicator of a government that is willing to preserve and protect human rights. Therefore, it would be wise to push for reforms with the intention of creating a multiparty system if one had the goal of creating a government that respects human rights. By measuring the effects of various reforms and institutions we can improve our understanding of the spread of democracy and, hopefully, increase the protections of human rights worldwide.

- 2. Economic development and inequality are key factors in political-economy theories of democratization (modernization theory and distributive conflict theories). Yet conventional wisdom has it that a popular demand for the protection of human rights leads to democratization. Are these two points of view compatible with one another, or not?**

The conventional wisdom that there must be a popular demand for human rights for a democracy to rise is compatible with the theories which state that economic development and inequality are precursors to democracy. The relationship between these three factors is complex

and their significance could vary from state to state. Modernization theory, for example, states that economic growth leads to a greater flow of information, more free economic activity, and a larger and more powerful middle class. All of these factors limit the power and control of the non democracy and lead to its breakdown. One of the issues with this theory is that it presupposes democratization as a relatively linear process over a long period of time, which makes it difficult to prove empirically. However, it does tie in nicely with the distributive conflict theory. This theory states that democracy comes about via conflict between the dictatorship and the elite classes who have the economic resources the dictator needs to maintain and expand his power. This holds the dictator responsible for fulfilling his obligations to the elite class, who would be more interested in a democracy due to a more stable economy with lower interest rates. But, distributive conflict theory has problems insofar as it is more difficult to get the lower classes interested enough in the economic side of the arguments (which, indeed, is the only argument for democracy under this theory).

So how does a popular demand for human rights work with modernization and distributed conflict theories? They create a situation that becomes increasingly volatile and unstable, and thus harder to control. Modernization and a freer flow of information makes it more difficult to stamp out dissenters and hide abuses. The larger middle class would also have a better education and more free time to realize the severity of their situation. Out of this growing middle class there are also those that rise above it and become upper class. Here, distributive conflict theory comes into play. The tension between the ruling regime and the upper class has transition to one of monetary abuse as well. The regime must borrow money from them to expand its power, and is thus held accountable to them for one of the first times. With money comes power and a greater ability to resist their government. But no matter how ripe the conditions are for democracy, nothing mobilizes a population a common enemy. And could one ask for a better enemy than a government that oppresses, tortures, starves, and murders tens of thousands of people? A popular demand for human rights effectively acts as a catalyst to kick start the move towards democracy.

3. Why do dictators ratify human rights treaties? Why do the leaders of partial or transitioning democracies? Should we advise these leaders to ratify? And does the answer depend on which treaty we're talking about?

There are a number of theories as to why dictators ratify human rights treaties. Conventional wisdom states that dictators sign human rights treaties, such as the Convention Against Torture, in order to curry favor and secure aid from more powerful and wealthy nations. However, upon even cursory examination, this argument fails to hold water. Powerful nations that wish to see torture eliminated and human rights established would little reason to give aid to dictators for signing an agreement that they have no intention of upholding. That would only serve to reward poor behavior. Beth Simmons takes this view, while also adding that oftentimes dictators view the costs of failure to uphold treaties as uncertain at worst and negligible at best.

Another interesting theory was proposed by Hollyer and Rosendorff. They state that dictators ratify treaties such as the CAT in order to send a signal to their populace that they have no qualms about breaking international law and are confident in their ability to remain in power and thus never face consequences for their actions. They are essentially drawing a line in the sand and crossing it. This could have a chilling effect on any opposition to the regime. Conversely leaders of partial or transitional democracies might sign treaties because they are unsure of their ability to remain in power and wish to limit the abilities of the next regime by tying it to a powerful international regulating body. After all, no one wants to be deposed, then tortured and killed.

Despite the strong correlation between regimes that torture and regimes that have ratified the CAT, I believe that it is still worth pushing governments to ratify these treaties. Yes, brutal dictators may have enough power to flagrantly defy pressure from the international community and subjugate their own populace, but they also may not be in power forever. Ratified treaties

give the international community more ammunition to prosecute war criminals and human rights abusers after they are out of office. It is also important which treaties are ratified. Ones that contain consequences for breaking them, such as the Rome Statute or the CAT, would be more effective for these purposes.

4. Will enforcing compliance with the International Criminal Court be best achieved by domestic actors or by foreign/supranational actors?

Domestic actors are the most effective method of enforcing compliance with the International Criminal Court. The international community is often restricted in the ways it can interfere with sovereign nations. And even if the international community wants to take action, they must rely on domestic help to bring their plans to fruition. For example, the trial of Slobodan Milošević could never have taken place without the aid of the Yugoslav government who turned him over to the United Nations. However, this example also illustrates one of the dangers of relying on domestic agents to administer justice. Though the cabinet wanted to hand Milošević over, the president, Koštunica, was unwilling to do so and the parliament could not get the majority needed to override him. Furthermore, the extradition of Yugoslav citizens is not allowed under the Yugoslav Constitution and thus their Constitutional Court ruled that his extradition was not legal. Were it not for the cabinet going over the heads of the president, parliament, and the courts, Milošević would've died peacefully and unprosecuted in his Belgrade villa five years later.

While domestic actors are arguably more important for enforcing compliance with the ICC, that does not mean that foreign or supranational actors have no role to play. Due to the nature of brutal regimes, it is often difficult for domestic powers to enact any meaningful change or legislation. Here, international agents can use their powers to monitor and report any atrocities. They can also use economic leverage in the form of sanctions and aid reduction in order to weaken the regime and create a climate more ripe for democracy. The international community is integral to the protection of human rights worldwide, but the domestic primary actors are truly the heart of change.

Student 2

1. Measuring concepts and identifying cause-and-effect relationships are crucial activities in the study of human rights. Choose one of these activities and explain why. Use a few examples.

Measuring concepts is a significant aspect in the field of human rights as part of quantitative methodology in the scientific approach. By examining and measuring concepts of human rights through the lens of numbers and hard evidence, we can establish a more direct and concrete connection between the main research question and empirical theories which provide possible answers to said question. This is important in social scientific analysis that “describes and explains the nature, extent, pattern and causes of human rights violations” (Landman, 71). One example of the role of quantitative measures of human rights in the global context of human rights protection is the use of human rights indicators in the 2000 Human Development Report and reports to the UN General Assembly.

According to Landman, numerical expressions and indicators of human rights serve a plethora of functions in the human rights community. These functions include allowing for contextual description and documentation, encouraging classification of human rights across different subsets and dimensions, monitoring states' compliance in ratified treaties, mapping large-scale patterns of human rights abuses, supporting secondary analysis and acting as crucial advocacy tools by depicting improvement or deterioration in human rights practices globally. One example of establishing broad patterns of human rights abuses can be seen in many studies by

Strouse and Claude 1976, Mitchell and McCormick 1998, Poe and Tate 1994, Zanger 2000a (Landman, 100) where the standards-based human rights scale of political terror is used to determine statistical results that demonstrate generally, democracies are less likely to violate human rights, while transitional democracies or autocracies are more likely to violate human rights.

Such functions explain the indispensable role of human rights measures in systematic human rights research and the global institutional context. Human rights measurement takes place using three different types of data which explore all aspects of measurement- events-based, standards-based and survey-based. For example, by using events-based data to measure human rights, human rights violations are converted into standardized scales which can be compared across countries and used to study human rights problems. Standard-based data establishes the probability and degree of such human rights violations, which is translated into quantitative scales. Survey-based data on human rights is collected from different random segments of the population and used to track perceptions of rights protection.

In sum, while the role of valid and reliable human rights measures in social scientific research is indisputable, there remain limits to attempts at measuring an intangible and abstract concept such as human rights such as a lack of measures for positive dimensions of civil and political rights and negative dimensions of economic and social rights, as well as an over-reliance on standards-based measures of human rights which are fettered by problems of validity and variance truncation.

2. Economic development and inequality are key factors in political-economy theories of democratization (modernization theory and distributive conflict theories). Yet conventional wisdom has it that a popular demand for the protection of human rights leads to democratization. Are these two points of view compatible with one another, or not?

Both points of view where economic development and inequality are crucial in modernization and distributive conflict theories of democratization and demand for the protection of human rights leads to democratization are compatible with each other. It can be argued that economic development and inequality provide the impetus for the demand for the protection of different classes of human rights- civil and political rights, social and economic rights, as well as solidarity rights.

Modernization Theory stems from the recognition of a cross-country correlation between economic development and democracy, despite the much-debated causality of this correlation. According to Phillips Cutright (1963), economic growth results in demands for freer exchange of information and property rights, which are necessary for the functioning of capitalist markets. Such demands can be viewed as demands for the protection of civil and political rights, which ensure an individual's "ability to participate freely in civil, economic and political society" (Landman, 9). An example could be the right to speech and expression, which is essential for open exchange of information in a capitalist economy. Property rights are also considered a form of civil rights, as they guarantee freedom from state interference. Another effect of economic growth is increased education levels and labor forces with greater autonomy, which result in the need for democratic institutions to address differences of opinion and demands for social and economic rights such as the right to education and the right to form trade unions and free associations. Economic growth also lessens economic inequality and increases the likelihood of democratic institutions through demands for the protection of solidarity rights such as rights to public goods (such as development). Such solidarity rights aim to guarantee that all individuals in society have the right to share the benefits of economic growth, expansion and innovation. It is thus evident that the role of economic development in modernization theory leads to the demand for protection of all classes of human rights- civil and political, social and economic, as well as solidarity.

Moreover, both class and elite subsets of distributive conflict theory stem from persistent socio-economic inequality in terms of classes and income levels, causing certain actors (the poor) to demand democracy and other actors (the rich) to resist it with repression. Such wide socio-economic disparity can be seen as a demand for the protection of solidarity rights such as the right to development, as explained earlier. In class conflict, the rich use democratization to lock-in a plan to redistribute wealth in the future as a form of credible commitment while in elite conflict, the dictator in power uses democratization to lock-in a plan serving debt owed to elite creditors. A set of civil and political rights are emphasized as crucial tools for wealth redistribution or repayment of debt in both cases, for example property rights and the right to equality before the law.

In sum, it is clear that economic development and inequality in modernization and distributive conflict theories of democratization are the driving forces behind popular demand for the protection of all classes of human rights, which often leads to democratization. Conventional wisdom that popular demand for the protection of human rights leads to democratization stems from the stylized fact that democracies are better at protecting human rights, despite Bueno de Mesquita's findings that only major democratic reforms lead to the protection of such rights. Hence, both points of views are aligned with each other.

3. Why do dictators ratify human rights treaties? Why do the leaders of partial or transitioning democracies? Should we advise these leaders to ratify? And does the answer depend on which treaty we're talking about?

According to Simmons' theory of false positives, dictators ratify human rights treaties despite lacking a strong normative commitment to the contents of the treaty as they believe that the expected value of ratifying exceeds the non-compliance costs incurred. Dictators are often uncertain about costs and consequences due to low enforcement rates, and believe that the gamble is worth it. Such insincere ratifiers often expect benefits such as good publicity, an improved image with domestic and global audiences, and avoiding criticism from external audiences and activists. More tangible benefits include membership of certain intergovernmental organizations, as well as improved access to trade or aid. Also, insincere ratification of human rights treaties by dictators may be rational if the government has short time horizons, as dictators want to reap the short-term benefits from ratification as they may not even be around to experience the costs of non-compliance. Simmons' theory applies to the International Criminal Court as well as other forms of treaties, and even a leader's decisions to establish a truth commission after a civil war.

However, new insights from Hollyer and Rosendorff indicate that authoritarian states sign human rights treaties in order to manipulate the risk of punishment in the event of losing power. Using the specific case study of a dictator's decision to sign the UN Convention Against Torture (CAT), the ratification of the CAT is a signal to the opposition the length that the dictator is willing to go to in order to stay in power, as well as the dictator's willingness to use torture if necessary. This leads to the selection bias where more repressive regimes where the elites are more committed to staying in power sign more frequently than less repressive regimes. Despite the signalling intentions of dictators who ratify the CAT, Hollyer and Rosendorff find empirical evidence that suggests that torture levels are in fact reduced in signatory authoritarian governments, hence the informational effect outweighs the commitment effect of the treaty (Hollyer and Rosendorff, 4). This paradoxical outcome implies that while dictators may not ratify human rights treaties for the right reasons, CAT ratification ultimately results in less domestic conflict and torture. It is thus evident that in the case of the CAT, while dictators may often manipulate and wield human rights treaties as political tools to advance their agenda, the positive empirical outcome on reducing torture and domestic conflict makes it extremely difficult to advise dictators against treaty ratification.

As for leaders of partial or transitioning democracies, Hathaway argues that governments (often liberal democracies) ratify treaties as it is a costless expression of support for the values they espouse, hence obtaining “expressive” benefits from ratification. Furthermore, Simmons’ theory of commitment has empirical evidence that democratic characteristics of a regime certainly increase the probability that a government will ratify a human rights treaty. For the ICCPR and ICESCR, newly transitioned democracies were over two times more likely to ratify than all other governments (Simmons, 83). Similarly, for the CAT, CEDAW and CRC, newly transitioned democracies are most likely to ratify sooner than other regimes.

Using the specific case study of the CAT once more, Simmons argues that while the CAT does not reduce torture levels in consolidated democracies or autocracies, it does so in transitional democracies (Simmons, 257). She presents Chile and Israel as case studies where ratification provided a mobilizing mechanism for civil society to pressure for change in a government which preferred repression. In sum, empirical evidence points to the normative conclusion that leaders of partial or transitioning democracies should ratify human rights treaties due to the positive effects of such treaties on human rights protections.

4. Will enforcing compliance with the International Criminal Court be best achieved by domestic actors or by foreign/supranational actors?

Enforcing compliance with the International Criminal Court (ICC) is best achieved by domestic stakeholders in the sphere of human rights, such as leaders, judges and civil society. According to Simmons’ theory of compliance, domestic actors who are potentially empowered by treaties have the biggest incentive to hold a government to its commitments by mobilizing strategically while external (foreign/supranational) actors often lack incentives to do so.

The crux of Simmons’ argument is such that ratified treaties (in this case, the Rome Statute which established the ICC) can influence agendas, litigation and political mobilization by affecting domestic politics in a country. As a result of such domestic mechanisms, citizens have huge incentives to achieve their rights goals by enforcing compliance. Citizens are also often empowered by these mechanisms and hence capable of enforcing compliance. Simmons argues that treaties affect domestic politics and state compliance by influencing national policy agenda and legislative priorities in both parliamentary and presidential systems. As the conduct of foreign policy (including ratification of treaties) typically resides in the executive branch of government, treaty ratification provides a unique opportunity for the executive branch of government to place what otherwise might have been a legislative item on the national policy agenda (Simmons, 129). Treaties hence influence outcomes such as laws and practices, helping to enforce state compliance with the ICC. Also, treaties influence legal decisions and reasoning of courts by raising the costs of noncompliance when the international legal system supports an individual’s complaint (Simmons, 130). As treaties are domestically enforceable legal obligations, litigation in national courts is a good strategy for creating pro-rights jurisprudence and enforcing state compliance. Last but not least, citizens use treaties a tool to support political mobilization to make human rights demands. In a domestic context, treaties ascribe legitimacy to human rights causes which can be used to gain more political traction. It is hence evident that via the abovementioned domestic mechanisms, domestic citizens in countries have both the motive and capability to enforce state compliance with the ICC realistically.

In contrast, global actors often lack incentive as well as teeth to enforce compliance with treaties such as the ICC, thus failing to do so. As argued by Simmons, the ability of international actors to enforce compliance is greatly limited due to the lack of a central lawmaking body or global “law enforcement” corps to enforce the rules. Moreover, governments will not comply or enforce compliance with human rights treaties when it is not aligned with their interests. Foreign actors do not have the incentive to spend political, military and economic resources to enforce

compliance, and often face huge collective action problems in organizing possible enforcement efforts.

In sum, enforcing state compliance with the ICC is best achieved by domestic actors as they have the biggest motivation and capability to do so via domestic mechanisms, as opposed to foreign/supranational actors who lack not only incentives but also the ability to do so.

Student 3

1. Measuring concepts and identifying cause-and-effect relationships are crucial activities in the study of human rights. Choose one of these activities and explain why. Use a few examples.

The activity of identifying cause-and-effect relationships is crucial to the study of human rights. The ability to identify instances of true cause-and-effect, and to separate them from examples of mere correlation, or of endogeneity, allows researchers and policy-makers to achieve a more thorough and complete understanding of the effects of certain variables or policies. Further, identifying exogenous, causal relationships inherently results in conclusions that can then be confidently applied to a broader set of circumstances, furthering academic understanding and informing policy decisions.

For example, researchers might be examining the question of whether signing a specific international treaty resulted in better protection of human rights within a country. If they were able to analyze available data in such a way that demonstrated a specific causal effect (say, that signing the treaty tended to directly increase the protection of human rights within a country, independent of other variables like its economic status or governmental structure), the researchers could then make a more conclusive and persuasive argument about whether such treaties were worthwhile endeavors. The more universal the findings, the more broadly they can be applied, and the more likely that policy-makers will consider the findings when making decisions about which tactics to devote resources to. A study that can conclusively state that a specific treaty has had a causal relationship with the enforcement of human rights ultimately proves to be more useful than a study that can merely correlate the two.

The ability to identify a causal relationship is also important in deconstructing studies that don't do enough to prove causation, and which may overstep the bounds of their data when drawing conclusions.

2. Economic development and inequality are key factors in political-economy theories of democratization (modernization theory and distributive conflict theories). Yet conventional wisdom has it that a popular demand for the protection of human rights leads to democratization. Are these two points of view compatible with one another, or not?

Essay omitted

3. Why do dictators ratify human rights treaties? Why do the leaders of partial or transitioning democracies? Should we advise these leaders to ratify? And does the answer depend on which treaty we're talking about?

Scholars explain dictators' decisions to ratify human rights treaties in a variety of ways. Simmons suggests that ratification results when dictators weigh the short-term costs and benefits of signing treaties. Dictators see that ratifying will provide the immediate benefits of international recognition and domestic support, while its associate costs are either uncertain or far enough in the future, making ratification a risk worth taking. Vreeland points out that leaders of non-consolidated dictatorships might use ratification as a way of appeasing opposition parties. Hollyer

and Rosendorf, meanwhile, adopt a very different approach and suggest that ratification can serve as a method of signaling aggression to opposition parties. They argue that by raising the potential punishment for repressive action, a dictator can communicate to potential opponents that they are committed to remaining in power by any means necessary.

Several of these theories might be applied to the question of why leaders of transitioning democracies ratify human rights treaties, including Vreeland's theory of appeasing opposition parties to consolidate power and Simmons' argument that leaders have "short time horizons" and focus only on immediate costs and benefits. Simmons and Danner also present the theory of "credible commitment", which argues that states with a long history of civil conflict and lack of its own enforcement mechanisms will submit to international jurisdiction over human rights violations, credibly committing themselves against further violations. This concept would apply especially in transitioning democracies, as leaders looked to make new commitments to their populous, but lacked the legal or judicial structure to credibly do so on their own.

A lack of consensus similarly surrounds the question of whether treaties like the Convention against Torture or Rome Statute are effective in curbing human rights violations. For example, Hathaway finds that CAT ratification actually correlates positively with torture for dictators. Simmons rejects any suggestion of causation in Hathaway's results and argues convincingly that CAT ratification is effective, at least in the case of transitioning regimes, where ratification can mobilize civil society to effect real changes in policy. One could argue that the Rome Statute *has* been effective in punishing those who violate its laws, having issued warrants and prosecuted a number of violators. As Hashimoto points out, this includes several instances of leaders who were prosecuted after accepting ICC jurisdiction themselves. Such evidence suggests that ratifying the Rome Statute is generally a bad idea for dictators who intend to continue violating its laws (at least, absent any short-term benefits that would outweigh the real possibility of future imprisonment).

4. Will enforcing compliance with the International Criminal Court be best achieved by domestic actors or by foreign/supranational actors?

On its face, compliance with the ICC and the Rome Statute would inherently be enforced by a supranational entity. That, ostensibly, is the entire point of the Court, to prevent war crimes by creating an external mechanism of enforcement that will function where domestic mechanisms have failed.

Kelley, though, explores the choice by many countries not to sign a nonsurrender treaty with the US, even when faced with the threat of negative economic or political ramifications. In these cases, countries resisted the allure of (some measure of) non-compliance due to domestic forces that valued maintaining their commitment to human rights in particular and valued maintain commitment as a broader concept.

Hashimoto points to a combination of domestic and foreign factors in explaining compliance. He points to the effect a foreign power can have in enforcing compliance, where a potential ICC prosecution would make a country a less attractive target for foreign aid, even if that leader ultimately escaped punishment. But so too does Hashimoto recognize that leaders are more likely to face punishment from the ICC when they face strong domestic accountability, and it is harder for them to cover up violations by destroying evidence. Ostensibly then, both foreign and domestic actors play a significant role in presenting incentives for leaders to remain compliant with the ICC.

Student 4

- 1. Measuring concepts and identifying cause-and-effect relationships are crucial activities in the study of human rights. Choose one of these activities and explain**

why. Use a few examples.

Within the domain of human rights, the ability to identify cause-and-effect relationships, though arguably unfeasible, provides crucial insight into both the actual nature and scope of human rights, the circumstances under which they are violated, and the laws, treaties, and other institutions in place to protect them. Generalizations and causal inferences derived from research can have important implications for the way in which states, international institutions, and NGOs conceive of various issues concerning human rights and act to promote and protect them. These generalizations and causal inferences however, are often overstated based on confusion about what can actually be learned from data. Causation cannot be established through correlational research, which can sometimes be misleading if an omitted cause or third variable is actually driving the relationship between two or more factors. Oona Hathaway suggests that much of the research upon which international law is founded upon comes from a rationalistic perspective that has in fact miscalculated the degree to which well-designed rules, treaties, and law in the international arena will cause a constraint in states' behavior and a decrease in human rights violations. She uses treaty ratification as an independent variable and reported human rights violations as a dependent variable, and finds, among other things, that treaty ratification is associated with worse human rights practices than expected. She concludes that the treaties and institutions in place to address human rights can actually make the problems worse. Assuming Hathaway's findings are in fact valid, this potentially could suggest that a failure to identify true causal relationships has potentially led to legal institutions that have an adverse effects on the human rights they were designed to protect. The ability to determine whether a cause and effect relationship actually exists and is not obscured or distorted through endogeneity or false causal inferences is salient for human rights as it has direct implications for the implementation of human rights law and practices.

Much of the discourse on human rights revolves around certain "empirical" claims, which in many cases are not actually empirical at all. Todd Landman argues that declarations and normative claims about human rights, many of which have not been thoroughly researched or proven to have a causal relationship with a desired outcome, are often translated by scholars and practitioners into empirical claims, which can lead to policy decisions that actually have a negative effect on the protection of human rights. Perhaps that is why even though we've seen a dramatic increase in international law over the past 60 years, global torture has actually increased. The common wisdom suggests that increased institutions in international law created to decrease rates of torture, will in fact cause a decrease in torture, but in actuality, this causal relationship does not seem to exist. Additionally, these claims effect the implementation of policies that decide things like foreign aid, assistance, and developmental programs without proper research and potentially for the advancement of some sort of political or ideological agenda, which inherently undermines the goal of protecting and promoting human rights. It's important to be able to identify where cause and effect relationships actually exist so that we can determine which mechanisms actually address human rights problems in a way that is *proven* to be effective.

2. Economic development and inequality are key factors in political-economy theories of democratization (modernization theory and distributive conflict theories). Yet conventional wisdom has it that a popular demand for the protection of human rights leads to democratization. Are these two points of view compatible with one another, or not?

The ideas set forth in both modernization theory and distributive conflict theories about economic development and inequality and their relationship to democratization seem apparently at odds with the conventional wisdom that a popular demand for the protection of human rights leads to democratization. While there are some aspects of both political-economy theories of

democratization that directly conflict the conventional wisdom on the matter, there are certain circumstances, particularly in Modernization theory, under which these views are in fact compatible with one another.

Modernization theory suggests economic growth is the most important factor in democratization, and while it does not cause democratization, it in fact coevolves with democracy. This happens for several reasons. Firstly, economic growth leads to a demand on dictators for more freedom of information, and the exchange of free information is, of course, integral for capitalism and democratic institutions. At the same time, a country that is growing economically is also going to see an increase how educated its population is, leading to more independent decision making and a greater tolerance towards many different kinds of opinions. Democratic institutions work to settle differences, and so as more opinions emerge and are tolerated there will be a greater need for these institutions. Finally, economic growth reduces inequality and class conflict, factors which inhibit democracy and increase instability. This view is in some ways incompatible with the idea that it is a demand for human rights that causes democratization. For one thing, one of the hallmarks of Modernization theory is the notion that democracy is not caused by economic growth, but develops alongside of it. This contradicts conventional wisdom, which proposes a theory that clearly has a directional hypothesis about the cause of democratization. Secondly, and most obviously, Modernization theory doesn't in any way explicitly attribute democratization to demand for human rights. However, it seems to me as though the ways in which economic growth and democracy are said to coevolve are mediated in some sense through a demand for human rights. If economic growth causes a population to put pressure on the dictator to loosen the free flow of information, which in turn leads to an environment in which democracy can flourish, then it is in fact a population indirectly demanding the human rights of freedom of speech, freedom of the press, freedom of opinion and expression, and in the case of the internet, the right to privacy, that is creating democratically-favorable conditions. If economic growth increases education levels, and therefore the multiplicity and tolerance of opinions, then in some ways it is the increasing levels of freedom of opinion and expression giving rise to the increased need for democratic institutions. From this perspective, it could be argued that economic growth gives rise to a demand for human rights, which, in accordance with conventional wisdom, leads to democratization. In this way, these two views of democratization are not incompatible.

Distributive Conflict Theory on the other hand looks more closely than Modernization theory at the actors that are demanding democracy, and the actors that are resisting it. This theory is not as compatible with conventional wisdom than Modernization theory, but there may be some situations in which the two perspectives may converge. From this view, in a dictatorship led by the rich or an elite class, the poor will demand redistribution of wealth, and the elite may resist these efforts through increased repression. In some cases this will lead to democratization—the rich will democratize if doing so will only deprive them of a small amount of their wealth, and their elite position is retained through powerful positions in the newly founded democratic institutions. If democratization does occur under these circumstances, it could be argued that it was a direct result of the poor demanding increased economic and social rights, which would be in line with conventional wisdom. Even in those cases though, the demand for these rights is only effective when inequality is low. The fewer economic and social rights the people actually have, the less likely it is for their demands for them to cause democratization to occur. In this sense, distributive conflict theories do not support conventional wisdom.

3. Why do dictators ratify human rights treaties? Why do the leaders of partial or transitioning democracies? Should we advise these leaders to ratify? And does the answer depend on which treaty we're talking about?

The greatest violators of human rights are quite frequently ratifying treaties to protect

them. There are several theories that seek to understand the puzzling question of why a dictator would commit to an institution that explicitly seeks to monitor, reprimand, and punish them for their behavior. These regimes could be seen as strategic ratifiers. They may ratify treaties that they have no intention of complying with simply because other states are doing so, and so a failure to ratify would result in criticism, or even potentially ostracism from international institutions. Some have argued that dictators view international institutions as being weak and incapable of enforcing treaties, and therefore ratification allows them to engage in a show of international cooperation for little to no costs. If they do ratify these treaties, they could also get some sort of expressive benefit, or a reward for a position as opposed to an effect. These regimes then get to show support for lofty ideals, without having to actually uphold them. There is the fact that ratification of the treaties can improve a state's public image, and certain organizations may require ratification as prerequisite for membership. Dictators can glean praise, avoid criticism, and in environments where less information is available, may be able to sidestep any consequences. It has also been argued that dictators tend to ratify treaties later in their regimes, when there is a good chance that they will not be around to witness any of the consequences that ratifying the treaty could cause. If all of this is true, ratification of human rights treaties should still be encouraged, but the actual strength of the human rights regime should be increased. Making treaties more costly if violated will encourage compliance or at least reduce the amount of false positives committed to a treaty.

One radically different theory suggests that it may be the case that dictators ratify human rights treaties specifically *because* they intend to violate them, and that extremely oppressive regimes are more likely to ratify such treaties than less oppressive regimes. The logic here is that an oppressive leader facing a domestic opposition will use torture to repress the opposition. Human rights treaties penalize leaders who violate the treaties after they are removed from office, and so by signing the treaty and continuing torture practices, the leader is indicating to his opposition exactly how far he is willing to go to hold on to power. Less oppressive regimes do not sign, but then are seen as vulnerable because they don't make this show of their commitment to retain power, and often have shorter tenures in office. What ends up happening is that after demonstrating how far the leader is willing to go to retain power, the opposition will decrease their oppositional efforts, and therefore the leader will typically reduce amounts of torture and repression. In any case, it seems that we should still encourage regimes to sign treaties, even if they make it explicitly clear that they don't intend to comply. Even though their intent is to retain power and the ability to torture, this theory suggests that ultimately ratification will, in a twisted way, lead to decrease levels of torture. This theory specifically looked at ratification of the CAT, and pertains to torture practices, however it's also been argued that the Rome Statute has had similar effects.

Leaders of partial or transitioning democracies on the other hand, ratify for quite different reasons. Newly transitioned, but currently stable democracies are more likely than any other kind of regime to ratify the ICCPR and the ICESCR. They are also more likely than mature democracies to sign the CAT, CEDAW, and CRC. While it is traditionally thought that mature democracies would be the biggest proponents of human rights, it turns out that they have a number of institutional hurdles that make ratification quite difficult in many cases. Additionally, these kinds of regimes seem particularly like to sign additional protocols that increase scrutiny and their levels of accountability. Not only are these governments committing to human rights treaties, they are making very clear indications that they fully intend to comply. Newly transitioned democracies have a particular incentive to secure their rights, which are often newly afforded. Democracies that are not mature have fewer domestic institutions to ensure the protection of their rights, and so in some cases, signing international human rights treaties can act to supplement their current laws and institutions. The Rome Statute provides a good example of this. Newly transitioned democracies that may not have judicial systems that are equipped to handle human rights violations are more than happy to hand off some of that responsibility to the

ICC, who presumably has better resources to deal with some of their issues, which may be handled domestically in other states.

4. Will enforcing compliance with the International Criminal Court be best achieved by domestic actors or by foreign/supranational actors?

Beth Simmons argues that in the case of most international law pertaining to human rights, compliance is best enforced by domestic actors. She claims that states do not have a strong interest in enforcing international law in other states, and therefore international enforcement mechanisms are largely ineffective. On the domestic level, human rights treaties are best enforced through agenda setting, leveraging litigation, and perhaps most importantly, social mobilization. But is this also applicable to compliance with the International Criminal Court (ICC)? It's a difficult question to answer. On the one hand, ratification of the Rome Statute and the acceptance of the ICC's jurisdiction have been shown to have an effect on state's behavior at the domestic level. The ICC can deter gross violations of human rights by increasing the costs of committing them and being subjected to prosecution. However, the reason that this happens is because a supranational actor will now be both monitoring leader's violation of human rights and punishing them if they do in fact violate the ICC's laws.

Judith Kelley finds that states with a higher domestic rule of law were deeply concerned about violating their commitments to the court, much more so than other states. This implies a deeper level of commitment and willingness to enforce compliance in countries with a higher domestic rule of law. You could make the argument that in those countries, their deep concern and commitment to the court (demonstrated by the rejection by many states of the U.S.'s proposed nonsurrender agreements) proves that they are best equipped to enforce compliance. However, there are many countries that have accepted the court's jurisdiction who have no intentions of enforcing compliance. In those cases, it seems both ineffective and imprudent to place the onus of enforcing compliance on states that will most likely refuse to do so. This is particularly true in corrupt states in which much of the leadership and political institutions may be committing crimes that are illegal under the Rome Statute. The ICC isn't particularly in any state's interest, although it was in fact created by governments. Beth Simmons argues that because unaccountable autocracies are more likely to accept the court's jurisdiction than established democracies, it seems that the autocracies are looking to tie their own hands so that they can move towards conflict resolution. This credible commitment theory discusses having a third party, in this case a supranational actor, have the control over a credibility-challenged leader's decisions. Leaders, even the most oppressive ones, can recognize the severe costs that will be incurred upon them for committing violent atrocities, so by surrendering some sort of authority and increasing the costs for violating the court's terms, they are tying their hands to prevent those kinds of situations happening in the future. In some ways, this pre-commitment is the main way in which the ICC works to promote human rights and decrease the amount violent atrocities that occur throughout the world. But, for this to be effective, the power to enforce compliance must be removed from the domestic level and put into the hands of foreign or supranational actors.

Student 5

1. Measuring concepts and identifying cause-and-effect relationships are crucial activities in the study of human rights. Choose one of these activities and explain why. Use a few examples.

It is important to identify factors that could lead to an improvement of human rights to identify mechanisms and possibly make policy recommendations. It is a common conception that the implementation of democracy encourages and leads to the protection of human rights.

Measuring different concepts enables human rights researchers to look at what norms have gained acceptance, and what aspects are most remarked upon in international human rights instruments and treaties. By measuring the frequency of mentions in ultimate aspirations, one can see to what degree international institutions aim to achieve equality and multilateralism, in comparison to transparency and accountability. In that same way, one can compare the acceptance of international human rights norms and see that children's rights violations is more universally seen as a breach of human rights whereas propaganda for war, hunger, apartheid, etc. are all lower in the scale. These then can show the areas which policy makers may want to pay more attention to.

It is also important to measure specific aspects in order to study its effect on human rights. For the sake of accurate research and statistics about the effect of democracy on human rights, it is imperative to provide some way to code 'democracy'. Measuring concepts is needed in order to perform cross-national empirical studies. It would be difficult otherwise to tell at what threshold a nation could be coded as a democracy. The Polity IV Project uses five components to score the level of democracy in countries, thus giving not only a threshold for if a nation is a democracy or not, but also details regarding to what degree it is a democracy. Of course, there are also many negative aspects to the Polity IV, such as the fact that each of the five components are weighed equally. Prior to disaggregating the exact causes and effects of democracies on human rights, it is imperative to distinguish what countries would be considered democracies and which would not.

2. Economic development and inequality are key factors in political-economy theories of democratization (modernization theory and distributive conflict theories). Yet conventional wisdom has it that a popular demand for the protection of human rights leads to democratization. Are these two points of view compatible with one another, or not?

In both modernization and distributive conflict theories described by Haggard and Kaufman, one can see that economic development and inequality become main factors. Conventionally, people tend to feel that the protection of human rights is what leads to democratization. It is possible to view these two beliefs in tandem, or at least, not mutually exclusive.

Both types of distributive conflict theories, class conflict and elite conflict, are built upon the foundation of adopting democracy in order to distribute for more equable wealth distribution. Popular demand for human rights may follow from the condition of unequal wealth distribution – the people may call for improved human rights protection to prevent exploitation. The class conflict type of distributive conflict theories states that the poor may demand redistribution of wealth and the rich may then resist through repression. Repression is typically seen as a violation of some number of human rights, and it is possible that the response to repression would then be to prevent such repression through the protection of human rights.

Modernization theory centers on the effects of economic growth. According to Lipset and Inglehart, economic growth leads to rising education and an increase of labor force, in turn leading to greater tolerance for different opinions. Education and labor forces can create both the need to protect the rights of the labor force and the ability to demonstrate or organize in order to call for such protection. Cutright's claim that economic growth increases the flow of information may prompt the call for protection of individual privacy, and the democratic institutions that ensure the free exchange of information may also be in place in response to that call.

Economic development and inequality are two key factors that may prompt the popular demand for protection of human rights and do not necessarily contradict each other.

3. Why do dictators ratify human rights treaties? Why do the leaders of partial or transitioning democracies? Should we advise these leaders to ratify? And does the answer depend on which treaty we're talking about?

Simmons describes many reasons why dictators might ratify human rights treaties. Firstly, there is the effect of uncertainty regarding time horizon. Ratification may be enough to garner the treaties many short-term benefits, and then even if the dictator would be caught in gross violations of the treaty, the leaders may no longer be in power and would then be able to escape. In this way, while the short-term benefits are definite, the long-term costs are not guaranteed.

Moreover, there may be some benefit to ratifying and some cost for being a pariah state. If the majority of states ratify, and only five do not, it is easy to pinpoint which five do not; the focus is on the five that did not ratify. Ratification en masse can thus act as a disguise, shifting the attention away from one's own state to those who must pass by daily. In addition, according to Hollyer, a dictator may also ratify the CAT in order to show their opposition that in spite of the possibility of consequences, the government is strong enough to ratify and also violate the treaty. These are but some of the reasons dictators may ratify human rights treaties.

Leaders of partial or transitioning democracies might ratify human rights treaties in order to lock in democracy and create a whole new stakeholder in holding onto democracy. These would also be the states with the most ground to cover and the best chance for doing so, and out of dictatorships, democracies, and transitioning/partial democracies it is the transitioning/partial democracies that would receive the highest value of gain for a reasonable chance of success.

I personally feel that leaders should be encouraged to ratify. According to Rosendorf, even if the country happens to be a false positive, or even if the leader believes in human rights protection but the current state of the nation cannot afford to enforce them, the ratification of treaties would allow the UN to help you move toward compliance. Moreover, there has been evidence that states that have ratified human rights treaties have correlated with improvement in human rights protection, suggesting a possible relationship regardless of whether the state had been a false positive.

4. Will enforcing compliance with the International Criminal Court be best achieved by domestic actors or by foreign/supranational actors?

Essay omitted

Student 6

1. Measuring concepts and identifying cause-and-effect relationships are crucial activities in the study of human rights. Choose one of these activities and explain why. Use a few examples.

The study of human rights is the study of not only what we define as human rights but also of how these rights are protected, why they are sometimes violated, and the actions that can be taken to prevent these violations. Thus, by identifying cause and effect relationships in the scope of human rights, we are able to identify some causes that lead to certain effects, based on careful investigation in the social phenomena of whatever empirical theory is under examination, and therefore able to better predict certain outcomes that could result from certain actions that is performed. In other words, according to Landman, the method of identifying cause and effect relationships allows us to establish a direct connection or correlation between some empirical

theory and the collection of evidence that may or may not support the proposition about the social phenomena under investigation.¹

For example, as we see in Kaufman and Haggard, one of the most common ways to answer the proposition that inequality and distributive conflicts often conflicts a driving force in the transition to democratic rule is through the process of cause and effect. That is, a country's inability to transition to democratic rule is considered by some political scientists to be an effect or a result of inequality or distributive conflict (a cause) within the country itself. Through the identification of this particular cause and effect relationship, we can then look to see if the evidence collected supports this theory or not. If so, that is, if the evidence collected (by looking at various sample data regarding a country's balance between rich and poor or land distribution, and the level of democracy they were) supports the theory, we can then, through cause and effect, identify the root problem.²

Perhaps, more positively, cause and effect relationships also allow us to evaluate the effects that creating some international human rights standard (for example, the Universal Declaration of Human Rights) could have on future actors' behaviors. For example, one of the effects that the UDHR has in terms of actors' behavior on the global stage is that it, as a legal document, is that constitutes as an obligation for all member states. These states would therefore feel both diplomatic and moral pressure should they, in any way, violate the treaty, because the other states who abide by the outlines set out in the treaty would be able to use this document to cite reasons why some actor from some state has violated the treaty. As an effect (as we will see later on, some political philosophers believe that it is because of this that actors on the global stage are more agreeable to ratify human rights treaties than to not.

2. Economic development and inequality are key factors in political-economy theories of democratization (modernization theory and distributive conflict theories). Yet conventional wisdom has it that a popular demand for the protection of human rights leads to democratization. Are these two points of view compatible with one another, or not?

Essay omitted

3. Why do dictators ratify human rights treaties? Why do the leaders of partial or transitioning democracies? Should we advise these leaders to ratify? And does the answer depend on which treaty we're talking about?

Essay omitted

4. Will enforcing compliance with the International Criminal Court be best achieved by domestic actors or by foreign/supranational actors?

It is difficult to argue that compliance can be achieved solely by domestic actors or by foreign/supranational actors because both theories of compliance face difficulties with regards to how effective each would actually be. Thus, enforcing compliance with the International Criminal Court would potentially be more effective through a combination of enforcement by both domestic and foreign/supranational actors. That is, according to the theories and potential problems posited by Simmons, it can be argued that, given that the end goal is to induce countries

¹ Chapter 4 (Social Science Methods and Human Rights) of Landman, T. 2006. *Studying Human Rights*. Routledge, New York, NY.

² Haggad, S. and Kaufman, R. R. 2012. Inequality and Regime Change: Democratic Transitions and the Stability of Democratic Rule. *American Political Science Review*, 106:495-516

to comply with the rulings and verdicts of the International Criminal Court, it may be best that a combination of domestic pressures and credible commitment pressures act to enforce compliance.

That is, on the global stage, actors have a reputation to uphold, and making a credible commitment, that is a commitment that they will not renege on, to, in this case, the International Criminal Court, sends a signal to other actors that they are reliable and trustworthy. An actor that is perceived as unreliable and trustworthy on the global stage could potentially affect the willingness of other actors to negotiate mutually beneficial agreements when necessary – something that an actor would not want, especially if it could benefit his own power and standing among his domestic actors and among the global actors. Thus, enforcing compliance on the global stage (without a clear foreign/supranational “police” figure) often depends on whether or not the actor has an incentive to violate the commitment. In general, actors do not have such an incentive simply because they will lose credibility and diplomatic stature as a contacting party.

Domestic pressures can also be a factor in enforcing compliance. International commitments and compliance to treaties or, in this case, the International Criminal Court, often translates into domestically enforceable legal obligations. Simmons argues that, in dualist countries, such as the Netherlands, international legal obligations must be translated into domestic law in order for their provisions to be enforced in domestic courts. In this case, a commitment to the standards set by the International Criminal Court in judging human rights violations, translates into similar standards for judging human rights violations domestically. Judges can therefore make their verdicts credible by looking to past UN reports of similar cases and using them to guide their rulings. Thus, a combination of both domestic and supranational actors can help enforce compliance with international bodies such as the International Criminal Court.

Student 7

1. Measuring concepts and identifying cause-and-effect relationships are crucial activities in the study of human rights. Choose one of these activities and explain why. Use a few examples.

Measuring concepts of human rights is not only possible in principle and in practice, but is fundamental in the improvement and development of the study internationally. There are a variety of measurement concepts, but its overall importance can be appropriately exhibited through the examination of events-based data, standards-based data, and survey-based data.

Landman argues that, when human rights violations are committed, imperative data is measured differently via these three methods. Events-based data essentially monitors or charts the reported abuses. Events based data would measure abuses such as the killings in Nigeria in 2004 or in India in 2010 -- it can account for arbitrary arrests, extra-judicial killings, and unlawful torture. Although this practice is often viewed as expensive, unfavorable to generalization, and at the hands of under-reporting biases, it is essential because of the various answers it provides to analysts. It tells them about when the event took place, how it occurred, who was involved, and then delineates important statistical and descriptive synopses of the violations. Survey-based data is often a culprit of variance truncation, imprecision, inaccuracy, and bias analyses, however it's benefit of helping analysts understand the degree of violations outweighs these negative outcomes. It serves in firstly delineating the degree of abuses and then translates these results and information into quantitative and numerical scales that are formulated to be commensurable. This applies an ordinal scale of measurement to the given qualitative information, such as the universal regard for human rights per select government or institution. Lastly, survey-based data falls to the criticisms of any survey collection. It is not only expensive, but the questions of concern could be understood and interpreted in different manners leading to misinformation and dishonesty. However, this is one of the most individually respective methods of data collection. By asking

random samples of a country's population a series of standardized questions, specialists are able to track human rights violations on an individual basis. This study can account for an individual's equality before the law, their subjectivity to discrimination by the government, and even their overall household happiness under their current rule.

2. Economic development and inequality are key factors in political-economy theories of democratization (modernization theory and distributive conflict theories). Yet conventional wisdom has it that a popular demand for the protection of human rights leads to democratization. Are these two points of view compatible with one another, or not?

One of the most impractical misconceptions of democratization is the belief that democratic institutions can be formed with ease, in any country at any given time. There are many contested methodologies of how a democracy first emerges and how it is then maintained. Many intellectuals such as Cutright, Lipset, Inglehart, and Welzel argue for modernization theory and the fact that economic development leads to democracy. However, the conventional claim that the demand for human rights leads to democracy is also extremely valid. Both of these outlooks are in fact suitable and go hand-in-hand with one another.

Inglehart and Welzel affirm to the fact that democracy is more likely to materialize and be maintained in places where a degree of social, political, and cultural conditions are put in place. For instance, they give the example of when the US Bush administration attempted at the establishment of democracy in Iraq, regardless of their lack of internal security and damaged cultural conditions. They claim that modernization is conducive to the emergence of democracy. This goes to say that economic development has a cross-country correlation in the establishment of democracy. Modernization gives rise to the acceptance and maintenance of human rights, further pushing the agenda of democratization. It firstly put resources into the hands of the people, which empowers and enables them to practice acts freedom and adopt emancipative values. Lipset argues that, economic growth reduces inequality and increases the power of the middle class. Since inequality creates a great deal of class conflict, thus hindering the stability of democracy, economic growth is essential in ensuring the free exchange of information and the rise of education.

However, this does not conflict with the philosophy that the demand for human rights leads to democratization. Landman argues that some of the main reasons why states violate rights are because they are less economically productive, are less democratic, or are transitioning away from democracy. So, by providing the population with emancipative values and transparency with government through economic development, people have the ability to mobilize and actually make such demands for human rights, which furthers equality, accountability, and democratic stability. People are more motivated to engage in "elite-challenging collective actions" with the purpose of establishing, improving, and sustaining democratic achievements.

3. Why do dictators ratify human rights treaties? Why do the leaders of partial or transitioning democracies? Should we advise these leaders to ratify? And does the answer depend on which treaty we're talking about?

Essay omitted

4. Will enforcing compliance with the International Criminal Court be best achieved by domestic actors or by foreign/supranational actors?

Essay omitted