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The Power of Human Rights

International Norms and Domestic
Change

edited by

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1 The socialization of international human rights norms into domestic practices: introduction

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Fifty years ago, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR). At the time, the delegates clearly noted that the Declaration was not a binding treaty, but rather a statement of principles. Eleanor Roosevelt said that the Declaration “set up a common standard of achievement for all peoples and all nations,” and “might well become an international Magna Carta of all mankind” (Humphrey 1984). On the fiftieth anniversary of the Declaration, it seems appropriate to evaluate the impact of these norms, now embodied in diverse international agreements and treaties.¹ Have the principles articulated in the Declaration had any effect at all on the actual behavior of states towards their citizens? What are the conditions under which international human rights norms are internalized in domestic practices? In other words, what accounts for the variation in the degree to which human rights norms are implemented? And what can we learn from this case about why, how, and under what conditions international norms in general influence the actions of states? This book tries to tackle these questions.

Our project relates to broader theoretical debates in the social sciences and law about the influence of ideas and norms on the behav-

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¹ The main general international treaties that embody the rights in the Universal Declaration of Human Rights are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Both entered into force in 1976. There are also specific international treaties elaborating certain rights with the UDHR such as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force in 1987.

ior of individuals and states. Scholars of international relations are increasingly interested in studying norms and ideas, but few have yet demonstrated the actual impact that international norms can have on domestic politics. Using case studies that explore the linkages between international human rights norms and changing human rights practices, we develop and present a theory of the stages and mechanisms through which international norms can lead to changes in behavior. We believe this theory will be useful in understanding the general impact of norms in international politics.

To carry out this evaluation, we chose to look at paired cases of countries with serious human rights situations from each region of the world. In addition to the well-publicized "success stories" of international human rights like Chile, South Africa, the Philippines, Poland, and the former Czechoslovakia, we also examine a series of more obscure and apparently intractable cases of human rights violations in such places as Guatemala, Kenya, Uganda, Morocco, Tunisia, and Indonesia. We reason that these countries with less propitious domestic and international situations would be hard cases for understanding the conditions under which international human rights norms could lead to changing domestic practices. Much of the research on international norms has looked at their international diffusion, or examined their impact in a single country or region. The design of this project allows us to explore the influence that a set of international human rights norms has in a wide variety of states with very different cultures and institutions. By examining the similarities and differences in the impact of human rights norms in these diverse settings, we can see the variation of norm effects across states.

The Universal Declaration of Human Rights contains thirty articles detailing diverse rights from the right to life, to the right to work, and the right to rest and leisure. Because we could not evaluate progress on all these rights, we chose a central core of rights – the right to life (which we define as the right to be free from extrajudicial execution and disappearance) and the freedom from torture and arbitrary arrest and detention.² By choosing to focus on these rights we do not suggest that other rights in the Declaration are unimportant. But these basic "rights of the person" have been most accepted as universal rights, and not simply rights associated with a particular political ideology or system.

Also, these basic rights have been widely institutionalized in international treaties that countries around the world have ratified. In this sense, it is around this core of rights that we would most expect human rights norms to have made an impact on human rights practices. If there is no progress here, we would not expect it in other less consensual areas. In addition, due to the work of Amnesty International, various United Nations human rights bodies and missions, and domestic truth commissions, there is now ample data dating back to the mid-1970s on changing levels of human rights practices for these basic rights. These data allow us to be more systematic in our evaluation of the impact of human rights norms.

As we began to complete our research, some of our cases took us by surprise. In late 1998, British officials arrested General Augusto Pinochet, former Chilean dictator, in a response to a request by Spanish judges. They asked that Pinochet be extradited to stand trial for human rights violations during his regime. In Guatemala, where security forces had killed over 100,000 people between 1966 and 1986, by 1997 forensic anthropology teams were exhuming mass graves, and truth commissions were publishing their reports on past human rights violations. In Indonesia in 1998, massive student demonstrations forced Suharto to step down from power, and a National Commission on Human Rights, set up in 1993, has developed a positive, if low-key, track record for documenting some human rights abuses and recommending changes in government policy. Despite the geographic, cultural, and political diversity of the countries represented in our cases, we saw similar patterns and processes in very different settings. On the other hand, in some countries like Tunisia and Kenya, the human rights situation, never as severe as in some of the cases discussed above, worsened or stabilized during the same period. How could we account for these changes, similarities, and differences?

This book serves two purposes, one empirical, the other theoretical. First, we want to understand the conditions under which international human rights regimes and the principles, norms, and rules embedded in them are internalized and implemented domestically and, thus, affect political transformation processes. We propose a five-phase "spiral model" of human rights change which explains the variation in the extent to which states have internalized these norms. We argue that the enduring implementation of human rights norms requires political systems to establish the rule of law. Stable improvements in human rights conditions usually require some measure of political transform-

² There are two exceptions in this book. Chapter 7 on Eastern Europe concentrates on freedom of expression and freedom to assemble rights, while chapter 3 on South Africa focuses on racial equality.

ation and can be regarded as one aspect of liberalization processes. Enduring human rights changes, therefore, go hand in hand with domestic structural changes.

We engage questions that are of interest both to academics and to activists and policy makers. Activists and policy makers have long debated the efficacy of human rights policies and pressures, but rarely had time for systematic study and analysis. Political scientists and other social scientists are increasingly interested in questions about the diffusion of international norms and principled ideas (see, for example, Finnemore 1996a, b; Finnemore and Sikkink 1998; Jepperson, Wendt, and Katzenstein 1996; Katzenstein 1996b; Klotz 1995; Kowert and Legro 1996). However, this literature is underspecified with regard to the causal mechanisms by which these ideas spread (Yee 1996) and, more important, rarely accounts for the variation in the impact of international norms (Checkel 1998). Such norms and principled ideas "do not float freely" (Risse-Kappen 1994) but affect domestic institutional change in a differential manner. The wide variety of cases examined in this volume is uniquely suited to permit a more in-depth understanding of how international norms interact with very different domestic structures.

International human rights norms provide an excellent opportunity to explore these theoretical issues for a number of reasons. First, because international human rights norms challenge state rule over society and national sovereignty, any impact on domestic change would be counter-intuitive. Second, human rights norms are well institutionalized in international regimes and organizations, and finally, they are contested and compete with other principled ideas.

This book also builds upon our earlier work on the subject. Risse-Kappen's book on transnational relations (Risse-Kappen 1995) argued that the policy impact of transnationally operating non-state actors on state policies varies according to differences in domestic institutional-structures which determine both their access to political systems and their ability to link up with domestic actors. This book goes one step further and explores the conditions under which networks of domestic and transnational actors are able to change these domestic structures themselves. Sikkink and Keck established the importance of "principled-issue" or "transnational advocacy networks" for the diffusion of international norms in the human rights and environmental issue-areas (Sikkink 1993a; Keck and Sikkink 1998). This book further elaborates the conditions under which principled ideas and international norms

affect domestic institutional change and presents a causal argument about the effects of transnational advocacy networks in processes of norm diffusion.

In sum, we argue that the diffusion of international norms in the human rights area crucially depends on the establishment and the sustainability of networks among domestic and transnational actors who manage to link up with international regimes, to alert Western public opinion and Western governments. We argue that these advocacy networks serve three purposes, which constitute necessary conditions for sustainable domestic change in the human rights area:

- 1 They put norm-violating states on the international agenda in terms of moral consciousness-raising. In doing so, they also remind liberal states of their own identity as promoters of human rights.
- 2 They empower and legitimate the claims of domestic opposition groups against norm-violating governments, and they partially protect the physical integrity of such groups from government repression. Thus, they are crucial in mobilizing domestic opposition, social movements, and non-governmental organizations (NGOs) in target countries.
- 3 They challenge norm-violating governments by creating a transnational structure pressuring such regimes simultaneously "from above" and "from below" (Brysk 1993). The more these pressures can be sustained, the fewer options are available to political rulers to continue repression.

This process by which international norms are internalized and implemented domestically can be understood as a process of *socialization*. We distinguish between three types of causal mechanisms which are necessary for the enduring internalization of norms:

- processes of instrumental adaptation and strategic bargaining;
- processes of moral consciousness-raising, argumentation, dialogue, and persuasion;
- processes of institutionalization and habitualization.

The significance of each process varies with different stages of the socialization process. In general, we argue that instrumental adaptation usually prevails in early stages of norms socialization. Later on, argumentation, persuasion, and dialogue become more significant, while institutionalization and habitualization mark the final steps in the so-

cialization processes. We develop a five-phase "spiral model" of norms socialization which specifies the causal mechanisms and the prevailing logic of action in each phase of the process. The model also contains hypotheses about the conditions under which we expect progress toward the implementation of human rights norms. Thus, the "spiral model" accounts for the variation in the domestic effects of international norms.

This chapter presents the research design of the book, in particular the "spiral model." The empirical chapters evaluate the theoretical propositions on the basis of paired comparisons of countries in different regions of the world. We show that the model is generalizable across cases irrespective of cultural, political, or economic differences among countries. These differences matter in terms of timing and duration of socialization processes; but they do not affect the overall validity of our explanatory model. Thus, the empirical chapters examine African (Hans Peter Schmitz on Kenya and Uganda; David Black on South Africa), Arab (Sieglinde Gränzer on Tunisia and Morocco), East European (Daniel Thomas on Poland and the former Czechoslovakia), Latin American (Stephen C. Ropp and Kathryn Sikkink on Chile and Guatemala), and South East Asian cases (Anja Jetschke on Indonesia and the Philippines). Together, these chapters represent a fairly comprehensive overview of the conditions of sustainable change in the human rights area. They allow for comparisons across regions which Stephen C. Ropp and Thomas Risse discuss in the concluding chapter.

Conceptualizing the impact of principled ideas and international norms on identities and interests

This book is part of a growing literature on the impact of ideas and norms in international politics (Adler 1987; Finnemore 1993, 1996a; Goldstein and Keohane 1993b; E. Haas 1990; P. Haas 1992; P. A. Hall 1989; Jacobson 1995; Katzenstein 1996a, b; Klotz 1995; Odell 1982; Sikkink 1991; Yee 1996). This new emphasis has resulted from the empirical failure of approaches emphasizing material structures as the primary determinants of state identities, interests, and preferences. We do not mean to ignore material conditions. Rather, the causal relationship between material and ideational factors is at stake. While materialist theories emphasize economic or military conditions or interests as determining the impact of ideas in international and domestic politics,

social constructivists emphasize that ideas and communicative processes define in the first place which material factors are perceived as relevant and how they influence understandings of interests, preferences, and political decisions (Adler 1991, 1997; Checkel 1998; Katzenstein 1996a, b; Kratochwil 1989; Müller 1994; Schaber and Ulbert 1994; Wendt 1992, 1995, forthcoming). In other words, material factors and conditions matter through cognitive and communicative processes, the "battleground of ideas," by which actors try to determine their identities and interests and to develop collective understandings of the situation in which they act and of the moral values and norms guiding their interactions.

We are concerned about the process through which principled ideas ("beliefs about right and wrong held by individuals") become norms ("collective expectations about proper behavior for a given identity," Jepperson, Wendt, and Katzenstein 1996: 54) which in turn influence the behavior and domestic structure of states. While ideas are about cognitive commitments, norms make behavioral claims on individuals (Katzenstein 1996b). To endorse a norm not only expresses a belief, but also creates impetus for behavior consistent with the belief. While ideas are usually individualistic, norms have an explicit intersubjective quality because they are *collective* expectations. The very idea of "proper" behavior presupposes a community able to pass judgments on appropriateness.

At the same time, the state is not a black box, but is composed of different institutions and individuals. Once ideas have become norms, we still need to understand how those norms in turn influence individual behavior of state actors:

- How and why does a member of the military who has ordered extrajudicial executions in the past decide to stop ordering executions?
- Do human rights abuses end because perpetrators are persuaded they are wrong?
- Do they end because leaders care about their international image and want other countries to think well of them? Or can we explain this behavior with more instrumental factors?
- Do perpetrators come to believe that they will be held accountable, and so they change behavior to avoid punishment?
- Do countries want to renew international military and economic aid that has been cut?

It is often not possible to do the precise research to answer these questions completely, but in this book we work to document the change (or lack thereof) in human rights practices, and then we trace the process of domestic and international normative, political, and institutional developments to try to explain the changes we observe. We also consider alternative explanations for human rights behavior to see which explanation fits the patterns we observe in each country.

In the cases studied, we find many examples of some human rights changes occurring apparently because leaders of countries care about what leaders of other countries think of them. Norms have a different quality from other rules or maxims. James Fearon argues that while rules take the form "Do X to get Y," norms take a different form: "Good people do X." Thus people sometimes follow norms because they want others to think well of them, and because they want to think well of themselves (Fearon 1997). People's ability to think well of themselves is influenced by norms held by a relevant community of actors. Scholars in international law have long recognized this intersubjective nature of norms by referring to international law as relevant within a community of "civilized nations." Today the idea of "civilized" nations has gone out of fashion, but international law and international organizations are still the primary vehicles for stating community norms and for collective legitimation. Some legal scholars now discuss a community of "liberal states" seen as a sphere of peace, democracy, and human rights, and distinguish between relations among liberal states, and those between liberal and nonliberal states (Franck 1990; Slaughter 1995). Human rights norms have a special status because they both prescribe rules for appropriate behavior, and help define identities of liberal states. Human rights norms have constitutive effects because good human rights performance is one crucial signal to others to identify a member of the community of liberal states (on definitions of norms and their constitutive effects see Finnemore and Sikkink 1998; Jepperson, Wendt, and Katzenstein 1996; Katzenstein 1996a, b; Kowert and Legro 1996; Thomson 1993).

Our approach to the constitutive and behavioral effects of principled ideas and norms draws on social constructivism (for applications to international relations see Katzenstein 1996a; Kratochwil 1989; Wendt 1992, forthcoming). Actors' interests and preferences are not given outside social interaction or deduced from structural constraints in the international or domestic environment. Social constructivism does not take the interests of actors for granted, but problematizes and relates

them to the identities of actors. What I want depends to a large degree on who I am. Identities then define the range of interests of actors considered as both possible and appropriate. Identities also provide a measure of inclusion and exclusion by defining a social "we" and delineating the boundaries against the "others." Norms become relevant and causally consequential during the process by which actors define and refine their collective identities and interests.

In our case, human rights norms help define a category of states – "liberal democratic states." Many (but certainly not all) of the interests these states have are quite different from those of the "others" – the authoritarian or "norm-violating" states. In some cases, these liberal "clubs" are quite specific; in the case of the European Union, for example, the formal and informal rules and norms specify that only democratic states with good human rights records can join the club. In the Inter-American system, such norms are just now emerging. The Organization of American States (OAS)'s Managua Declaration of 1993, for example, is very explicit about this process of stating norms that contribute to identity formation of member states. In it the OAS members declare "the need to consolidate, as part of the cultural identity of each nation in the Hemisphere, democratic structures and systems which encourage freedom and social justice, safeguard human rights, and favor progress" (Vaky and Muñoz, 1993).

But emphasizing the contribution of international norms to identity formation is not to suggest a "fair-weather" model of norm-induced domestic change whereby power, political struggles, and instrumental interests of actors are somehow absent from the story. We do not argue in terms of simple dichotomies such as "power versus norms" or "norms versus interests." Instead, we are interested in the interaction among these various factors. For example, we explore the "power of principles," that is, the use of principled ideas and international norms in domestic struggles among political actors. To the extent that human rights norms have become consensual, they can be used instrumentally in such power struggles. In the case of South Africa, the "power of principles" resulted in a sanctions regime which had powerful effects on the availability of material resources to the South African government (see chapter 3; Klotz 1995).³

Moreover, we also do not suggest that the causal arrows always point in one direction, as in "norms lead to a change in interests." There are

³ Audie Klotz refers to "normative power" in this context.

ample examples in this book where national governments changed their human rights practices only to gain access to the material benefits of foreign aid or to be able to stay in power in the face of strong domestic opposition. In fact, the process of human rights change almost always begins with some instrumentally or strategically motivated adaptation by national governments to growing domestic and transnational pressures. But we also argue that this is rarely the end of the story. Even instrumental adoption of human rights norms, if it leads to domestic structural change such as redemocratization, sets into motion a process of identity transformation, so that norms initially adopted for instrumental reasons, are later maintained for reasons of belief and identity. While the old leadership is not persuaded, the new leadership has internalized human rights norms and shows a desire to take its place in a community of human rights abiding states. The Philippine president, Ferdinand Marcos, for example, adopted some human rights norms for instrumental reasons, but once democratization occurred and Corazon Aquino took office, the very identity of the Philippine state changed.

A similar process might explain the Reagan administration's pro-democracy policy. When the principled position in favor of democracy was first adopted by the Reagan administration, most interpreted it as a vehicle for an aggressive foreign policy against leftist regimes, such as the USSR, Nicaragua, and Cuba. (This would be consistent with the instrumental use of a principled idea.) But because democracy as a principled idea had achieved consensus among political elites and the general public in the United States, the Reagan administration found itself obliged to a minimal consistency in its foreign policy, and thus eventually actively encouraged democracy in authoritarian regimes which the Republicans viewed as loyal allies, such as Chile and Uruguay.

In the end, the precise direction of the causal arrows – whether norms lead to a change in (collective) identities which in turn leads to a change in (instrumental) interests or whether interests lead to a change in norms which in turn lead to a change in identities – has to be determined through careful empirical process-tracing. This book does not have a preconceived notion of the way in which the causal mechanisms work in general. But we do suggest that instrumental and material interests, processes of norm-guided identity formation, as well as argumentation, persuasion, and dialogue, on the one hand, and strategic bargaining, on the other, differ in significance during the various stages of norms socialization.

A theoretical framework of norms socialization processes

The process by which principled ideas held by individuals become norms in the sense of collective understandings about appropriate behavior which then lead to changes in identities, interests, and behavior is conceptualized in this book as a process of *socialization* (Finnemore 1993; Ikenberry and Kupchan 1990; Müller 1993; Schimmelfennig 1994). Socialization can be defined as the “induction of new members . . . into the ways of behavior that are preferred in a society” (Barnes, Carter, and Skidmore 1980: 35). What is crucial to this definition is that socialization presupposes a society. Internationally, it makes sense only within the bounds of an international system defined as a society of states (Bull 1977). Contrary to some conceptions of international society, however, this definition suggests that international society is a smaller group than the total number of states in the international system, and that socialization to international norms is the crucial process through which a state becomes a member of the international society. The goal of socialization is for actors to internalize norms, so that external pressure is no longer needed to ensure compliance. The classic social science literature on socialization recognized that much socialization occurs among peer groups and social groups. “Political socialization produces a political self . . . It is political socialization which molds and shapes the citizen's relation to the political community” (Dawson and Prewitt 1969). Because a state's political identity emerges not in isolation but in relation to and in interaction with other groups of states and international non-state actors, the concept of socialization may be useful in understanding how the international society transmits norms to its members.

We distinguish in this book three types of socialization processes which are necessary for enduring change in the human rights area:

- 1 processes of adaptation and strategic bargaining;
- 2 processes of moral consciousness-raising, “shaming,” argumentation, dialogue, and persuasion;
- 3 processes of institutionalization and habitualization.

These processes constitute ideal types which differ according to their underlying logic or mode of social action and interaction. In reality, these processes usually take place simultaneously. Our task in this book

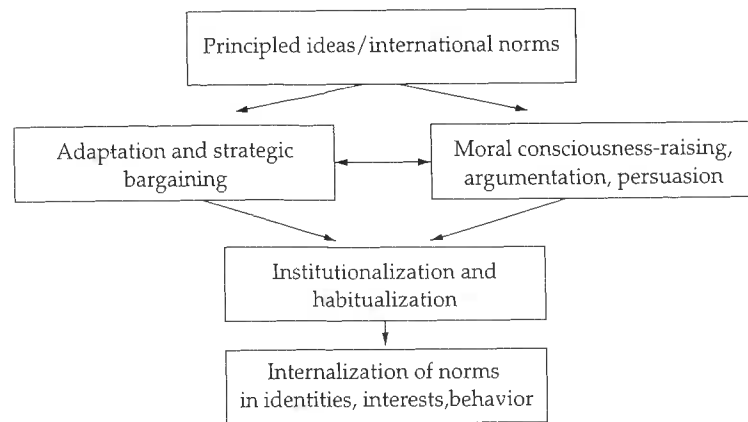


Figure 1.1 The process of norms socialization

is to identify which mode of interaction dominates in which phase of the socialization process. We suggest a rough order, which is depicted in figure 1.1.

The first type of socialization process concerns the *instrumental adaptation* to pressures – both domestic and international. Governments accused of violating human rights norms frequently adjust to pressures by making some tactical concessions. They might release political prisoners or sign some international agreements, for example, in order to regain foreign aid, to overcome international sanctions, or to strengthen their rule *vis-à-vis* domestic opposition. They might also engage in bargaining processes with the international community and/or the domestic opposition. They might even start “talking the talk” of human rights in international fora such as the United Nations (UN) Human Rights Commission. Such activities are essentially compatible with rational choice arguments about human beings as expected utility-maximizers. Actors – norm-violating governments in this case – pursue exogenously defined and primarily instrumental or material interests and change their behavior in order to reach their goals. They adjust their behavior to the international human rights discourse without necessarily believing in the validity of the norms. We argue in this book that instrumental adaptation to growing international and domestic pressures is a typical reaction of norm-violating governments in early stages of the socialization process.

The second type of socialization process which we investigate in this book, concerns *argumentative discourses* in the Habermasian sense (Habermas 1981, 1992, 1995b; for applications to international relations see Müller 1994; Prittwitz 1996; Risse 1997). While adaptation refers to an instrumental adjustment to international norms irrespective of discursive practices, socialization through moral discourse emphasizes processes of communication, argumentation, and persuasion. Actors accept the validity and significance of norms in their discursive practices. The notion of “moral discourse” needs to be strictly distinguished from daily communicative practices. We can differentiate between two ideal types of communicative behavior: the first focuses on the exchange of information through verbal utterances. In these instances, speakers know what they want and how they see the situation in which they act and communicate this to others. Information exchanges through communicative behavior can well be incorporated in rational choice models (see, for example, Morrow 1994; Schneider 1994). This is not what we have in mind.

The other type of communicative behavior which we identify with the notion of “discourse” in this volume, challenges the validity claims entailed in these “informations.” At a most basic level, actors might try to clarify whether they understood correctly the information submitted. Do we understand you correctly that you accept the validity of international human rights norms, but claim that the alleged violations did not occur? More significant are discourses arguing over whether the situation is defined correctly. You claim that these actions are part of a fight against terrorism, but we think that they constitute human rights violations. What are they an instance of? In this case, actors might actually agree on the moral validity of the norm, but disagree whether certain behavior is covered by it.

Finally, there are moral discourses which challenge the validity claims of the norm itself. You argue that human rights are universal, but we think that our culture and way of life are alien to these individualistic norms. We argue in this book that such discourses challenging validity claims inherent in definitions of the situation as well as in principled beliefs and norms are all-pervasive in the human rights area and need to be analyzed in order to explain socialization processes leading to sustainable domestic change. Moral discourses in particular not only challenge and seek justifications of norms, they also entail identity-related arguments. What I find morally appropriate depends to some degree on who I am and how I see myself. As argued above, for

example, human rights define a certain category of states and, thus, relate to collective identities. The logic of discursive behavior and of processes of argumentation and persuasion rather than instrumental bargaining and the exchange of fixed interests prevails when actors develop collective understandings that form part of their identities and lead them to determine their interests. Those principled beliefs carry the day when they persuade actors in potentially winning coalitions to interpret their material and political interests and preferences in light of the idea and to accept its social obligations as appropriate. Coalitions are formed not just through the convergence of pre-existing actors' interests, but also through argumentative consensus. People become convinced and persuaded to change their instrumental interests, or to see their interests in new ways, following the principled ideas.

This is not to argue that moral discourses and discursive practices in general resemble "ideal speech" situations in the Habermasian sense, where power and hierarchies are absent and nothing but the better argument counts. In real-life situations, relationships of power and interest-based arguments are rarely completely out of the picture. Nor do communicative processes always involve the exchange of logical arguments. Actors rely on a variety of techniques to persuade, including appeals to emotion, evoking symbols, as well as the use and extension of logical arguments. Although some authors privilege the role of logic in the extension of norms (Crawford 1993), psychological research suggests that both emotion and cognition operate synergistically to produce and change attitudes (Eagly and Chaiken 1993). In the area of human rights, persuasion and socialization often involve processes such as shaming and denunciations, not aimed at producing changing minds with logic, but on changing minds by isolating or embarrassing the target. Persuasion is also not devoid of conflict. It often involves not just reasoning with opponents, but also pressures, arm-twisting, and sanctions. For example, Audie Klotz's work on norms and apartheid discusses coercion, incentive, and legitimation effects that are often part of a socialization process (Klotz 1995; see also chapter 3 in this book).

Nevertheless, we claim that the logic of persuasion and of discourse is conceptually different from a logic of information exchange based on fixed preferences, definitions of the situations, and collective identities. Discursive processes are precisely the types of human interaction in which at least one of these properties of actors is being challenged.

We expect to find a mix of instrumental and argumentative rationalities governing the process by which domestic and transnational actors,

states, and international institutions impact upon the human rights performance of particular regimes. We are particularly interested in investigating the characteristic patterns in the mix of the instrumental and the communicative, and the conditions under which actors change from one mode of action to the other. Here are a few examples taken from the human rights area of how argumentative rationality and policy deliberation, on the one hand, and instrumental adaptation, on the other, might relate to each other:

1. Repressive governments often adapt to normative pressures for purely instrumental reasons. When the pressure decreases, they return to repression, as was the case in Kenya in the early 1990s (see chapter 2). Sometimes, however, they start institutionalizing human rights norms into domestic law and change their discursive practices. This in turn opens space for the domestic opposition to catch the government in its own rhetoric. At this point, instrumental and communicative rationality intertwine. It becomes very hard for the government to deny the validity of human rights norms. Political psychology talks about "self-persuasion" in this context. Over time people come to believe what they say, particularly if they say it publicly (Chaiken, Wood, and Eagly 1996: 703–705).
2. Moral consciousness-raising by the international human rights community often involves a process of "shaming." Norm-violating states are denounced as pariah states which do not belong to the community of civilized nations, as was the case with South Africa (chapter 3). Shaming then constructs categories of "us" and "them", that is, in-groups and out-groups, thus re-affirming particular state identities. Some repressive governments might not care. Others, however, feel deeply offended, because they want to belong to the "civilized community" of states. In other words, shaming then implies a process of persuasion, since it convinces leaders that their behavior is inconsistent with an identity to which they aspire. This was the case with the Moroccan king, as Sieglinde Gränzer shows in chapter 4.
3. Domestic opposition groups might rally around human rights issues for purely instrumental reasons at first, for example, to be able to communicate and to link up with international and transnational networks or to broaden the basis of

domestic opposition by bringing in ideologically diverse groups. If they succeed in overthrowing the oppressive regime, however, there is less instrumental need to act upon their opposition rhetoric and to implement the human rights norms. It is, therefore, noteworthy that, in all cases of successful human rights change documented in this book, the new regimes matched their opposition words with deeds, although the fit was often less than perfect. This suggests a communicative process of identity change which leads actors to behave in ways consistent with their identity when they acquire the means to do so.

The three examples suggest that socialization processes start when actors adapt their behavior in accordance with the norm for initially instrumental reasons. Governments want to remain in power, while domestic NGOs seek the most effective means to rally the opposition. The more they "talk the talk," however, the more they entangle themselves in a moral discourse which they cannot escape in the long run. In the beginning, they might use arguments in order to further their instrumentally defined interests, that is, they engage in rhetoric (on rhetorical action see Schimmelfennig 1995, 1997). The more they justify their interests, however, the more others will start challenging their arguments and the validity claims inherent in them. At this point, governments need to respond by providing further arguments. They become entangled in arguments and the logic of argumentative rationality slowly but surely takes over. It follows that we expect argumentative rationality, dialogue, and processes of persuasion to prevail in later stages of the socialization process.

But argumentative processes are still not sufficient in order to socialize states into norm-abiding practices. Human rights norms can only be regarded as internalized in domestic practices, when actors comply with them *irrespective* of individual beliefs about their validity. In the case of Uganda (see chapter 2), for example, national leader Yoweri Museveni can probably be regarded as a "true believer" in human rights. But it is less clear whether the drastic improvement in human rights conditions will survive his presidency. This points to a final type of socialization process emphasizing the gradual institutionalization of norms as theorized by sociological and historical institutionalism (P. A. Hall and Taylor 1996; Jepperson 1991; March and Olsen 1989; Powell and DiMaggio 1991; Steinmo, Thelen,

and Longstreth 1992). Actors incrementally adapt to norms in response to external pressures, initially for purely instrumental reasons. National governments might then change their rhetoric, gradually accept the validity of international human rights norms, and start engaging in an argumentative process with their opponents, both domestically and abroad. The more they accept the validity of the norms and the more they engage in a dialogue about norm implementation, the more they are likely to institutionalize human rights in domestic practices. Human rights norms are then incorporated in the "standard operating procedures" of domestic institutions. This type of internalization process can be conceptualized as independent from changes in individual belief systems. Actors follow the norm, because "it is the normal thing to do." Whether they are convinced of its moral validity and appropriateness or not is largely irrelevant for habitualization processes. When we stop at a red traffic light, we usually do not question the normative implications of the rule we are just following. Once human rights norms are institutionalized in this sense, changes in government and in individual leaders matter less and less. Norms are implemented independently from the moral consciousness of actors. They are simply "taken for granted" which marks the final stage in a socialization process (see Finnemore and Sikkink 1998). Institutionalization and habitualization are necessary to "depersonalize" norm compliance and to insure their implementation irrespective of individual beliefs.

Transnational advocacy networks and human rights socialization: the "spiral model"

So far, we have developed a theoretical argument about socialization processes by identifying three ideal types of social action: instrumental adaptation, argumentative discourse, and institutionalization. To guide our empirical analysis, however, this conceptual framework needs to be operationalized and applied to the human rights area more specifically. In the following, we develop a five-phase "spiral model" of human rights change which incorporates simultaneous activities at four levels into one framework:

- the international-transnational interactions among transnationally operating international non-governmental organizations (INGOs), international human rights regimes and organizations, and Western states;

- the *domestic society* in the norm-violating state;
- the links between the societal opposition and the transnational networks;
- the *national government* of the norm-violating state.

The “spiral model” builds upon previous work on “principled issue or transnational advocacy networks” in the human rights area. A transnational advocacy network includes those relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services (Keck and Sikkink 1998; see also Risse-Kappen 1995). We follow various studies on the impact of human rights norms in Latin America emphasizing how domestic and transnational social movements and networks have united to bring pressure “from above” and “from below” to accomplish human rights change (Brysk 1993; Osiel 1986; Sikkink 1993a). Keck and Sikkink have referred to this process as the “boomerang effect” (Keck and Sikkink 1998).

A “boomerang” pattern of influence exists when domestic groups in a repressive state bypass their state and directly search out international allies to try to bring pressure on their states from outside. National opposition groups, NGOs, and social movements link up with transnational networks and INGOs who then convince international human rights organizations, donor institutions, and/or great powers to pressure norm-violating states. Networks provide access, leverage, and information (and often money) to struggling domestic groups. International contacts can “amplify” the demands of domestic groups, prise open space for new issues, and then echo these demands back into the domestic arena (see figure 1.2).

The “boomerang model” can be integrated in a more dynamic conceptualization of the effects which these domestic-transnational-international linkages have on domestic political change. The “spiral model” which will be explored in the empirical chapters consists of several “boomerang throws” with diverging effects on the human rights situation in the target country (see figure 1.3). It is a causal model which attempts to explain the variation in the extent to which national governments move along the path toward improvement of human rights conditions. We do not assume evolutionary progress. Rather, below we identify those stages in the model where governments might return to repressive practices. We develop hypotheses about the conditions under which we expect movement from one phase of the “spiral

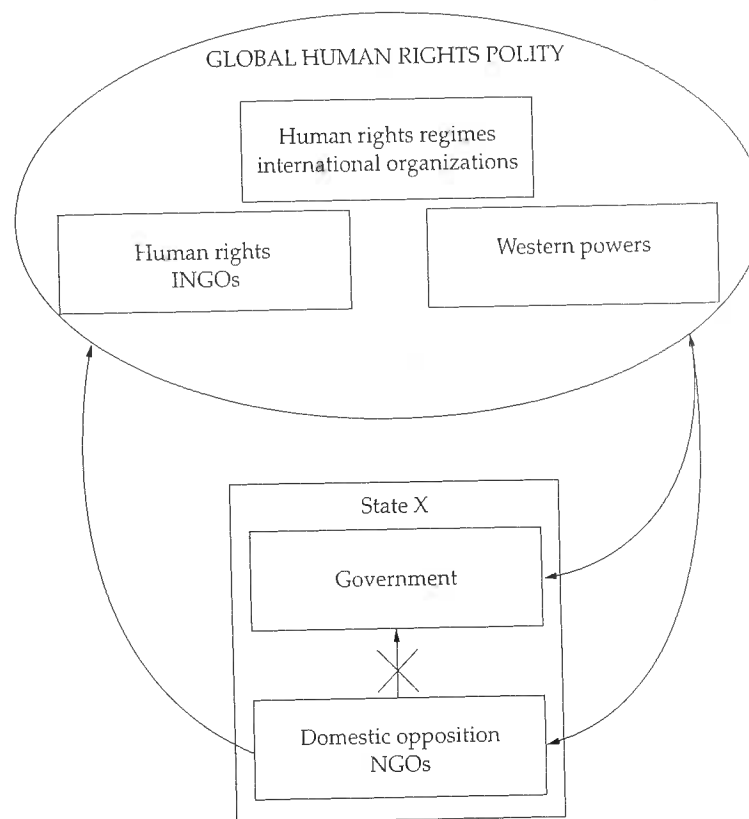


Figure 1.2 The “boomerang effect”

model” to the next. These phases are distinguished by the dominant response from the norm-violating state to the societal and transnational activities. Thus, the “spiral model” serves to operationalize the theoretical framework of norm socialization developed above, to identify the dominant mode of social interaction in each phase (adaptation, arguing, institutionalization), and, ultimately, to specify the causal mechanisms by which international norms affect domestic structural change.

“World time”

Our dynamic model is based on the prior existence of international institutions which regulate human rights norms (a social structure) and

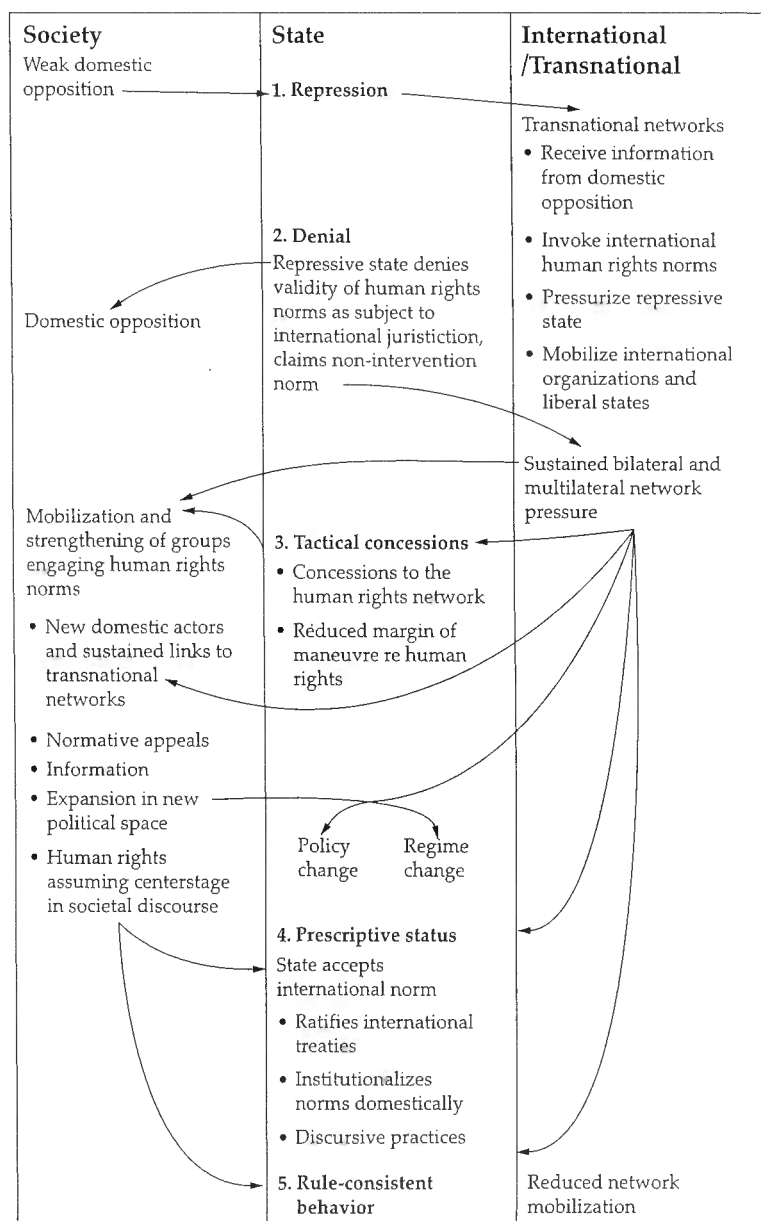


Figure 1.3 The "spiral model" of human rights change

of transnational advocacy networks composed of INGOs and foundations which are loosely connected to officials working for human rights IOs as well as for national governments (the norm-promoting agents). The international institutions are primarily the human rights bodies of the United Nations, and the various human rights treaties that have been drafted and ratified under UN auspices, but also include some regional institutions, such as the Inter-American Commission and Court of Human Rights. The human rights networks include international and domestic NGOs, foundations, and some governmental and inter-governmental officials who share collective understandings and a collective identity with regard to human rights norms. Other authors have described and explained the origins and growth of these institutions and networks (Donnelly 1991; Forsythe 1991); we explore what role they play in our case studies.

The existence and strength of human rights institutions, norms, and networks, however, increased significantly over time, and thus the cases take place at different moments in "world time." Prior to 1973, international human rights treaties had not yet entered into force and the strength of international human rights norms and institutions was much weaker. No country had yet adopted an explicit bilateral human rights policy, and fewer human rights NGOs existed. The cases of Chile and South Africa are important in this period since both cases begin prior to the existence of strong international networks and institutions, and these cases actually contribute to the growth of the network, to the emergence of human rights foreign policies, and to more activist orientations by international organizations, as Ropp and Sikkink discuss in chapter 6.

Between 1973 and 1985, transnational human rights NGOs and advocacy networks expanded and states and networks built the international social structure of human rights norms and institutions. In 1976, the international human rights covenants came into effect, and new institutions, such as the United Nations Human Rights Committee, emerge. Between 1973 and 1990, most Western countries developed some form of explicit bilateral and multilateral human rights policies. After 1985, we can say that the world began a process of a genuine international "norms cascade," as the influence of international human rights norms spread rapidly (on norms cascades, see Sunstein 1997). Country cases that begin before the norms cascade will take longer to move through the phases than cases of repression that begin after the norms cascade has taken place. A completed norms cascade leads to a

point where norms are internalized and gain a "taken for granted quality" (Finnemore and Sikkink 1998; see also concluding chapter). If the international human rights norms cascade is sustained, states are less likely to engage in a lengthy "denial" stage, since human rights norms become increasingly accepted.

Phase 1: repression and activation of network

The starting point for our research is a repressive situation in the state under investigation – the "target" – where domestic societal opposition is too weak and/or too oppressed to present a significant challenge to the government. The levels of repression vary greatly among the countries in the volume, from extreme repression bordering on genocide (as in the case of Guatemala) to much lower levels of repression as in the case of Tunisia.

This phase of repression might last for a long time, since many oppressive states never make it on to the agenda of the transnational advocacy network. Moreover, the degree of repression unfortunately determines to some degree whether transnational networks can even acquire information about human rights conditions in the country. Very oppressive governments sometimes do not become the subject of international campaigns by the advocacy networks, because information gathering requires at least some minimal links between the domestic opposition and the transnational networks if the latter is to gain access to the norm-violating state. Only if and when the transnational advocacy network succeeds in gathering sufficient information on the repression in the "target state," can it put the norm-violating state on the international agenda moving the situation to phase 2 (hypothesis 1).

Phase 2: denial

This phase of the "spiral model" puts the norm-violating state on the international agenda of the human rights network and serves to raise the level of international public attention toward the "target state." The initial activation of the transnational network often results from a particularly awesome violation of human rights such as a massacre and leads to the mobilization of the international human rights community. This stage is characterized first by the production and dissemination of information about human rights practices in the target state. Such information is often compiled with the cooperation of human rights organizations in the target state. The transnational network then starts lobbying international human rights organizations as well as Western

states – from public opinion to policy makers and national governments. This "lobbying" usually involves some discursive activities in terms of moral persuasion. Western governments and publics, for example, are reminded of their own identity as promoters of human rights. Human rights organizations frequently remind Western states of their own standards in this area and demand that they live up to them. Network activists often point to inconsistencies in Western state behavior, stressing that they had condemned human rights violations in one state, but not another, where violations are just as egregious. This also typically involves some "shaming." So moral persuasion takes place during the first phase, but it involves networks persuading Western states to join network attempts to change human rights practices in target states. These lobbying activities might lead to some initial pressure on the target state to improve its human rights conditions.

The initial reaction of the norm-violating state in the cases considered here is almost always one of denial. "Denial" means that the norm-violating government refuses to accept the validity of international human rights norms themselves and that it opposes the suggestion that its national practices in this area are subject to international jurisdiction. Thus, denial goes further than simply objecting to particular accusations. The norm-violating government charges that the criticism constitutes an illegitimate intervention in the internal affairs of the country. The government may even succeed in mobilizing some nationalist sentiment against foreign intervention and criticism. Thus the initial "boomerang throw" often appears to be counterproductive because it allows the state to solidify domestic support. The presence of a significant armed insurgent movement in the target country can dramatically extend this stage, by heightening domestic perceptions of threat and fear. Any insurgent movement success appears to validate the government's claim that the order or the very integrity of the nation is at stake, and thus isolates domestic human rights organization and international pressures by identifying these groups as conscious or unconscious accomplices of terrorism.

We count the denial stage as part of the socialization process because the fact that the state feels compelled to deny charges demonstrates that a process of international socialization is already under way. If socialization were not yet under way, the state would feel no need to deny the accusations that are made. Governments which publicly deny the validity of international human rights norms as interference in internal affairs, are at least implicitly aware that they face a problem in terms of

their international reputation. It is interesting to note in this context that denial of the norm almost never takes the form of open rejection of human rights, but is mostly expressed in terms of reference to an allegedly more valid international norm, in this case national sovereignty. Nevertheless, the denial stage can also last for quite a long time. Some repressive governments care little about international pressures. Moreover, they might kill off or buy off the domestic opposition.

Because of changes in "world time" it is possible that denial and backlash is a normative phase particular to a period in which new international norms have emerged, but when they are still strongly contested internationally. Governments, through their denial, engage in this contestation. If this is the case, we would expect the denial stage to disappear in cases of more fully institutionalized norms. The timing of the disappearance of the denial phase may differ from one region to another. For example, no state in Western Europe has denied the prescriptive status of human rights norms since the military junta in Greece in the late 1960s. In Latin America, it is possible that the historical limits to the denial phase are being reached in the mid-1990s, but we would expect this contestation to continue much longer in Asia and Africa.

In sum, however, norm-violating governments still have many strategies at their disposal to fight off international and transnational pressure. The domestic opposition is still too weak to be able to mount a major challenge to the regime. Therefore, the transition to the *third phase* constitutes the biggest challenge for the transnational human rights network. This transition primarily depends on the strength and mobilization of the *transnational* network in conjunction with the vulnerability of the norm-violating government to international pressures (hypothesis 2; see Keck and Sikkink 1998; Klotz 1995; Sikkink 1993a, b).

Almost all human rights campaigns involve particular kinds of material pressures, for example, when aid becomes conditional on human rights performance, and these pressures are indisputably important for understanding the early stages of influence. But target vulnerability may also come from prior normative commitments. Vulnerability may simply represent a desire to maintain good standing in valued international groupings (Klotz 1995). To the degree that a nation values its membership in an emerging community of liberal states, it will be more vulnerable to pressures than a state that does not value such membership. We would expect that countries receiving large military and economic aid flows will be more vulnerable to human rights pressures than those not receiving such flows.

Phase 3: tactical concessions

If international pressures continue and escalate, the norm-violating state seeks cosmetic changes to pacify international criticism. Although the norm-violating government might then temporarily improve the situation – for example, by releasing prisoners – we do not expect a stable amelioration of human rights conditions. This more sustained period of international concern, however, may allow the initial "rally around the flag" effect of phase 2 to wear off. The minor cosmetic changes, such as the release of prisoners, or greater permissiveness about domestic protest activities, may allow the repressed domestic opposition to gain courage and space to mount its own campaign of criticism against the government. At this point the repressive government is usually acting almost solely from an instrumental or strategic position, trying to use concessions to regain military or economic assistance, or to lessen international isolation.

The most important effect of this second phase of transnational mobilization is, therefore, not so much to change the behavior of the government as to facilitate social mobilization in the target country. In other words, if the transnational network succeeds in forcing the norm-violating state to make tactical concessions, the focus of activities is likely to shift from the transnational to the domestic level. The increased international attention serves to create and/or strengthen local networks of human rights activists whose demands are empowered and legitimated by the transnational/international network, and whose physical integrity may be protected by international linkages and attention. In this sense the transnational network serves to help creating space for the domestic groups and to amplify their demands in the international arena.

This is the most precarious phase of the spiral model, since it might move the process forward toward enduring change in human rights conditions, but can also result in a backlash (see chapter 4 on Tunisia). If a government responds with unrelenting repression of activists, it can temporarily break the upward spiral process. At the beginning of phase 3, the domestic human rights movement is often relatively small and dependent on a handful of key leaders. Arresting or killing these leaders decapitates the movement and the resulting fear paralyzes it. This, for example, is what happened in the case of the repression of the demonstrations in Tiananmen Square in China, and the initial response of the Guatemalan government to human rights pressures in the late

1970s (see chapter 6). While such actions can temporarily nip an incipient domestic opposition in the bud, this rarely suspends the spiral indefinitely, but mostly delays it. The additional repression is costly to the government in terms of its domestic legitimacy, and may validate international criticism by revealing more clearly the coercive power of the state.

If the cycle is not delayed, the domestic opposition is likely to gain strength. The fully mobilized domestic NGO networks linked to the global human rights polity can then be activated at any time. Toward the end of the tactical concession phase, norm-violating governments are no longer in control of the domestic situation. Whenever they commit another serious violation of human rights, the domestic-transnational network is activated and now pressures the government "from above" and "from below" (Brysk 1993). "From above," donor countries are now likely to coordinate foreign aid, making it contingent on human rights improvements. "From below," repression gradually ceases to serve its purpose of suppressing opposition. People start losing their fears.

In this phase of the socialization process, we expect the two ideal types of instrumental and of argumentative rationality to matter, with the latter gaining in significance. First, on the level of domestic society, human rights claims are likely to serve as the main principled idea around which an opposition coalition can be formed (see chapter 5 on the Philippines, and chapter 2 on Uganda). We expect argumentation and deliberation to become important in the coalition-building processes of the domestic opposition. Some domestic groups, however, recognizing that human rights claims have more international support and legitimacy, may take up the human rights banner because it is an easier way to criticize the government rather than because they profoundly believe in human rights principles. Thus, we assume a mix of instrumental and argumentative rationality in this crucial phase of domestic network formation.

Second and equally important, norm-violating governments no longer deny the validity of the international human rights norms when they start making tactical concessions. In the beginning, these concessions can mostly be explained on the grounds of instrumental interests. At this stage of the process, "shaming" of norm-violating governments becomes a particularly effective communicative tool of the transnational advocacy network. As argued above, human rights "persuasion" creates ingroups and outgroups (human rights norm supporters, or

liberal democratic states versus human rights norm violators). States are subject to a normative process of shaming, and relegation to an outgroup, which they often resent, and sometimes feel is sufficiently disturbing for either their international image or their domestic legitimacy that they are willing to make human rights concessions (see chapter 4 on Morocco). That shaming is usually reinforced by material sanctions of some sort strengthens the move to make minor changes.

When they make these minor concessions, states almost uniformly underestimate the impact of these changes, and overestimate their own support among their population. They think the changes are less costly than they are, and they anticipate that they have greater control over international and domestic processes. Leaders of authoritarian states (like many political scientists) tend to believe that "talk is cheap" and do not understand the degree to which they can become "entrapped" in their own rhetoric. As a result, states are often taken by surprise by the impact their initial changes create – in terms of both international processes and domestic mobilization. By the time they realize their mistakes, they have already unleashed forces of opposition beyond the expectations of the regime, and the situation is often out of their control.

"World time" may provide part of the explanation for this entrapment. Since human rights networks and policies were growing and changing rapidly at the time when many governments entered the tactical concessions phase, they can not be expected to know the extent of pressures and policies they would face. Governments reasoning from the past (when human rights regimes and networks were relatively weak) would understandably underestimate the impact of tactical changes in a new world context.

A similar process is likely to happen on the level of rhetoric and communicative action. Governments no longer deny the validity of the norm and start "talking the human rights talk." Initially, they usually reject any concrete allegations of violations and denounce their critics as "foreign agents" or simply as ignorant. By doing so, they nevertheless start engaging in a public controversy with their critics who usually respond by justifying their accusations. This process of arguing over human rights violations takes place both in public and in international organizations such as the UN Human Rights Commission (for evidence see chapter 2 on Kenya and Uganda, chapter 5 on Indonesia and the Philippines, and chapter 6 on Chile and Guatemala). In the beginning of such a process, the arguments on both sides resemble the logic of

rhetorical action (Schimmelfennig 1995, 1997) whereby justifications are used to further one's interests without being prepared to really challenge the validity claims inherent in these interests. Slowly but surely, governments become entrapped in their own rhetoric and the logic of arguing takes over. The more norm-violating governments argue with their critics, the more likely they are to make argumentative concessions and to specify their justifications and the less likely they are to leave the arguing mode by openly denouncing their critics. At this stage then, reputational concerns keep governments in a dialogical mode of arguing. Instrumental reasons and argumentative rationality reinforce each other. At the same time, critics of human rights violations such as INGOs increasingly take the justifications of governments for their behavior more seriously and start engaging in a true dialogue with them concerning how to improve the human rights situation. In other words, a process which began for instrumental reasons, with arguments being used merely rhetorically, increasingly becomes a true dialogue over specific human rights allegations in the "target state." We expect this to be increasingly the case in the later stages of the "tactical concessions" phase.

This process of "self-entrapment" into argumentative behavior also implies that norm-violating governments take the transnational advocacy networks and the domestic opposition more seriously and start treating them as valid interlocutors which in turn only serves to further strengthen and empower them. Faced with a fully mobilized domestic opposition linked up with transnational networks for whom human rights have achieved consensual status, norm-violating governments no longer have many choices. Some rulers start a process of "controlled liberalization" (O'Donnell and Schmitter 1986: 7ff; Przeworski 1986; Wurfel 1990; see chapter 4 on Morocco) and begin implementing human rights norms domestically. Other leaders seriously miscalculate the situation, increase the level of repression which – at this stage – only serves to strengthen the domestic opposition and to annoy their last remaining international supporters (see chapters 2 and 5 on Uganda and the Philippines). As a consequence, they are likely to be thrown out of power (see also chapter 7 on Poland and the former Czechoslovakia and chapter 3 on South Africa). Resulting either from a regime change or from "controlled liberalization," this stage in the socialization process marks the transition to "prescriptive status" (hypothesis 3).

Phase 4: "prescriptive status"

"Prescriptive status" means that the actors involved regularly refer to the human rights norm to describe and comment on their own behavior and that of others (Rittberger 1993: 10–11); the validity claims of the norm are no longer controversial, even if the actual behavior continues violating the rules. We argue that the process by which principled ideas gain "prescriptive status" should be decisive for their sustained impact on political and social change. In this stage of the process, argumentative behavior matters most. But how can we differentiate between prescriptive status achieved through discursive processes of argumentation and persuasion, on the one hand, and purely instrumental or rhetorical support for a principled idea, on the other? National governments may, for example, refer to human rights norms instrumentally when dealing with the UN Human Rights Commission in order to achieve Western goodwill or economic benefits. It is ultimately impossible, of course, to establish without doubt that actors believe in what they say. We are not that interested in the "true beliefs" of actors, as long as they are consistent in their verbal utterances and their words and deeds ultimately match. For the purpose of this book, we use the following indicators for "prescriptive status"; governments are considered as accepting the validity of human rights norms if and when:

- 1 they ratify the respective international human rights conventions including the optional protocols;
- 2 the norms are institutionalized in the constitution and/or domestic law;
- 3 there is some institutionalized mechanism for citizens to complain about human rights violations;
- 4 the discursive practices of the government acknowledge the validity of the human rights norms irrespective of the (domestic or international) audience, no longer denounce criticism as "interference in internal affairs," and engage in a dialogue with their critics.

As to these discursive practices, we adopt the following criteria:

- Prescriptive status in the sense of recognizing the validity claims of a normative idea implies argumentative consistency, independent of the audience. Actors who change their arguments with regard to the idea depending on with whom they are dealing, become suspect.

- Prescriptive status can be particularly well investigated in those circumstances in which material and power-related interests ought to shift, but actors nevertheless continue adhering to the validity of the norm. Do governments who have engaged in controlled liberalization, stick to their words even though the domestic and transnational pressures for change have decreased (cf. chapter 4 on Morocco)? Alternatively, what happens after a regime change? Does the opposition who gained new power stick to the human rights discourse over a sustained period of time even after it has fully consolidated its rule (cf. chapters 3 on South Africa, 2 on Uganda, 5 on the Philippines, and 7 on Eastern Europe)?
- Prescriptive status of a norm can also be well examined in situations in which the actual behavior is still partly inconsistent with it. How do national governments treat accusations by the transnational networks and others of continued violations of human rights? If they engage in a dialogue with their critics, try to legitimize their behavior by referring to the norm, apologize, or promise and deliver compensation, the normative validity of the idea can be inferred.
- Last but not least, of course, words need to be matched by deeds. Prescriptive status of international human rights norms implies that governments make a sustained effort to improve the human rights conditions. In other words, we expect the "prescriptive status" phase to be followed over time by the ultimate phase of our socialization model, "rule-consistent behavior" (see, however, the case of Guatemala, described in chapter 6).

What mode of social action and interaction dominates the phase of prescriptive status? As argued above, we expect the communicative behavior between the national governments and their domestic and international critics to closely resemble notions of dialogue, of argumentation and justification. At the same time, the institutionalization of the norms into domestic law and ensuing domestic practices begins in this phase of the process. New institutions to protect human rights are created, public officials including police forces are trained, and procedures for individual complaints are instituted.

We operationalize prescriptive status as a country-level variable. If prescriptive status were the result of primarily domestic factors, we

would expect human rights norms to achieve prescriptive status in different countries at very different times. And yet, in most of the countries investigated in this volume, human rights norms received prescriptive status around the same period – in the decade from 1985 to 1995. Our case countries are so different as regards all other aspects of domestic structures that the convergence around the dating of prescriptive status is puzzling unless there is an international process of socialization underway. Yet, why does international norm learning appear in the period 1985 to 1995? There is no obvious reason for this – the basic norms in the UDHR and the main international institution, the UN Human Rights Commission, have been around since 1948; the main treaties have been in force since 1976. One possible explanation is that norm socialization requires time; it is for the most part a communicative process, and takes time to engage in the kind of dialogue and contestation inherent to communication. Another is that norm socialization required all the pieces of the relevant social structure to be in place for the process to be effective. The relevant social structures include not only the norms, but also a range of international institutions to oversee compliance with the norms, and the network to monitor norm compliance and norm breaking. Not until the mid-1980s were all the parts of this structure fully formed and dense – with the increasing number of human rights treaties, institutions, NGOs, increased foundation funding for human rights work – and human rights had become a part of foreign policy of key countries. We will further explore this aspect which points to some sort of "world time" and to developments on the global level in the concluding chapter of this volume (see concluding chapter 8).

Phase 5: rule-consistent behavior

"Prescriptive status" is a necessary step toward, but not identical with, rule-consistent behavior. Governments might accept the validity of human rights norms, but still continue to torture prisoners or detain people without trial and so on. Sometimes, national governments are not fully in control of their police and military forces, who commit the human rights violations. In any case, it is crucial for this phase of the spiral model that the domestic-transnational-international networks keep up the pressure in order to achieve sustainable improvements of human rights conditions. The particular difficulty in this phase is that gross violations of fundamental human rights might actually decrease in the target state and that, therefore, international attention might

Table 1.1. *The spiral model, dominant actors, and dominant interactions modes*

Phase	1. Repression	2. Denial	3. Tactical concessions	4. Prescriptive status	5. Rule-consistent behavior
Dominant actors moving process to next phase	Transnational human rights networks	Transnational human rights networks	Transnational networks and domestic opposition	National governments and domestic society	National governments and domestic society
Dominant mode of interaction	Instrumental rationality	Instrumental rationality	Instrumental rationality → rhetorical action → argumentative rationality	Argumentative rationality and institutionalization	Institutionalization and habitualization

decline, too. While many INGOs have acknowledged the problem in the meantime, international institutions and Western states are sometimes satisfied when rulers start accepting the validity of human rights claims in the sense of prescriptive status. This is particularly problematic when there has been a regime change bringing the opposing coalition into power, including human rights activists. Nevertheless, we argue that sustainable change in human rights conditions will only be achieved at this stage of the process when national governments are continuously pushed to live up to their claims and when the pressure "from below" and "from above" continues (hypothesis 4). Only then can the final stage in the socialization process be reached, whereby international human rights norms are fully institutionalized domestically and norm compliance becomes a habitual practice of actors and is enforced by the rule of law. At this point, we can safely assume that the human rights norms are internalized.

During this phase of the process, we may see a "two-level game" dynamic evolve, in which domestic leaders who believe in the human rights norms take power, but may lack strength *vis-à-vis* their domestic opponents (especially in the military) to implement those norms. These leaders may then use international human rights pressures to gain influence against their domestic opponents. As Putnam has suggested, international human rights pressures may allow foreign leaders to shift the balance of power in their domestic game in favor of a policy they preferred for exogenous reasons (Evans, Jacobson, and Putnam 1993; Putnam 1988). This appears to be a dynamic in the case of the Aquino government in the Philippines, and in the case of the de Leon Carpio administration in Guatemala in the period 1993 to 1996 (cf. chapters 5 and 6).

This is a short description of the "spiral model" of human rights change establishing the causal mechanisms and the process by which internationally established norms affect domestic structural change through the activities of principled-issue networks linking domestic NGOs, transnationally operating INGOs, international institutions, and national governments. Table 1.1 summarizes the spiral model with regard to (a) the dominant actors whose efforts are crucial to move the socialization process from one phase to the next, and (b) the dominant mode of social interaction across the various levels.

We posit, first, that the transnational human rights networks – in conjunction with international regimes and organizations as well as Western powers – are crucial in the early phases in terms of:

- putting the repressive regimes on the international agenda;
- starting a process of “shaming” and moral consciousness-raising;
- empowering and strengthening the initially weak domestic opposition.

During later stages of the model, activities of the internal networks and of the domestic opposition become increasingly significant, the crucial transition taking place during the “tactical concessions” phase. Only if and when the domestic opposition fully mobilizes and supplements the pressure “from above” by pressure “from below” can the transition toward prescriptive status and sustained improvement of human rights conditions be achieved.

Second, we claim that the dominant modes of social interaction also change during different phases of the model. In the initial phases, most of the actions can be easily explained by instrumental reasons. Norm-violating governments, for example, want to remain in power, (re-)gain foreign aid etc., and, therefore, deny the validity of norms and/or make tactical concessions. Toward later stages of the socialization process, argumentative rationality increasingly takes over. Governments under transnational and domestic pressure for change are increasingly forced to argue with the opposition and to enter into a true dialogue (cf., for example, chapter 3 on South Africa). Once human rights norms have gained prescriptive status in the “target state,” institutionalization and habitualization processes become the dominant mode of social action.

In conclusion, we need to address one more point: our spiral model does not assume evolutionary progress toward norm implementation, but claims to explain variation and lack of progress. What are the conditions under which the spiral model can be interrupted resulting in a stabilization of the status quo of norm violation? First, as discussed above, regimes might return to oppression after some tactical concessions in phase 3 when international pressures have decreased. Moreover, rulers of the target state might not care about transnational and international opposition to their behavior and simply increase repression in order to effectively prevent the emergence of local NGO networks. The less dependent national governments are on the outside world – in terms of both material and ideational resources – the less they should be concerned. In other words, oppressive rulers have some leeway during the initial stages of the spiral model when both the domestic opposition and the domestic-transnational linkages are rather

weak. Once tactical concessions have led to a fully mobilized domestic opposition with transnational links, however, there is not much which oppressive rulers can do to fight off the pressure and to continue the violation of human rights. The second critical moment comes in phase 4 when human rights have gained prescriptive status on the national level, but actual behavior still lags behind. In this instance, the strength of the domestic opposition and the local NGO network is no longer a primary problem, but the difficulty of keeping up the international pressure is. This is especially acute where a country avoids human rights violations of high-profile opposition leaders, but continues endemic and low-level human rights abuses, such as routine use of torture for common criminals. The co-existence of relatively high levels of political participation and competition with human rights abuses can erode international attention. Cases such as Mexico, Brazil, and Turkey come to mind.

Alternative explanations

There are two major alternative explanations to our model of norm internalization induced by principled-issue networks operating on the domestic and transnational levels. The first alternative account is compatible with (neo-)realist or (neo-)Marxist approaches according to which principled ideas matter if they are backed by superior economic and/or military power, or if they conform to materially defined actors’ interests relating to their international environment. Stephen Krasner has argued, for example, that human rights are promoted and implemented resulting from the interests, pressures and capabilities of great powers (Krasner 1993). This approach would need to explain, however, why great powers change their positions on which norms they choose to back. For example, why did the United States move from a position, before 1973, in which human rights were seen as an inappropriate part of foreign policy to a position in which human rights formed an important pillar of US policy by the 1990s?

With regard to Third World countries, one could also assume that human rights conditions improve resulting from pressures by the World Bank and/or donor countries employing “good governance” criteria. State actors in Third World countries might enact liberalizing measures in order to get financial and economic development aid from the West or from multilateral institutions such as the World Bank and the International Monetary Fund (IMF). These approaches would need

to explain why these "good governance" criteria were added relatively recently to conditionality requirements of multilateral institutions, often over the resistance of more technical staff who felt they were unrelated to the core tasks of the institutions. Moreover, exogenous shock waves in international politics such as the end of the Cold War leading to changes in the international distribution of power might also improve human rights conditions through some sort of snowball effect (Huntington 1991; Kitschelt 1992).

This account is already included in our spiral model to the extent that some individuals in international financial institutions and in the governments of Western great powers form part of the transnational human rights advocacy network. But this book investigates and problematizes the preferences of these actors rather than simply assuming them. If Western donors start coordinating foreign aid or the World Bank attaches "good governance" criteria to their structural adjustment programs, these changes in policies might well result from network and INGO activities. Insofar as the spiral model does not assume the absence of coercive power in the process of inducing domestic change in the human rights area, it accommodates this explanation. Only if it can be shown empirically that pressures generated by great powers and/or international financial institutions are the most significant factors in the domestic-transnational-international link to induce sustainable human rights improvements, or if any changes in state human rights practices end as soon as external material pressures end, would this constitute a challenge to our model.

The second alternative proposition to our model also denies significant independent causal value to principled ideas, but explains it with the "primacy of domestic politics" (Kehr 1970) in the sense of changes in the economic structure of the target state. This alternative account condenses insights from modernization theories (Przeworski and Limongi 1997; for a thorough critique see Schmitz 1997a). These arguments can be divided into the economic perspective claiming a direct correlation between economic growth and democratization, on the one hand, and the social system approach emphasizing *inter alia* urbanization, literacy and the role of mass media, on the other (Brachet-Márquez 1992: 96). Emerging new social strata (middle classes) are expected to become agents of change (M. Robinson 1995: 73). The creation of economic interests not linked with state activities necessitates the implementation of rational and impartial political institutions which secure expanding market exchanges through the rule of law.

"Therefore, this hypothesis asserts that countries with the fastest growing middle class will experience the greatest political liberalization" (Wilson 1994: 266).

There is no question that those who become active and mobilize in domestic human rights networks and in NGOs overwhelmingly belong to urbanized middle classes. The issue is not the social and class origins of NGO activists, but whether changes in socio-economic conditions lead to political mobilization processes. If this were indeed the case, we would not have to bother about complicated processes of linking domestic actors with transnational INGOs and international institutions to explain sustainable human rights improvements. But approaches stemming from modernization theory must confront the dilemma that only two decades ago the political development literature made exactly the opposite argument – that the processes and necessities of economic development for more advanced developing states required an authoritarian form of government (Collier 1979; O'Donnell 1973). The bureaucratic authoritarian model was developed to try to explain the puzzle of why the most developed states in Latin America with the largest middle classes – Brazil, Argentina, Chile, and Uruguay – in the 1960s and 1970s experienced the most repressive forms of authoritarian rule in their history. The idea of some automatic correlation between market economy and democracy, or between a particular stage of economic development and a particular regime type needs to confront this kind of confounding evidence. The empirical chapters will each assess the alternative accounts.

Conclusions

This book investigates the conditions under which international human rights ideas and norms contribute to domestic political change. Norms influence political change through a socialization process that combines instrumental interests, material pressures, argumentation, persuasion, institutionalization, and habitualization. We attempt to explore the particular mix of material pressures with communicative processes.

But even if material leverage is available, the target country must be sensitive to the pressures, and it is often the communicative dimension that heightens the sensitivity to pressures. As the case of economic sanctions against Haiti in 1993 and 1994 and Guatemala in the 1970s made clear, some governments can resist pressures successfully for long periods. Countries most sensitive to pressure are not those that are

economically weakest, but those that care about their international image. Linking human rights practices to money, trade, or prestige is not a sufficient condition for effectiveness. Haiti's military rulers chose to hang on to power in the face of universal moral censure and economic collapse. Only the threat of military invasion led to a last-minute agreement to step down from power.

It is this dimension that is most difficult to capture in research. Scholars have long recognized that even repressive regimes depend on a combination of coercion and consent to stay in power, and that consensus is the basis from which the state derives its legitimation. But in addition to securing domestic consent and legitimacy, states also seek international legitimacy. This book suggests that some states are keenly aware of the approval of other states. Through processes of persuasion and socialization, states communicate the emergent norms of international society, create ingroups and outgroups as normative communities, and may convince norm-violating states that the benefits of membership in the in-group outweigh the costs. The cases where network campaigns have been most successful are those countries that have internalized the discourse of liberalism to a greater degree.

Our book has wider implications for the literature on democratization, which has tended to neglect the international dimension of democratization, despite the "wave-like" quality of global trends in democratization (Huntington 1991) suggesting that some international factors are at work. We do not argue that international factors are the only factors responsible for democratization, but rather that international norms and networks may provide key support for democratization processes at crucial stages, and that they have been a necessary, though far from sufficient, condition for the most recent wave of democratization. We will explore this theme further in the concluding chapter.