Missing Our Comparative Advantage?  
Analysis from the Human Rights Frontier

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The ever-widening application of “rights”-based discourse and practice worldwide raises critical research questions which comparative politics scholars are uniquely well-suited to analyze. Yet comparativists often shy away from human rights inquiry. The authors of this article explore the professional deterrents and intellectual challenges that lie behind this paradox. Drawing on their expertise on transitional justice and economic rights, they also indicate concrete ways in which the mass, scope and depth of comparative politics scholarship on human rights could be significantly increased.

Human rights lie at the core of the age-old political struggle to ensure the human dignity of all people, worldwide—be it against the state’s bureaucracy, a dominant subgroup, or an all-powerful leader. Political scientists therefore stake a legitimate professional claim when it comes to analyzing power and interests in the context of humanity’s quest for human rights. Comparativists, in particular, potentially display a great elective affinity for the subject matter, given that a number of key research areas within the comparative politics subfield (for example, democratization, ethnic conflict, development, social movements, the welfare state—to name but a few) clearly address human rights in both theory and practice. Moreover, comparativists stand to contribute essential skills to human rights inquiry—particularly in the areas of concept formation, theory-building, investigation of both formal and informal institutions, analysis that is spatially and/or temporally comparative, and case-study research.

And yet, even a cursory review of the current scholarship clearly reveals that human rights are not a central concern of mainstream comparative politics. This article addresses this apparent paradox. More precisely, we review the existing literature to explain why comparative politics and human rights behave like estranged...
relatives. In turn, we make a case for how the two can be brought closer together. Before proceeding, however, a caveat is in order: throughout the text we offer parenthetical examples from relevant literature for illustrative purposes only. In so doing, we neither claim that these examples are exhaustive, nor that the authors cited would necessarily place themselves in any single “one” category.

Comparative Politics and Human Rights

Scholars of comparative politics appear relatively under-represented in the human rights field, which is dominated by scholars of international law (for example, Henkin, Neuman, Orentlicher, and Leebron 1999; Steiner and Alston 2000; Hathaway 2002), political theorists/philosophers (for example, Shue 1996; Freeman 2002), and international relations experts (for example, Donnelly 2003; Carey and Poe 2004; Forsythe 2006). This is not to say that comparativists have played no role in the development of human rights theory and related empirical analysis. Quite the contrary: leading quantitatively oriented scholars in the subfield have successfully explored how varying domestic and international factors affect human rights policy outcomes (for example, Landman 2002, 2005; Cardenas 2007). And more qualitatively oriented scholars have fruitfully analyzed human rights in the context of particular issue areas, such as: economic development (for example, Arat 2001); democratization (for example, De Brito et al. 2001; Cesarini 2004); and transitional justice (for example, Elster 2004). We argue, however, that these constitute the exception rather than the rule. Most comparativists, in fact, have yet to convincingly embrace human rights research agendas. What explains their reticence?

The answer, in our view, lies in a perverse combination of professional deterrents and intellectual challenges. Let’s begin with the professional deterrents. In general, comparativists interested in human rights face scarce incentives to invest in researching a subject that “mainstream” political scientists often deem normatively biased, hard to quantify and measure, and too policy oriented. Furthermore, comparative human rights scholarship frequently requires working across political science sub-fields and/or social science disciplines (for example, political science, law, history, anthropology, sociology, or economics) as well as bridging quantitative and qualitative research methods. Yet due to obvious epistemological and methodological differences, these forays are not only technically difficult (more on this later), but they are also seldom rewarded in scholarly publishing and grant writing (Rhoten and Parker 2004).

This is an unfortunate state of affairs, especially because the ever-widening application of “rights”-based discourse and practice worldwide renders the comparative political analysis of different national human rights experiences increasingly necessary and urgent—both on theoretical and policy grounds. Scholars’ readiness to confront emerging intellectual challenges by transcending their own comfort zones (both within and across their own disciplines) and/or to engage in collaborative enterprise is critical to our improved understanding of the messy reality of human rights protection and promotion in an increasingly globalized world. Until such readiness is promoted through clear institutional incentives at all level of academia, most junior political science faculty will scarcely be able to afford investing in comparative human rights scholarship, and more senior colleagues will be reluctant to allocate scarce time or resources to do so.

Let’s now turn to the intellectual challenges. In this article, we identify five principal hurdles that currently stand in the way of significant increases in the

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3Examples of epistemological and methodological differences may include positivist vs. post-modernist approaches, and quantitative vs. qualitative techniques.
mass, scope and depth of comparative politics scholarship on human rights. The first challenge is both theoretical and empirical, and it refers to identifying the “mechanisms” through which human rights shape—or are shaped—by politics. The second challenge is methodological, and it consists of transcending the boundaries between the sub-fields of international relations and comparative politics while crossing disciplinary boundaries, more generally. The third challenge is conceptual, and it implies overcoming the obsolescing “three-generations” rubric still widely used to classify and distinguish among human rights phenomena. The fourth and fifth challenges are mainly theoretical, and deal with the potential of applying constructivist and comparative historical analytical approaches to the study of human rights. Drawing insights from our expertise on transitional justice and economic rights, we will dedicate the rest of this article to elucidating these intellectual challenges and indicating concrete ways in which they may be overcome.

Forging New “Mechanisms” Integral to Understanding Human Rights

Comparatists have produced ambitious theories in all the major “approaches” to political science research. But so far they have largely avoided research programs that engage not only their field’s abstract theoretical objectives, but also human rights activists’ concrete challenges on the ground. Yet, serious comparatists committed to both theoretical advances and in-depth field research have a key role to play when it comes to forging new connections between “top-down” academic theory and “bottom-up” empirical realities of activists engaged in front-line struggles for human rights worldwide.

We argue that there are already a number of approaches in comparative politics that can be immediately and fruitfully applied to provide theoretical advances in the field of human rights, while at the same time addressing urgent needs on the ground. One such approach is “mechanism-driven” research. Mechanisms are a “delimited class of events that alter relations among specified sets of elements in identical or closely similar ways over a variety of situations” (McAdam, Tarrow, and Tilly 2001:24). They offer a snapshot of a larger causal picture, the critical connecting actions or processes that help explain how bigger patterns unfold. They are, in a nutshell, the building blocks of theory (Yee 1996), useful in explaining rather than predicting outcomes (Elster 1999).

In the complex realm of human rights, mechanisms have special value because replicating particular episodes of genocide, famine or torture in order to “test” rival theories about their origin or impact is neither possible nor desirable. Yet, comparing past and present situations to confirm a causal framework (Gerring 2007) can help explain the particular confluence of factors that occur in such human rights settings. Furthermore, mechanisms offer a useful analytical hook to human rights scholars attempting to identify common patterns of interaction. Mechanism-driven research, in other words, helps answer questions such as: What factors affect how wrongs are named, blame is assigned, and rights are claimed? How did successful human rights advocacy emerge across a variety of historical and geographical settings? How have human rights crises been prevented or resolved in practice?

In the specific realm of comparative politics, partial explanations of new phenomena are often critical to the process of “opening the black box” of domestic politics. For example, they help explain otherwise ineffable nuances of political culture—as seen in Tilly’s masterful interpretation of the mechanisms that

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4By “approaches” we are referring to broad methodological and/or epistemological categories of political science scholarship, e.g., from comparative historical analysis to game-theoretically driven work, from large-N quantitative studies to interpretive qualitative research, from behavioralism to political culture (Boix and Stokes 2007).
perpetuate “durable inequality” (Tilly 1999). Mechanisms also have policy relevance because they illuminate in shorthand form some of the central interactions integral to human rights abuse and remediation. Take, for example, how Tilly explains the perpetuation of economic and social inequality by identifying concretely the mechanism of “opportunity hoarding” (that is, the hoarding of jobs among members of ethnic networks) as well as its subsequent impact in terms of discrimination in the access to specific professions.

Mechanism-based scholarship tends to be interdisciplinary, in that it often straddles political science, sociology, industrial relations, history, women’s studies, ethnic studies, etc. (Brooks 2007). It is also particularly well suited for analysis of collective action and contentious politics (McAdam et al. 2001) which are at the heart of contemporary human rights advocacy worldwide. Human rights activists themselves are often skilled at explaining what they “do” at the grassroots level. In this context, mechanisms offer academic researchers across a broad range of disciplines common tools for identifying, for example, how “shaming and blaming” occur in particular settings while at the same time highlighting common patterns of interaction between and among national-level social movements and transnational advocacy networks.

Scholars of transnational activism have pioneered the development of mechanism-driven empirical generalizations that are able to travel both spatially and temporally. Their research relates to long-standing questions in the fields of politics and sociology, not only about the dynamics of contentious politics (McAdam et al. 2001) but also about the nature of civil society. Within this strain of work, Keck and Sikkink’s (1999) path-breaking study of advocacy networks concretely shows how well a mechanism-based approach is suited to the analysis of human rights issues. Their work has already spawned a new generation of scholarship intent on explaining how cross-border advocacy campaigns emerge, evolve and/or impact political outcomes at different levels, i.e., national, regional and international (Friedman, Hochstetler, and Clark 2005). More recently, scholars have successfully applied mechanism-based approaches to analyzing campaigns to promote economic justice (Anner and Evans 2004; Bandy and Smith 2005; Tarrow 2005) and the evolution of nongovernmental organizations (NGOs).

Hertel (2006a), for example, has developed two new mechanisms to further explore the intra-network dynamics that influence the normative framing of transnational campaigns. Her work analyzes how “Southern” activists shifted the normative focus of two prominent labor rights campaigns in the 1990s away from the original “Northern” frame. Specifically, Hertel explains how Southern activists in Mexico and Bangladesh challenged the way their Northern counterparts framed the rights at stake in these campaigns because they were in some way markedly out of step with local activists’ own understanding of the same issues. Shifting the normative frame, in turn, enabled Southern activists to harness important political and economic resources in defense of the rights they viewed as most pressing. Hertel identifies two mechanisms—“backdoor moves” in the Mexico case, and “blocking moves” in the Bangladesh case—that enabled the Southern activists in these situations to place economic rights on the negotiating table either subtly or overtly. These mechanisms enhanced, to differing degrees, the ability of activists in both countries to re-cast the campaigns so they would take a wider range of human rights—specifically, economic rights—into consideration in both principle and practice.

The works just mentioned clearly show how mechanism-driven approaches constitute a promising new frontier in comparative politics scholarship on human rights. One particular area that stands to benefit a great deal from a mechanisms-based approach is that of transitional justice. Thus far, most scholars have argued that the wide array of causal variables and the marked “context-dependence” of transitional justice provide insuperable obstacles to
generalization (Elster 2004:77). Some authors, however, have already placed this notion in question (Lutz and Sikkink 2001; Sikkink and Walling 2007). In so doing, they have opened the way for others to work on unveiling the recurring mechanisms through which transitional justice shapes democratic politics across different spatial and temporal contexts (Cesarini, forthcoming). Similar to transitional justice, the analysis of cultural rights could also benefit from a mechanism-driven approach. For example, efforts to unpack the mechanisms central to the “cultural legitimation” of universal human rights norms (Ibhawoh 2000; An-Na’im 2003; Bauer 2003) would be of great interest to scholars and to practitioners seeking to forge cross-cultural consensus on such norms.

Redrawing the Border Between Comparative Politics and International Relations

Conceptual and theoretical innovations in the area of human rights increasingly require scholars to generate knowledge that bridges comparative politics and international relations and, even further, different social science disciplines. Yet the traditional boundaries between political science sub-disciplines, and political scientists’ habitual trepidation with respect to interdisciplinary scholarship, remain a significant intellectual hindrance—particularly in the current context of “globalization.” True, scholars in political theory and international relations have already interrogated traditional “state-centric” modes of political analysis. But their broader ontological critiques have yet to engage in full dialogue with contemporary debates over the nature and practice of human rights, or with comparative politics scholarship that explores the dynamics of rights violation and/or protection and promotion within states. Moreover, as long as political scientists continue to experience so many difficulties in overcoming intra-disciplinary barriers, what realistic potential do they have for crossing inter-disciplinary boundaries?

But let’s focus here specifically on the intra-disciplinary barriers between comparative politics and international relations. By definition, the field of human rights is at once both international and intensely domestic: it spans the two levels of analysis. The generation of human rights norms clearly has an international dimension involving UN human rights bodies, the international treaty regime, foreign policy formulation and execution, and trans-national advocacy on the part of state and non-state actors. It also has a national dimension, involving policy implementation at the country level; the development of corresponding national and local-level institutions; and the evolution of societal discourse on the nature of human dignity that may support or challenge dominant international understandings of what human rights are and how they should be implemented in practice.

Each state, along with a broad range of groups within states, brings its own unique historical experiences and sociocultural perspective to the theory and practice of human rights. Comparative politics scholars are therefore uniquely positioned to explore how human rights relate to various spheres of political and social life (such as state, market, and civil society) and to various facets of human identity (such as gender, race and ethnicity, class, and religion). In turn, by focusing their research on human rights, comparativists stand to contribute to a rich strain in political science which Örenstein and Schmitz (2006:482) identify as the “new transnationalism”, citing studies of political economy and democratization as examples. Human rights would fit here as well.

For example, work on the theoretical foundations of economic rights, their measurement and policy applications has evolved considerably over the past three years (Hertel 2006b; Hertel and Minkler 2007), spurred largely by the type of research dialogue across subfields and between disciplines that we argue is necessary to advancing comparative human rights scholarship in general.
Donnelly (2007a,b), Harvey (2007), and Goodhart (2007)—working across literatures in philosophy, economics and law—have all helped shore up the philosophical foundations of economic rights by developing provocative historical and theoretical justifications for the interdependence and indivisibility of all human rights. Through a careful re-reading of the historical record, Donnelly debunks what he terms “the myth of Western opposition” to economic rights, tying his critique to a reinvigorated theoretical defense of the justiciability of all rights (Donnelly 2007a:37). Harvey rebuts conventional wisdom on unemployment, arguing that contemporary academics and policymakers worldwide underestimate the true potential for full employment and, in so doing, undercut a progressive vision of the right to work for all people. And Goodhart develops an emancipatory defense of economic rights grounded in the idea that basic income guarantees are essential to democracy.

Quantitatively oriented comparativists have developed new economic rights measures suitable for cross-national, time-series analysis. Their work challenges the traditional notion that economic growth begets economic rights, and points instead to much more subtle and nuanced relationship(s) between growth, state policy choice, institutional design, individual freedom, and the realization of economic rights. Working across the fields of economics and political science, Kimenyi (2007), Cingranelli and Richards (2007) and Sweeney (2007) have all explored the nature of state-level commitment to economic rights. Kimenyi ranks states by their commitment to “pro-poor growth” policies; Cingranelli and Richards do so based on “willingness” to promote economic rights (that is, how much the state raises the living standards of its poorest residents, given what would be expected in light of the state’s existing resources); and Sweeney does so based on performance on women’s economic rights.

Politicians have often sought to legitimate the “priority” placed on one “type” of human right (civil and political) over another (economic and social)—or vice versa—largely by citing academic work that demonstrated the causal arrow pointed one way (or the other). Seminal earlier theoretical work has shown this to be a false tradeoff (Howard 1983; Donnelly 2007b). This new strain of quantitative work gives us the data to demonstrate the inter-dependence of rights empirically; to compare performance within and across countries; and to assess progress or retrogression over time. Better theorization and measurement of economic rights, in turn, provides the opportunity for fresh takes on seemingly “tired” old debates. Abouharb and Cingranelli (2008), for example, have marshaled quantitative data to develop a strong critique of the impact of structural adjustment packages (SAPs) on human rights practices in developing countries. By contrast, Dicklitch and Howard-Hassmann (2007) draw on in-depth, qualitative case studies of African countries to argue that SAPs may actually be necessary, in some cases, for the fulfillment of economic rights. As these brief sketches of current literature demonstrate, work on economic rights crosses intra- and interdisciplinary boundaries, is varied in methodological orientation and topical focus, and is rich with contesting perspectives.

Unfortunately, these conceptual advances in the area of economic rights are not equally matched in other human rights issue areas. For example, within transitional justice, a definitional morass continues to persist. The concept of transitional justice remains broad, if not “overstretched”—that is, potentially referring to all “the choices made and quality of justice rendered when new leaders replace authoritarian predecessors presumed responsible for criminal acts” (Siegel 1998). As a result, scholars tend to argue about quite different issues under the same “transitional justice” label—for example criminal prosecution of former dictators (and their agents) for alleged mass atrocities; extra-judicial efforts (such as purges or reparations) to deal with authoritarian crimes; backward-looking measures such as truth commissions, memorials; and even
forward-looking institutional, social and economic engineering. Clearly, such a “holistic approach” (Boraine 2006) to transitional justice presents both benefits and costs. The benefits include coverage of a wider range of phenomena and greater richness of detail, while costs include conceptual ambiguity which, in turn, may discourage social scientists from pursuing research in the field of transitional justice.

We argue that comparativists—with their longstanding interest in concept formation—could galvanize efforts to develop a conceptualization of transitional justice that parsimoniously captures its essential features, while differentiating “transitional” from other forms of justice (Cesarini, forthcoming). Unfortunately, political scientists’ tendency to stick largely to their respective sub-fields currently stands in the way of such efforts. Comparativists, for example, usually focus on explaining what determines a specific post-authoritarian society’s transitional justice choices; why different countries adopt different paths of transitional justice; why the same country may choose different transitional justice strategies at different times; or the impact of transitional justice on democratization, etc. By contrast, international relations scholars concentrate on analyzing customary and treaty norms in the area of transitional justice (for example, the UN Convention on the Prevention and Punishment of the Crime of Genocide, and the various legal documents that establish international criminal tribunals); international institutions of transitional justice (for example, the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia, and the International Criminal Tribunal for Rwanda), and the impact that international efforts to punish crimes against humanity have on peace and stability among or within countries (the latter, in case of civil conflict). What may appear as a reasonable division of labor, however, is also often cause of heated debate between those who believe that transitional justice is mainly about bringing perpetrators before the domestic courts of the nation where the atrocities were committed (Brody 2001; Rothenberg 2002) and those who believe instead that it is mostly a question of prosecution through international criminal justice mechanisms (Orentlicher 1991; Dicker and Keppler 2004).

To recapitulate, we argue that the separation between “comparative” and “international” transitional justice scholarships is but one example of the intellectually counterproductive consequences that the artificial partition of political science into distinct subfields has on human rights research. This intra-disciplinary separation prevents scholars from achieving conceptual and theoretical advances, detecting key new developments in the field, and engaging in serious inter-disciplinary work. Thus, for example, while it is true that there are separate domestic and international institutions of transitional justice, it is also the case that hybrid tribunals (such as the ones recently set up for Sierra Leone and Cambodia) are emerging. Furthermore, domestic prosecutions are frequently triggered by the credible threat of international action (as in the case of Chile), and domestic actors have used international action (such as the Nuremberg Trials, and UN sanctions against South Africa) to challenge authoritarianism in their societies. Finally, most of the recent innovations in the transitional justice tool kit derive from successful national transitional justice measures—such as the pioneering “truth” commissions of Argentina (CONADEP) and South Africa (TRC)—being widely replicated around the world, also at the behest of inter- or trans-national bodies.

Efforts at redrawing the IR/comparative politics border and enhancing inter-disciplinary scholarship are clearly underway, especially in the area of economic rights. These efforts, however, need to deepen in scope and breadth in other human rights areas—such as transitional justice—so that intra- and inter-disciplinary boundaries no longer constitute an obstacle to deepening our understanding of emerging human rights challenges worldwide.
Transcending the Traditional “Three Human Rights Generations” Hierarchy

The traditional academic classification of human rights has pivoted around a “first, second, third generation” distinction among rights, wherein first generation rights are categorized as civil and political rights; second generation as economic, social and cultural rights; and third generation as “group” rights. Claude and Weston (2006:21–23) credit French jurist Karel Vasak (1982) with the formulation of the “generations” rubric, itself reflective of the three-part emphasis in France’s Declaration of the Rights of Man and Citizen (1789) on the values of liberté, égalité, fraternité. According to this classification scheme, first generation rights entail “protections from” harm (that is, “negative” rights) while second and third generation include “entitlements to” the things necessary to realize a decent life individually (second generation rights) or collectively (third generation rights). Subsequent scholarship and pedagogy, in particular, have tended to reify these categories based on an overly facile reading of the generations as sequential and a dichotomous interpretation of the negative/positive rights distinction.

Challenges to the traditional “three generations” rubric have, however, emerged on several fronts—especially in recent years. A main line of critique emphasizes the interdependence and indivisibility of different types of rights. The notion that all human rights are interdependent and indivisible originated in United Nations circles in the 1950s, and in the intervening period has been the topic of various World Conferences on Human Rights, declarations, and disputes among legal and academic scholars, and activists. The idea finds conceptual grounding in the works of Henry Shue (1996) and Amartya Sen (2001), who argue that subsistence and security needs and basic capabilities all require the broad mix of human rights to assure a life with human dignity. These authors ultimately argue that, rather than parceling rights into generations and achieving them sequentially, states have a responsibility for simultaneously working toward the enforcement of rights on multiple fronts.

A second and related line of critique is grounded in the notion of rights as multidimensional. This means that a single “type” of human right have may have both negative and positive rights “dimensions.” It also means that categories of rights often overlap. For example, the right to life has civil and political as well as economic and social dimensions. Amnesty International (2006), citing recent commentary by the UN Human Rights Committee, constructively expanded on the multidimensionality of the right to life in a primer on economic rights: “No right can be realized in isolation from other rights. Just as full enjoyment of the right to freedom of expression requires concerted efforts to realize the right to education, so the right to life requires steps to reduce infant mortality, epidemics, and malnutrition” (2006:4). Again, Amartya Sen’s Nobel Prize-winning work on famines famously captures this complexity by

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5Our discussion here of interdependence is informed both by an unpublished memo by Lance P. Minkler and Shareen Hertel (“Proposal for a Faculty Human Rights Workshop on the Indivisibility and Interdependence of Human Rights”) and by discussions in the context of an Economic Rights Group Workshop on the topic, hosted 22 April 2008 at the University of Connecticut. The memo is available upon request from the authors; details on the Workshop are available via: http://humanrights.uconn.edu/rese_econ.htm

demonstrating that freedom is a constitutive component of development—specifically in relation to a society’s ability to avoid famine. Sen’s (2001) concept of “development as freedom” has traveled well beyond the academy to influence public policy debates globally, as well as the compilation of development data in the form of the UN Development Programme’s annual Human Development Index.

Despite theoretical efforts to move beyond the three generations framework, critics of the notion of interdependence remain. They include those who argue that the concept is little more than political rhetoric and increases the risk of rights “proliferation”; those who doubt the efficacy of economic, social, and cultural rights largely on procedural grounds (Roth 2004; Neier 2006); and those espousing “Asian Values” and the “right to development,” who often dismiss (or at least ascribe an inferior status to) civil and political rights. Comparative politics lends itself well to interrogating these critiques on theoretical grounds. For example, creative responses to the “Asian Values” debate and the cultural relativist position that grounds it have come from scholars exploring the process of “cultural legitimation” of universal human rights norms in regions as diverse as Asia (Bauer 2003), Africa (Ibhawoh 2000) and the Middle East (An-Na’im 2003).

Comparativists can also play a key role in documenting and explaining the ways in which the three generations framework is being practically challenged at the grassroots level, worldwide. As Mexican grassroots activist Carmen Herrera has argued, the reality of human rights activism on the ground can serve as a critical catalyst for new theorizing, for “mov[ing] away from the simplistic vision of first, second, and third generation rights toward a dimension of individual, collective and social rights.” Herrera and others like her have interrogated “the idea of how rights are produced. The obligation of the state with respect to these rights should not [affect] the integral nature of rights. You shouldn’t have to renounce some or prioritize them but rather simply explain them to [in order to figure out] strategically what you can expect from the state with respect to each.”

The kind of activism on economic and social rights personified by Herrera is one of the most dynamic arenas of contestation in many regions of the world. For example, social movements in Africa, Latin America, and Asia have taken on the existing trade and intellectual property rights regimes by asserting the “right to health” and demanding a corresponding reallocation of patent rights to the benefit of impoverished people suffering from HIV/AIDS throughout the developing world (Pefianco-Thomas and Dorono 2004; Amon 2006). Indigenous groups have challenged traditional notions of “individual” rights and demanded institutional reforms at the national level, reflective of their understandings of “collective” rights (Van Cott 2005; Yashar 2005). And historically marginalized groups have asserted the right to “collective individual” enjoyment of economic rights based on a shared history of oppression, using the language of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as a legal template for crafting such demands.

Two final examples come from the area of transitional justice. The first is the “derecho a la identidad” (the right to identity) claimed by the children of the desaparecidos in Latin America (or on their behalf by their relatives)—children who were illegally made available for adoption, often to families with ties to the
perpetrators. The second is the “derecho a la verdad” (the right to the truth), invoked—once again—by the relatives of the disappeared around the world to demand detailed knowledge from the state about the fate of their loved ones. Both of these rights could be configured as civil rights, but they also provide the necessary prerequisite for victims’ demands of reparation from the state, which fall into the economic rights category. They pertain to individuals, but also to a clearly identifiable group: that of the victims of the dictatorship. Finally these rights are also social rights—in that the full disclosure of the truth constitutes a key precondition of a post-authoritarian society’s ability and commitment to prevent similar atrocities in the future.

Transcending the traditional “three-generations” hierarchy is a challenge that activists at the grassroots level have effectively pushed on sometimes reluctant policymakers and academics. It is now comparativists’ turn to step up to this challenge and invest their considerable skills in the study of emerging human rights realities that defy traditional classifications, providing the human rights field with new conceptual and theoretical paradigms.

Embracing Constructivist Approaches to Human Rights

Traditionally, political scientists have been primarily interested in researching variation in the protection of human rights (especially civil and political rights). That is to say, they have concentrated their scholarship on studying how power and rational self-interest shape human rights, rather than how the latter, in turn, may affect other political variables. Enough time, however, has elapsed since the first institutionalization of the main international and national human rights regimes so that it is now feasible to deepen the analysis of the impact of human rights norms, institutions, and practices on domestic political variables over time. Such analysis was pioneered by Risse, Ropp, and Sikkink (1999) and others in their comparative study of how global human rights norms influence national government practices around the world. More recently, international relations scholars have included human rights proxies (such as the Freedom House Index country scores, or scores from the Minorities at Risk database) as independent variables in large-N regression models designed to explore factors affecting trade openness. Others have studied how human rights shape Western countries’ foreign policies and economic aid (Mertus 2004; Forsythe 2006). These works, however, tend to limit the analysis to the impact of civil and political rights and generally refrain from theorizing these human rights independent variables in great depth.

In the field of comparative politics, scholars such as Diamond and Morlino (2005), and O’Donnell, Cullell, and Iazzetta (2004) have begun to theorize the relationship between human rights performance and the quality of democracy in order to find practical methods for assessing and comparing the quality of different democratic regimes around the world. Beetham, for example, writes that “the guarantee of civil and political rights provides an essential foundation for all the other dimensions of democracy. [...] Draw out any strand of the complex web of democracy, and you will find it leads to some specific civil or political right, without whose security the fabric will start to unravel (Beetham 2004:65).” In these scholars’ view, the challenge is to verify the extent to which the rights on the books are actually applied. Empirical work in this area, however, has so far delivered only mixed results.

We argue that much remains to be done in comparative politics to increase our understanding of how human rights shape domestic political variables. Furthermore, we believe that scholarly efforts in this area would greatly benefit from constructivist theories. Among other things, constructivists advocate greater

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10 Following Schmitz and Sikkink (2002), we use “constructivism” as a label for norm-driven, ideational theories.
analysis of the independent role of human rights norms, practices and institutions in shaping domestic policy outcomes (Schmitz and Sikkink 2002). They suggest that scholars cannot understand broad political transformation of national identities and institutions over time, unless they find ways to link such change to the progressive evolution, socialization and internalization of international human rights norms (Risse et al. 1999). Moreover, constructivists note how “in times of national or global crisis old power structures are cracked open and fundamental questions about the identity and purpose of social systems are more likely to be contested” (Schmitz and Sikkink 2002:522). In this context, comparativists could play a key role in explaining exactly how this contestation can lead to significant domestic change. Finally, constructivists call scholars’ attention to the domestic feedback stemming from the rise of international human rights norms. In so doing, they tend to blur the distinction between cause and effect in ways unfamiliar (or uncomfortable) to more traditional political scientists.

Working from a constructivist approach, scholars of transitional justice have begun to investigate the significant implications that human rights have for domestic change. In these works, transitional justice is analyzed not only as an outcome of the democratization process, but also “as a powerful tool for bringing about social and political change” (Smiley 2001:1333). This “constructivist” approach to transitional justice is best exemplified by Ruti Teitel’s (2000) work on the effects of transitional justice on the democratization of post-authoritarian societies. True, Teitel’s excellent scholarship raises perhaps more questions than she answers. Therefore, we strongly hope that more comparative politics scholars will attempt to provide answers to questions such as: Have human rights made any difference in the quality of a country’s political system? Have they reduced internal or international conflict? Have they influenced economic development? In this context, for example, economic rights scholars working from a constructivist approach have already begun to explore “feedback loops” in the area of transnational labor rights advocacy (Bandy and Smith 2005; Hertel 2006a).

Analyzing human rights also as an independent variable through an engagement with constructivism requires positivist political scientists to step outside of their traditional comfort zone—and is therefore done by only a selected few. As a result, studying the impact or feedback of human rights on other political variables remains an ongoing challenge, but an important one nonetheless. Comparative politics scholars are uniquely suited to take on this challenge and, in turn, find creative ways of analyzing whether or not current assumptions about the beneficial impact of human rights on a whole range of other variables (from economic development to civil conflict) correspond to empirical realities.

Applying Comparative Historical Analysis to Human Rights

A challenge for human rights scholarship remains that of engaging dominant social science theories (that is, rationalist, structuralist, and culturalist) that address political phenomena over the longue durée. Thus far, political scientists have largely avoided investigating human rights as (or as part of) “big and slow moving” processes at the macro-level. Several factors contribute to this tendency: preference for single in-depth case studies; concern about current events; scarcity of historical data; and difficulty in quantifying and measuring rights so as to be able to compare them across space and time. (The work on contentious politics and transnational advocacy discussed earlier in this article constitutes a notable exception). As Pierson writes, “in choosing what we seek to explain and in searching for explanations, we focus on the immediate; we look for causes and
outcomes that are both temporarily contiguous and rapidly unfolding. In the process, we miss a lot” (Pierson 2003:178).

And yet, the advancement of human rights in much of the Western world provides a rather straightforward type of big and slow-moving causal process that—depending on the society in question—was either “incremental” or subject to “threshold effects” (Pierson 2003). Moreover, many classic comparative studies of democratization (which could also be defined as the progressive expansion of civil and political rights) have already successfully embraced the longue durée, by exploring multiple causes of liberalization both over time, and across different regions of the world (Moore 1966; Huntington 1968; Collier and Collier 1991; Rueschemeyer, Stephens, and Stephens 1992; Linz and Stepan 1996; Mahoney 2001). Since these studies’ publication, however, comparativists have yet to explicitly apply a comparative historical analysis framework to the broader panoply of human rights.

By contrast, international relations scholars have made a much more concerted effort to investigate the historical development of human rights norms. In the wake of the popularity of Finnemore and Sikkink’s (1998) “Norm Life Cycle” thesis, a new wave of scholarship has explored various instances of “norms cascades” (Lutz and Sikkink 2001; Lawson 2002; Bailey 2006; Hertel 2006a). In the area of transitional justice, for example, scholars have argued that—following the various democratization “waves” of the 20th century—the norm concerning “crimes against humanity” (which first surfaced at the post WWII Nuremberg Trials) is now embraced by a critical mass of states. In practice, this means that new democracies are currently more likely to carry out transitional justice than they were in the past, because punishing former rulers for human rights abuses is no longer just a moral imperative: it is also an international legal obligation—especially following the “Pinochet effect”11 and the establishment of the International Criminal Court.

Because of the state-centric level of analysis of traditional IR research, however, the norms-centered research agenda of IR scholars has tended to privilege the role of state leaders and international organizations at the expense of domestic actors and institutions. Hence, comparativists have much to contribute in this area—as is evident from work in the methodological tradition of comparative historical analysis or from scholarship on contentious politics which explores the causes, sequencing, and mechanisms that have historically led to the emergence of civil society activism on human rights in different national contexts. There is ample room for new scholarship in this vein. For example, borrowing from Marxist theory, comparativists could investigate the role of socioeconomic structures in shaping different societies’ patterns of human rights development. Drawing on rationalist theories, they could show why—over the last three centuries—extending citizens’ rights became a “rational choice” for some authoritarian rulers, but not for others. Finally, cultural approaches could be fruitfully applied to studying the role of memory, ideology, tradition and other similarly “soft” variables in shaping national paths to human rights.

Of course, given the myriad of possible causal factors involved, it would be difficult for scholars to come up with a list of “preconditions” for the expansion of citizens’ rights in any given national context. As noted earlier, it may instead prove fruitful to set more modest theoretical aims. Thus, as mentioned earlier,

11This refers to the 1998 house arrest in England of General Augusto Pinochet—military dictator of Chile from 1973 to 1990—for human rights abuses carried out under his rule. Pinochet’s arrest was executed on the basis of the principle of universal jurisdiction following a request of extradition by Spanish judge Baltasar Garzón. The ensuing legal battle greatly emboldened activists worldwide and—according to many scholars—opened a new era in international human rights law.
scholars could stand to gain a great deal from concentrating on the mechanisms that appear to be consistently associated with the increasing application and protection of human rights across different spatial and temporal contexts, while leaving to country specialists the task of specifying how such mechanisms emerge and concatenate in each particular setting. In short, scholars who work in the comparative historical analysis tradition can significantly advance human rights theory—not only by simply enumerating the various causal determinants, but also by showing how the latter are blended and sequentially arranged in various spatial and temporal contexts.

Conclusions

The breadth of literature covered in this article is clear evidence that the human rights field offers fertile terrain for comparative politics scholarship. However, while several human rights issue areas seem to have sparked theoretically pluralist and methodologically complex scholarship (for example, contentious politics, economic rights) others remain under-explored (for example, transitional justice, cultural rights).

In this article, we have argued that comparativists have much to contribute to the field of human rights by challenging traditional conceptualizations, classifications, research methods, intra-disciplinary barriers and inter-disciplinary boundaries, as well as by expanding the classical theoretical repertoire of comparative politics to emerging human rights issue areas. We are, however, fully aware that doing so will require not only scholarly creativity and dedication, but also the will to defy current canons of “mainstream” political science. For example, it may require comparativists to adopt “subversive” agendas—for example, collaborative, interdisciplinary research programs that also bridge the IR-comparative divide and are relevant, not only in the eyes of their scholarly community, but also to human rights activists at the grassroots level.

As we have witnessed in our own field research, some of the most creative work on human rights increasingly stems from a sense of practical urgency. Claimants of the “right to identity” and the “right to truth” (such as the Abuelas de la Plaza de Mayo) have transcended the “three generations” divide out of necessity, in order to hold the Argentine state accountable for the loss of their disappeared grandchildren. Poor people such as Central American garment workers struggling to translate a vague sense of economic rights into a firm measure of government or corporate accountability have developed creative new ways of measuring the worth of their own work—for example, by comparing the working hours necessary to buy a similar basket of basic foodstuffs in a range of cultures, and sharing this data through global networks with workers in Africa and Asia. Traditional labor unions have become increasingly active in mobilizing the poorest of the poor—including undocumented workers and domestic workers—in defense of their own right to a sustainable livelihood across national, racial, religious and ideological lines. And former victims of authoritarian repression in Spain and Chile have found remarkably creative ways to play the “two-level game” of transitional justice, in order to push their reluctant democratic governments to finally settle accounts with the past.

Thus far, political scientists have at most reacted to these extraordinary developments by providing ex-post facto analyses and broadcasting the latter to the wider international scholarly community. But, as we are all aware, the work of political science does not necessarily stop there. If they so wished, comparativists could attempt to open the black boxes of the state, civil society, the market, political culture, etc. to look for generalizable patterns of human rights progress that can be potentially replicated across space and time. Political scientists
specializing in comparative politics have therefore, not only a professional advantage, but also a principled opportunity to contribute to social change by engaging human rights as a central focus of their work. We believe there has never been a more urgent moment to do so than now.

References


