Legislative Veto Players and the Effects of International Human Rights Agreements*

Yonatan Lupu
George Washington University

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Abstract

Do national legislatures constitute a mechanism by which commitments to international human rights treaties can be made credible? Treaty ratification can activate domestic mechanisms that make repression more costly, and the legislative opposition can enhance these mechanisms. Legislative veto players raise the cost of formalistic repressive strategies by declining to consent to legislation. Executives can still choose to rely on more costly, extralegal strategies, but these could result in severe penalties for the leader and require the leader to expend resources to hide. Especially in treaty member-states, legislatures can use other powers to also increase the cost of extralegal violations, which can further reduce repression. By using an empirical strategy that attempts to address the selection effects in treaty commitment decisions, I show that positive effects of human rights treaties increase when there are more legislative veto players.

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*Yonatan Lupu is Assistant Professor of Political Science, George Washington University, Monroe Hall, 2115 G St. NW, Washington, DC 20052 (ylupu@gwu.edu). This research was supported in part by a Doctoral Dissertation Improvement grant from the National Science Foundation Division of Social and Economic Sciences (SEP-1064108). For comments on previous drafts, I thank Cliff Carrubba, Kate Cronin-Furman, Christian Davenport, Christina Davis, Chris Fariss, Andreas Føllesdal, Brian Greenhill, Larry Helfer, Danielle Jung, Kira Jumet, Miles Kahler, David Lake, Will Moore, Paul Poast, Tonya Putnam, Cesare Romano, Jacob Shapiro, Beth Simmons, and Erik Voeten, as well as participants in workshops at Columbia University, Dartmouth College, Emory University, Harvard University, McGill University, Princeton University, Rutgers University, the University of Chicago, and the University of Oslo. Replication data and code are available on the AJPS Dataverse page.

1 Introduction

When and how do international commitments constrain national governments? Over the last ten years, scholars have increasingly analyzed the specific mechanisms for international institutional effects in various substantive areas. With respect to human rights, the international reciprocity, reputation and peer enforcement mechanisms that generally facilitate cooperation are likely to be insufficient (Downs and Jones 2002; Simmons 2009), which complicates the question of whether and how human rights treaties affect repression.

Nonetheless, several domestic mechanisms may make commitments to international human rights agreements credible. Domestic actors use normative arguments and political mobilization to pressure governments to honor their international commitments (Finnemore and Sikkink 1998; Keck and Sikkink 1998; Simmons 2009; Conrad 2014). Treaty ratification is an act of delegation that provides institutions the authority to enforce the government's promises (Moravcsik 2000). Human rights agreements, once ratified and incorporated into domestic law, delegate enforcement to domestic political institutions. Leaders nonetheless have incentives to violate human rights, particularly to weaken the opposition (Davenport 1995; Moore 1998, 2000; Ritter 2014; Conrad and Ritter 2013), but the process of domestic legalization can be an important constraint on such leaders (Hathaway 2007; Powell and Staton 2009). One key mechanism for domestic lock-in of international human rights commitments is enforcement by independent courts (Keith 2002; Keith, Tate and Poe 2009), although this is not effective for all types of human rights violations (Lupu 2013*a*).

To what extent do national legislatures constitute an additional mechanism by which commitments to international human rights agreements can be made credible? Legislative veto players make changes to the legal status quo more costly (Tsebelis 2002), thus making international cooperation less likely, but more successful once established (Milner 1997; Milner and Rosendorff 1997; Martin 2000). After a country ratifies a human rights treaty, legislative veto players increase the cost of passing laws that violate the rights of the

leader's opponents. Yet it may not be clear why this mechanism should reduce repression, given that leaders seeking to weaken the opposition may be able to shirk their international commitments and violate rights illegally without turning to the legislature for approval.

Legislative veto players can nonetheless make these commitments credible. Without opposition in the legislature, the leader can take away minority rights through domestically legal means. All else equal, this is a less costly tool of repression. With an opposition in the legislature, this option may become prohibitively costly. An opposition group is unlikely to pass legislation that takes away its own rights. The leader can also attempt to violate rights illegally, but such violations are more costly, especially in countries that have joined human rights treaties. When violations of human rights are illegal, executives face greater potential punishments, including legal penalties and legitimacy costs that threaten their political survival. Using the information collected by NGOs and other groups, the legislative opposition can further raise the cost of treaty violations by limiting the executive's repressive apparatus, placing human rights issues on the legislative agenda, and diffusing information about human rights norms and their abuses.

This paper makes several contributions to the literature. This is the first study to assess whether and how domestic legislatures affect whether international treaties improve human rights practices. Others have argued that domestic legislatures have important effects on repression (Davenport 2007*b*; Conrad and Moore 2010; Conrad 2011), but have not explored their role in the context of treaties. Existing work also does not explain why legislatures affect repression despite the ability of leaders to conduct de facto repression without legislative approval. To address this, I focus on the distinction between formalistic repressive tactics backed by law and extralegal repressive tactics the executive conducts without legal sanction. I explain the relationship between membership in human rights treaties and the formal and informal powers of the legislature and explain how legislatures affect the leader's choice between these tactics. While others have analyzed the effect of legislative veto players on treaty commitment in other policy areas, this is the first paper to

assess their impact on treaty compliance. Finally, the argument developed here suggests an important extension to theories about veto players by explaining how they can effectively prevent human rights abuses via mechanisms other than the power to consent to legislation.

2 Veto Players, International Cooperation, and Human Rights

Empirical analyses of the effects of human rights treaty joining have found mixed results. Some find that treaty ratification leads to improvements in human rights practices (Simmons 2009; Hill 2010; Lupu 2013*b*; Fariss 2014), while others indicate that treaty members are more likely to violate rights than non-members (Hafner-Burton and Tsutsui 2005; Neumayer 2005; Hollyer and Rosendorff 2011; Hill 2010). While some of these differences may be accounted for by different model specifications, they may also indicate that the mechanisms by which treaty ratifications affect human rights practices have conditional effects. One mechanism often analyzed is the role of civil society mobilization in persuading and pressuring governments to reduce repressive practices (Keck and Sikkink 1998; Lutz and Sikkink 2000). International NGOs also serve important functions in this context by naming-and-shaming governments with poor human rights practices (Murdie and Davis 2012; Hendrix and Wong 2013; Hill, Moore and Mukherjee 2013). The national judiciary is another important mechanism where it is sufficiently powerful to prosecute government actors. Anticipating such punishments, leaders in countries with powerful courts are less likely to violate human rights law ex ante (Keith 2002; Keith, Tate and Poe 2009; Powell and Staton 2009).

The literature on international human rights treaties has overlooked an important mechanism: legislative veto players. Veto players are actors and institutions whose consent is needed to alter policy; these include legislatures, courts, and sub-national governmental units. Veto player theory predicts that veto players increase the difficulty of making new policies, but that, once made, such policies will be more difficult to change. In many contexts, the effect of veto players is not deterministic – they do not make policy change impossible, but instead raise the cost of changing policy. Veto players may be willing to

consent to policy change they would not otherwise agree to if the executive offers side payments. Veto players thus decrease the probability of policy change by increasing its cost. I focus on a specific veto player: the legislative opposition, which is the share of the legislature that has policy preferences that differ from the executive's. The legislative opposition can deny consent by voting against legislation proposed by the executive or members of his party. In many cases, anticipating this, the executive may not propose such legislation. Legislative veto players are most often found in democracies, but not always. Democracies often have relatively few legislative veto players during periods of united government (e.g., Ecuador in the 1990s and Latvia in the early 1990s). Some partially autocratic states also have effective legislative veto players (e.g., South Korea during the first half of the 1980s and Jordan during the 1990s) (Tsebelis 1995, 1999, 2002).

Can legislatures function as a mechanism that makes commitments to human rights treaties more effective? Several implications and insights from existing work are relevant, although the literature has yet to explore this question directly. Most importantly, recent work indicates that legislatures have important effects on repression. Bueno De Mesquita et al. (2005) argue that party competition is a key to reducing human rights violations. Davenport (2007*b*) argues that veto players (including legislatures and other actors) that support respect for human rights can help to reduce repression. Yet Davenport does not clarify how veto players affect executive decisionmaking and the executive's choice of tactics, including, most importantly, why executives would not simply conduct repression without seeking the approval of veto players, a point this paper addresses. Conrad and Moore (2010) make a related point, arguing that in states that practice torture, legislative veto players can reduce the likelihood that these practices are ended. Likewise, Conrad (2011) argues that when dictators face threats from opposition groups within the legislature, they are more likely to respond with rights concessions than when facing threats from outside the legislature.

Second, the literature on the importance of independent national courts relies on

the notion that after international law is incorporated into domestic law it can be enforced by domestic legal institutions. This basic intuition has led many scholars to analyze the role of courts, but suggests that legislatures, in their role as law-making institutions, may also perform an enforcement function. Third, scholars who focus on civil society groups often argue that they directly pressure legislatures to adopt pro-human rights policies (Forsythe 1989). In order for this mechanism to be effective, such policy commitments should be credible. Finally, the role of legislative veto players in international cooperation has been explored in policy areas other than human rights. States with more legislative veto players are less likely to make international commitments because these actors can decline to consent to treaty ratification. Once committed to a treaty, however, such states are less likely to renege because doing so would require another policy change to which veto players may not agree. This mechanism affects trade policy (O'Reilly 2005; Mansfield, Milner and Pevehouse 2007), monetary policy (Hallerberg 2002; Keefer and Stasavage 2003; Kastner and Rector 2003), ratification of European Union environmental directives (Perkins and Neumayer 2007), and the issuance of reservations when ratifying human rights agreements (Neumayer 2007; Kearney and Powers 2011; Hill forthcoming).

3 Legislative Veto Players and Human Rights Treaties

The literature discussed above indicates that legislatures can affect international cooperation and have important roles in the human rights context. This section provides a theory that builds on insights from these two literatures to explain how legislatures make international human rights treaties more effective. I begin by discussing the distinction between formalistic and extralegal repression, which is important in developing the theory.

3.1 Extralegal and Formalistic Repression

Veto player theory generally focuses on de jure policy, rather than de facto practices. In many policy areas, the distinction is less meaningful. Once ratified, it may be difficult for executives to violate the policies embodied in PTAs de facto without legislative approval, for example. By contrast, human rights policy is often not set de jure, but

enacted de facto by the executive and its agents. This complicates the role of legislative veto players in this context. Executives directly control many of the tools of repression, such as the police, secret services, military, and paramilitaries. This allows executives to choose between two types of repression, which Lichbach (1984) calls: (1) a "more formalistic and legalistic style of repression" and (2) a "capricious, terroristic and arbitrary" strategy (p. 313). In this paper, I refer to these types of repression as "formalistic" and "extralegal," respectively. Individual rights can be violated formalistically or extralegally, as shown in Table 1. For example, the government can violate the freedom of religion formalistically by banning a certain religious group or it can violate the same right extralegally by sending armed thugs to prevent access to the same group's holy sites.

Many modern governments, including democracies, engage in extralegal repressive practices (Rejali 2007). Among the most notorious examples of formalistic repression is the German Enabling Act of 1933, which passed in the national legislature and gave Adolf Hitler unprecedented power to suspend civil liberties. Similarly, Article 58 of the Russian penal code during the Soviet era allowed the state to imprison and sentence to death those found to have conducted "counter-revolutionary activities." Yet this form of repression is not limited to the most brutal regimes. In Canada, Bill 101 makes French the official language in Quebec. Many activists claim the statute is a human rights violation, and in 1993 the United Nations Human Rights Council found that it violates the International Covenant on Civil and Political Rights (ICCPR).

For two reasons, extralegal violations are significantly more costly. First, formalistic violations generally require the leader to expend fewer of his or her material resources. When implementing formal statutes passed by the legislature, the leader can rely to a large extent on the national bureaucracy, as opposed to his direct agents. For example, after restrictions on voting rights are passed, these will often be enforced by government election commissions and local voting boards. By contrast, if the executive wishes to illegally shut down opposition presses, he will need to send agents under his direct control to do so.

Table 1: Formalistic and Extralegal Examples of Types of Repression

	Formalistic	Extralegal
Freedom of Speech	Banning publications by opposition groups.	Arbitrary closures of newspaper offices.
Religious Freedom	Banning of religious groups.	Intimidation of worshippers; arbitrary closures of religious sites.
Political Imprisonment	Criminalization of membership in dissident groups, followed by arrests.	Arbitrary arrests of dissidents.
Torture	Legalization of violent interrogation techniques.	Beatings of criminal suspects.

Second, leaders face significantly greater punishments for violating human rights extralegally. Punishments can take many forms: (1) a loss of domestic political support and legitimacy, which can lower the likelihood of political survival; (2) international costs, such as sanctions and shaming; and (3) domestic legal sanctions (Sikkink 2011). When a formal statute is passed by the legislature, the executive can deflect some criticism to the legislature. Audiences are less likely to view policies as illegitimate to the extent such policies resulted from actors complying with institutional rules and procedures. Changes to domestic law approved by the legislature are less likely to result in domestic legal penalties, even by an effective judiciary. A formalistic violation can be struck down by an independent judiciary, and this would impose a political cost on the executive. But extralegal violations create risks of much more significant legal sanctions on executives, including removal from office and criminal liability.

To avoid these punishments, leaders attempt to hide extralegal violations, which incurs costs. To hide violations such as torture, executives must set up secret facilities, train agents, and prevent access to outsiders. When governments detain political prisoners or conduct disappearances, it can be difficult for the courts to obtain legal evidence of such activities, a challenge faced in countries such as Argentina and Guatemala (Lupu 2013*a*), but political and civil society actors can nonetheless gather information about individuals

who are known to be missing. NGOs and the media, in particular, monitor governments, collect important information about abuses, and participate in the mobilization and education of the public (Keck and Sikkink 1998; Risse, Ropp and Sikkink 1999; Davis, Murdie and Steinmetz 2012; Murdie and Davis 2012; Hendrix and Wong 2013).

3.2 How Legislative Veto Players Make Commitments to Human Rights Treaties More Credible

The distinction between formalistic and extralegal forms of repression is crucial because the ability of leaders to choose between these forms of repression complicates the role of veto players in this context. A direct (but naive) application of veto player theory might assume that because legislative veto players can block legislation, they can prevent governments that have committed to respecting human rights from backing out of those commitments. Such an argument would ignore the extent to which leaders can repress their targets extralegally. In order to argue that legislative veto players can enforce international human rights treaties, I will argue below that they can increase the costs of both formalistic and extralegal repression in countries that have joined human rights treaties.

Before detailing this argument, I make four simplifying assumptions. First, while leaders have much control over the tools of repression, they nonetheless have limited conflict management resources (Lichbach 1984). Second, given these resources, leaders "select from the full repertoire of coercive activities" (Davenport 2007*a*) (p. 3). Leaders weigh the potential costs and benefits of repressing domestic dissent as compared with alternative tactics and their relative probabilities of success (Dahl 1966; Lichbach 1984, 1995; Gurr 1986; Gartner and Regan 1996; Moore 1998, 2000; Davenport 2004, 2007*a*). Alternatives to repression include persuasion, accommodation, and simple neglect. Third, while the legislature may have no preference for or against the protection of human rights in general, opposition groups in the legislature do have a preference against violations of human rights by the executive against the groups they represent. Finally, I assume that states commit to international agreements for various reasons (Simmons 2009). Some states

ratify treaties in order to commit to a past or prospective change in policy (Moravcsik 2000). Others may ratify a treaty that requires relatively few changes to its policy – in the human rights context, this is the case of a country that respects human rights prior to joining a treaty. Other commitments may be insincere or forms of cheap talk.

Commitment to an international human rights treaty enables and facilitates several mechanisms. Treaty commitment puts respect for human rights on the national agenda, increasing awareness of both rights and violations of those rights. It bolsters the ability of domestic civil society actors to mobilize and pressure the government to refrain from repression. In member-states, the legitimacy and prominence of local human rights groups is enhanced (Risse and Sikkink 1999). Treaty commitment also strengthens the ability of transnational actors to pressure the government to improve its practices and impose costs on the government when it violates international norms (Keck and Sikkink 1998; Simmons 2009; Linos 2011). When member-states violate these treaties, NGOs respond by pressuring governments through a naming-and-shaming process (Murdie and Davis 2012; DeMeritt 2012). Treaty commitment facilitates changes to the national discourse on human rights, altering how actors conceptualize their rights and the abuses of those rights (Heyns and Viljoen 2002). Finally, in some countries, joining a human rights treaty allows individuals to make legal claims against the government in domestic courts, which encourages advocates to express their claims in human rights terms (Goodman and Jinks 2003).

Yet some leaders in such states nonetheless have incentives to repress. Repression can benefit leaders by eliminating or weakening opponents and increasing the cost of dissent. A new threat from a domestic opposition group may create new pressures on leaders who previously were respectful of human rights and may even have supported treaty ratification. In other cases, a new leader takes over in a treaty member-state and seeks to undo pre-existing policy that respects minority rights in order to weaken the opposition. Despite the important mechanisms activated by treaty membership, some leaders facing threats can renege on treaty commitments and violate rights, either

formalistically or extralegally. Legislative veto players reduce such violations by raising the costs of both formalistic and extralegal repression.

Legislative Veto Players and Formalistic Repression. As noted above, formalistic repression is often the less costly option for leaders to implement. To so do, leaders can use the legislative process to change the domestic legal status quo and take away minority or opposition groups' rights. As Hathaway (2007) argues, treaty ratification "has the effect of removing discretionary power from the executive and handing it to the legislature" (p. 594). When the legislature is controlled by parties with preferences similar to the executive's, formalistic repression will be more likely to pass and therefore less costly, even if there is a significant (but not dominant) opposition. For example, in the 2005 Ethiopian election, opposition parties increased their share of the national legislature to 172 seats from 12 seats, although they remained in the minority. The government, fearing the growing power of the opposition, proposed legislation imposing significant restrictions on the freedom of expression in an attempt to weaken the opposition. Although the opposition's strength in the legislature had grown, they remained a minority and were unable to prevent the legislation from passing. That is, the opposition, although strong, could not exercise a veto over legislation to prevent formalistic violations. Had the opposition been sufficiently strong, the government may not have been able to pass such legislation and, anticipating this, may not have proposed it in the first place. Not surprisingly, the Ethiopian government, a member of the ICCPR, has faced significant international pressure since then to bring its practices into line with international norms, but at this point it would appear that these costs do not outweigh the benefits the government perceives from hindering the activities of the opposition.

By contrast, to the extent the opposition controls the legislature, i.e., there are legislative veto players with preferences that differ from the executive's, the executive will be less likely to undo the state's legal protections. Opposition groups are unlikely to consent to legislation that represses themselves. The costs of obtaining legislative approval

may be prohibitively high for the leader, such that the leader may decide to choose extralegal repression instead or choose to forego repression altogether. In many such cases, the leader will be able to anticipate that the legislative opposition would not vote for proposed formalistic repression and thus refrain from proposing such legislation.

Recent events in Hungary provide an illustration of these mechanisms (Bureau of Democracy, Human Rights, and Labor, U.S. Department of State 2000; Human Rights Watch 2013). Prime Minister Viktor Orbán has implemented significant formalistic repression with legislative support since 2010. These include broad restrictions on the freedom of religion, LGBT rights, media freedoms, and voting rights. Orbán has been able to use these tactics because his Fidesz party gained a supermajority in the legislature in 2010, so the legislative opposition is not an effective veto player. When Orbán was prime minister from 1998 to 2002, however, he could not implement such policies because his party governed in coalition with two other parties with different policy preferences. He nonetheless considered implementing formalistic repression during that term. In 1999 and 2000, his government considered policy changes that would significantly limit religious freedom. The proposal was scheduled to be debated in the parliament, but the government withdrew it. Although Orbán did not (and likely did not have an incentive to) explicitly state the proposal was dropped for this reason, the proposal was unlikely to gain a parliamentary majority because Fidesz's coalition partners did not support the proposal and had previously backed the broadening of religious freedom.

Legislative Veto Players and Extralegal Repression. When the leader can anticipate that the legislative opposition would block formalistic repressive tactics, he will be more likely to turn to extralegal violations or to choose non-repressive tactics. The various mechanisms activated in countries that ratify treaties make such violations more costly. Yet leaders can and do repress opposition groups without seeking legislative approval and despite their countries' treaty membership status. In treaty-member states, however, legislative veto players can further raise the cost of extralegal repression (thus

reducing its incidence), by complementing and supplementing the mechanisms activated by treaty ratification, most importantly the activities of domestic and international civil society.

The role of information is crucial to this point. As noted above, in countries that have joined human rights treaties, various groups engage in increased monitoring of executive repressive tactics. Legislatures often lack the resources needed to directly monitor executives seeking to violate human rights outside the law, but in treaty member-states the legislative opposition is more likely to obtain such information because of the efforts of other actors. Legislative veto players can use this information in conjunction with the activities of NGOs and the media. In addition to their power to pass legislation, legislatures have other formal and informal powers that are crucial in this process. Here, my argument departs from veto player theory, which focuses on the legislature's power to consent to legal change.

Legislative veto players can control certain spending by the executive. Budget control is a key mechanism by which legislatures can constrain executives and their agents (Calvert, McCubbins and Weingast 1989; Döring 2001). Legislatures can use these powers to place added constraints on executive spending, thus reducing the repressive resources available to the executive. If they learn that the executive is diverting military resources toward repressive activities, for example, legislative veto players may able to reduce the funding for such resources. In treaty member-states, because of the increased monitoring conducted by other actors, legislative veto players are more likely to have the information needed to make this enforcement power effective.

The legislature can also diffuse information about human rights norms and violations collected by other actors by using its formal agenda-setting power. Legislative opposition groups can place human rights issues on the legislative agenda, including by proposing legislation to implement new international treaties or even symbolic legislation intended to raise awareness of human rights issues. This allows the legislative opposition to

play a role similar to that of transnational advocacy networks "by framing debates and getting issues on the agenda" (Keck and Sikkink 1998, p. 201). In Israel, for example, left-wing parties in the Knesset, including Israeli-Arab parties, often use these informal powers to draw attention to allegations of government repressive practices. While serving as leader of the legislative opposition in the 2000s, Zimbabwe's Morgan Tsvangirai used his position to publicize abuses by the Mugabe regime, often during sessions of parliament. In other cases, the expected use of these tactics by the legislative opposition may be enough to deter the leader in the first place.

Less formally, the legislative opposition can also use its access and high-profile status to diffuse information. As Keck and Sikkink (1998) note, an alignment between transnational advocacy groups and the domestic opposition was crucial to the success of anti-footbinding and anti-female-circumcision campaigns. Thus, while the literature has often analyzed the extent to which international organizations, media groups and NGOs can effectively raise the cost of treaty violations through the use of naming and shaming, the legislative opposition can conduct similar activities.

In summary, in countries that have ratified international human rights agreements, legislative veto players raise the costs of both formalistic and extralegal human rights violations. The legislative opposition raises the cost of formalistic repression by exercising its power to veto legislation. The leader may be able to anticipate this and refrain from proposing legislation that imposes formalistic repression, so we may rarely observe such proposals being vetoed. The legislative opposition also raises the cost of extralegal repression. In some cases, these expected costs will outweigh the benefits of repression to the leader, resulting in fewer human rights violations than we would have observed otherwise. In other cases, of course, the incentives to conduct extralegal repressive tactics will be too great, and the leader will nonetheless decide to pursue them and bear the costs that may be imposed by the legislature.

The theory has focused on repression of a wide set of rights. That is, the extent to

which the effects of treaty membership are enhanced by the legislative opposition should reduce the use of a broad set of repressive tactics, including violations of personal integrity rights and empowerment rights. This leads to the following hypothesis:

> Hypothesis: The effect of joining international human rights agreements on government respect for human rights increases with the number of legislative veto players whose preferences differ from the executive's.

The theory discussed above has additional implications. Although legislative veto players can increase the costs of both extralegal and formalistic repression in treaty member-states, these increases in costs are likely not proportional. The relative costs of these violations may change under such circumstances, which means the leader may substitute one set of tactics for another under such constraints. The overall level of repression is likely to be lower, but the form(s) of repression may be different as a result.

In addition, the extent to which legislative veto players can prevent leaders from formally undoing treaty commitments may depend in many countries on the extent to which the treaty has been legally implemented after being ratified. That is, legislative veto players may do less to reduce formalistic violations in treaty member-states prior to implementation, especially to the extent that provisions similar to those included in the treaty have not previously been formally passed into law. Nonetheless, the ability of legislative veto players to raise the cost of extralegal violations may not be affected by the distinction between ratification and implementation because the mechanisms legislatures use to raise these costs are not contingent on consent to legislative change. Testing these conjectures is outside the scope of this paper (largely because data that distinguishes between the forms of repression are not available), but this will be discussed further in the conclusions.

4 Research Design

The first issue to address in my research design is the choice of international human rights agreement. I focus on the ICCPR because it covers a broad set of human rights.

Adopted in 1966 and entered into force in 1976, the ICCPR has since been ratified by 168 countries (as of 2014). Unlike many multilateral human rights treaties that have been adopted more recently, the ICCPR covers a broad range of rights. These include the key personal integrity rights discussed in this paper. Article 7 prohibits torture and cruel, inhuman or degrading punishment. Article 9 provides that individuals may not be arbitrarily arrested or detained. This, together with additional prohibitions on the infringement of political rights, is often deemed a prohibition on political imprisonment and other detentions in violation of due process. The ICCPR does not explicitly address forced disappearances, most likely because the term was not used in common parlance until the abuses of the South American regimes of the 1970s became well known. Yet the elements of a forced disappearance, most importantly arbitrary arrest and summary execution, are explicitly prohibited by the ICCPR. The ICCPR also prohibits governments from infringing on a broad set of additional civil and political rights. Among these are freedoms of speech and expression (Article 19) and the practice of religion (Articles 18). Importantly, Article 2 requires members to adopt domestic laws, including legislation as necessary, to "give effect to the rights" enumerated in the treaty.

I use ratification of ICCPR to operationalize treaty membership. Many key mechanisms are set into motion by ratification, including the information mechanisms legislative veto players can use to increase the cost of extralegal violations and thereby make the treaty more effective. Nonetheless, one issue with using ratification to test my hypothesis is that several years often pass between the date on which states ratify the ICCPR and the date on which they implement the treaty under domestic law. During this period, in some countries (depending on the extent of implementation required under domestic law), the effect of legislative veto players on the cost of formalistic repression may be reduced. Unfortunately, data are not available regarding ICCPR implementation by country-year on a right-by-right basis. Country-years that have implemented the ICCPR are a subset of country-years that have ratified the ICCPR. By including an indicator of

ratification in my models, instead of a more fine-grained indicator of implementation, I risk coding some countries as having domestic legal protections that have yet to implement them. This has the effect of including some country-years in the treatment group that may have received only part of the treatment. This should bias *against* a finding that human rights treaty membership has an effect on human rights practices, i.e., it should bias against confirming my hypothesis.

Analyzing the joint effects of ICCPR ratification and legislative veto players has several advantages in this context. First, this allows me to analyze the effects of a single treaty on different dimensions of government human rights practices, thus minimizing the extent to which findings may be caused by differences in treaty design. In addition, relying on a single treaty allows me to use the same set of units for all tests. As a result, the only difference between the various regression models reported below is the dependent variable, which allows for relatively simple comparisons among the results.

Estimating the effects of treaty commitment is known to be difficult. Governments select the treaties they join in part based on their interests and the extent to which they expect to conform their behavior to the treaties' requirements (Downs, Rocke and Barsoom 1996). As a result, if we model an outcome on treaty commitments without addressing this problem, we could at best say that treaty members are more likely to experience that outcome, but not that this is a causal relationship. A high rate of treaty compliance among treaty members, for example, may simply mean that states that are more likely to comply are also more likely to join. Scholars have recently begun taking the treaty commitment selection effect seriously and have used several methods to address it (von Stein 2005; Neumayer 2005; Simmons 2009; Hill 2010).

The propensity-score matching approach proposed by Simmons and Hopkins (2005) to address this problem is particularly promising. The first step in this approach is to identify the set of factors that predict treaty commitment. The next step is to match treaty members to treaty non-members based on these underlying factors. The result is a

sample that is balanced on the probability of treaty commitment. With respect to this sample, we can think of selection as having been randomly assigned (Ho et al. 2007). The sample can then be subjected to further tests, including simple t-tests and multiple regression, to determine the causal effects of treaty commitment.

A significant threat to inference using this approach is the potential that unobservable (or unmeasured) factors affect treaty commitment decisions and are not included in the matching model (Simmons and Hopkins 2005). The estimation of the treaty commitment effect is highly sensitive to the propensity score estimates (Rubin 1997), and the choice of underlying variables significantly affects the reliability of propensity score analysis (Heckman, Smith and Clements 1997; Heckman et al. 1998; Lechner 2000; Smith and Todd 2005). Lupu (2013*b*) argues that the key factor that determines treaty commitment decisions – one that is difficult to observe directly – is a state's preference for treaty commitments, i.e., which types of treaties it tends to prefer joining. He therefore proposes a methodology to directly estimate these preferences in order to calculate the probability of states committing to specific treaties. This methodology relies on estimating the ideal points of states with respect to universal treaties using the W-NOMINATE algorithm (Poole and Rosenthal 1997), which has traditionally been applied to legislative roll-call voting but has also been used to estimate state preferences (Voeten 2000; Lupu forthcoming). In this model, the options of committing and not committing to a treaty are represented by points in an n-dimensional policy space. Each state decides whether or not to commit to a treaty by, among other factors, weighing the distance between these points and its ideal point in this space. The closer a state is to a treaty, the more likely it is to join the treaty (Simmons 2009). Thus, the probability of a particular state ratifying a particular treaty is calculated based on the distance between the state and the treaty in the preference space.

I follow Lupu (2013*b*) by using a three-stage research design. First, I use the W-NOMINATE algorithm on a data set of membership in approximately 300 universal

treaties. This data set includes all of the universal treaties included in the United Nations Treaty Collection (UNTC). The data include various types of instruments, including protocols and amendments to treaties, all of which are considered separate treaties for purposes of this analysis. The data are coded "1" for country-years that have ratified a treaty and "0" otherwise. A full list of these treaties is available from the author upon request. The results provide annual estimates of each country's probability of ratifying the ICCPR. These estimates begin in 1976, the first year in which the ICCPR was in force, and continue to 2007.

In the second stage, I match treaty members to non-members using the nearest-neighbor algorithm (in which the distance metric is a propensity score estimated using a logit function) (Ho et al. 2009). I include in the matching model the W-NOMINATE estimated probabilities as well as several other factors that may affect the probability of ICCPR commitment, most importantly the factors that ultimately affect states' respect for human rights (Powell and Staton 2009). The matching procedure is conducted on a country-year basis with a caliper of 0.25.

As a measure of legislative veto players, I follow existing studies of the relationship between veto players and treaties (Mansfield, Milner and Pevehouse 2007; Perkins and Neumayer 2007; Neumayer 2007) by using the *PolCon iii* measure developed by Henisz (2002) (Political Constraints). The measure is especially useful for purposes of testing my theory because it is designed to quantify the difficulties executives face when making policy changes. Based on a spatial model of interaction between political actors, the measure takes into account three factors: (1) the extent to which there are effective legislative veto points; (2) the extent to which these veto points are controlled by different parties from the executive's; and (3) the extent to which the majority controlling each veto point is cohesive. The measure therefore contains information not only about institutional veto points but also about the extent to which those are controlled by opposition groups, which is crucial to testing my hypotheses. The measure is continuous, with possible values

ranging from 0 to 1. The largest values are given to country-years that feature effective, cohesive legislatures with divergent preferences from those of the executive.

As a measure of judicial independence, I adopt the data provided by the Cingranelli-Richards Human Rights Data Project (2009) (CIRI) (JUDICIAL INDEPENDENCE), which are coded as 0 for "not independent," 1 for "partially independent" and 2 for "generally independent." I include a measure of regime type using the Polity IV data (Marshall and Jaggers 2002) (POLITY) because democracies are more likely to respect human rights (Poe and Tate 1994; Davenport 1995, 1999; Poe, Tate and Keith 1999). Newer regimes and well-established regimes may have different preferences, so I control for this factor using the Polity IV data (REGIME DURABILITY). Foreign wars and civil wars may result in periods of increased repression (Fariss and Schnakenberg 2014; Schnakenberg and Fariss 2014; Hill and Jones 2014). Civil wars, in particular, may result in periods of lawlessness during which even powerful legislatures have a diminished capacity to constrain the other branches of governments. I use data from the UCDP/PRIO armed conflict data base. NGOs play a key role in political mobilization against oppression and may succeed in improving government practices. I include the number of international NGOs (INGOS) in a country using the data provided by Hafner-Burton and Tsutsui (2005). Economic development is a well-known predictor of human rights practices (Henderson 1991; Poe and Tate 1994; Poe, Tate and Keith 1999), and I control for this using a measure of per capita GDP provided by the World Bank. I use the natural log of this measure because this effect is likely nonlinear (Davenport 2007*a*). To address potential differences among states of different sizes and potential monitoring biases based on this factor, I follow much of the literature in including the natural log of a state's population, using data provided by the World Bank.

There are many units with missing data among these variables. Because the underlying reasons for the missingness of the data are likely non-random, listwise deletion of these observations may result in biased inference (Little and Rubin 1987). I therefore

follow Hill (2010) and others in imputing the missing values using the Amelia II Program (Honaker, King and Blackwell 2009).[1]

In the third stage, I use the matched sample to test my hypotheses. As dependent variables, I use the measures provided by CIRI. While other measures of human rights practices are also commonly used in the literature, especially the Political Terror Scale (Gibney and Dalton 1996), the CIRI data are particularly suitable to testing my hypotheses because they disaggregate personal integrity rights violations into several types of violations and they provide data on many other areas of human rights. I use the CIRI measures of Freedom of Speech and Freedom of Religion, Torture, Political Imprisonment, and Disappearances. The Torture, Political Imprisonment, and Disappearances measures are coded as 0, 1, or 2 for each country-year. A score of 2 indicates that the applicable violation did not occur in that year, while a score of 0 indicates the violation was frequent. The Freedom of Speech and Freedom of Religion measures are also coded as 0, 1, or 2 for each country-year. A score of 2 indicates the applicable freedom was not restricted in that year, while a score of 0 indicates it was severely restricted. The CIRI data do not distinguish between formalistic and extralegal violations. Thus, for example, both formalistic and extralegal forms of violations of freedom of speech are taken into account in that measure. The advantage of these measures is that they can therefore be used to test the hypothesis, which predicts an overall reduction in levels of repression.

I estimate a series of ordered probit models using these measures as dependent variables. My hypothesis is conditional, so I create an interaction term of Political Constraints and ICCPR Ratification. ICCPR Ratification is modeled as the treatment variable (and states are matched on the propensity to receive this treatment), while Political Constraints is modeled as the condition that modifies the effect of ICCPR Ratification on repression. That is, the model is designed to reduce the

[1] The data are imputed using the full sample of country-years from 1981 to 2007, which are the years for which the dependent variable data are available. Conducting the imputation procedure using the full sample (rather than the matched sample) because including the full data allows for more accurate imputation because the full sample contains more information.

assumptions required to infer whether the causal effects of ICCPR Ratification on repression increase when there are more Political Constraints, but the model is not designed to infer the causal effects of Political Constraints. As controls, I use the same variables included in the matching stage. In all models, I include fixed effects for the year of the observation and use standard errors that are robust toward arbitrary heteroskedasticity. To address serial correlation, I include a lag of the applicable dependent variable for year $t-1$. A Lagrange multiplier test indicates that additional lags are not necessary to address serial correlation.

5 Results

Table 2 sets forth the results of the matching stage. Table 1 in the Supplementary Information lists the countries included in the matched sample and notes the number of years for which they are included as an ICCPR member and the number of years for which they are included as an ICCPR non-member. Figure 1 in the Supplementary Information shows a map of the country-years included in the matched data set. Countries shaded in darker gray appear in the matched data set in a larger number of years.[2]

Table 3 reports the results of the regression models. These results substantially support the theory presented in this paper. In all models, the coefficient on the interaction between Political Constraints and ICCPR Ratification is significant and positive. This indicates that the extent to which commitment to the ICCPR improves respect for the human rights increases with the extent to which executive powers are constrained by opposition groups in the legislature. This result is especially important with respect to

[2] European countries tend to be included in the sample in fewer years than most others. This is because these country-years often have very high estimated probabilities of ratifying the ICCPR in many years and most of them were early ICCPR ratifiers. A match for such country-years would be one with a very high probability of joining the treaty but that nonetheless did not join the treaty, which is rare. As a result, many European country-years do not have close matches. These countries also tend to have relatively good human rights records, did so before the creation of the ICCPR, and might have continued to do so even if the treaty were not in place. If the treaty has an effect on repressive tactics, this is less likely to be observable in such countries – by analogy, medicine may not improve the health of an already healthy individual. Dropping many such country-years from the sample by using the matching procedure thus allows me to analyze whether the ICCPR has an effect where there is room for the treaty to have an effect.

torture, imprisonment, and disappearances because most prior work has found that ICCPR ratification is either associated with increases in personal integrity rights violations (Hafner-Burton and Tsutsui 2005; Neumayer 2005; Hill 2010) or does not significantly affect such practices (Lupu 2013*a*,*b*). By contrast, the finding in this article indicates that ICCPR ratification can lead to improvements in the respect for personal integrity rights, but that this effect is conditional on the legislative opposition being sufficiently strong.

Figures 1 and 2 report marginal effects based on the models reported in Table 3. Both figures report point estimates with 95% confidence intervals. The marginal effects reported in Figure 1 are the expected percentage changes in the values of the dependent variables for ICCPR members based on a one-standard-deviation increase in Political Constraints relative to the mean value of Political Constraints. To put this in perspective, an example of a country with a roughly mean value (0.19) of Political Constraints is Mexico during the early 1980s, in which the Institutional Revolutionary Party (PRI) controlled both the executive and legislature but was beginning to fractionalize in the legislature. An example of a country with a value of Political Constraints at about the mean plus one standard deviation (a total of 0.41) is the United States during most of the 1980s, when the Republicans controlled the presidency but the Democrats controlled Congress (although the latter were not especially cohesive). For the freedoms of speech and religion, I report the expected percentage change in the probability of the government providing an unrestricted right and of severely restricting that right. For personal integrity rights violations, I report the expected percentage change in the probability of the government conducting many violations and of conducting no violations. Thus, for example, the effect of a one-standard-deviation increase in Political Constraints on ICCPR members results in a 27% increase in the probability of providing an unrestricted right to free speech and a 18% decrease in the probability of severely restricting that right.

Figure 2 reports the marginal effects of ratification of the ICCPR at differing values

of Political Constraints. In the matched sample, values of Political Constraints range from 0 to 0.73. As the significant coefficient on the interaction terms indicates, the marginal effect of ICCPR ratification increases as the number of veto players increases. Although this may be difficult to see in the figures, when Political Constraints are at 0.70, the effects of ICCPR ratification are significant (at the 95% level) and positive for each of the five rights. With respect to many rights, the effects of the ICCPR become significant and positive at much lower values of Political Constraints. Yet with respect to torture, the effect of the ICCPR is not significant and positive until a very large value of Political Constraints, which means that we can only be sufficiently certain that this mechanism works with respect to torture in a small range of cases. Many have recognized that reducing torture is an especially difficult human rights problem (Rejali 2007; Conrad and Moore 2010), and this result confirms these findings. With respect to torture and disappearances, the marginal effect of ICCPR appears to be negative in states without (or with few) veto players. This result indicates that without (or with few) legislative veto players, treaty ratification may have perverse effects. Hollyer and Rosendorff (2011) argue that leaders who are not constrained by domestic political institutions join human rights treaties to signal their intent to conduct further repression; my findings are consistent with theirs, indicating that without legislative veto players ICCPR ratification can lead to increases in torture and disappearances.

Table 2: Balance Statistics

	Treatment Group Mean	Control Group Mean	% Improvement in Balance
Propensity Score	0.62	0.60	93.89
Treaty Commitment Preferences[1]	0.70	0.67	92.24
Political Constraints	0.20	0.18	85.72
Judicial Independence	1.10	1.06	66.08
Polity	0.63	-0.04	87.94
Regime Durability	23.23	22.78	29.51
Civil War	0.20	0.20	86.57
International War	0.03	0.03	85.96
GDP Per Capita (logged)	7.39	7.28	71.84
Population (logged)	15.85	15.84	96.22
INGOs	569.11	520.40	89.25
n	952	952	

1. This is estimated by W-NOMINATE as described in the text.

Table 3: Results

	(1) Freedom of Speech	(2) Religious Freedom	(3) Torture	(4) Imprisonment	(5) Disappearances
ICCPR Ratification	-0.055	-0.020	-0.252**	-0.062	-0.159
	(0.080)	(0.079)	(0.083)	(0.081)	(0.090)
Political Constraints	-0.324	0.059	-0.623*	-0.070	0.092
	(0.253)	(0.273)	(0.266)	(0.263)	(0.302)
Political Constraints X	0.782**	0.616*	0.705*	0.718*	0.789*
ICCPR Ratification	(0.270)	(0.301)	(0.278)	(0.289)	(0.318)
Polity	0.077***	0.039***	0.033***	0.052***	-0.008
	(0.007)	(0.007)	(0.007)	(0.008)	(0.008)
Judicial Independence	0.344***	0.282***	0.129*	0.256***	0.256***
	(0.053)	(0.054)	(0.051)	(0.050)	(0.061)
Regime Durability	0.000	0.002	0.003**	0.002	0.001
	(0.001)	(0.001)	(0.001)	(0.001)	(0.002)
Civil War	-0.258**	-0.102	-0.616***	-0.572***	-0.866***
	(0.079)	(0.084)	(0.093)	(0.092)	(0.086)
International War	-0.208	0.049	-0.328	-0.388	-0.197
	(0.162)	(0.193)	(0.204)	(0.217)	(0.179)
GDP Per Capita (logged)	-0.023	-0.053	0.065*	0.019	-0.043
	(0.028)	(0.029)	(0.028)	(0.029)	(0.034)
Population (logged)	-0.060*	-0.089**	-0.147***	-0.120***	-0.061
	(0.026)	(0.028)	(0.026)	(0.028)	(0.032)
INGOs	0.000	-0.000	0.000	-0.000	0.000
	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)
Rights_{t-1}	0.816***	1.028***	0.899***	0.967***	0.957***
	(0.059)	(0.048)	(0.052)	(0.051)	(0.051)
Treaty Commitment	0.162	-0.200	-0.212*	-0.153	0.118
Preferences	(0.105)	(0.114)	(0.104)	(0.108)	(0.118)
Fixed Effects for Year	Yes	Yes	Yes	Yes	Yes
n	1904	1904	1904	1904	1904

Ordered Probit Models
Robust standard errors in parentheses
* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

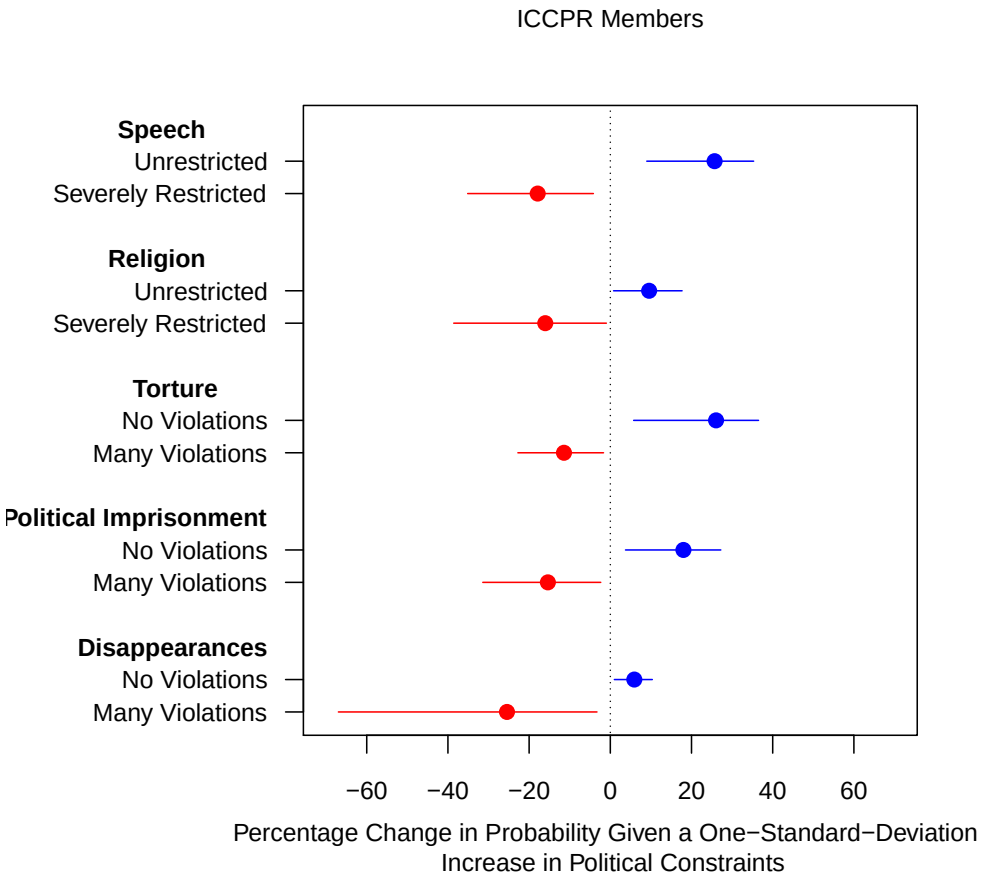

Figure 1: Marginal effects of Political Constraints for ICCPR members.

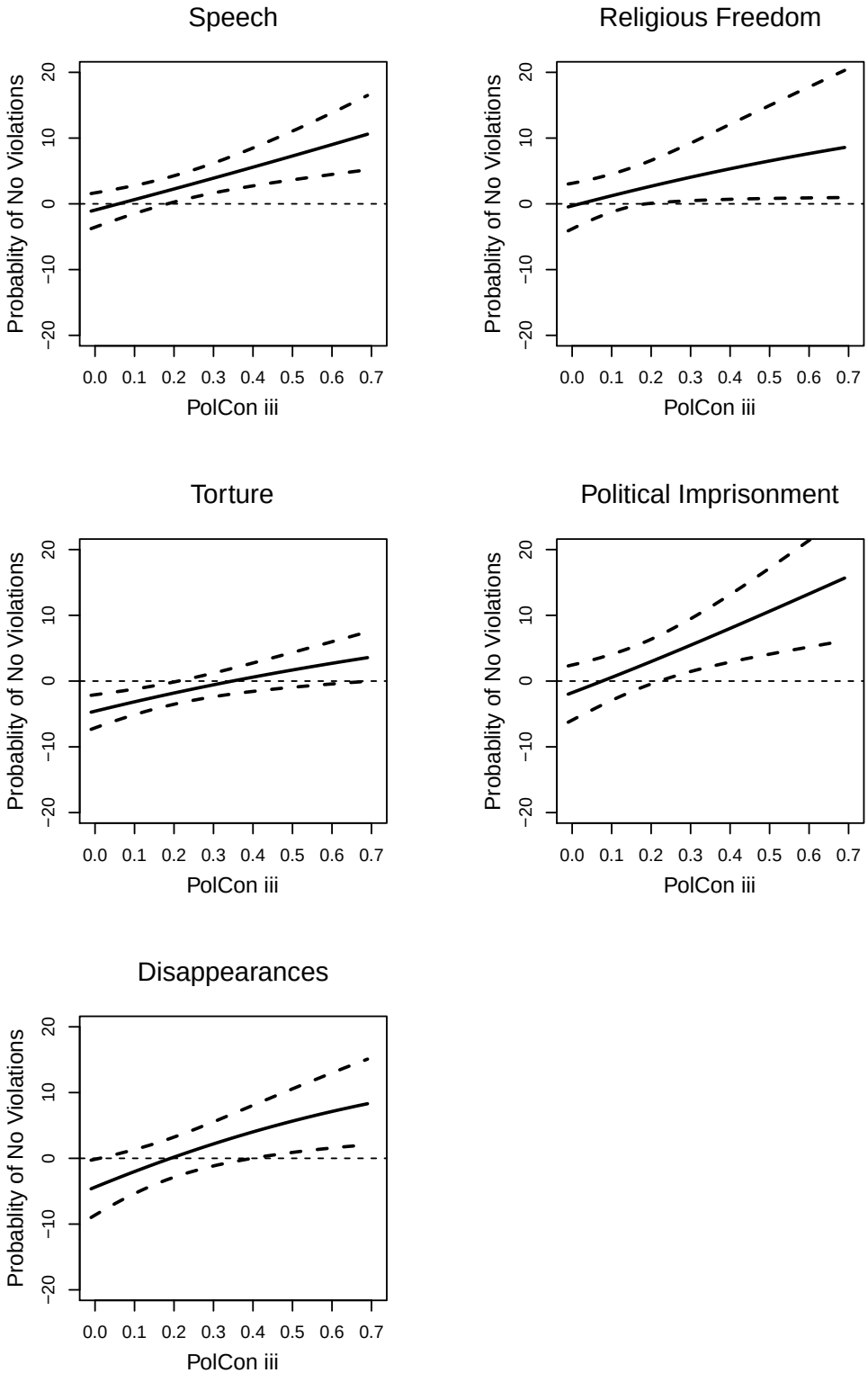

Figure 2: Marginal effects of ICCPR ratification at differing values of Political Constraints.

5.1 Robustness Tests

Additional tests confirm the robustness of these results. First, I tested the robustness of the results using the data provided by the Ill Treatment and Torture Project (ITT) (Conrad, Haglund and Moore 2013). Many incidents of torture are conducted by local police against criminal suspects. Because of the prevalence of these instances, important principal-agent problems can allow torture to continue in spite of central government efforts to prevent it (Conrad and Moore 2010). My theory, however, is primarily concerned with the torture of political dissidents. The ITT data set disaggregates torture incidents by types of targets. I therefore replaced the CIRI torture data with the ITT data on the torture of political dissidents. The results of this model, reported in Table 2 and Figure 2 in the Supplementary Information , confirm the main results.

Second, I excluded from the analysis (prior to the matching procedure) all country-years that derogated from relevant provisions of the ICCPR, using data provided by Hafner-Burton, Helfer and Fariss (2011). When countries derogate from the ICCPR, leaders are generally not bound to adhere to its provisions under both international and domestic law. Of the rights I have analyzed, the provisions regarding political imprisonment and the freedom of speech are derogable under the ICCPR, so I performed this analysis for these two types of abuses. The results of these models, reported in Table 3 and Figure 3 in the Supplementary Information , confirm the main results.

Third, I re-executed the procedure after first excluding all country-years in which the national constitution explicitly states that treaties are superior to ordinary legislation, using data from the Comparative Constitutions Project (Elkins, Ginsburg and Melton 2008). Formalistic repression may be especially costly in such countries, so legislative veto players may not be able affect the leader's ability to conduct it (although they can still affect the leader's costs of conducting extralegal repression). The results of this analysis, reported in Table 4 in the Supplementary Information, largely confirm the main results. Nonetheless, the coefficient of the interaction is positive but not statistically significant

with respect to disappearances. It may be the case that, with respect to disappearances, the cost of executing extralegal violations is not much lower than that of formalistic violations, such that a leader constrained by the legislature can effectively circumvent it. I hope to explore this question in future work.

Fourth, I estimated models that test whether the effects of joining the Convention Against Torture (CAT) increase with legislative veto players. Although I have focused the main empirical analysis on the ICCPR, the theory is not limited to this treaty. Because the CAT came into force in 1987, I begin the analysis in that year. The results of this model, reported in Table 5 and Figure 4 in the Supplementary Information, are consistent with the main results.

6 Conclusions

Much of the recent scholarly activity in this area has searched for the causal mechanisms by which domestic politics may make human rights agreements effective. Two mechanisms have received significant attention: independent judicial institutions and mobilization of public pressure by civil society groups.

This paper proposes a theory that explains how a third mechanism influences this dynamic: opposition groups in the national legislatures. This paper has argued that, despite the fact that executives need not always turn to the legislature to approve human rights violations, there are several mechanisms by which opposition groups in the legislature can prevent such violations by raising their costs. In countries that are treaty members, legislatures are better able to take advantage of such mechanisms. The evidence provided in this paper indicates that, as the strength of the legislative opposition increases, the effect of the ICCPR on reducing violations of human rights also increases.

This study has not focused explicitly on regime type because legislative veto players can be found in non-democracies and during some periods are not found in democracies. Yet a key implication of these findings is that legislative veto players affect the domestic democratic peace. Scholars have debated whether the "Voice" aspects of democracy, such

as the right to vote, contribute more to relatively few violations of human rights in democracies than the "Veto" characteristics of democracy, such as legislatures, the judiciary and constitutional structures (Richards 1999; Davenport and Armstrong 2004; Bueno De Mesquita et al. 2005; Davenport 2007*b*; Conrad and Moore 2010). My analysis suggests an important linkage between these aspects of democratic societies. While the Veto institution of opposition control of the legislature can prevent violations of human rights, some of the mechanisms by which legislative actors can do this involve interaction with civil society groups and other features of democratic societies.

The theory proposed in this paper suggests several areas for future research. First, it will be necessary to examine the mechanisms I have proposed more closely by analyzing the role of domestic constraints in individual cases. Because of space concerns, I have not engaged in such extensive case studies here, but such work would certainly complement my results and potentially illuminate additional mechanisms by which legislatures can make human rights treaties more effective. Second, this paper has implications for the relationship between legislatures and courts. Tsebelis (2002) argues that a greater number of legislative veto players leads to greater policy stability, which in turn leads to judicial independence. Many scholars believe independent courts are more effective at enforcing international human rights commitments that have been implemented into domestic law. Effective national courts may be able to not only punish extralegal human rights violations but may also be able to strike down legislation that violates human rights formalistically, potentially before such legislation is implemented. While the effects of independent courts and legislative veto players on the effects of human rights agreements have been studied separately, these arguments suggest that these constraints on executive power may take effect both sequentially and simultaneously, which bears further analysis.

Third, the theory in this paper also indicates that leaders strategically substitute some human rights violations for others, as previous studies have suggested (Moore 1998, 2000; Poe 2004). This paper has focused on the effect this mechanism has on levels of

repression, i.e., an overall reduction. Yet a leader blocked from formalistic violations may turn to extralegal violations. For example, a leader who cannot pass legislation banning certain minority religious practices may still have the incentive to make extralegal, de facto attempts to prevent some individuals from exercising their legal rights to conduct such practices, especially if the leader is willing the pay the potential costs that could be imposed by the legislature and other actors. This may lead to fewer violations in the aggregate, but also to different individuals or groups being targeted than would have been without legislative constraints. The theory presented in this paper indicates that the effect of constraining institutions is not only a reduction in *levels* of repression, but also a change in the *form* of repression. This conjecture suggests that additional data on forms of repression would allow us to test more nuanced conjectures about the effects of human rights treaties.

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