Why Do Governments Abuse Human Rights?

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Abstract

Because the abuse of human beings is abhorrent, we normatively expect governments to respect those rights. However, throughout human history, abuse of human begins has been the norm. Governments abuse rights because doing so helps leaders exercise, expand, or retain their power. Normatively, this is troubling. Yet, as a positive matter, it should not be surprising. We begin the essay explaining why this is so, and then turn to the question that broadly captures the research agendas of those studying the topic of human rights: how can people constrain Leviathan? Over the course of the 1980s and 1990s, several foundational studies helped establish a generally agreed on account that governments respond to dissent with coercion. Domestically, democracy and economic output both reduce rights abuses, while large populations increase repression. The impact of international characteristics is less well developed. In fact, what is known is that the international human right regime is complex and that norms, treaties, and international courts do not have a consistent effect on a countrys' respect for rights. Researchers are now studying complex relationships between domestic and international factors. For instance, the domestic judiciary of a country influences the extent to which human rights treaties constrain government abuse of rights. Over the coming decade, we expect scholars to produce considerable new knowledge about the impact of norms, treaties, and international courts on the states' (lack of) respect for human rights.

INTRODUCTION

Given that governments own a monopoly on the legitimate use of force within their borders, it should not surprise us that since its inception, the states have not only repressed some of those who live within their sovereignty claim, but have routinely done so. Yet, the dominant narrative, especially in societies governed by democracy, is that governments do not abuse people. It is critical to point out that this is a normative expectation, not a positive statement about the state of the world. As human beings, we appear to be innately inclined to tune out abuse and murder of human beings by the government, despite the fact that, as Rummel (1994) has

documented, the government is the top-ranked human institution for killing human beings. Further, as the international human rights movement has grown, in fits and starts, from its birth during the enlightenment to become normatively dominant since the 1970s (e.g., Hunt, 2007; Keck & Sikkink, 1998; Lauren, 1998; Tsutsui &Wotipka, 2004), governments have shifted from being open about their abuse to actively denying and hiding it.[1] The result is that there is a remarkable disconnect between facts (governments routinely abuse and even kill) and norms (governments must respect human rights). We begin with a brief explanation of what human rights are, and then explain why we should not be surprised that governments routinely abuse them.

Acknowledging human rights means to limit the extent of the government's ability to use coercion; examples of violations include torture, arbitrary imprisonment and killing, genocide, spying, and harassment.[2] Historically, human society became ruled by governments that spanned considerable territory and large populations when individuals asserted a sovereign right to govern and had both the coercive and administrative capacity to (more or less) effectively enforce that claim. The enlightenment period's writings about a social contract between people and the ruler (e.g., Hobbes [1651] 1991; Locke [1689] 1960; Rousseau [1762] 1997) was a reaction to that status quo, and it cannot be underemphasized how revolutionary were those ideas. Yet, we rarely appreciated that the social contract, as presented by Hobbes, for example, implicitly views the ruler as a sort of referee who is granted a monopoly on the legitimate use of coercion to adjudicate disputes *among people*, without concern to adjudication of disputes between people and the state. The creation of an institution that both exercises power *and* has the sole authority to denude people of property, arrest, incarcerate, try and judge, and even execute them is remarkable; yet, that is at the core of the social contract. If such an institution is powerful enough to enforce its claims to the above, and the human beings who exercise authority on behalf of the state are conventional human beings susceptible to the shortcomings to which we know human beings are susceptible, then it would be curious indeed if abuse of human beings by government was rare. By this account, the question shifts from the normatively driven query to a positive one: how can human beings constrain Leviathan (Moore, 2010)? The international human rights regime has been constructed to precisely perform that.

Though the United Nations General Assembly declared the Universal Declaration of Human Rights on December 10, 1948, decades passed before social

1. This is most apparent in the domain of torture (Rejali, 2007).
2. This essay focuses on what are called "physical integrity of the person" rights, or "first generation" rights. Economic, social, and cultural rights also exist, and are sometimes referred to as second and third generation rights. Wikipedia entries, and other similar resources, provide serviceable overviews.

scientists began to study human rights violations and the effort to limit them. Since the 1980s, however, there has been fruitful research that has led to a number of accepted reasons for why some governments violate rights less than others. This essay is designed to navigate the reader through the status of current theory and findings, research that is presently being conducted, and the direction in which the field is, and can be, headed. The rest of the essay proceeds as follows. The following section reviews the foundational work and its findings. From there, we explore the current state of human rights research and how scholars have addressed some of the challenges state repression researchers face. Lastly, we identify unresolved challenges and suggest some directions in which future research may go.

WHAT WE KNOW

The research that has explored human rights violations in the last few decades has yielded some results that have come to be regarded as generally accepted. These have largely existed in two separate realms: domestic and international factors. Some of the most cutting-edge research considers both of these domains and their interactions, and we review it below. In this section, we identify the few consensuses that exist in the literature. We then discuss the domestic factors known to influence how states conduct themselves with respect to their citizens. Following that, we review some of the international factors that are foundational.

Domestic Factors that Affect State Repression

In two recent reviews, Christian Davenport usefully summarizes what we know about the domestic sources that influence governments' propensity to repress (Davenport, 2007a; Davenport & Inman, 2012). The first is the behavior of those who using means that the government does not view as legitimate to challenge policy and/or the government's authority: dissident activity. The second is the structures in which both the dissidents and the government act: political institutions, macroeconomic performance, and the characteristics of the population.

Behavior: Domestic Challenges to Power.   On average, states respond with coercion to challenges that they deem illegitimate: they arrest, ban, disappear, harass, imprison, kill, and torture. Whether the dissent is illegitimate varies across countries and with the (potential) consequences of the dissent. For instance, some countries are more amenable to peaceful protest than others, although even a tolerant country will resort to more coercion if that peaceful

movement begins to challenge the government authority in a major way. All states view violent dissent as illegitimate, and with few exceptions it is met with coercion. In addition, some states engage in active repression to deter dissent: it becomes a defining feature of governance as under Stalin (e.g., Gregory, 2009). Thus, while the behavior of dissidents generates coercion in all states, researchers turn to political institutions, macroeconomic performance, and population characteristics to explain both why dissident–state interactions vary across countries and why some states actively repress in the absence of dissent.

Political Institutions. Political institutions—how people acquire power and how power is distributed across the government—shape the behavior of leaders and the dissidents who would challenge them. The institution that has drawn greatest interest is democracy, which can be defined thinly (rule by the people) or thickly (separation of powers and civil liberties). Davenport (2007b) reports the existence of a domestic democratic peace, showing that elections (voice) and separation of powers (veto) each reduce the extent to which governments turn to repression as a tool. Others have extended the argument to civil liberties such as freedom of assembly and speech (Little, n.d). Lastly, some work focuses on parchment institutions, such as the provisions included in the constitution (Keith, Tate, & Poe, 2009). Put in broad terms, democracy is best understood as a set of institutions that alter the incentives of government officials, and Cingranelli and Filippov (2010) provide an excellent study that shows how various characteristics of electoral systems influence the incentives of elected officials to respect rights.

The work on the domestic democratic peace can be viewed more broadly within the context of what is known as *Selectorate Theory* (Bueno de Mesquita, Smith, Siverson, & Morrow, 2003), which argues that the defining feature of political institutions is the proportion of the population that the leader must keep satisfied to ensure continued tenure in office. As that number shrinks, the state will be less constrained by a formal separation of powers, other portions of the constitution, and less concerned about succeeding in free and fair elections. As a consequence, they will become more willing to abuse and repress members of the population who are not members of the group they must satisfy to remain in office.

This work begins to provide an answer to our query about tethering Leviathan. Note that the executive branch of government is responsible for state security, and that the military and police report to the executive. As such, the executive is the branch of government that represses. To constrain Leviathan, then, we must begin by making the executive accountable to as broad a portion of society as possible via free and fair elections, separating

powers, and extending civil liberties. Note that each of these reinforces the others: power needs to be separated to make it difficult for any actor to rule by appealing to a small number of people; civil liberties are needed to permit political mobilization, so that elections might be free and fair; elections are needed to give the executive an incentive not to accumulate power by closing other branches; and so on. Part of the answer, then, is that political institutions can help people constrain Leviathan. As it turns out, however, there is more we can say.

Scholarly interest in another domestic institution, the national human rights institution (NHRI), has recently emerged. Most of the work on NHRIs to this point has been by legal scholars, but social scientists such as sociologists and political scientists are starting to examine them as well. NHRIs are domestic institutions that have some mandate to protect and/or enhance the human rights of the citizens of the state in which they are established (Carver, 2010). They operate in an unusual space between the government and civil society. Being established by the government, they work with and are often financed by both the government and NGOs. This causes independence to be a constant challenge for NHRIs, as they are established and (at least partially) financed by the very government that they are to keep in check (Mertus, 2009).

Goodman and Pegram (2011) note that since the Paris Principles were defined in 1991, there has been a remarkable cascade of states adopting them at a rate of over five per year. Democratizing states have done so in part owing to pressure from the democratic states, and others in an effort to become legitimate members of the international community (Reif, 2000). Some work has been done on which types of states establish NHRIs (Koo & Ramirez, 2009) and how specific NHRIs operate (e.g., Gomez, 1998; Mertus, 2009; Okafor & Agbakwa, 2002; Parlevliet, Lamb, & Maloka, 2005), but we have yet to find out their effects on state repression as a whole; a recent edited volume by Goodman and Pegram (2012) is an excellent place to learn more about what we do know, and what questions scholars ought to explore.

Macroeconomic Performance. Scholars widely believe that the state of the economy—overall output, growth, inflation, and unemployment—influences government repression. Yet, empirical work has established but one robust relationship: a negative cross-sectional correlation between output (e.g., gross domestic product) and repression. Many studies also report a correlation between other macroeconomic indicators and repression, but an equally large number fail to find such a correlation. The major weakness with this work is that little of it engages the dissent–repression literature and makes a theoretical case about the expected equilibrium outcome of a change in

various indicators of macroeconomic performance. For example, many argue that rising inflation and unemployment will generate dissent, but are silent about how governments are going to react to that dissent. What we know about the impact of political institutions on repression suggests that governments' use of coercion is likely to vary across political institutions (as will levels and types of dissent); yet, existing research has to theoretically engage those processes. As such, the standard use of macroeconomic output is as a control variable, and a robust negative correlation exists across a remarkable array of research designs and specifications.

Population Characteristics. Like macroeconomic performance, the impact of the characteristics of populations—especially size and heterogeneity across class, ethnic, linguistic, racial, and religious categories—on repression have been the focus of considerable scientific study. Also, like macroeconomic performance, only one indicator produces robust findings across studies: the size of the population (larger countries have greater repression, on average). Our reaction to the mixed findings on the heterogeneity of populations is much the same as it is toward the mixed findings regarding macroeconomic performance: government repression (and dissident activity) is not homogeneous across political institutions and the challenges the government receives. This, then, is another excellent area for theoretical development.

INTERNATIONAL FACTORS THAT AFFECT STATE REPRESSION

Having sketched the main findings of the influence of domestic characteristics on repression, we turn our attention to outlining what we know about the impact of behavior and structures outside the state. Behavior includes the activities of other states, intergovernmental organizations (IGOs), and international nongovernmental organizations (INGOs). Structures include international law and the position of states within political and economic networks.

Diplomacy and Coercion. States use a mix of both diplomacy and coercion to influence one another. A small literature exists that explores the impact of other country's behavior on a given country's repressive activity, although it has become dated and left little impact. Moore (1995; Moore & Davis, 1998) conducted an events data analysis to show that the conflictual and cooperative behavior of both sponsor states and neighboring states impacted the Rhodesian and Zairean governments' hostility toward dissidents (controlling for the dissidents' behavior). Goldstein and Pevehouse (1997; Goldstein, Pevehouse, Gerner, &Telhami, 2001; Pevehouse & Goldstein,

1999) conducted similar studies of the Bosnian and Kosovo conflicts, as well as the Israeli—Palestinian conflicts, and similarly found that the dynamics of dissent and repression are influenced by the foreign policy behavior of other governments. Unfortunately, this work has stimulated little in the way of follow-up and has not influenced other work on government repression.

INGOs and Naming and Shaming. As noted above, it is well established that a social movement of activists, diplomats, and lawyers[3] produced, in the latter half of the twentieth century, a human rights regime (Hunt, 2007; Keck & Sikkink, 1998; Lauren, 1998; Tsutsui & Wotipka, 2004) that made claims which specifically limited the state's ability to use coercion (e.g., Donnelly, 2004, pp. 1–53). The movement first established, both normatively and then legally, that these human rights exist: the state could not arbitrarily arrest or detain people, denude them of property, torture them, and so on. The major tool that the movement used to first create those norms and later advocate for legal instruments and then compliance with the norms and laws was to name and shame violators: publicly advance allegations of states' abuse of people (e.g., Clark, 2001).

Does naming and shaming work? A primary role of INGOs is to shed light on the repressive, often secretive, behavior of governments around the world. If leaders care about their international reputation, public censuring should add an additional cost to consider before repressing.[4] INGOs often make repression more visible by alerting international media to focus on the state in question (Keck & Sikkink, 1998). This mechanism assumes that other states will condemn leaders for the way in which they treat their citizens. Another mechanism that has been theorized is that INGOs provide information about abuses in a given country to another country's citizens that detest repression and have the ability to lobby their government to intervene[5] in the country where abuses are taking place (Risse & Sikkink, 1999). Yet another way in which INGOs are believed to increase the cost of repression is by offering resources to domestic movements on the ground (Risse & Ropp, 1999). These resources allow domestic groups to better organize, making them a more credible threat to the government, whether the ensuing protest is violent or nonviolent (Chenoweth & Stephan, 2011; Murdie & Bhasin, 2011). This mechanism is highly effective when there are human rights INGOs in the neighboring states and the borders are relatively open (Bell, Murdie, & Chad Clay, 2012). Although INGOs lean on naming and shaming as their primary

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3. Who were inspired by the parchment institutions produced during the American and French Revolutions (and the Enlightenment, more generally).

4. Or, following the principal–agent logic, the additional cost should give the leader more incentive to make sure repression does not happen on his watch.

5. Intervention can include public condemnation, economic sanctions, and/or military action.

means of reducing human rights abuse, there is some research that suggests other groups—NGOs, religious groups, and foreign governments[6]—may be more effective at using this tool (Franklin, 2008). Further research on who is and how naming and shaming is performed is in order to advance our understanding of the effect of international reputation and human rights abuses.

International Law.   What of international law? The research done on international law focuses on international treaties, and the monitoring and sanctioning mechanisms they create. Studies of the nine different core human rights treaties[7] have yielded disparate results. When correlation with state behavior is discovered, its direction tends to vary depending on which treaty and which rights are being studied. Therefore, there are an increasing number of studies that say that international human rights treaties are related to better, worse, or no change in human rights practices. The theoretical underpinnings of this research are still being debated. Those that find treaties correlated with no effect on human rights practices view treaties as meaningless scraps of paper that, if they do anything, screen which countries planned on (not) violating human rights to begin with (Downs, Rocke, & Barsoom, 1996; Von Stein, 2005).

  Some empirical results suggest treaties have an effect (Hill, 2010; Simmons, 2009). For this reason, scholars are now starting to look into what makes different treaties different and how that affects ratification and state repression. So far, it has been found that when treaties impose greater costs on governments, such as the more stringent rules of many optional protocols, they more effectively protect human rights (Cole, 2009). Examples of treaty content that would impose these greater costs are the allowance of more, unannounced monitoring of institutions in which human rights abuses may occur; state-to-state complaints; or individual petitions. So far, it seems that treaty rules are more important than treaty substance (such as which rights are protected) in affecting state repressiveness.

  Law works best when it can be enforced. Some indict international law on the grounds that states can break the law with impunity. International human rights law is particularly hard to enforce because mechanisms such as reciprocity do not apply. With human rights issues, if state x abuses its citizens,

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6.   Although INGOs can bring foreign governments into the foray.

7.   The nine core UN human rights treaties are: the International Convention on the Elimination of All Forms of Racial Discrimination (1965), International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social, and Cultural Rights (1966), Convention on the Elimination of All forms of Discrimination against Women (1979), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Convention on the Rights of the Child (1989), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Convention on the Rights of Persons with Disabilities (2006), and International Convention for the Protection of All Persons from Enforced Disappearance (2006).

state *y* cannot reciprocate in order to get compliance from state *x* by abusing its own citizens.

A number of international and regional courts/tribunals have been established to address the enforcement concern.[8] These include the International Criminal Court, the European Court of Human Rights, the Inter-American Court of Human Rights, and the African Court on Human and Peoples' Rights, etc. Some scholars view courts and tribunals as opportunities to sharpen the teeth of international law. Others argue that the potential for an impending trial may make leaders who are committing violent actions against their citizens more willing to violate rights, as they no longer have the option of "retiring" to a friendly country, and thus will fight tooth and claw to retain power. For now, the empirical record is mixed. Sikkink (2011) finds that international courts and tribunals do, in fact, decrease the number of human rights abuses perpetuated by states, while Meernik, Nichols, and King (2010) find that they have no impact on human rights behavior. The research that finds no impact is done on states after civil war, which may be a situation in which it is harder to attain respect for human rights because of the potential recurrence of violence.[9] We have much more to learn about the impact of international courts and tribunals on governments' (lack of) respect for rights.

THE CURRENT AND FUTURE STATE OF STATE REPRESSION RESEARCH

The study of state repression forces scholars to straddle the fence between comparative politics and international relations. The abuses happen within the border of the state, but if domestic politics and institutions *and* international regimes and nongovernmental organizations influence these outcomes. Scholars have increasingly recognized the importance of taking into account both realms—domestic and international—of politics in order to better understand why states repress their citizens, and what can be done to minimize this.

A budding line of research explores how domestic institutions allow international institutions to be more effective on the ground. One of the more fleshed out of these research programs is that of domestic courts' ability to make international treaties work for the citizens within countries (Hathaway, 2007; Lupu, 2013; Powell & Staton, 2009). Descriptive and formal theory suggests that states that ratify international treaties, such as the UN

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8. The international tribunals that have been established are the International Criminal Tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon.

9. After all, some researchers have found that countries involved in civil war abuse human rights more often (Poe & Tate, 1994; Poe, Tate, & Camp Keith, 1999).

treaties discussed above, are more constrained in their repressive behavior, because the domestic legal system makes sure that if the treaty is violated, there are potential domestic legal sanctions waiting for those that violated or issued the violation. Different authors stress different characteristics of the judiciary. But, whether it is judicial independence, effectiveness, power, or some combination of these aspects, the empirical record supports the theoretical propositions.

Given the discussion about the judiciary's effect on ratification of treaties, might other interactions between domestic and international institutions be important? If a state ratifies a human rights treaty, NHRIs may be able to constrain the behavior of the state too. NHRIs are a heterogeneous bunch, but they all perform some combination of the following: monitoring, education, receiving individual complaints, legal recommendation, and publishing allegations and judicial results. One can see how the unique position that NHRIs hold between government and civil society make them a potential domestic institution to delegate some of the human rights responsibilities agreed to in international treaties.

Perhaps, other important interactions exist. For instance, might INGOs be more effective working with NHRIs? Perhaps, INGOs working on the ground can help a state hold true to its international agreements. Effective domestic judiciaries may have interesting effects on international courts and tribunals—perhaps making them less necessary, making their rulings more effective, or some combination of these. Just as scholars looked at the independent effects of institutions, and just recently started considering their interactions, it may be time for scholars to look at more complex interactions with three or more institutions. The groundwork was set with classic studies on what effects state repression. It is now incumbent on us as researchers to dig deeper, asking more complex questions.

CONSIDERATIONS FOR MOVING FORWARD

Now that we have surveyed the classic literature and the current state of affairs, it is important to recognize what can be done to keep the state repression research relevant and fruitful. In this section, we consider where repression research may want to peer and the data and methodological challenges that may be waiting for brave researchers.

CONCEPTUALIZING REPRESSION: DISAGGREGATION AND SUBSTITUTION

Pioneering research on repression focused mostly on political and civil rights. From there, scholars started to explore physical integrity rights such as torture, genocide, political imprisonment, and disappearing. The Cingranelli

and Richards data set (CIRI) disaggregates both groups of rights, that is, there are measures for speech freedom, religious freedom, etc. for political–civil rights, and the four examples above (substituting extrajudicial killing for genocide) that make up physical integrity rights. Often, researchers aggregate them into their respective indices. Some are starting to look at different types of rights violations as their outcomes of interest, and more should continue to do so. After all, the causal mechanism for why a state would violate an individual's right to practice religion freely may very well differ from the mechanism for why a state would violate its workers' rights. Researchers that disaggregate the repression activities often focus on one type of violation, that is, torture. However, researchers would be wise to consider that governments have a whole palette of repression at their disposal. They may use one to substitute for another, depending on the institutional, political, or cultural environment. This point brings up two considerations. First, some studies that have looked at one type of repression may find a decrease in that outcome, but the story may not be as positive as it seems, as a government may substitute another form of repression. This may occur when one type of repression, such as torture, is high on the monitoring radar, but others are not. The second point stems from the first. There are other types of repression that are not captured in the most commonly used indices, for instance, surveillance, spying, and harassment. It is important to theorize about which types of repression will be used when, and what strategies governments may use to continue repressing. From there, it may be important to collect data on repressive activities that have yet to be considered, such as spying. Although spying is an innately secret activity, making data collection difficult, it is incumbent on us as honest, thorough researchers to be creative and diligent when considering these tough questions and situations.

DIGGING DEEPER: EXAMINING REPRESSION THROUGH A MORE POWERFUL LENS

As the scholarship on state repression continues, some researchers may wish to examine some of the general theories with more fine-toothed combs in order to discover important details. For instance, if the outcome of interest is one type of repression, the substitution issues discussed directly above also apply. Torture is the clearest example of this concern. Since the monitoring of states' torture practices began, governments have devised ways to torture that are harder to observe (Rejali, 2007). Sometimes referred to as *clean torture*, these practices do not leave visible marks on the body of the victim, making accusation a he said/she said affair. By recognizing this and coming up with new, creative data and methods, scholars may be able to probe deeper into government repression strategies.

New data and methods may also be necessary for discovering more specific patterns of government behavior. For instance, most studies to date use the country–year as the unit of analysis. This decision carries with it important assumptions, both spatially and temporally. With regards to the spatial assumption, researchers that are interested in the interaction between dissent and repression that use the country–year as the unit of analysis assume that the dissent that happens in one place in the country effects the repression in another. For instance, there is a good chance that dissent in Boston, MA is not related to the repression of rights that happen in the same year in Los Angeles, CA. Also, with respect to time, if one is concerned with how governments and citizens react to one another's actions, it is hard to tease out any specifics when everything that happens in a year is not picked apart more scrupulously. Perhaps, it is time for researchers to focus on specific regions, countries, districts, cities, etc. in order to get more time data at the level of quarter, month, week, etc.

CONCLUSION

Why do states repress the rights of their own citizens? This essay has addressed that question by reviewing the foundational research. From there, we shone spotlights on the most current research that is doing the most to push the field. Finally, we offered suggestions as to where research may or should be heading in order to better understand why governments repress. Given space constraints, we cannot address all the merits comment. For instance, we did not address the right to protect (R2P) and truth commissions, much less second and third generation human rights. In addition, the essay does not offer a one-size-fits-all answer to the original question of why governments repress. Instead, as with much (social) science inquiry, it highlights that as we as scholars dig deeper, there are evermore complexities and myriad new questions to consider. These unforeseen issues allow us to better understand government behavior that is as old as the government itself. As we develop more insight into why states choose to abuse human rights, we add not only to theoretical knowledge for its own sake, but offer information that may be used by policy-makers in order to minimize the (potential) harm that may be done to individuals by the governments that are charged to protect them.

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