Tenure, Treaties, and Torture: The Conflicting Domestic Effects of International Law*

Courtenay R. Conrad
University of North Carolina at Charlotte
courtenayconrad@gmail.com

Emily Hencken Ritter
University of Alabama
emily.ritter@ua.edu

July 6, 2011

*Previous versions of this paper were presented at the 2010 Annual Meeting of the American Political Science Association, the 2011 Annual Meeting of the International Studies Association, and the 2011 Visions in Methodology Workshop. Thanks to Jackie DeMerritt, Doug Gibler, Carolina Mercado, Will Moore, Hong Min Park, Jens Steffek, Johannes Urpelainen, and Scott Wolford for helpful comments, to Jay Ulfelder and Joseph Young for data, and to Rob O'Reilly for invaluable advice.

Abstract

International human rights treaties (IHRTs) are argued to increase both the likelihood of popular mobilization and domestic judicial effectiveness. These augmented pressures pull leaders in conflicting directions: mobilization undermines leaders' position in power, increasing incentives to repress; effective courts raise the probability of litigation, decreasing incentives to repress. We argue that authorities balance these pressures based on their job security. Politically insecure leaders repress to control the destabilizing effects of mobilization. Conversely, because secure leaders are less likely to fall to citizen pressures, the probability of facing an effective judiciary weighs heavily in their expected costs. Secure leaders thus repress less to avoid litigation. We find empirical support for the implications of our formal theory using data on commitment to the Convention Against Torture. Treaties have no effect on repression in states with insecure leaders but have a positive effect on rights in states headed by secure leaders.

1 Introduction

Can international human rights treaties (IHRTs) improve state human rights practices? Scholars have found that IHRTs rarely lead to improved rights protections (Hafner-Burton and Tsutsui 2007, Hathaway 2002, Keith 1999), and committed states have even been known to violate more than otherwise expected (Hill 2010, Vreeland 2008).[1] Although treaty-bound states often engage in less repression than their non-committed counterparts (Neumayer 2005), this finding is very often attributed to the "screening" effect of IHRTs: states with good human rights practices select into easy international obligations (von Stein 2006). Do IHRTs ever have a *causal* effect leading to a decrease in state repression?

Absent treaties, both institutional constraints and societal pressures affect the state's propensity to repress its citizens. Effective domestic courts, one institutional mechanism by which states can be held accountable for violations of human rights, are known to *constrain* state repression (e.g., Keith 2002). Conversely, domestic societal factors often *incentivize* states to repress: when a population mobilizes against the state, authorities often respond with increased violations (e.g., Davenport 2007*a*). New international legal obligations alter domestic politics in ways that heighten these cross-pressures on states deciding whether to violate human rights. Although courts are often emboldened to negatively sanction violators in the wake of IHRT accession (Hathaway 2007, Powell and Staton 2009, Sloss 2009), treaty commitment also creates new opportunities for citizens to mobilize against the state (Simmons 2009). Groups may view commitment as the state's willingness to grant concessions (Vreeland 2008); in the expectation of receiving their demands, citizens are more likely to mobilize against the state once it has rat-

[1] See also Powell and Staton (2009), Simmons (2009), von Stein (2006).

ified a treaty (Simmons 2009).Thus, the domestic effects of an IHRT are at odds: increasingly effective institutions constrain obligated states into *reducing* repression whereas increased citizen mobilization *incentivizes* state repression. How do states navigate these cross-pressures?

State authorities face both domestic and international threats to their tenure, and they respond to these threats differently depending on their job security (see, e.g., Bueno de Mesquita et al. 2003, Chiozza and Goemans 2004). Both domestic courts and a mobilized populace can threaten a leader's ability to stay in power, but we argue that institutional pressures differ from popular pressures in their salience. Popular challenges have the largest effect on leaders who are politically weak. As leaders become more secure in power, the threat of popular removal declines, while the possibility of judicial reprobation becomes increasingly relevant to the authorities' consideration of costs. Thus, leaders will prioritize one pressure over the other as a function of their expectations about political survival. A politically insecure leader must give precedence to the immediate costs of a mobilized population and so represses to control that threat, even when it is likely he will be held accountable for these actions in an effective domestic court. Secure leaders repress less, avoiding the risk of litigation but potentially allowing the population to openly oppose the state. We predict that judicial effectiveness will have no distinguishable effect on repression when leaders are politically insecure, but it will have a significant, negative effect on rights abuses in states in which leaders are secure in power.

Job security also conditions the state's ability to navigate the societal and institutional consequences of IHRTs. International obligations lead to increases in popular challenges and litigation, but these amplified pressures affect leaders differently depending on their political security. State-level commitment can lead groups to update their expectations of receiving concessions from the state (Simmons 2009, Vreeland 2008), such that they are increasingly willing

to challenge even secure leaders. However, secure leaders are less vulnerable to these challenges than unstable authorities. As a result, secure leaders are more likely to be concerned with minimizing the repercussions of a judiciary that will see more rights-related cases and be emboldened once the state is obligated under an IHRT (Hathaway 2007, Powell and Staton 2009, Simmons 2009). We expect states with politically secure leaders will repress *less* when committed to an IHRT than they would otherwise. Politically insecure leaders similarly experience both an increased likelihood of mobilization and judicial effectiveness when the state is committed to an IHRT, but their vulnerability to turnover forces them to deal with dangerous popular challenges and ignore even an increased probability of being brought to justice.

We develop a formal model to examine the effects of international human rights law on domestic rights practices. In our model, a state decides how much to repress in response to a popular demand while considering the potential for judicial remand. Although commitment to an IHRT yields some benefit to the state, it makes both mobilization and litigation more likely to occur, which affect the probability that authorities remain in power. We test the empirical implications of our theory using data on commitment to the United Nations Convention Against Torture (CAT) and the state's propensity to torture. To determine the effect of CAT commitment on torture, we use a selection model by von Stein (2006). This empirical strategy allows us to determine the effect of IHRT commitment on repression, as well as to assess how domestic factors affect decisions to repress in IHRT-obligated states as compared to non-obligated states. We find support for our hypotheses: leaders who fear turnover will respond to a mobilizing population regardless of the domestic or international institutional pressures, but secure leaders will repress less as judicial effectiveness increases *and* when committed to an IHRT.

To our knowledge, this study is the first to find empirical support for IHRTs having a posi-

tive influence on physical integrity rights protections. Even when states have promising records of protection such that a treaty commitment represents "screening," we not only find positive change associated with commitment but are also able to identify the conditions under which this behavior is likely to occur. This study is also at the forefront of those investigating how political survival affects state decision-making, suggesting that institutional pressures differ from societal pressures in their effects. In particular, we argue that insecure leaders, fearing turnover, prioritize the salience of behavioral pressures such as a mobilizing population and largely ignore even quite large, imminent costs from a constraining institution such as a judiciary. Secure leaders are more likely to feel the impact of institutional pressures and respond accordingly. A wealth of scholarship suggests that democracies and dictatorships differ in both state responses to human rights law and the decision to repress, but our focus on leaders allows us to uncover variance on these outcomes both across and within regime type. In total, this project combines insights from both international and domestic studies of human rights practices and provides meaningful insight into the conditions under which states will repress their citizens.

2 Domestic Effects of International Treaties

Although states may receive tangible and/or normative benefits for committing to international human rights law, scholars have found that IHRTs rarely have a positive impact on domestic protections for human rights (see, e.g., Hafner-Burton and Tsutsui 2007, Hathaway 2002, Hill 2010, Keith 1999, Neumayer 2005, von Stein 2006). The ineffectiveness of IHRTs results in large part from their lack of enforcement mechanisms (e.g., Forsythe 1985, Ramcharan 1989), and foreign states are rarely willing to take coercive action on behalf of repressed citizens (e.g.,

Lebovic and Voeten 2009, Neumayer 2003). But we should not be so quick to deem international law irrelevant: IHRTs do not directly change human rights practices, but they do alter domestic politics in favor of rights protection (Simmons 2009). In particular, IHRTs have been argued to strengthen domestic courts and incentivize social mobilization.

Effective domestic courts consistently lead to increased rights protections (Apodaca 2004, Blasi and Cingranelli 1996, Cross 1999, Hathaway 2007, Howard and Carey 2004, Keith 2002).[2] State authorities facing effective judiciaries who engage in repression are likely to incur high costs for two reasons. First, victims are more likely to bring allegations of violations before the court when they believe the judiciary to be effective (Powell and Staton 2009). Second, when judiciaries are independent and powerful, they are more likely to rule against the state, and the state is more likely to comply voluntarily with the court's stated remedy or incur punishment (Gibson, Caldeira and Baird 1998, Vanberg 2005). These potential costs have been found to deter states with effective judicial institutions from repressing citizens (Blasi and Cingranelli 1996, Cross 1999, Keith 2002), even absent international law.

State commitment to an IHRT increases the likelihood that a repressive state incurs liti-

[2]Powell and Staton (2009, 154) define an *effective* judiciary as one that "constitutes a genuine constraint on state behavior." Courts are effective when they are free from state manipulation (i.e., independent or autonomous) (e.g., Cross 1999, Howard and Carey 2004, Kornhauser 2002), and when other domestic actors are willing and able to punish noncompliant executives on their behalf (e.g., Gibson, Caldeira and Baird 1998, Staton 2006, Vanberg 2005). See Staton and Moore (2011) and Ríos-Figueroa and Staton (2009) for more discussion of these concepts. In short, as courts become more effective, they become both more willing and better able to identify and punish state transgressions of human rights.

gation costs beyond that established by the extant domestic judicial effectiveness (Simmons 2009). Almost all international treaties require that ratifiers adopt their terms into domestic law.[3] Ratification requires states to adopt domestic laws if they do not already exist, refine extant laws so that they align with the international obligation, and in common law systems, appropriate international precedents developed through court cases around the world (Simmons 2009).[4] This creates additional standards under which citizens can litigate against the government. IHRT ratification also focuses attention on repression and increases legitimacy for rights-related grievances, both of which make victims increasingly prone to litigate. In other words, a state that commits to international law will be more likely to face litigation than one that does not commit, regardless of its initial level of domestic judicial effectiveness. And litigation is costly. It requires the state to dedicate resources to legal cases, brings negative attention to its repressive practices, and can end in rulings that the state must comply with a potentially

[3]For example, Article 4 of the United Nations Convention Against Torture (CAT) states, "(1) Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. (2) Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature."

[4]Following its signing of the UN Convention Against Torture (CAT), for instance, the United States legislature passed the Torture Victims Protection Act, which allows victims of torture to file suit against state perpetrators in civil court (Torture Victim Protection Act of 1991, Pub. L. No. 102-256, 106 Stat. 73 (1992).). Although intended to serve victims of torture by *foreign* governments, the Act has also been cited in court cases against the United States government. See, for example, *Meshal v. Higgenbotham*, 09-cv-2178, 32 (filed D.D.C. Nov. 10, 2009).

costly remedy (Powell and Staton 2009). States thus prefer to avoid being brought before an effective domestic court, and the surest way to avoid the court is to avoid repression.

Leaders who want to remain in power must consider societal challenges in addition to potential costs from domestic institutions. Popular mobilization is likely to occur when citizens perceive few normal political channels through which they might attain their demands (Tilly 1978). Although citizens must invest resources to engage in dissent, mobilization represents a significant threat and realized costs for the state on the receiving end of such challenges. To counter the threat from a mobilized population, state authorities consistently turn to repression. Davenport (2007*a*, 7-8) refers to this finding as the Law of Coercive Responsiveness: "When challenges to the status quo take place, authorities employ some form of repressive action to counter or eliminate the behavioral threat…The consistency of this finding is astonishing in a discipline where very few relationships withstand close scrutiny." Repression is an effective tactic in response to mobilization because it undermines the group's will and capacity to challenge the state (Davenport 2007*b*). Consequently, authorities are better able to control policy and maintain power by increasing repression when confronted with social mobilization.

International obligations increase individual and group expectations about the likely success of mobilization efforts. Formal standards help dissidents to coordinate their expectations regarding what constitutes a transgression of their rights (Keck and Sikkink 1998, Weingast 1997). Once states agree to international legal obligations, NGOs tend to increase their organizational activities and heighten public awareness of obligations (Kurdish Human Rights Project 2010, Murdie, Davis and Garnett 2012). Further, groups are likely to believe treaty ratification is a signal of the state's intentions regarding rights protection. Even if the state does not intend to comply with the letter of an IHRT, groups may believe the state will be more likely to respond

to their rights-related demands (Vreeland 2008). The new, internationally legitimized standards and the increased focus on rights protections lead citizens to form new or join existing movements to pressure the state for domestic changes (Simmons 2009). In the United States, for instance, NGOs like the Center for Justice and Accountability (CJA) originated following the US decision to sign the CAT.[5] A senior member of CJA's staff highlights the importance of commitment for both the origination of their organization and their current work: "After the United States became a signatory to the Convention Against Torture, it began implementing domestic legislation like the Torture Victims Protection Act. Such legislation helps give rise to organizations like CJA and likely would not have occurred without [international commitment]."[6] In short, international treaty commitment increases popular belief that mobilization will help groups achieve their policy goals.[7]

[5]The Center for Justice and Accountability (CJA) is a human rights organization based in San Francisco, California that uses civil litigation to hold violators of human rights (especially torturers) individually accountable under two US laws: the Alien Tort Statute (ATS) and the Torture Victim Protection Act (TVPA).

[6]Personal interview. 4 October 2010.

[7]We argue that IHRTs lead citizens to believe they have a better chance of receiving their demands should they mobilize. Using the formal model presented below, we derive the effect that this has on groups' willingness to mobilize. In other words, we do not assume IHRTs have either a positive or negative effect on levels of social mobilization. Simmons (2009) makes similar assumptions as to how treaties affect popular incentives, though she goes further to argue that IHRTs will lead to increased mobilization in partially democratic or transitional regimes and expects little change on the extreme ends of the regime-type spectrum. In comparison, Hollyer and Rosendorff (2011) argue that international commitment signals to the opposition the

To summarize, state authorities must consider conflicting costs from domestic institutions and societal pressures, and IHRTs magnify those pressures. The desire to avoid the increased probability of costly litigation under an effective judiciary compels leaders to repress *less* in the wake of international commitment. Citizens will expect to be more likely to receive their demands in the shadow of IHRT obligations, so the state faces incentives to repress *more* to control social mobilization. Assuming that authorities desire to remain in power, how do they balance these conflicting incentives?

3 The Model

We specify a formal model of an interaction between a Leader (L) and a Group of citizens (G).[8] At the outset, the Leader decides whether to commit the state to a human rights treaty, with the expectation that doing so will amplify both the probability of costly litigation and the Group's expectation of receiving its demands through mobilization. Conditional on the outcome of this choice, the Group decides how much to mobilize around a demand, and the Leader simultaneously chooses a level of repression, though both of these decisions entail resource costs that make the actors want to minimize their expenditures. Finally, their decisions, combined with the effects of IHRT commitment, affect the likelihood that the Leader remains in power. This model allows us to derive implications as to how state authorities navigate both domestic and international cross-cutting pressures in the choice of repression.

leader's desire to remain in power; as a result, citizens will mobilize less following commitment.

[8]The leader can represent either a single leader, such as a dictator; a ruling party; a coalition; and/or any group of actors acting under the authority of the state.

3.1 Model Specification

Equations (1) and (2) present the players' expected utility functions. The Leader's payoffs are:

$$U_L = \begin{cases} -r * \varphi + \left(1 - \frac{m}{m+r}\right) * \theta + \left(\frac{m}{m+r}\right) * \frac{\theta}{\kappa} & \text{uncommitted to IHRT} \\ -r * (\varphi + \epsilon) + \left(1 - \frac{m+\beta}{m+r}\right) * \theta + \left(\frac{m+\beta}{m+r}\right) * \frac{\theta}{\kappa} + \mu & \text{committed to IHRT} \end{cases} \tag{1}$$

and the Group's payoffs are:

$$U_G = \begin{cases} -m + \left(1 - \frac{m}{m+r}\right) * (1-\theta) + \left(\frac{m}{m+r}\right) * \left(1 - \frac{\theta}{\kappa}\right) & \text{uncommitted to IHRT} \\ -m + \left(1 - \frac{m+\beta}{m+r}\right) * (1-\theta) + \left(\frac{m+\beta}{m+r}\right) * \left(1 - \frac{\theta}{\kappa}\right) & \text{committed to IHRT} \end{cases} \tag{2}$$

Based on the discussion in the previous section, we make the following assumptions:

- Repression ($r \geq 0$) requires resources, represented by $-r$ in both utilities in Equation (1). The more the state represses, the more resources it expends.

- Mobilization ($m \geq 0$) requires resources, represented by $-m$ in both utilities in Equation (2). The more the Group mobilizes, the more resources it expends.

- The Leader's costs for repression also include the probability ($0 \leq \varphi \leq 1$) of incurring litigation-related costs (valued at 1). This captures the potential that a case is brought before the court, the court rules against state authorities, and the ruling yields actual costs. We refer to this concept as judicial effectiveness.

- The chosen levels of repression and mobilization affect the probability the Group receives its demands $\left(\frac{m}{m+r}\right)$. The Group is more likely to receive its demands as mobilization increases and less likely as repression increases.

- If the Group does not receive its demand, State authorities remain in power (with benefits equalling 1) with probability $0 \leq \theta \leq 1$, which represents his job security. If, instead, the

Leader gives in to the Group's demands, he remains in power with a lower probability: $\frac{\theta}{\kappa}$, such that $\kappa > 1$. If the Leader loses office, L receives 0. Thus, although the baseline probability of remaining in office is exogenous, both the Group and the Leader influence this probability with their choices.

- Commitment to an IHRT has two effects: the Leader becomes some small amount (ϵ, such that $1 - \varphi > \epsilon > 0$) more likely to incur court-related costs, and the Group becomes some small amount ($\beta > 0$) more likely to receive its demands than it would if the state were not committed to the treaty.[9]

- The Leader receives a benefit—economic or political, domestic or international—for committing to an IHRT, represented by the term $\mu > 0$.

This model allows us to derive predictions as to how state authorities are likely to respond to the domestic political effects of commitment to an IHRT. How does the Leader balance the increased pressure from the domestic court against the increased likelihood that the Group will receive its demands, undermining the authorities' position of power?

3.2 Equilibrium Analysis

The solution is a unique Subgame Perfect Equilibrium, such that there is one optimal choice for any combination of parameter values. Proposition 1 states the equilibrium solution; formal proofs can be found in the Appendix.

[9]These parameters are not constrained to be small values in the model, but we expect that their actual values are quite small.

Proposition 1. *The following strategies constitute the Subgame Perfect Equilibrium: (1) when L does not commit to an IHRT, G mobilizes at level m_U and S represses at level r_U, defined as*

$$m_U \equiv \frac{(\kappa-1)\theta\varphi}{\kappa(1+\varphi)^2} \quad \textit{and} \quad r_U \equiv \frac{(\kappa-1)\theta}{\kappa(1+\varphi)^2};$$

(2) when L commits to an IHRT, G mobilizes at level m_C and S represses at level r_C, defined as

$$m_C \equiv -\frac{\theta(\epsilon+\varphi)+\kappa(-\theta(\epsilon+\varphi)+\beta(1+\epsilon+\varphi)^2)}{\kappa(1+\epsilon+\varphi)^2} \quad \textit{and} \quad r_C \equiv \beta+\frac{(\kappa-1)\theta}{\kappa(1+\epsilon+\varphi)^2};$$

and (3) L commits when

$$\mu > \beta(\epsilon+\varphi)+\frac{1}{2}\theta\left(\frac{1}{(1+\varphi)^2}-\frac{1}{(1+\epsilon+\varphi)^2}\right).$$

In both treaty scenarios, the players act simultaneously, conditioning their choices on what each expects the other to do. The more a group mobilizes, the more damage it causes to state authorities, and the more likely it will be to receive its demands in the end. However, higher levels of mobilization require more resources than lower levels, as there are more people to coordinate, more protest signs and/or weapons to acquire, etc. This means the group tries to mobilize just enough to have a strong chance of receiving its demands while minimizing resource costs. Similarly, the state can best control the group and keep it from changing the status quo by repressing as widely and severely as possible, but the costs of doing so can be prohibitive, limiting state authorities to repressing only to what they can afford.

The actors also consider the likelihood that authorities will incur judicial costs, regardless of commitment status. Citizens are more likely to bring state authorities to court for rights violations when they believe that the domestic judiciary is effective. An independent and powerful

court will also be more likely to rule against leaders, so that the state must pay costs to adapt policy or pay reparations to comply with the court's stated remedy. As stated in Equation (1), repression becomes more costly as both the level of repression (r) and judicial effectiveness (φ) increase. To counter the increased probability that they will be subjected to a costly ruling as the court becomes increasingly effective (φ), authorities can reduce the level of repression and thereby avoid the potential for institutional punishment. The leader, then, is forced to make a decision: should it maximize repression in order to maintain the status quo or should it repress less to avoid the an increased potential for litigation?

As is the case in many political decisions, authorities condition repressive decisions on their ability to remain in power. Regimes identify mobilized populations as threatening, and as recently seen in Tunisia, Egypt, and Yemen, these challenges directly impact the probability of executive political survival. Mobilized dissent can damage state property, costing the state resources; require regime attention, creating opportunity costs; and undermine authorities' sheen of legitimacy to rule. In effect, dissent reduces the state's resources or the leader's authority, subverting his political security. Mobilization represents a particularly dangerous threat to the ruling regime because it can snowball quickly into an even more threatening phenomenon. Dissatisfaction is common in most societies, even if dormant, and citizens are often just waiting for others to make the first move before joining such movements (Kuran 1991). Authorities who want to remain in power have to prioritize the most significant threat to their removal, which is a mobilized population. A sufficiently politically *insecure* leader will prioritize the salient threat of a mobilizing population and repress more, regardless of the effectiveness of the judiciary.

In comparison, a leader who is sufficiently *secure* in office will be relatively more sensitive to the potential for a negative judicial sanction. Authorities can neutralize groups so that they

no longer represent a threat, but to do so is to risk being brought to court. For the court to rule, a victim must litigate, and cases often take months and even years to travel through the judicial system. Although the process is costly, ruling authorities bear these costs over time. Even in highly effective systems many victims do not bring suit against the state, so these costs are probabilistic. When it is likely that state authorities will lose power, the court represents a distant threat as opposed to the salient pressure of a mobilized population. In contrast, secure leaders worry less about being removed by a group of citizens and worry more about keeping costs low, particularly costs of litigation under an effective court. Formally, the first derivative of both r_U and r_C with respect to the court's level of effectiveness is negative and a function of job security (see proof in the Appendix). In other words, the effect of the court is conditional on the probability the authorities will remain in power. As θ approaches zero, judicial effectiveness has little to no impact on the state's chosen level of repression, but as the leader becomes more secure, the threat of the judiciary's sanction leads the state to repress less, even as the group chooses higher levels of mobilization. We thus predict the following hypothesis:

Hypothesis 1. *Judicial effectiveness will have no effect on repression when job security is sufficiently low. As job security increases, judicial effectiveness will have an increasingly negative effect on repression.*

Judicial effectiveness constrains secure leaders from engaging in repression even without the additional legitimacy provided by an international obligation. What, then, is the effect of IHRT commitment on domestic respect for human rights? Following prominent scholars of international legal institutions and advocacy,[10] we expect states that have ratified an IHRT to

[10]E.g., Finnemore and Sikkink (1998), Hathaway (2007), Keck and Sikkink (1998), Powell and

experience domestic political change. A committed state experiences both a strengthened domestic court and increased incentives for popular mobilization. As is the case without the international obligation, we expect leaders to prioritize between these pressures based on their expectations of removal from office.

Figure 1 plots the level of repression that maximizes the leader's utility across the possible range of the probability of executive political survival. The solid line represents the equilibrium level of repression when a state has *not* committed to an international human rights treaty, or r_U, while the dashed line represents the equilibrium level of repression under commitment, r_C. On the left side of the graph, where the leader is vulnerable to removal, authorities will repress more under an IHRT than an uncommitted state. Even when the judiciary is quite effective—such that authorities have a high expectation of being brought to court—vulnerable leaders have incentives to increase repression when the treaty leads to even a very small boost in the group's ability to achieve its demands. However, as the leader becomes more secure, these lines cross, such that the state will repress *less* when committed to an IHRT than it would otherwise.[11] Thus, authorities will prioritize the increased mobilization when they are vulnerable and the more effective court when they are secure, and commitment to an IHRT will have different effects depending on leaders' expectations of their job security.[12]

Staton (2009), Simmons (2009).

[11] We derive this cutpoint in the Appendix.

[12] As shown in the Appendix, this cutpoint falls between 0 and 1, or the possible range of the probability of political survival, when β is sufficiently small. In other words, this result holds true when the state's international obligation leads only to a very small increased likelihood that the group will receive its demands. If the IHRT is *very* effective in improving the group's prospects, then the leader has a strong incentive to respond with repression at any level of po-

[Figure 1 about here.]

State authorities condition their response to these treaty effects as function of their security in power and the effectiveness of the judiciary. Though all states experience both institutional and societal effects from an IHRT, these pressures impact vulnerable and secure leaders differently. Secure leaders who are party to international human rights law do face populations with increased incentives to mobilize. However, these leaders have a sufficiently strong hold on power that the average threat from mobilization imposes lower costs than the expectation of a negative court decision. Sufficiently secure leaders thus temper their response to mobilization to avert the increased potential for court costs. Conversely, politically insecure leaders also experience both types of treaty effects, but their low probability of political survival makes them particularly sensitive to the population's decision to mobilize more under an IHRT. This sensitivity leads vulnerable authorities who are committed to international human rights law to repress more than uncommitted vulnerable authorities, regardless of the domestic court's effectiveness and the treaty's impact on that effectiveness.

Hypothesis 2. *IHRT commitment has a positive effect on repression when job security is sufficiently low. This effect declines in magnitude as job security increases; at sufficiently high values of job security, IHRT commitment has no effect on repression. As job security increases further, the effect of IHRT commitment on repression becomes negative and strengthens in magnitude.*

litical survival. However, we believe that the effect of an IHRT on any group's prospects will be extremely low, and that this condition is quite reasonable. The values illustrated in Figure 1 reflect this constraint.

4 Empirical Analysis

To test the implications of our theory, we estimate the state's propensity for repression as a function of commitment to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), using time-series cross-sectional (TSCS) data on state torture practices in 161 countries from 1990 until 2004.[13] Investigating the effect of CAT commitment on state torture is an appropriate manner by which to test our hypotheses for several reasons. First, government torture is an action specifically intended to undermine the capacity and willingness of potential dissidents (Rejali 2007). As a result, scholars commonly consider torture to be representative of the larger category of repression of physical integrity rights (e.g., Conrad 2011, Hathaway 2002, Powell and Staton 2009, Simmons 2009, Vreeland 2008). Second, because torture is a prevalent and commonly used repressive tactic, it constitutes a difficult test of the influence of IHRT commitment on state respect for human rights. Most states torture in any given year, and authorities commonly justify it as a necessary evil for the maintenance of order (Rejali 2007). Third, to our knowledge, the CAT is the only IHRT that focuses exclusively on improving human rights for a single type of violation. We prefer a clear measurement link between IHRT mandates and abuses; the tight linkage between the CAT and torture meets this criterion.

4.1 Operationalization

To estimate the conditions under which state leaders engage in torture, we need a measure that represents the state's chosen pattern of abuse. Based on content analysis of Amnesty In-

[13] Replication files will be available on the authors' websites upon publication.

ternational (AI) torture allegations, Cingranelli and Richards (2010) code a state's annual overall environment of torture, accounting for whether the state generally tortures a lot, some, or not at all in a given year.[14] As such, the Cingranelli and Richards (CIRI) measure accounts for an overall level of torture, encompassing both government's choice to torture and the scope thereof.[15] Because the conceptualization of repression in our theory is continuous, we need a continuous measure of state torture. To our knowledge, no such measure exists. Instead, we collapse CIRI's trichotomous measure of torture incidence to create a measure of *Systemic Torture*, coded "1" if a government is reported to have engaged in "some" or "a lot" of torture in a given year and "0" otherwise. This allows us to predict the *probability* of systemic torture, which represents a continuous proxy of torture.

CAT Commitment is a dichotomous indicator, coded "1" in the year in which a county ratifies (or accedes to) the United Nations Convention Against Torture and "1" every year thereafter. Because treaties continue to affect politics well after the initial ratification, and because governments have the opportunity to renege on their commitment to international human rights law in any given year, states do not drop out of our sample when they ratify the CAT. We ar-

[14]Like all measures of state repression, the CIRI measure is an undercount of state torture because the state has incentives to hide repressive behavior. This means our results should be biased toward null findings (King, Keohane and Verba 1994, 130). See also King (1989, Ch. 9). Furthermore, the sources from which CIRI codes torture allegations, AI and the UN State Department, are strategic actors that may face incentives to report more (or less) against certain countries. As such, our measure of torture is not a measure of "actual" torture per se, but of torture *allegations* by AI and the US State Department (Conrad and Moore 2011).

[15]For a discussion of these concepts, see Ritter (2010).

gue that CAT commitment changes domestic politics in two ways: by heightening the ability of the domestic court to rule against the incumbent regime and by inciting domestic mobilization against state policies. Accordingly, our empirical models also include measures of both judicial effectiveness and popular mobilization against the incumbent regime.

A measure of *Judicial Effectiveness* must account for several underlying concepts. First, it should indicate whether judges are free to rule as they see fit (independent) and whether their rulings are translated into political outcomes (powerful) (Cameron 2002, Ríos-Figueroa and Staton 2009, Staton and Moore 2011). Second, the measure should account for the extent to which the population *believes* the court to be effective in its ability to rule against the state; this captures the idea that individuals are more likely to bring litigation to an effective court (Powell and Staton 2009). We employ a measure of Judicial Effectiveness from Tate and Keith (2007), who code information on judical independence using U.S. State Department annual human rights reports. Rather than measure the independence only of the high court within a given country (e.g., Howard and Carey 2004), the measure looks at the judicial system as a whole and reports information on independence as well as the extent to which judges' rulings are translated into policy. Following Powell and Staton (2009), we dichotomize the measure such that a "0" represents a state with a relatively ineffective domestic judicial system and a "1" represents a state with a relatively effective system of courts.[16]

We require information on the willingness and ability of non-state actors within the state's territory to mobilize against the government. Various measures of internal conflict are available cross-nationally for our temporal domain and may seem appropriate as a measure of dissent.

[16]Our results are robust to an alternative measure of Judicial Effectiveness from Cingranelli and Richards (2010).

Unfortunately, these measures typically include information on state repression as well as opposition dissent, making them inappropriate for our purposes.[17] Instead, we turn to the Cross-National Time-Series (CNTS) Data Archive (Banks 2010), which captures opposition acts against the domestic government, but does not include information on state responses to such acts. The data include the number of anti-government demonstrations, general strikes, riots, revolutions, and acts of guerilla warfare in a given country-year. This data captures low-intensity actions against the state, enabling us to study the effects of even minor anti-government mobilization. *Mobilization* is coded "1" in a given year if a state experiences at least one anti-government demonstration, general strike, riot, revolution, or act of guerilla warfare.[18]

Faced with changing domestic politics as a result of CAT commitment, we predict that executives make decisions about torture based on their expectations about remaining in office. To represent the executive's probability of political survival, we follow Cheibub (1998), who uses parametric survival models to create empirical measures of job insecurity based on the leader's time in office, previous trends in leadership change, and annual economic growth. Because Cheibub's (1998) measure is limited geographically and temporally, we follow (Young 2008) and

[17]For instance, the commonly used Political Risk Service's indicator of Internal Conflict and the World Governance Indicators' measure of Political Stability and the Absence of Violence both include coders' perceptions of not only dissent but also the governments' realized or likely repressive response.

[18]Approximately 40% of the country-years in our data experience mobilization. Our results are robust to changes in this conceptualization (e.g., omitting demonstrations or riots), as well as a measure of the number of human rights naming and shaming events (i.e., allegations of abuse) in a given country year from Murdie (2009).

create our own estimate of the executive's likelihood of remaining in office using data from Bueno de Mesquita et al. (2003). Our main measure of job insecurity is an estimated function of time-to-date in office, previous trends in leadership change, and economic growth.[19] The resultant measure of job insecurity ranges from 0 (lowest probability of leadership turnover) to 1 (highest probability of leadership turnover). We reverse the scale to create the measure of *Job Security* used in our empirical models. Because, on average, state leaders face a low probability of losing office in any given year, the data are highly right-skewed.[20]

4.2 Error Structure

In order to test our hypotheses, we require two different model specifications. Our first prediction is that judicial effectiveness will have a varying effect on repression depending upon executive job security, regardless of international commitment status. To test this prediction, we interact judicial effectiveness with job security and estimate its effect on the likelihood of repression using a probit model. This model allows us to make predictions across a latent con-

[19] Following Young (2008), we also created two additional measures of job insecurity. Because leadership change in democracies is arguably different than leadership change in autocracies, our first alternative measure of job insecurity accounts for previous trends in irregular leader change, the age of the leader, and the level of democracy of the state. Our second alternative measure of job insecurity accounts for the Cheibub (1998) covariates, as well as previous trends in irregular leader change, the age of the leader, and the level of democracy of the state. Our results are robust to the use of these alternative measures, and we plan to include them in our Online Appendix upon publication.

[20] In our data, we observe leaders with levels of job security ranging from 0.750 to 0.993.

tinuous concept with a binary outcome. This is appropriate for testing our hypothesis because, although our measure is binary, we are conceptually interested in the continuous, latent likelihood that a state engages in systemic torture.[21] Our specification includes all states for which we have data, regardless of IHRT status, since we expect domestic courts to impact the choice of repression irrespective of international treaty obligations.

The second implication of our formal model addresses the effect of IHRT commitment on state repression. We know that CAT commitment is determined at least in part by the covariates predicting torture (Hill 2010, Powell and Staton 2009, Von Stein 2005, Vreeland 2008). If states commit to the CAT only when they face certain combinations of domestic judicial effectiveness, popular mobilization, and executive job security, traditional probit models make it difficult to determine whether CAT-committed states lessen (or heighten) torture as a result of international commitment or as a result of the domestic conditions (cf. Downs, Rocke and Barsoom 1996, Przeworski and Vreeland 2000, Von Stein 2005). As such, selection into IHRTs like the CAT is likely to be non-random, and the elements of the torture decision for which we do not account with the above concepts and measures are likely to be correlated with the errors of the commitment decision.

An estimator must consequently account for the lack of independence in the decisions to

[21] Models in which the dependent variable is dichotomous produce inefficient estimates if there is temporal dependence within the units (Beck, Katz and Tucker 1998). Our results using both probit and the selection model specification described below are robust to the inclusion of either cubic splines and a counter of prior failures, as recommended by Beck, Katz and Tucker (1998), or a third order polynomial time counter, as recommended by Carter and Signorino (2010), to control for temporal dependence.

commit to the CAT and torture. The most obvious solution to this problem is to use a selection model, such that the errors are correlated across the two dependent variables (Heckman 1979). However, there are two reasons why using a typical selection model is inappropriate for our purposes. First, some of the conditions affecting both commitment to international human rights law and compliance with its terms may be unobservable;[22] these factors are difficult to measure, and consequently, to include in a typical selection model. Failing to account for these unobservable factors can result in biased estimates of the effect of IHRTs on state repression (Von Stein 2005). Second, in a standard Heckman selection model, the selection stage (here, commitment to the CAT) determines membership in the outcome stage (systemic torture) because data for non-selected units are typically unobserved. This characteristic prevents us from comparing the effects of institutions in committed states to those in uncommitted states. However, we *do* observe the outcome of interest (repression) in both committed and uncommitted states and want to be able to include that information in our estimates. Instead, studying international treaty compliance involves a different observability problem: it is impossible to observe (1) the level of repression that *would have occurred* in non-signatory states had they committed to an IHRT, and (2) the level of repression that *would have occurred* in IHRT signatory states had they failed to commit.

We use Von Stein's (2005) selection model, which allows us to examine the effect of CAT commitment on torture, as well as the effect of domestic institutions on state torture in committed *and* non-committed states. The estimator is similar to a traditional selection model in that it accounts for observed factors that affect the commitment decision. For our purposes, it is

[22] "Political will", "trust", or a variety of normative concerns are examples of such unobservable elements contributing to both commitment and compliance.

superior to the traditional model because it accounts for unobserved factors affecting the commitment decision and"estimates the outcome equations for signatories and non-signatories separately... [and] does not assume that the independent variables affect the restriction behavior of the two groups in the same manner" (Von Stein 2005, 617). Unlike a typical Heckman (1979) selection model, which estimates separate selection and outcome equations, Von Stein's (2005) selection model allows for the estimation of *three* equations—an equation predicting selection into the CAT, an equation predicting state torture in signatory states, and an equation predicting state torture in nonsignatory states.[23] Consequently, we are able to test our hypotheses about the effect of CAT commitment on the likelihood of repression, accounting for both the observed and unobserved factors that affect state decisions to ratify international law. We are also able to perform an additional test of our first hypothesis about the impact of judicial effectiveness, comparing across those that have and those that have not committed to the CAT.[24]

[23]For additional information on the derivation of the likelihood function, see Von Stein (2005).

[24]Simmons and Hopkins (2005) criticizes the Von Stein (2005) estimator on several grounds. First, selection models are notoriously sensitive to model specification (e.g., Sartori 2003, Signorino and Yilmaz 2003). Our results are highly robust to a myriad of model specifications, including alternative measures of each of our measures. Second, in cases where the independent variables in the selection and outcome equations are the same, the model is identified exclusively on distributional assumptions. Simmons and Hopkins (2005) argue that Von Stein (2005) does not justify the independent variables in her selection equation. In what follows, we explicitly justify our choices and our exclusion restriction. Finally, Von Stein (2005) includes in her selection equation a binary indicator coded "1" in all years following the year of the initial commitment. This indicator is argued to violate the non-quasi complete separation assump-

Because the factors that lead states to commit to IHRTs often lead them to repress, we include measures of Judicial Effectiveness, Mobilization, and Job Security in the selection stage to determine the effect of CAT Commitment on Systemic Torture. Following Powell and Staton (2009), we also include several additional variables known to affect international treaty commitment. Importantly, these factors help us meet the exclusion restriction because they are not known to affect state repression (Sartori 2003, 112). Powell and Staton (2009) include in their empirical model of commitment a measure of the number of international NGOs to which citizens are members within a given country-year (Hafner-Burton and Tsutsui 2005). In part because this measure limits the temporal domain of our analyses and in part because it is related to the state's repression decision, we instead include a measure of the number of *Intergovernmental Organization (IO) Memberships* a state maintains during a given year. This captures a state's general affinity for international obligations, but is unlikely to be related to torture. The measure, *IO membership*, comes from the Intergovernmental Organizations Data Set and ranges from one to ten (Ulfelder 2011). Finally, because international treaty commitment is argued to be in part driven by regional and global norms (Goodliffe and Hawkins 2006, Simmons 2000), we include two measures from Powell and Staton (2009) indicating the percentage of states in the region and the world that have committed to the CAT in a given year. We do not expect these measures to be related to state decisions about whether or not to torture.

Finally, our hypotheses about the likelihood of state repression are conditional, requiring

tion (e.g., Albert and Anderson 1984, Christmann and Rousseeuw 2001, Simmons and Hopkins 2005). We do not include this indicator in our models because states can renege on their commitment to the CAT in any given year. This means that states do not drop out of our sample when they first commit to the IHRT, as they would if we predicted the onset of commitment.

the inclusion of a variety of interaction terms and constituent terms in the outcome equations of our models. We predicted that Job Security will interact with IHRT Membership in its effects on Systemic Torture, as a function of the levels of Judicial Effectiveness already present in the state. Because the Von Stein (2005) selection model accounts for CAT Commitment in the selection stage, we interact two concepts in the outcome equation: Judicial Effectiveness and Job Security. We follow the recommendations of Brambor, Clark and Golder (2006) and include the relevant constituent terms in our outcome equation.

4.3 Empirical Results & Discussion

Table 1 presents estimates of the effect of our independent variables on the probability of Systemic Torture using a probit model to test our first hypothesis. Our measure of Job Security is a predicted value used as an independent variable, so we report bootstrapped standard errors in parentheses in both Table 1 and 2. The coefficient on Judicial Effectiveness is positive and (slightly) statistically significant, indicating that when leaders face the lowest levels of Job Security, an increase in the effectiveness of domestic courts leads to an increased probability of Systemic Torture. The coefficient on *Judicial Effectiveness*Job Security*, however, indicates that the positive effect of courts decreases as authorities become more secure in their hold on power.

Table 1 about here.

Although the coefficients on our interaction terms (and some of their constituent indicators) are significant in Table 1, this does not paint a clear picture as to how the interaction affects the likelihood of Systemic Torture (cf. Brambor, Clark and Golder 2006). To evaluate the mediating effect of Job Security on the relationship between Judicial Effectiveness and Torture,

we plot the effect of Judicial Effectiveness on the probability of Systemic Torture at different levels of Job Security in Figure 2.[25] The solid lines illustrate the predicted effect of Judicial Effectiveness on the probability of Systemic Torture. The estimated effect is statistically significant when the upper and lower bounds of the ninety-five percent confidence intervals (shown with dashed lines) do not encompass the zero line.

[Figure 2 about here.]

The results shown in Figure 2 support our predictions about the effects of domestic courts on Systemic Torture, conditional on Job Security. On average, Judicial Effectiveness has no statistically distinguishable effect on the likelihood of Systemic Torture when Job Security is relatively low. This is consistent with our expectation as outlined in Hypothesis 1: When authorities maintain a sufficiently tenuous hold on power, they prioritize popular threats and are unlikely

[25] To produce Figure 2, we follow Brambor, Clark and Golder (2006) and use Stata's `drawnorm` command to simulate one thousand values of the model's parameters. We used the simulated parameters to calculate the predicted probability of each value of Systemic Torture with Judicial Effectiveness set at zero, Job Security set at 0.9 (since Job Security is heavily skewed right; over 90% of observations are greater than 0.9) and other independent variables in the model set at their means. Next, we calculated the predicted probability of each value of Systemic Torture when Judicial Effectiveness is increased from its minimum in-sample value (0) to its maximum value (1), holding Job Security at zero and all other independent variables constant. We subtracted the first calculated predicted probability from the second predicted probability and repeated this process at each 0.01 interval of Job Security up to a value of 1.0 (its maximum possible value) and graphed the first difference across the observed range of Job Security.

to consider the risk of litigation when making decisions about torture. For leaders concerned about retaining power, the benefits that accrue from the use of torture in the face of a mobilized opposition far outweigh the distant costs associated with the domestic judiciary. As leaders become more secure in office, increases in Judicial Effectiveness significantly *decrease* the likelihood of Systemic Torture. Leaders who expect to be in office well into the future are impacted less by popular challenges and incur higher costs from increases in Judicial Effectiveness and its associated increases in litigation.[26]

Our second hypothesis centers on how authorities respond to the IHRT's effects on domestic politics, particularly as compared to the state's choices absent commitment. Table 2 presents estimates of the effects of the independent variables on Systemic Torture using the Von Stein (2005) estimator. The first column of Table 2 lists our results for CAT-signatory states and the second column for non-signatory states. The parameter ρ measures the extent to which unobservable factors not captured in the selection stage affect the likelihood of Systemic Torture. Likelihood ratio (LR) tests of ρ for signatory states compared to nonsignatory states allow us to reject the null hypothesis that their joint effect is zero (p=0.002), which indicates the presence of selection effects.[27] Although we present the results of the selection stage in the bottom

[26] Using the estimates presented in Table 2, we are able to assess the difference in the influence of Judicial Effectiveness on the likelihood of Systemic Torture, across CAT-committed and non-committed states. The direction of the court's effect is negative, as in Figure 2, in both types of states. Further, the impact of Judicial Effectiveness is significantly more negative in states that have committed to the IHRT ($p = 0.062$). We include these figures in an Online Appendix.

[27] In our results for CAT-committed states, the positive and significant ρ indicates that the unobserved factors that lead countries to commit to the CAT make them more likely to engage in

half of Table 2, we focus our discussion on the results in the outcome equation estimating the probability of Systemic Torture.

Table 2 about here.

Recall that the Von Stein selection model allows us to examine the effects of our independent variables on both IHRT-obligated and non-obligated states. Because of the observability problem, it is impossible to observe in our data the level of Systemic Torture that *would have occurred* in uncommitted states had they chosen to commit to an IHRT, as well as the level of Systemic Tortue that *would have occurred* in IHRT-obligated states had they remained outside of the treaty. To determine the effect of CAT commitment on torture, we must imagine a counterfactual in which all countries that have not committed to the CAT are forced to ratify and look at the difference in their torture practices across these outcomes.

Figure 3 shows the effect of CAT commitment on the probability of Systemic Torture across the range of Job Security. To create the figure, we first estimated the predicted probability of Systemic Torture using the parameters estimated for non-obligated states, with the values of our independent variables set at the means from the non-committed sub-sample. Next, we used the same non-committed values of our independent variables and estimated the predicted probability of Systemic Torture that *would have occurred* had that state ratified the CAT using the parameters estimated for committed states. Although the second type of country does not exist in our observable data, we can observe the effect of the CAT across two states that only differ on one dimension—their commitment status. Figure 3 plots the difference in these val-

Systematic Torture. Here, the positive and significant ρ indicates that the unobserved factors that lead states not avoid CAT commitment make them less likely to engage in Systemic Torture.

ues between signatory and non-signatory states across the observed range of Job Security. This difference "yields the marginal effect of…commitment, independent of selection" (Von Stein 2005, 619). The marginal effect of CAT Commitment is significant across the range of Job Security whenever the ninety-five percent confidence intervals do not encompass the zero line.

[Figure 3 about here.]

Our theory suggests CAT commitment will have a variable effect on repression as a function of job security. When a leader is politically insecure, he must respond to the dangerous pressure of an increased likelihood of mobilization; when secure, he less sensitive to societal pressures and more sensitive to institutional ones, and the IHRT-related increase in judicial effectiveness is likely to lead him to repress less. Figure 3 supports this prediction. State authorities who have a strong hold on power are significantly less likely to engage in systemic torture as a result of the domestic political effects of CAT Commitment. Even at the most conservative prediction at the lowest end of the 95% confidence interval, CAT Commitment decreases the likelihood of Systemic Torture by nearly ten percent. This is a very large substantive effect, particularly given the notable absence of positive effects on human rights practices in previous IHRT studies.

Although we expected insecure leaders to repress more when committed to an IHRT, membership in the CAT does not have a statistically or substantively significant effect on the likelihood of torture when state authorities are relatively vulnerable to removal.[28] The null effect of

[28]Hypothesis 2 predicts that commitment will have no effect on repression where the predictions for repression cross in Figure 1. This is because leaders at this point of job insecurity incur costs from societal and institutional pressures with similar weight, and thus have no clear priority or response to these IHRT-related effects. We find support for this pattern in Figure 3.

IHRTs for relatively insecure leaders may signal that treaties do not increase social mobilization to the extent scholars have suggested. We expected sufficiently insecure leaders to repress more when committed to a treaty because the IHRT would lead groups to demand more. If committed states see only inconsequential increases in mobilization, there is no reason for leaders to respond to either social pressures *or* the threat of institutional punishment. Furthermore, this finding suggests that IHRTs may have an even greater impact on judicial effectiveness than previously expected. In the formal model, Hypothesis 2 is true when the court receives a very small (for instance, $\epsilon = 0.1$) boost in effectiveness from the IHRT. Setting the increase at this low value allowed us to test more conservative predictions empirically. However, as ϵ increases, the positive effect on repression when job security is low goes away, leaving us with a prediction of *no treaty effect* when leaders are vulnerable. The non-effect on the left side of Figure 3 could be a result of a stronger court counterbalancing the effect of a mobilized population.

5 Conclusion & Implications

In this paper, we examine how state authorities navigate conflicting domestic and international pressures when deciding how much to repress. We presented a formal model of international human rights treaty commitment that endogenizes the state decisions to ratify an IHRT and repress, as well as the popular decision to mobilize. The model captures a snapshot of the entire process that leads a state to repress and thereby allows us to draw conclusions about how both domestic *and* international institutions affect state repression. From this model, we use comparative statics to derive predictions as to how domestic courts and IHRTs affect repression as a function of job security which we then test using data on state commitment to the CAT and

torture practices. Using Von Stein's (2005) selection model, not only do we predict the effect of commitment to international law on state repression, but we also estimate the impact of judicial effectiveness in obligated and non-obligated states.

States repress to control mobilized challenges, but authorities also consider the constraining potential of the domestic judiciary; what's more, IHRTs embolden both mobilizing citizens and courts. We argue that authorities balance these incentives depending on their *job security*: leaders vulnerable to turnover will respond to increased mobilization with increased repression, even though it is more likely they will be held accountable for their actions in a domestic court. Conversely, leaders sitting securely in power will repress less to avoid the court costs. Treaties magnify these domestic effects, but only secure leaders consider the court; we find that international treaty commitment has no discernible effect on the state's decision to repress when leaders are vulnerable to removal.

Unlike the dominant trend of scholarship on international human rights law, we find that IHRTs have a *positive* effect on human rights protections in some cases. Scholars have found that domestic institutions can lead to decreased repression, but there has been very little support that international institutions do so. In fact, many scholars have explicitly found treaties to have either no effect on rights practices or even to lead to an increase in violations. In contrast, we have found that, even if international law has the smallest of impacts on domestic politics, these effects can yield a substantively meaningful reduction in rights violations. In particular, secure leaders are more likely than vulnerable ones to feel the domestic political effects of IHRT commitment and reduce repression accordingly.

Domestic courts, if sufficiently independent and powerful, have consistently been found to incentivize states to protect the rights of their citizens, yet we find this is not always the case.

When leaders are insecure in office and face popular mobilization, even very effective domestic courts are unlikely to constrain leaders from rights violations. Leaders who are concerned about losing power must respond to the salient, immediate threat of mobilization, so they respond with repression. Only when leaders are secure in office will they be dissuaded from repression by the potential for litigation costs.

We also contribute to the scholarly understanding of the role of political survival on domestic political processes. Tenure considerations have been found to affect the state's willingness to repress (Ritter 2010, Young 2009), as well as its tactics (Ritter 2010). However, the repression literature, and to our knowledge the larger literature on international relations, has yet to examine how job insecurity mediates the effect of institutions on state action. Our theory implies that job security has a mitigating effect on the ability of domestic institutions to constrain authorities. In particular, we argue and find that institutional constraints differ in salience from behavioral pressures. Authorities must prioritize one over the other as a function of the threat each type of influence represents to his position in power.

Interestingly, authorities who sit securely in power are less likely to repress than more vulnerable leaders. Insecure leaders will repress to control dangerous mobilization in order to stay in power. Neither effective domestic courts nor international treaty obligations can deter vulnerable leaders from this response of self-preservation. As a result, "propping up" vulnerable leaders—even dictators—may actually improve domestic respect for human rights. Although counter-intuitive, supporting leader tenure may actually decrease repression, such that actors are then able to develop domestic and international constraints to a point of effectiveness in a more stable environment for change.

Once leaders are sufficiently secure, they become concerned about the potential for insti-

tutional costs such that both domestic judicial effectiveness and international legal obligations can constrain repressive behavior. Individuals and groups interested in improving rights may be well served by building public support for the domestic judiciary and thereby increasing both the likelihood that aggrieved individuals will litigate and that the court will impose costs on the state. Advocacy groups can also pressure the state to ratify IHRTs, since the obligation may benefit the state but will also lead to domestic effects that improve the state's human rights practices. Finally, concerned individuals should eschew popular mobilization in favor of institutional mechanisms for redress. The state perception that these costs are probabilistic or less salient means that actors can impose costs with a lower risk of repressive response.

Although we focus on the effect of domestic courts in constraining repression, executives should also consider the potential for international adjudication when making decisions about repression. If effective international courts begin to systematically try violators of international human rights law, executives may be dissuaded to violate rights even if their domestic courts are relatively ineffective. Under the CAT's universal jurisdiction clause, for example, executives considering repression may also need to consider potential domestic court costs in states other than their own. In February 2011, human rights groups alleged that former US President George W. Bush cancelled a trip to Switzerland over concerns about being held accountable in Geneva for alleged torture in Guantanamo Bay.[29] If states anticipate the international costs of violations—some of which may be borne even after their removal from office—they will be less likely to engage in repression, even when faced with popular mobilization.

[29] "Bush Cancels Visit to Switzerland Due to Threat of Torture Prosecution, Rights Groups Say." *Huffington Post* 5 February 2011. Available from URL: http://www.huffingtonpost.com/2011/02/05/bush-switzerland-torture_n_819175.html.

References

Albert, A. and J.A. Anderson. 1984. "On the Existence of Maximum Likelihood Estimates in Logistic Regression Models." *Biometrick* 71(1):1–10.

Apodaca, Clair. 2004. "The Rule of Law and Human Rights." *Judicature* 87(6):292–299.

Banks, Arthur S. 2010. *Cross-National Time-Series Data Archive*. Jerusalem, Israel: Databanks International. See URL: http://www.databanksinternational.com.

Beck, Nathaniel, Jonathan N. Katz and Richard Tucker. 1998. "Taking Time Seriously: Time-Series-Cross-Section Analysis with a Binary Dependent Variable." *American Journal of Political Science* 42(4):1260–1288.

Blasi, Gerard J. and David L. Cingranelli. 1996. Do Constitutions and Institutions Help Protect Human Rights? In *Human Rights and Developing Countires*, ed. David L. Cingranelli. Greenwich, CT: JAI Press.

Brambor, Thomas, William Roberts Clark and Matt Golder. 2006. "Understanding Interaction Models: Improving Empirical Analyses." *Political Analysis* 14:63–82.

Bueno de Mesquita, Bruce, Alastair Smith, Randolph Siverson and James D. Morrow. 2003. *The Logic of Political Survival*. Cambridge, MA: MIT Press.

Cameron, Charles M. 2002. Judicial Independence: How Can You Tell It When You See It? And, Who Cares? In *Judicial Independence at the Crossroads: An Interdisciplinary Approach*, ed. Stephen B. Burbank and Barry Friedman. Thousand Oaks, CA: Sage Publications pp. 134–47.

Carter, David and Curtis S. Signorino. 2010. "Back to the Future: Modeling Temporal Dependence in Binary Data." *Political Analysis* Forthcoming.

Cheibub, José. 1998. "Political Regimes and the Extractive Capacity of Governments: Taxation in Democracies and Dictatorships." *World Politics* 50(3):349–376.

Chiozza, Giacomo and H. E. Goemans. 2004. "International Conflict and the Tenure of Leaders: Is War Stil Ex Post Inefficient?" *American Journal of Political Science* 48(3):604–619.

Christmann, Andreas and Peter J. Rousseeuw. 2001. "Measuring Overlap in Logistic Regression." *Computational Statistics and Data Analysis* 37:65–75.

Cingranelli, David L. and David L. Richards. 2010. *The Cingranelli-Richards (CIRI) Human Rights Dataset*. Vol. 2010.08.15. Available at http://humanrightsdata.org.

Conrad, Courtenay R. 2011. "International Treaties, Domestic Institutions, and Divergent Incentives for Dictators to Respect Human Rights." *Journal of Conflict Resolution* Forthcoming.

Conrad, Courtenay R. and Will H. Moore. 2011. Which Government Agencies Torture? Introducing the Ill-Treatment and Torture Data. In *Annual Meeting of the International Studies Association*. Montreal, QC, Canada: .

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. 1984. Obtained from the University of Minnesota Human Rights Library, URL: http://www1.umn.edu/humanrts/.

Cross, Frank B. 1999. "The Relevance of Law in Human Rights Protection." *International Review of Law and Economics* 19:87–98.

Davenport, Christian. 2007*a*. "State Repression and Political Order." *Annual Review of Political Science* 10:1–23.

Davenport, Christian. 2007*b*. *State Repression and the Domestic Democratic Peace*. Cambridge: Cambridge University Press.

Downs, George W., David M. Rocke and Peter N. Barsoom. 1996. "Is the good news about compliance good news about cooperation?" *International Organization* 20(3):379–406.

Finnemore, Martha and Kathryn Sikkink. 1998. "International Norms Dynamics and Political Change." *International Organization* 52(4):887–917.

Forsythe, David P. 1985. "The United Nations and Human Rights, 1945-1985." *Political Science Quarterly* 100(2):249–269.

Gibson, James L., Gregory A. Caldeira and Vanessa A. Baird. 1998. "On the Legitimacy of National High Courts." *American Political Science Review* 92(2):343–58.

Goodliffe, Jay and Darren G. Hawkins. 2006. "Explaining Commitment: States and the Convention Against Torture." *Journal of Politics* 68(2):358–371.

Hafner-Burton, Emilie M. and Kiyoteru Tsutsui. 2005. "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110(5):1373–1411.

Hafner-Burton, Emilie M. and Kiyoteru Tsutsui. 2007. "Justice Lost! The Failure of International Human Rights Law to Matter Where Needed the Most." *Journal of Peace Research* 44(4):207–425.

Hathaway, Oona A. 2002. "Do Human Rights Treaties Make a Difference?" *Yale Law Journal* 111(8):1935–2042.

Hathaway, Oona A. 2007. "Why Do Countries Commit to Human Rights Treaties?" *Journal of Conflict Resolution* 51(4):588–621.

Heckman, James J. 1979. "Sample Selection Bias as a Specification Error." *Econometrica* 47(1):153–161.

Hill, Daniel W. 2010. "Estimating the Effects of Human Rights Treaties on State Behavior." *Journal of Politics* 72(4):1161–1174.

Hollyer, James R. and B. Peter Rosendorff. 2011. "Why Do Authoritarian Regimes Sign the Convention Against Torture? Signaling, Domestic Politics, and Non-Compliance." *Quarterly Journal of Political Science* Forthcoming.

Howard, Robert M. and Henry F. Carey. 2004. "Is an Independent Judiciary Necessary for Democracy?" *Judicature* 87(6):284–.

Keck, Margaret E. and Kathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press.

Keith, Linda Camp. 1999. "The United Nations International Covenant on Civil and Political Rights: Does it Make a Difference in Human Rights Behavior?" *Journal of Peace Research* 36(1).

Keith, Linda Camp. 2002. "Judicial Independence and human rights protection around the world." *Judicature* 85(4):195–201.

King, Gary. 1989. *Unifying Political Methodology: The Likelihood Theory of Statistical Inference.* Cambridge: Cambridge University Press.

King, Gary, Robert O. Keohane and Sidney Verba. 1994. *Designing Social Inquiry: Scientific Inference in Qualitative Research.* Princeton, NJ: Princeton University Press.

Kornhauser, Louis A. 2002. Is Judicial Independence a Useful Concept? In *Judicial Independence at the Crossroads: An Interdisciplinary Approach*, ed. Stephen B. Burbank and Barry Friedman. Thousand Oaks, CA: Sage Publications pp. 9–42.

Kuran, Timur. 1991. "Now Out of Never: The Element of Surprise in the East European Revolution of 1989." *World Politics* 44(1):7–48.

Kurdish Human Rights Project, The. 2010. "NGO Shadow Report for Review of the Syrian Arab Republic under the UN Convention Against Torture.". Accessed February 8, 2011 at URL: http://www.khrp.org/khrp-news/human-rights-documents/doc_details/257-khrps-shadow-report-submission-to-un-cat.html.

Lebovic, James H. and Erik Voeten. 2009. "The Cost of Shame: International Organizations and Foreign Aid in the Punishing of Human Rights Violators." *Journal of Peace Research* 46(1):79–97.

Murdie, Amanda. 2009. "The Impact of Human Rights INGOs on Human Rights Practices." *International NGO Journal* 4(10):421–440.

Murdie, Amanda, David R. Davis and Coty Garnett. 2012. "Makers and Shapers: Human Rights INGOs and Public Opinion." *Human Rights Quarterly* .

Neumayer, Eric. 2003. "Do Human Rights Matter in Bilateral Aid Allocation? A Quantitative Analysis of 21 Donor Countries." *Social Science Quarterly* 84(3):650–666.

Neumayer, Eric. 2005. "Do International Treaties Improve Respect for Human Rights?" *Journal of Conflict Resolution* 49(6):925–953.

Powell, Emilia Justyna and Jeffrey K. Staton. 2009. "Domestic Judicial Institutions and Human Rights Treaty Violations." *International Studies Quarterly* 53(1):149–174.

Przeworski, Adam and James Raymond Vreeland. 2000. "The Effect of IMF Programs on Economic Growth." *Journal of Development Economics* 62(2):385–421.

Ramcharan, B.G. 1989. *The Concept and Present Status of the International Protection of Human Rights: Forty Years After the Universal Declaration*. Martinus Nijhoff Publishers.

Rejali, Darius. 2007. *Torture and Democracy*. Princeton, NJ: Princeton University Press.

Ríos-Figueroa, Julio and Jeffrey K. Staton. 2009. "An Evaluation of Cross-National Measures of Judicial Independence.". Working Draft.

Ritter, Emily Hencken. 2010. "Policy Disputes, Political Survival, and the Propensity to Repress.". Manuscript, available at URL: http://userwww.service.emory.edu/~ehencke/research.html.

Sartori, Anne E. 2003. "An Estimator for Some Binary-Outcome Selection Models Without Exclusion Restrictions." *Political Analysis* 11:111–138.

Signorino, Curtis S. and Kuzey Yilmaz. 2003. "Strategic Misspecification in Repression Models." *American Journal of Political Science* 47(3):551–566.

Simmons, Beth A. 2000. "The Legalization of International Monetary Affairs." *International Organization* 54(3):573–602.

Simmons, Beth A. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge, MA: Cambridge University Press.

Simmons, Beth A. and Daniel J. Hopkins. 2005. "The Constraining Power of International Treaties: Theory and Methods." *American Political Science Review* 99(4):623–631.

Sloss, David, ed. 2009. *The Role of Domestic Courts in Treaty Enforcement*. Cambridge University Press.

Staton, Jeffrey K. 2006. "Constitutional Review and the Selective Promotion of Case Results." *American Journal of Political Science* 50(1):98–112.

Staton, Jeffrey K. and Will H. Moore. 2011. "Judicial Power in Domestic and International Politics." *International Organization* 65(3):553–588.

Tate, C. Neal and Linda Camp Keith. 2007. "Conceptualizing and Operationalizing Judicial Independence Globally.". Paper presented at the Annual Meeting of the American Political Science Association, August 30-September 1, 2007, Chicago, IL.

Tilly, Charles. 1978. *From Mobilization to Revolution*. Reading, MA: Addison-Wesley.

Ulfelder. 2011. *Country Memberships in Selected Intergovernmental Organizations and Accession to Selected Regional and Global Treaty Regimes: Global, Country-Year Format, 1955-2010*. Vol. ICPSR30541-v1 Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor]. doi:10.3886/ICPSR30541.

Vanberg, Georg. 2005. *The Politics of Constitutional Review in Germany*. Cambridge: Cambridge University Press.

Von Stein, Jana. 2005. "Do Treaties Constrain or Screen? Selection Bias and Treaty Compliance." *American Political Science Review* 99(4):611–622.

von Stein, Jana. 2006. "Making Promises, Keeping Promises: Democracy, Ratification, and Compliance in International Human Rights Law.". Draft.

Vreeland, James Raymond. 2008. "Political Institutions and Human Rights: Why Dictatorships enter into the United Nations Convention Against Torture." *International Organization* 62(1):65–101.

Weingast, Barry R. 1997. "The Political Foundations of Democracy and the Rule of Law." *American Political Science Review* 91(2):245–263.

Young, Joseph K. 2008. *Repression, Dissent, and the Onset of Civil War*. Tallahassee, FL: Florida State University. Dissertation.

Young, Joseph K. 2009. "State Capacity, Democracy, and the Violation of Personal Integrity Rights." *Journal of Human Rights* 8(4):283–300.

Proof of Equilibrium Behavior

The players' utility functions are specified in Equations (1) and (2).

When the state is not committed to an IHRT:

The first derivative of $U_L(\neg C)$ with respect to r is $\frac{m\theta(\kappa-1)}{\kappa(m+r)^2} - \varphi$, which is always a maximum $\left(\frac{\partial^2 U_L(\neg C)}{\partial r^2} = -\frac{m\theta}{(m+r)^3}\right)$. $\frac{\partial U_G(\neg C)}{\partial m} = -1 + \frac{r\theta(\kappa-1)}{(m+r)^2\kappa}$, which is always a maximum $\left(\frac{\partial^2 U_G(\neg C)}{\partial m^2} = \frac{(m-r)\theta}{2(m+r)^3}\right)$. Setting both first derivatives equal to zero and solving simultaneously yields

$$m_U \equiv \frac{(\kappa-1)\theta\varphi}{\kappa(1+\varphi)^2} \quad \text{and} \quad r_U \equiv \frac{(\kappa-1)\theta}{\kappa(1+\varphi)^2}.$$

When the state is committed to an IHRT:

The first derivative of $U_L(C)$ with respect to r is $\frac{(\kappa-1)(m+\beta)\theta}{\kappa(m+r)^2} - \varphi - \epsilon$, which is always a maximum $\left(\frac{\partial^2 U_L(C)}{\partial r^2} = -\frac{(m+\beta)\theta}{(m+r)^3}\right)$. $\frac{\partial U_G(C)}{\partial m} = -1 + \frac{(r-\beta)\theta(\kappa-1)}{(m+r)^2\kappa}$, which is always a maximum $\left(\frac{\partial^2 U_G(C)}{\partial m^2} = \frac{(\beta-r)\theta}{(m+r)^3}\right)$. Setting both first derivatives equal to zero and solving simultaneously yields

$$m_C \equiv -\frac{\theta(\epsilon+\varphi) + \kappa(-\theta(\epsilon+\varphi) + \beta(1+\epsilon+\varphi)^2)}{\kappa(1+\epsilon+\varphi)^2} \quad \text{and} \quad r_C \equiv \beta + \frac{(\kappa-1)\theta}{\kappa(1+\epsilon+\varphi)^2}.$$

Finally, L commits when $U_S(C) > U_S(\neg C)$. Plugging the optimal levels of repression and mobilization into the original utility functions, L will commit the state to an IHRT when

$$\frac{1}{2}\left(\theta + 2\mu - 2\beta(\epsilon+\varphi) + \frac{\theta}{(1+\epsilon+\varphi)^2}\right) > \frac{1}{2}\theta\left(1 + \frac{1}{(1+\varphi)^2}\right)$$

which holds true when

$$\mu > \beta(\epsilon+\varphi) + \frac{1}{2}\theta\left(\frac{1}{(1+\varphi)^2} - \frac{1}{(1+\epsilon+\varphi)^2}\right).$$

Comparative Statics

Proof. (Hypothesis 1) The derivatives of L's utility-maximizing levels of repression are

$$\frac{\partial r_U}{\partial \varphi} = -\frac{2\theta(\kappa-1)}{\kappa(1+\varphi)^3} \quad \text{and} \quad \frac{\partial r_C}{\partial \varphi} = -\frac{2\theta(\kappa-1)}{\kappa(1+\epsilon+\varphi)^3}$$

κ is a constant and does not alter the relationship between θ and φ. When $\theta = 0$, φ has no effect on the choice of repression, and as θ increases, the effect becomes increasingly negative. □

Proof. (Hypothesis 2) A committed state represses less than an uncommitted state when $r_U > r_C$, which is true when

$$\theta > \frac{\kappa\beta(1+\varphi)^2(1+\epsilon+\varphi)^2}{\epsilon(\kappa-1)(2+\epsilon+2\varphi)}.$$

This cutpoint falls between 0 and 1 (the range of θ) when

$$\beta \leq \frac{1}{2}\left(\frac{1}{(1+\varphi)^2} - \frac{1}{(1+\epsilon+\varphi)^2}\right)$$

. □

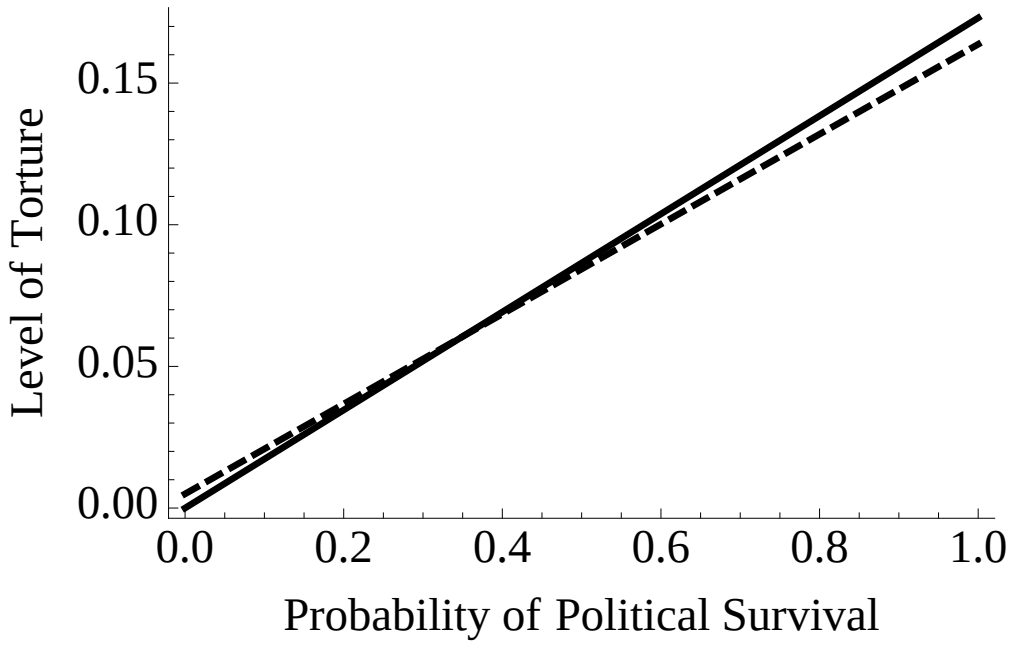

Figure 1: Equilibrium level of repression across the possible range of the probability of political survival (θ). The solid line represents repression when the state has not committed to an international human rights treaty (r_U), and the dashed line represents repression under commitment (r_C). The other parameters are set at $\kappa = 2$, $\rho = 0.7$, $\epsilon = 0.075$, and $\beta = 0.005$.

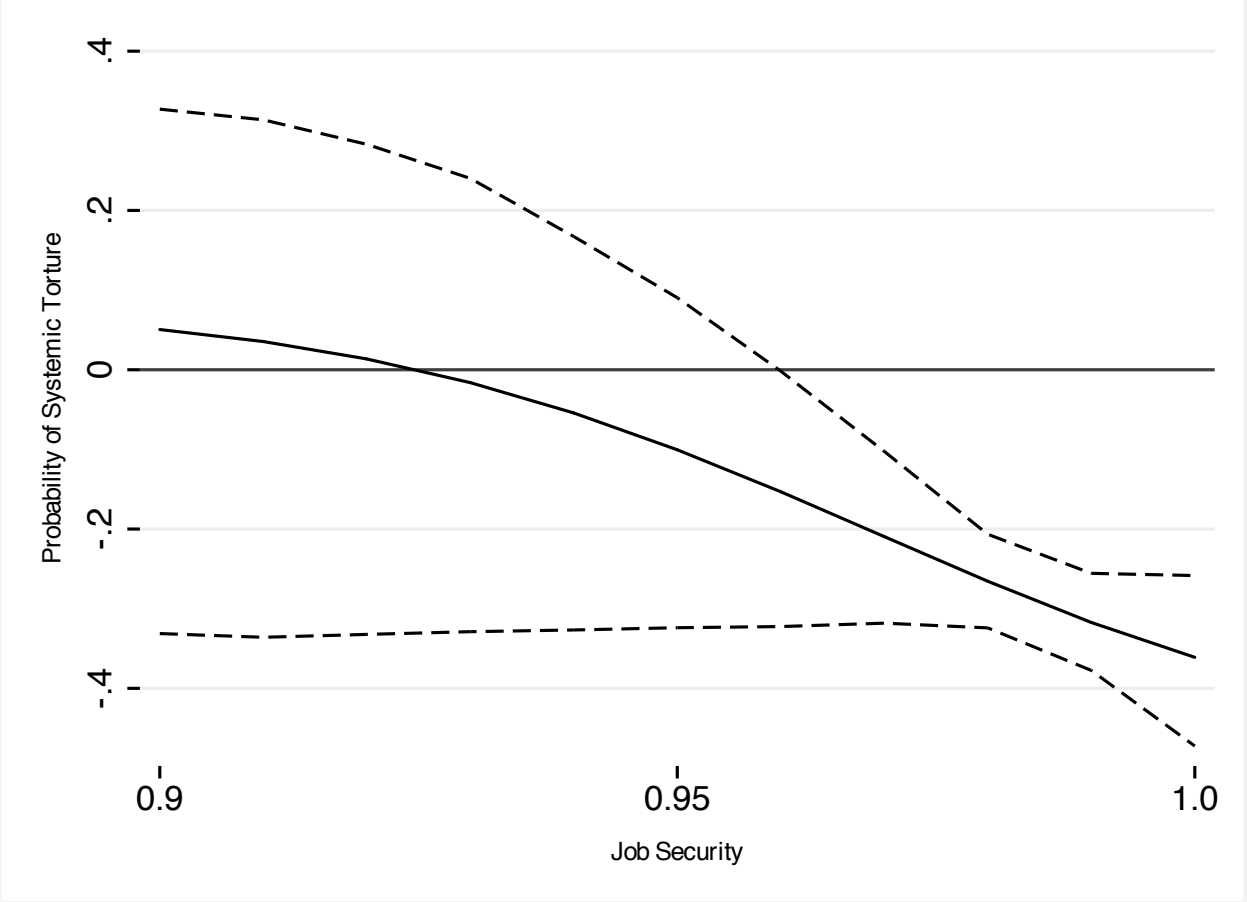

Figure 2: Effect of Judicial Effectiveness on Pr(Systemic Torture) as Job Security Increases

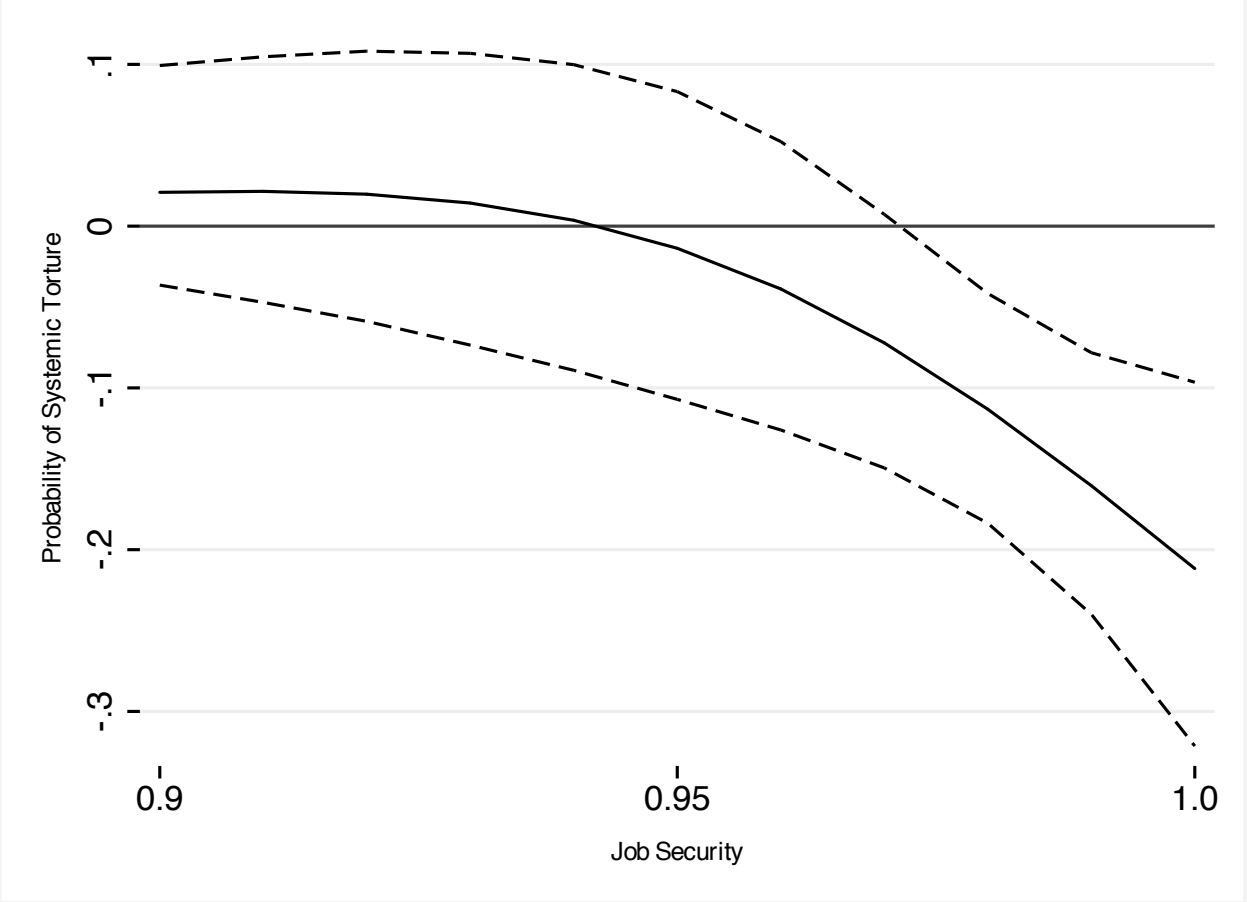

Figure 3: Effect of CAT Commitment on Pr(Systemic Torture) as Job Security Increases

Table 1: Effect of Domestic Judicial Effectiveness on Systemic Torture

$Judicial\ Effectiveness_t$	14.279
	(7.522)
$Job\ Security_t$	21.790*
	(7.506)
$Judicial\ Effectiveness_t * Job\ Security_t$	-15.325
	(7.623)
$CAT\ Commitment_{t-1}$	0.246*
	(0.057)
$Mobilization_t$	0.795*
	(0.074)
$Constant$	-21.519*
	(7.332)
$Log-likelihood$	-1186.712
N	1994

NOTES: * Significant within 95% CI. Bootstrapped standard errors in parentheses. Sample size: 161 countries from 1990 to 2004. Results are robust to the inclusion of third order polynomial time counters or cubic splines to account for temporal dependence.

Table 2: Effect of CAT Commitment on Systemic Torture

Outcome DV: Systemic Torture	Signatories	Non-Signatories
$Judicial\ Effectiveness_t$	31.501*	-6.933
	(11.901)	(13.622)
$Job\ Security_t$	28.192*	3.171
	(11.748)	(11.355)
$Judicial\ Effectiveness_t * Job\ Security_t$	-32.979*	6.521
	(12.096)	(13.843)
$Mobilization_t$	0.667*	0.815*
	(0.087)	(0.101)
$Constant$	-27.685*	-3.043
	(11.562)	(11.212)
Selection DV: CAT Commitment		
$Judicial\ Effectiveness_t$	0.141*	
	(0.064)	
$Job\ Security_t$	-17.826*	
	(4.100)	
$Mobilization_t$	0.008	
	(0.063)	
$IO\ Membership_t$	0.137*	
	(0.017)	
$Regional\ Commitment\ Rate_t$	1.743*	
	(0.227)	
$Global\ Commitment\ Rate_t$	1.188*	
	(0.408)	
$Constant$	15.918*	
	(4.062)	
ρ	0.380*	0.397*
	(0.152)	(0.175)
$Log-pseudo\ likelihood$	-2358.648	-2358.648
N	1980	1980

NOTES: * Significant within 95% CI. Sample size: 161 countries from 1990 to 2004. Results are robust to the inclusion of third order polynomial time counters or cubic splines to account for temporal dependence. ρ measures sample selection and ranges from -1 to 1.