Book Proposal:
The Conflicting Effects of International Law: Repression, Dissent, and Domestic Institutions
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and
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1 Introduction

Our book seeks an answer to the question, how do international legal agreements affect government respect for human rights? By developing and systematically testing a theory of strategic interaction between state authorities and potential dissident groups, we advance our main thesis: treaties intended to *curb* state repression can actually have institutional and behavioral impacts that perversely incentivize more conflict and rights abuse.

Scholarship is mixed as to the effects of international human rights treaties (HRTs) on human rights practices, but the general consensus in the literature is that treaties do not unequivocally improve human rights. Treaties are argued to have a screening effect, receiving support from states that protect rights in the first place, and they have even been found in some cases to make human rights practices worse. In our book, we find evidence of this, but we also present evidence that treaties have the potential to have a positive impact, by way of their effect on domestic institutions. HRTs lead to an increased likelihood that repressive authorities will be brought to court for their actions, even when domestic courts are largely ineffective, and the expectation of this constraint can lead a dissatisfied population to put increased pressure on the state to change the status quo. Authorities’ response to these conflicting pressures is a function of their vulnerability to turnover. Our key focus is to unpack the domestic institutional impacts of HRTs on not only repression but also dissent, which in turn impacts repression.

Not only will this project fill an important lacuna in several relevant literatures (including the fields of political science, sociology, and international law), but it will provide advocates with a more sophisticated understanding of the domestic implications of international law, thereby giving them new tools to design more effective treaties.

2 Argument and Empirical Approach

Prominent scholarship has found that, while international human rights treaties (HRTs) may not lead to rights protection directly,\(^1\) they do affect domestic political outcomes: committing to international legal obligations increases the probability of costly domestic litigation for violations, making repression less appealing as an option of state control.\(^2\) Drawing on this scholarship, our project examines how the domestic legal effects of HRT commitment impact the strategic decision to repress in a conflict with potential dissidents. Institutions that constrain leaders actually impact a dynamic interaction between the state and its citizens. This conflict influences the likelihood that a leader can hold onto power, so, when institutions constrain authorities from repressing, groups that oppose the status quo can increase dissent, threatening the leader’s position in order to change policies. To study institutional constraints on repression, then, scholars need a model that includes the constraint and the strategic conflict between the state and potential dissidents. The effects of HRTs

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\(^1\)See, for instance, Hathaway (2002), Hafner-Burton (2005), Neumayer (2005), Vreeland (2008), and Hill (2010).

\(^2\)Powell and Staton (2009), Simmons (2009).
on domestic political processes pull leaders in conflicting directions: mobilized dissent undermines leaders’ position in power, increasing incentives to repress, while HRTs raise the probability of litigation, decreasing incentives to repress.

We present our theory and empirical support for its implications in a series of chapters, each with their own novel insights. Although our theory is based on a game theoretic model, which we will present in mathematical notation in an appendix, we will present the theory in a non-formal, accessible way in the main text. The effects of commitment to international law are contingent on how securely a leader holds power. Interestingly, a leader who is vulnerable to losing power is unaffected by legal constraints, while a secure leader is constrained by the threat of increased legal repercussions from international obligations. The expectation of this constraint opens opportunities for citizens to dissent more than they would otherwise, endangering the leader’s position in power. Finally, we present the conditions under which a state will actually commit to an HRT in light of its potentially conflicting effects.

Using both numerical simulations and statistical estimators carefully selected to reflect the assumptions of our theoretic models, we find that HRTs have no effect on repression or dissent in states with insecure leaders. Commitment, however, leads to a substantively meaningful impact on the domestic conflict between the state and a dissatisfied population, leading to an increase in the likelihood of dissent and a decrease in the propensity to repress in states headed by secure leaders. These results suggest that a vulnerable leader of a democratic state may be unmoved by international obligations, but a secure dictator—though s/he will repress more—will more likely be constrained by the institutional effects of a human rights treaty.

Our theory allows us to answer a variety of questions related to the impacts of HRTs on human rights practices. How do institutional constraints affect the conflict between state authorities and dissatisfied citizens? Under what conditions will commitment to an international treaty lead to more versus less mobilized dissent? Why would a state ratify an HRT that could constrain authorities’ ability to act? Under what conditions will an HRT lead to better rights practices? We address each of these questions in the book, representing significant strides forward in scholarship on human rights violations, social mobilization and dissent, judicial power and behavior, state interaction with international institutions, and the effects of international law.

3 Place in the Literature

We build on the award-winning book by Simmons (2009), which argues that HRTs indirectly affect human rights by influencing domestic politics around rights practices. We point out that the different actors and institutions she identifies are actually strategic and interactive, such that some effects of the treaty may (and, we find, do) actually contradict one another. The strategic approach to explaining the effects of international institutions distinguishes our book from other books and even most articles in the study of human rights. We treat dissatisfied citizens and domestic judiciaries as actors who respond to the constraints of the
HRT and act in anticipation of the state’s decisions.

The book fills a critical gap in human rights scholarship, introducing strategic considerations to a largely state-centric literature. Contributing to and complementing political, sociological, and legal scholarship in a manner accessible to advanced undergraduate and graduate students, the book presents insights on a variety of key topics, including the constraining effects of human rights treaties, domestic conflict processes, social mobilization, domestic implementation of international law, strategic domestic judicial behavior, and the ratification of theoretically “toothless” international treaties.

4 Audience

We expect this book will be of significant interest to political scientists interested in international relations, international institutions, domestic conflict, domestic institutions, and state repression. It is the first book to argue that commitment to international human rights law has conflicting effects on domestic conflict outcomes. We use a strategic approach, built on a formal model we present in the appendix, to explain the effects of international institutions, and this distinguishes our book from other books and even most articles in the study of human rights. An article presenting an abbreviated version of the formal model and its implications for state repression has been accepted for publication in the *Journal of Politics*, which is a top-tier political science journal; we expect the publication will raise significant interest in the book project. In the past year, we have also been invited to present portions of the work that will be included in the book in a wide variety of political science venues.\(^3\)

The book will also interest scholars in sociology and law. Sociologists will value the book’s focus on the effect of institutions on social mobilization and dissent. Most works examining how groups overcome collective action problems to challenge state authorities focus on either the institutional structure of the group (e.g., Lichbach 1995) or the intra-group relationships that allow for social collaboration. Our argument focuses on *external* institutions, particularly international ones, and the way these institutions impact individual’s expectations and the resultant formation and tactics of group challenges. Scholars of international law will also be interested in the book. The majority of treatments of international treaties in legal scholarship focus on the interpretation and application of law in courts. In contrast, our arguments not only focus on the domestic implementation of international human rights law but also on the additional, societal impacts of international law.

Second, the book will appeal to human rights advocates and policy-focused scholars interested in the domestic implications of international law to protect rights. Although there

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\(^3\)These venues include the Conference on the Domestic Politics of International Human Rights Agreements at Princeton University; Peace and Conflict Workshop at the University of Notre Dame; the Security, Peace, and Conflict Workshop at Duke University; and the political science departments at Binghamton University; Indiana University; the London School of Economics and Political Science; the University of Buffalo; the University of California, Merced; the University of Illinois; the University of Iowa; the University of Mississippi; the University of Texas; the University of Michigan; and the University of South Carolina.
has been an influx of international human rights treaties since the close of WWII, there has been little understanding of their domestic effects. Our book will provide advocates with a more sophisticated understanding of the domestic implications of international law, giving them new tools to design more effective treaties.

Third, we plan to write the book in such a way to make it appropriate for assignment to upper division undergraduate courses on international institutions, human rights, state repression, and social movements, as well as graduate seminars in political science, international law, and sociology on similar topics. The game theory and statistical estimates will be presented in an Appendix and described in accessible language in the main text to facilitate use of the book in the classroom, presenting limited black-and-white graphs when necessary to illustrate the intuition of theoretical and substantive results.

5 Structure of the Book

We expect the book to consist of eight chapters, including the Introduction and Conclusion. The formal theory will be presented informally in Chapter 4, and the first Appendix will include formal proofs. There will be approximately five to eight figures, all of which can be printed in black and white; tables of essential statistical results can be presented in the Appendix, with additional ones available in an online appendix hosted on the authors’ websites. Each of the chapters to be included in the book is described briefly below. At approximately forty pages per chapter (400 words per page), we expect the final book to be 220 to 240 printed pages (77,000 words).

1: Introduction. We present our main research question: How do international legal agreements affect government respect for human rights? We situate our research question within studies of international institutions, social mobilization and dissent, and human rights violations, discussing the varied literatures in political science, sociology, and international law to which our book is relevant. In the course of situating the text in these various literatures, we highlight the strategic tensions created by state commitment to international law. We present our main thesis: treaties intended to curb state repression can actually have institutional and behavioral impacts that perversely incentivize more conflict in some states. Finally, we describe the structure of the book and highlight the contributions of each chapter.

2: The Role of Treaties in Human Rights Protection. Here we describe the key puzzle driving our book. We first define international human rights treaties, describe the universe of such treaties, and explain how they are intended to constrain human rights violations. Scholarship is conflicted as to the effects of HRTs on human rights practices, but the general consensus in the literature is that treaties do not unequivocally improve human rights. Treaties are argued to have a screening effect, only receiving support from states that protect rights anyway, and they have even been found in some cases to make human rights practices worse. We present descriptive data to this effect. Simmons (2009) and others, however, have begun to find that treaties can potentially
have a positive impact on human rights via their effect on domestic politics. We thus do a thorough treatment of the domestic institutional impacts of HRTs.

3: Institutions and Domestic Conflict. In this chapter, we motivate our theoretical approach. Human rights scholars typically examine how international and domestic institutions impact repression directly, arguing that they impose costs on violating authorities. These studies ignore the central motive for human rights violations: to control mobilized challenges. In other words, institutions that constrain leaders actually impact a dynamic interaction between the state and its citizens. In order to study institutional constraints on repression, scholars need a model that includes the constraint and the strategic conflict between the two players. We foreshadow our theory that HRTs influence human rights outcomes through the impact on domestic courts and popular dissent, drawing on literatures in international law and sociology to introduce these aspects of our argument.

4: The Model. This chapter contains our main theoretical argument. We present an intuitive theory based on a game theoretic model (formal model and proofs in the Appendix) that predicts the effect of an international human rights treaty on state repression and popular dissent, while accounting for strategic conflict between the group and the government. We describe and explain equilibrium behavior in a non-technical manner that will be accessible to advanced undergraduate and graduate students, and we introduce a numerical simulation to illustrate the predicted behavior of states and dissidents more generally. We have solved the main model that will appear in the book; it is presented in an article that is forthcoming at the Journal of Politics.

5: Predicting Government Repression. We derive implications from our theory for government repression. International human rights treaties are argued to increase both the likelihood of domestic mobilized dissent and judicial constraint. These pressures pull leaders in conflicting directions: mobilized challenges undermine a leader’s position in power, increasing incentives to repress; courts raise the probability of litigation, decreasing incentives to repress. We argue authorities balance these pressures based on their job security. Politically insecure leaders, desperate to retain power, repress to control the destabilizing effects of dissent. Secure leaders are less likely to fall to citizen pressures, but the probability of facing an effective judiciary weighs heavily in their expected costs. Consequently, they repress less to avoid litigation. We find empirical support for the implications of our formal theory using data on commitment to the UN Convention Against Torture. We have completed these empirical analyses; they are presented in the article that is forthcoming in the Journal of Politics.

6: Predicting Mobilized Dissent. We derive implications from our theory for mobilized dissent against the government. Citizens expect that states committed to HRTs are more likely to face costly litigation; this expectation makes dissidents more willing to challenge the state, believing the authorities will be restricted from repression. However, this effect is conditional on the leader being sufficiently secure in power. If the domestic judiciary is relatively effective, HRT commitment does little to further constrain the executive, so the international obligation has no meaningful effect on
dissent. We test these implications on the state’s propensity to experience mobilized dissent, given commitment to the International Covenant on Civil and Political Rights and the Convention for the Elimination of Discrimination Against Women. We have completed these empirical analyses; they are presented in an article that is under review at the American Journal of Political Science. This article was awarded the Best Paper in International Relations of those presented at the Annual Meeting of the Midwest Political Science Association in 2012.

7: Predicting Commitment. In this chapter, we derive implications of both versions of the theory described in Chapters 4 and 7 above to predict the conditions under which a state will commit to an HRT, given its effects on judicial effectiveness, state repression, and popular dissent. We test these implications on the propensity to commit to several international treaties, including the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention for the Elimination of Discrimination Against Women. This chapter includes new empirical analyses and speaks to a literature in political science and international law that seeks to determine the conditions under which states commit to international treaties.

8: Conclusion. We conclude by discussing the implications of our argument for international institutions, social mobilization and dissent, and human rights violations. We highlight again the varied literatures in international relations, political science, sociology, and international law to which our book is relevant. Given that treaties intended to curb state repression can have domestic political impacts that perversely incentivize more conflict in some states, we discuss the policy implications of our research for those interested in protecting human rights. Our theory suggests that HRTs are best able to limit human rights violations when domestic courts are effective; as such, we call for more attention to the development of domestic judiciaries and an increased focused on the interplay of international and domestic law to improve human rights. When effective institutions are not possible, though, HRTs can represent a potential constraining entity that will lead to decreased human rights violations when leaders are sufficiently secure in power.

6 Schedule for Completion

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As part of our plan for completion, we have assembled a book advisory committee of three senior scholars with expertise across the diverse research areas to which our book will speak including work on state repression, social mobilization, international cooperation, and
domestic political institutions. We have worked with each of these scholars to develop a timeline on which we will send them chapters for feedback, and they will serve as the core participants in a book conference that we plan to hold in the Spring of 2015.

Christian Davenport is Professor of Political Science at the University of Michigan in Ann Arbor, Director of the Illustrative Information Interface (III), the Radical Information Project (RIP), and Stop Our States (SOS). He is also Associate Editor of the Journal of Conflict Resolution.⁴ He is the author and editor of four academic books, two published by Cambridge University Press, and numerous academic articles. His research interests center on political conflict, including human rights violations and social movements.

Emilie Hafner-Burton is Professor at the School of International Relations and Pacific Studies at the University of California, San Diego.⁵ She serves as Director of the Laboratory on International Law and Regulation. She is the author of one book, published by Cornell University Press, and a variety of academic journal articles. Her research aims to explain the conditions under which states comply with international law. Much of her work is focused on the effect of international human rights law on domestic political outcomes.

Jeffrey K. Staton is Associate Professor and Winship Distinguished Research Professor of Political Science at Emory University.⁶ His research interests include judicial politics and formal modeling, especially in Latin America. He is the author of one book, published by Cambridge University Press, on comparative judicial behavior and a wide variety of academic journal articles, including one published in the International Studies Quarterly on the domestic impacts of international human rights treaties.

## 7 Potential Reviewers

- Beth Simmons (Harvard University)
- James Raymond Vreeland (Georgetown University)
- Xinyuan Dai (University of Illinois at Urbana-Champaign)
- Gretchen Helmke (University of Rochester)
- Eric Neumayer (London School of Economics and Political Science)
- Todd Landman (University of Essex)
- Erik Voeten (George Washington University)
- Georg Vanberg (University of North Carolina)

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⁵ [http://irps.ucsd.edu/faculty/faculty-directory/emilie-hafnerburton.htm](http://irps.ucsd.edu/faculty/faculty-directory/emilie-hafnerburton.htm)
⁶ [http://userwww.service.emory.edu/~jkstato/](http://userwww.service.emory.edu/~jkstato/)
8 Authors’ Credentials

The authors have published articles individually and together that develop parts of these ideas, including the strategic nature of repression and dissent (Ritter 2014) and the conflicting domestic effects of treaties (Conrad 2014). We have written an article published in a top-tier political science journal (Conrad and Ritter 2013) that examines the effects of HRT commitment on repression. Another, currently under review, examines the effects of HRT commitment on mobilized dissent. Our theory has many implications for international law and domestic institutions and behaviors, each of which can be treated with more care in a book rather than individual articles. More importantly, limits on article length have necessitated separating ideas into different presentations, when the theory is best presented as a whole, with the strategic elements presented together, which requires a book-length presentation.

Aside from the two articles associated with this book project, we are collaborating on two additional working papers to be presented at national political science conferences in the spring. Our collaboration across multiple projects is a signal of our ability to work productively and efficiently as a team. Comparative advantages make us a particularly strong co-authoring team, with Dr. Conrad’s training in institutional studies and quantitative modeling and Dr. Ritter’s background in conflict studies and formal theoretical modeling combining for success in this project. Beginning July 1, 2013, we both joined the Political Science department at the University of California, Merced, which has made collaboration even more seamless.

Dr. Courtenay R. Conrad received her Ph.D. in 2010 from Florida State University and was an assistant professor at the University of North Carolina at Charlotte before joining the faculty at the University of California, Merced. Her primary research and teaching interests fall at the intersection of international relations and comparative politics and focus on state repression, international organizations, and comparative political institutions. The majority of her research centers on how executives make decisions regarding state repression and human rights in the face of institutional constraints. Conrad’s research has been published in the American Journal of Political Science, International Studies Quarterly, Journal of Conflict Resolution, Journal of Peace Research, and Journal of Politics, among others.

Dr. Emily Hencken Ritter received her Ph.D. in 2010 from Emory University and was an assistant professor at the University of Alabama before moving to UC Merced. Her research and teaching interests include international human rights institutions, law, and practice; domestic conflict between the state and citizen groups; international governance and legal institutions; and institutional solutions to bargaining and cooperation problems. Her methodological approaches include game theoretic modeling as well as quantitative and
qualitative methodology. Ritter has published research in the *Journal of Conflict Resolution*, *Journal of Politics*, *Journal of Peach Research*, and *Journal of Theoretical Politics*.

9 Authors’ Contact Information

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10 References


