

Empirical Political Science and Human Rights

DR. TODD LANDMAN*

The occasion of the 25th anniversary of the establishment of the Human Rights Centre at the University of Essex is a good time to reflect on the contributions that empirical political science has made to the study of human rights. The Department of Government at Essex, one of the participating departments in the Human Rights Centre, has a strong reputation in theory-driven empirical research aimed at providing answers to substantive research questions by testing hypotheses through systematic analysis of evidence. The Department was founded by comparative politics scholar Jean Blondel, and ever since members of the department have engaged in the qualitative and quantitative *comparative* analysis of many countries, few countries, and single countries to examine a wide range of substantive topics in political science, many of which have been directly or indirectly related to human rights. The Department also has a strong tradition in normative political theory, and Professor Michael Freeman in particular has published widely on the topic of human rights, in addition to setting up and running the MA in the Theory and Practice of Human Rights for many years.

In addition to the core course on Political Theory and Human Rights originally designed by Professor Freeman, the Department also offers my own course, the Comparative Politics of Human Rights, which is devoted to the systematic study and analysis of the choices, conditions, and beliefs that either enhance or undermine the promotion of human dignity. Students on the course engage with rationalist, structuralist, and culturalist empirical theories at the domestic and international level, comparative methods and measurement for the analysis of human rights, and exemplars from the comparative political science literature on human rights, such as Risse, Ropp, and Sikkink's *The Power of Human Rights*, Neil Mitchell's *Agents of Atrocity*, Clifford Bob's *The Marketing of Rebellion*, and my own *Protecting Human Rights*. The course is thus very much in keeping with the comparative tradition of the Department of Government, but has responded to the increasing interest within empirical political science in the systematic analysis of human rights problems.

But political science has not always been interested in human rights, even though in my view, the kinds of questions that human rights scholars and practitioners pose are at the core of what the discipline has been studying since the days of Aristotle. 'Modern' political science, or that which developed since the advent of 'American' political science at the turn of the 20th century, has had a changing and evolving relationship with human rights. The early 'public law' phase of the discipline at the beginning of the 20th century

* Todd Landman studied at the universities of Penn, Georgetown, and Colorado, before gaining his PhD at the University of Essex. He has held a number of academic posts at the University of Essex since 1993, gaining his current post as Reader in Government in 2005. He has numerous academic publications on development, democracy, human rights, and political methodology. He has carried out a number of human rights consultancies for the European Commission, the Ministry of Foreign Affairs of the Netherlands, the United Kingdom Home Office, the United Kingdom Foreign Office, the UK Department for International Development (DFID), the United Nations Office of the High Commissioner for Human Rights, the United Nations Development Programme, the Ministry of Foreign Affairs of Mongolia, the International Institute for Democracy and Electoral Assistance (IDEA), the International Centre for Transitional Justice, and Minority Rights Group.

engaged in comparative constitutionalism and comparative analysis of institutional design in fairly formalistic terms, in ways that highlighted the *de jure* commitment of states to various rights protections at the domestic level.¹ The behavioural revolution that began in the 1930s and 1940s² putatively moved political science away from normative questions and ‘value-based’ research, and concentrated on observable and measurable attributes of human beings and human societies, while seeking to uncover empirical regularities and providing law-like generalisations that had universal applicability. Where human rights featured in this research tradition if at all was in the focus on political violence and state repression, but this research did not adopt the language of rights to frame its research questions or its policy implications. It did, however, initiate the attempt to measure state and non-state violence in ways that would prove crucial to the development of human rights measures.

The rise and hegemonic dominance of rationalist and realist perspectives displaced in part behaviouralism and its emphasis on social-psychological explanations for human behaviour by positing purely economic motives for individual and state choices. In assuming individuals and states to be *unitary* and *intentional* actors, rationalist and realist approaches concentrate on utility functions that only relate to the material self-interest of individuals and the material factors that provide the basis for state power on the international stage.³ In these perspectives, human rights are seen as normative concerns and as a set of values that do not have explanatory or analytical leverage of their own that would provide parsimonious accounts of political events, outcomes, and interactions. Human rights only matter when their pursuit falls in line with other material and geo-strategic interests, or when powerful states back a particular rights issue, such as the abolition of the slave trade in the 19th century;⁴ a state of affairs that means effectively individuals and states engage in human rights ‘double standards’.

The rediscovery of institutions at the domestic and international level revived an interest in human rights, as renewed attention to law and its codification of sets of rights are seen as having a possible constraint on individual and state action. This renewed interest in institutions has been coupled with the development of human rights measures, greater attention to comparative method, and the proliferation of human rights norms, actors, and organisations since the mid 1970s.⁵ Today, there is a strong community of political science researchers specifically dedicated to the application of the theories and methods in political science to significant human rights problems and puzzles. For example, in 2001 the American Political Science Association established a Human Rights Section, which attracts a steady membership of approximately 420 members per annum and organises panels and papers at its annual conference. The International Political

¹ A. Valenzuela, ‘Political Science and the Study of Latin America’ in C. Mitchell (ed.), *Changing Perspectives in Latin American Studies: Insights from Six Disciplines*, (Stanford, CA: Stanford University Press, 1988) 63-86; T. Landman, *Issues and Methods in Comparative Politics: An Introduction*, 2nd Edition, (London: Routledge 2003); T. Landman, *Issues and Methods in Comparative Politics: An Introduction*, 3rd Edition, (London: Routledge 2008).

² H. Eulau, *Micro-Macro Dilemmas in Political Science: Personal Pathways through Complexity*, (Norman, OK: University of Oklahoma Press, 1996).

³ See, for example, J.J. Mearsheimer, ‘The False Promise of International Institutions’ (1994-1995) 19 *International Security* 3, 5-49; M. Lichbach, ‘Social Theory and Comparative Politics’ in M. Lichbach and A. Zuckerman (eds.), *Comparative Politics: Rationality, Culture, and Structure*, (Cambridge: Cambridge University Press, 1997) 239-276; J. Legro and A. Moravcsik, ‘Is Anybody Still a Realist?’ (1999) 24 *International Security* 2, 5-55.

⁴ S. Krasner, ‘Sovereignty, Regimes and Human Rights’ in V. Rittberger and P. Mayer (eds.), *Regime Theory and International Relations*, (Oxford: Oxford University Press, 1993) 139-167.

⁵ R.P. Claude, ‘The Classical Model of Human Rights Development’ in R.P. Claude (ed.), *Comparative Human Rights*, (Baltimore and London: Johns Hopkins University Press, 1976); T. Landman, ‘Review Article: The Political Science of Human Rights’ (2005) 35 *British Journal of Political Science* 3, 549-572.

Science Association (IPSA) and the International Studies Association (ISA) have established similar such organisations and groups. In 2002 at its joint sessions in Turin, the European Consortium for Political Research (ECPR) hosted a joint workshop on 'The Systematic Study of Human Rights Violations' organised by Steve Poe and Sabine Carey. In 2007, the *Journal of Peace Research* published a special issue dedicated to political science analysis of protecting human rights.⁶

There is thus a growing international community of political scientists dedicated to human rights research, which can largely be described as 'post-behavioural' in the sense that it has an explicit focus on a set of values, but applies the theories and systematic methods of contemporary political science in ways that provide explanation and understanding, and draw larger inferences and policy prescriptions that can help improve the promotion and protection of human rights. The research in this field takes the international law of human rights as either explicitly or implicitly setting an international standard against which the practices of states are compared. The gap between the *de jure* commitment of states and the *de facto* realisation of human rights thus forms the primary object of inquiry, while systematic analysis is dedicated to explaining and understanding its cross-national variation using a variety of quantitative and qualitative research designs.⁷

This increasing interest within the discipline in human rights has begun to make three main contributions: the development of *empirical theories* to explain human rights violations, the application of *comparative research methods* to link evidence to inferences about human rights problems, and the *measurement* of different categories and dimensions of human rights. Fully specified theories, systematic comparative research designs, and the use of human rights measures have begun to map and explain event regularities in the world with respect to human rights, identify significant outlier cases for deeper analysis, and provide an evidence base upon which international public policy can be formulated.

Human rights pose a set of puzzles about human nature and human behaviour that are similar to those posed by other topics in political science, and scholars working on human rights have deployed the concepts, insights, and analytical leverage offered by three main bodies of theory at the domestic and international level, including rational approaches, structural approaches, and cultural approaches. The largest volume of political science literature on human rights to date involves research that uses the 'messy centre' of theorising in comparative politics,⁸ comprised of macro-structural explanations for variation in human rights protection across many countries, while rationalist and cultural approaches have begun to appear in a number of small-N (or smaller-N) comparative studies. Drawing on the behavioural tradition in the social sciences, global comparative studies of human rights in political science focus on a discrete sets of civil and political rights, or more narrowly, 'personal integrity rights', and the data sets tend to vary across time and space, yielding a large total number of observations used for the econometric estimation of empirical relationships.⁹

Theory is not given a particular emphasis in these studies, but the collection of variables that comprise them has been extensive. The consensus from these studies is that there are positive and significant effects on the protection of human rights for the

⁶ E. Hafner-Burton, and J. Ron (eds.), Special Issue on Protecting Human Rights, (2007) 44 *Journal of Peace Research* 4.

⁷ T. Landman, 'Comparative Politics and Human Rights' (2002) 43 *Human Rights Quarterly* 4, 890–923; Landman, n.5 above.

⁸ A. Kohli, P. Evans, P.J. Katzenstein, A. Przeworski, S.H. Rudolph, J.C. Scott and T. Skocpol, 'The Role of Theory in Comparative Politics: A Symposium' (1995) 48 *World Politics*, 1–49.

⁹ Landman, n.5 above.

level of democracy and its initial period of transition, as well as high levels of economic development. There are negative and significant effects for involvement in civil war and international war, as well as for those countries with large populations. The results of more extended research on human rights have thus far been more mixed than the 'first generation' of work and have included variables such as foreign aid and policies from international financial institutions, direct foreign investment, and international human rights treaties. Nevertheless, this entire tradition of research focuses on the impact on human rights of broad socio-economic change, institutional differentiation and transition, international legal regimes, and particular structural constraints at domestic and international levels of analysis.

Against this focus on macro patterns, holistic structures, and inter-connections and constraints, rationalist accounts return to a concern over the micro-foundations for explaining human rights violations. Rational accounts focus on the *intentionality* of individual and state choices, the strategic interaction of state and non-state actors, and the human rights implications of the multiple outcomes of these interactions. Such a focus on intentional choices means that rational accounts concern themselves with dimensions of human rights abuse in which a perpetrator and an act of violation can be identified. The rational turn was slow in moving toward human rights, but in following its general emergence as a dominant paradigm in other research areas in political science, it has indeed arrived at the study of human rights problems and puzzles. One of the main positions adopted by rationalist accounts of human rights abuse is that it is possible, and in many ways imperative, to look beyond questions of grievance, moral outrage against injustice, and ideological extremism, and to focus on material reasons why an individual or a state commits human rights violations. From an applied policy perspective, the rational turn has important implications. Indeed, to provide rational explanations for human rights abuse means that rational *solutions* can be put in place to prevent violations in the future. Two notable studies in this tradition include Wantchekon and Healy's game theoretic analysis of torture,¹⁰ and Mitchell's principal-agent model on atrocities committed during civil war.¹¹

Alongside the macro-structural and micro-foundational explanations for the variation in human rights abuse across countries, culturalist approaches have examined the ways in which human rights have been socially constructed,¹² how human rights are part of a process of 'norms cascade' in the international arena,¹³ and how the language of rights and the 'framing' of rights claims accounts for the relative success of different social movements struggling for human rights and other issues around the world.¹⁴ These accounts recognise that norms and ideas 'matter' in explaining political development and outcomes in the area of human rights, and draw on the proliferation of human rights norms since the 1948 Universal Declaration which have been constructed through the activities of international governmental and international non-governmental organisations that gather at such global events as the 1993 Vienna Conference.

¹⁰ L. Wantchekon and A. Healy, 'The "Game" of Torture' (1999) 43 *Journal of Conflict Resolution* 5, 569-609.

¹¹ N. Mitchell, *Agents of Atrocity: Leaders, Followers, and the Violation of Human Rights in Civil War*, (London: Palgrave, 2004).

¹² See, for example, J. Donnelly, 'The Social Construction of Human Rights' in T. Dunne and N. Wheeler (eds.), *Human Rights in Global Politics*, (Cambridge: Cambridge University Press, 1999) 71-102.

¹³ See, for example, T. Risse, S.C. Ropp and K. Sikkink, *The Power of Human Rights: International Norms and Domestic Change*, (Cambridge: Cambridge University Press, 1999).

¹⁴ J. Foweraker and T. Landman, *Citizenship Rights and Social Movements: A Comparative and Statistical Analysis*, (Oxford: Oxford University Press, 1997); C. Bob, *The Marketing of Rebellion: Insurgents, Media, and International Activism*, (Cambridge: Cambridge University Press, 2005).

In addition, survey analysis and public opinion research has begun to explore the degree to which citizens' attitudes and perceptions about human rights are in line with the actual human rights situation in countries. This research combines the standards-based indicators of human rights used in the large-N quantitative studies outlined above with random sample surveys that ask questions about respect for human rights, where typical response categories include such terms as 'a lot', 'some respect', 'not much respect', and 'no respect at all'.¹⁵ The research effort is then to compare the perceptions of the human rights situation to the general trends in the protection of different categories of human rights either for the world,¹⁶ or broken down for particular regions.¹⁷ The global comparisons reveal that citizens have multiple rights referents when they formulate assessments on the human rights situation in their own countries, and that there is a moderate congruence between public opinion about the human rights situation and the actual human rights situation, which is further differentiated across regions.¹⁸ Across the post-communist states of Central and Eastern Europe, for example, there is a high congruence between perceptions of human rights and actual human rights practices, but this congruence tends to be stronger for more highly educated citizens.¹⁹ Both studies represent the application of cross-cultural analysis using perceptions as a main subjective variable of interest as it relates to more objective human rights conditions.

Beyond the deployment of empirical theories to human rights problems, political science has also used comparative methods and comparable measures in the study of human rights problems. Comparative methods provide ways in which to compare similarities and differences across countries to arrive at a series of generalizations about particular human rights problems. There are three general comparative methods available to political scientists of human rights: global comparisons of many countries, few-country comparisons, and single-case studies. The trade-offs associated with these methods involve the degree to which each can make broad ranging empirical generalizations at different levels of theoretical and conceptual abstraction.²⁰ Global comparisons tend to make empirical generalizations using concepts and constructs at a fairly high level of abstraction. Few-country comparisons tend to limit their generalizations and lower the level of abstraction in analysing human rights problems across a selection of countries. Single-case analysis tends to limit further its empirical generalizations and concentrates on the contextual particularities of the single case under investigation, but can be constructed in such a way so as to contribute to larger theoretical and empirical problems.

¹⁵ See C.J. Anderson, A. Paskeviciute, M.E. Sandovici, and Y.V. Tverdova, 'In the Eye of the Beholder?: The Foundations of Subjective Human Rights Conditions in East-Central Europe' (2005) 38 *Comparative Political Studies*, September, 771-798; D. Richards, "'What do Citizens Mean When They say 'Human Rights?'" A Comparative Examination of the Formation of Citizen Attitudes about, and Understandings of, Human Rights'. Paper presented at the 2006 Annual Meeting of the American Political Science Association, 30 Aug. – 3 Sept. 2006, Philadelphia.

¹⁶ Richards, n.15 above.

¹⁷ Anderson, n.15 above; Richards, n.15 above.

¹⁸ Richards, n.15 above at 28-31.

¹⁹ Anderson, n.15 above.

²⁰ P. Mair, 'Comparative Politics: An Overview' in R.E. Goodin and H. Klingemann (eds.), *The New Handbook of Political Science*, (Oxford: Oxford University Press, 1996) 309–335; T. Landman, *Issues and Methods in Comparative Politics: An Introduction*, (London: Routledge, 2000); Landman, n.7 above; Landman, 2003, n.1 above; T. Landman, *Protecting Human Rights: A Global Comparative Study*, (Washington DC: Georgetown University Press, 2005); Landman, 2008, n.1 above.

Global comparative analysis typically involves the use of large and complex data sets comprised of variables that have been operationalised quantitatively and have been specified in such a way that they can be measured over time and across space. With such a large number of observations (typical time and space combinations exceed 4000 such observations), global comparisons make empirical generalizations about relationships between and among variables that have associated degrees of statistical significance. The main strengths of this kind of analysis include statistical control to rule out rival explanations, extensive coverage of cases, the ability to make strong inferences, and the identification of ‘deviant’ cases or ‘outliers’. The large number of observations means that there are sufficient ‘degrees of freedom’ to add control variables and robustness tests to eliminate the possibility of spuriousness, while the types of inferences that are made tend to be of a general nature as outlined above.

But global analysis also has a number of weaknesses, including data availability, validity and reliability of rights and other measures, and its limited application to human rights problems. First, until very recently, there had been a dearth of cross-national data on human rights practices. There are still only five major sources of human rights measures available for global comparative analysis, all of which are limited ordinal ‘standards-based’ scales of human rights practices.²¹ Second, despite the development of measures of human rights for cross-national quantitative analysis, there are serious questions remaining about the validity and reliability of these measures, which code qualitative information typically found in Amnesty International and/or US State Department human rights country reports into quantitative scales. Third, global comparative analysis cannot address a whole range of important research questions in the human rights field, since many such topics are not susceptible to quantitative methods.

It is precisely because of the limitations and weaknesses of global comparative analysis that many human rights scholars carry out their analyses on a smaller selection of countries. Comparing few countries achieves control through the careful selection of cases that are analysed using a middle level of conceptual abstraction. Studies using this method are more *intensive* and less *extensive* since they encompass more of the nuances specific to each case. These studies use qualitative and quantitative measures for human rights, while the outcomes they seek to explain are often seen to be ‘configurative’ (i.e. the product of multiple causal factors acting together). Such comparisons tend to make generalizations that are less broad using concepts and constructs that have been analysed in greater depth across the countries that have been selected for analysis.

The comparison of the similarities and differences across a small number of countries is meant to uncover the empirical relationship between the presence of key explanatory factors and the presence of an observed outcome. The isolation of these explanatory factors and the determination of their relationship to the observed outcome can be achieved through adopting two distinct types of research design. Most similar systems design (MSSD) compares different outcomes across similar countries, while most different systems design (MDSD) compares countries that share very few features and then focuses on those factors common across the countries that may account for an outcome. Of the two research designs, MSSD is slightly more robust, since it allows for the presence of different outcomes across the countries under investigation to vary. Despite these differences, without careful reflection on the choice of cases and variables, these types of method can suffer from specifying too many variables and not enough cases as well as severe selection bias.

²¹ See also T. Landman, ‘Measuring Human Rights: Principle, Practice, and Policy’ (2004) 26 *Human Rights Quarterly* November, 906-931; T. Landman, *Studying Human Rights*, (London: Routledge, 2006).

Finally, the field of human rights research is full of single-country studies. By definition, they focus on countries with particularly problematic human rights records and include official reports from international governmental and non-governmental organizations, domestic commissions and NGOs, journalistic and descriptive accounts, and research monographs. Beyond their pure descriptive function, however, single-country studies can make significant and valuable contributions to the study of human rights, including the establishment of new classifications, the generation of hypotheses, and their use as 'crucial cases' for testing hypotheses.²² Thus they can serve larger comparative purposes if they lead to new classifications of social phenomena, generate new hypotheses about important empirical relationships, and provide critical tests of extant theories. Human rights abuses take place across a huge range of different social, economic, and political contexts, and single-country studies provide the richness of contextual description and the analysis of new institutional, cultural, and behaviour phenomena. Like the few-country comparisons, single-country studies have used different combinations of qualitative and quantitative data on human rights to provide the base of evidence for advancing larger political science arguments.

This brief essay shows that political science has overcome its historical ambivalence about human rights and has been actively developing a significant sub-discipline of research on human rights that has produced studies at all levels of analysis and across all types of theoretical approaches. These developments in the discipline have been facilitated by the establishment of specialist research and teaching divisions within the major professional political science associations in the United States, Europe, and internationally. While many academic programmes in human rights in the US and Europe are multi-disciplinary and inter-disciplinary, the 'political science of human rights'²³ is now becoming a rich tradition in and of itself. This essay shows that this burgeoning field of research is making significant contributions to the study of human rights problems in terms of theory, comparative methods, and the development of comparable human rights measures. At Essex, the strong social science tradition and the strong comparative politics tradition within the Department of Government are core features of human rights education programmes, as well as the ongoing research activities among members of academic staff and graduate students; a tradition that will continue long beyond this year of anniversary celebration.

²² See H. Eckstein, 'Case-study and Theory in Political Science' in F.I. Greenstein and N.S. Polsby (eds.), *Handbook of Political Science*, Vol. 7: Strategies of Inquiry, (Reading, MA: Addison-Wesley, 1975) 79–137; J. Gerring, *Case Study Research: Principles and Practice*, (Cambridge: Cambridge University Press, 2006); Landman, 2008, n.1 above ch. 5.

²³ Landman, n.5 above.