

- Simmons: treaties as ‘commitment devices’
 - capacity for clarity / elite-initiated agendas
 - enable strategic litigation
 - enable social mobilisation
- Epp: sources of and conditions for domestic compliance
 - constitutionalism, activist judges and rights culture not enough
 - additionally: ‘support structure’
 - diverse and industrialised legal profession
 - diverse and strong sources of financing
 - steady stream of appeals

Risse, Ropp and Sikkink: 'the spiral model'

'socialisation' of international HR norms into domestic practice

- diffusion of HR by way of 'transnational advocacy networks'
- three mechanisms (processes) of socialisation
- five stages (in 'world time')
- method: comparing paired empirical cases, two selected rights (right to life, freedom from torture) in 2 x 5 countries
- research goals:
 - empirical: understanding conditions for compliance and implementation
 - theoretical: impact of principled ideas in international politics

the five stages of the spiral model:

1. **repression and activation of network**
gathering of information, international attention
2. **denial**
international condemnation, domestic opposition bypass the state and search international allies
3. **tactical concessions**
cosmetic changes, but a strengthened domestic opposition: the 'boomerang effect' also risks of backlash: cycles of violence
4. **prescriptive status**
ratification and implementation; government accept validity of HR
5. **rule-consistent behaviour**
internalisation of HR norms in all government practices

the spiral model:

diffusion of HR by way of ‘transnational advocacy networks’

- putting norm-violating states on the international agenda in terms of moral consciousness-raising
- empowering and legitimating the claims of domestic opposition groups (mobilising domestic opposition)
- challenging norm-violating governments by creating a transnational structure pressuring simultaneously from above and from below

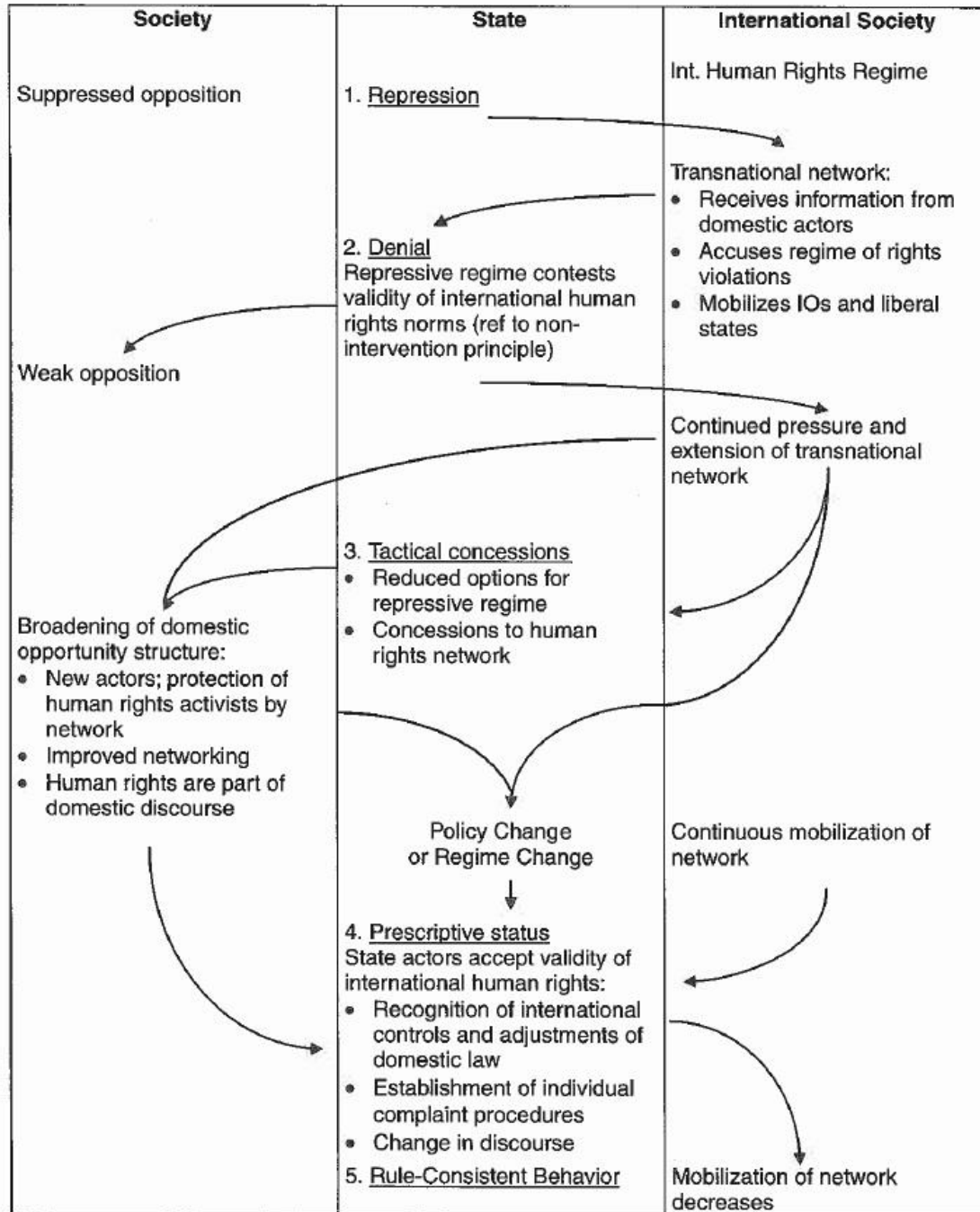
actors in networks: international community, UN system, IGOs, INGOs, liberal states, domestic NGOs and opposition groups

the spiral model:

three 'mechanisms or 'processes of socialisation' of HR norms into domestic practice:

- Instrumental adaptation and strategic bargaining
 - 'talking the talk': dictators that sign but do nothing more
- Moral consciousness-raising, argumentation, dialogue and persuasion
 - talk as discourse: not merely information exchange, but implying definitions and identities: shaming and blaming
- Institutionalisation and habitualisation

ideal types, may take place simultaneously, differs according to underlying modes of social action and interaction



the spiral model:

alternative explanations in 1999 book

- the primacy of domestic politics, i.e., strong correlations between economic growth and democratisation

- self-criticism in new (2013) book
 - underspecification of processes and scope conditions
 - now: 4 mechanisms of compliance:
 - coercion (force)
 - sanctions and rewards (incentive structure)
 - persuasion and discourse
 - capacity-building
 - limited statehood ('failed states')
 - 'backlash' in democratic states, strong (non-vulnerable) states

HR: Commitment & Compliance

- self-criticism in new (2013) book
 - underspecification of processes and scope conditions; limited statehood
 - now: 5 scope conditions:
 - regime type (democratic v authoritarian)
 - degree of consolidation of statehood (particularly relevant in Global South)
 - centralisation/decentralisation (also within e.g. rebel groups and companies)
 - material vulnerability
 - social vulnerability (reputational concerns)

For discussion: How and why (under what conditions) does a member of the military who has ordered extrajudicial executions in the past decide to stop this practice?

Simmons: the how's and why's of a 'widespread revolution'

- Challenge: to explain success of HR mobilisation and the associated acceptance of limitations in sovereignty
- explores linkages between treaty law and domestic practices and focuses on the domestic impact of ratifying treaties
- placing herself in the theoretical tension between realists (rational choice) and constructivists in political science, claims that a focus on international space as such is insufficient (“a domestic politics theory of treaty compliance”)
- The argument: The ratification of HR treaties provides a political opening for rights demanders; it heightens the chances of successful social mobilisation; overall, the most significant effect is to be found in less stable, transitioning cases
 - Constructivist premise: HR law adds commitment to norm; law become symbols for political mobilisation and liberation (the Helsinki effect)

Simmons: the how's and why's of a 'widespread revolution'

- Treaties are international 'commitment devices' (*pacta sunt servanda*)
 - 2009: 3,000 multilateral and 27,000 bilateral treaties in existence
 - they require domestic ratification
 - ex-ante costs (political costs of not ratifying) are lower than ex-post costs (violations)
 - they are reciprocal (joint gains)
 - they build moral capital (reputation-building)
 - they have a capacity for clarity
- But they also build domestic implementation mechanisms through
- (1) An ability to affect/alter elite-initiated agendas
 - they strengthen the executive in presidential systems
 - authoritative texts reduce the range of options for politicians

HR: Commitment & Compliance

Simmons: the how's and why's of a 'widespread revolution'

Treaties strengthen domestic implementation mechanisms through

- (2) enabling (strategic) litigation
 - they provide interpretative guidance
 - they open the field for strategic litigation and cause lawyers (and NGOs)
 - they facilitate the work of rights organisations and –coalitions
 - they legitimise the work of rights activist organisations and individuals
 - they strengthen political strategies of liberation/democratisation

- (3) enabling social mobilisation (cf. social mobilisation theory)
 - they provide rallying points; litigation is highly visible
 - they reframe political struggles: they articulate social and political aspirations as “rights gaps”
 - they pre-commit governments and bring more allies
 - they increase the value placed on the rights claimed and the likelihood of success (creating a window of opportunity for political entrepreneurship exploiting underlying discontent)

Risse, Ropp & Sikkink: the spiral model

Five stages (in reality a continuum) from commitment to compliance:

- **Repression**
- **Denial**
- **Tactical concessions**
- **Prescriptive status**
- **Rule-consistent behavior**

Four (five) socialization mechanisms

- **Coercion**
- **Changing incentives (sanctions and rewards)**
- **Persuasion and discourse (naming & shaming)**
- **Capacity-building (institutionalization) (observe: unwilling v unable)**

Risse, Ropp & Sikkink: the spiral model

Five scope conditions:

- **Regime type (democratic v authoritarian)**
- **State capacity (consolidated v limited statehood)**
- **Rule implementation (centralized v decentralized states)**
- **Material vulnerability**
- **Social vulnerability**

Promoting human rights: is the international HR movement part of the problem? Yes, because:

- it occupies the field of emancipatory possibility
 - fights against e.g. poverty and corruption are turned into rights struggles
- HR analysis results in too narrow framing
 - focus on procedure at the cost of substance; exaggerated focus on the state
- HR talk generalises too much (dichotomises)
 - from many shades of experiences and nuanced roles to victim or perpetrator
- HR talk particularises too much
 - focus on individuals, and as rights-holders
- HR rallying promises more than it can deliver (utopianism)
- HR work creates false solidarities by representing everyone