

Comparative Politics and Human Rights

Todd Landman*

I. INTRODUCTION

The academic study of human rights since the 1948 UN Declaration has flourished considerably, a process that has increasingly involved a variety of disciplines from the legal, social, and human sciences including traditional and critical legal studies, political science, philosophy, anthropology, sociology, history, psychology, economics and environmental sciences. Despite the claim and desire to make the study of human rights truly interdisciplinary, much work is still needed in examining the contribution that particular disciplines can make to understanding key issues in the field. Within political science, normative and empirical studies seek to establish the rational, cultural, and structural foundations for human rights, their possible relationships with democracy, and the key factors that help explain the global variation in their protection.

The field of comparative politics has much to contribute to this important area of research both in substantive and methodological terms. Comparative politics fits well with the theory and practice of human rights because it is based upon the cross-cultural comparison of individual nation states in an effort to explain and understand the different ways in which

* Todd Landman received his B.A. from the University of Pennsylvania, his M.A. from Georgetown, and an M.A. from Colorado. He received a Ph.D. from the University of Essex. He is a Senior Lecturer in the Department of Government and Deputy Director, Human Rights Centre at the University of Essex. He is the author of *Issues and Methods in Comparative Politics* (Routledge 2000), the co-author (with Professor Joe Foweraker) of *Citizenship Rights and Social Movements: A Comparative and Statistical Analysis* (Oxford University Press 1997), co-author (with Joe Foweraker and Neil Harvey) of *Governing Latin America* (Polity Press 2003) and has published articles and reviews in *The British Journal of Political Science*, *International Studies Quarterly*, *Political Studies*, *Electoral Studies*, *International Comparative Law Quarterly*, *Journal of Latin American Studies*, *West European Politics*, *Democratization*, and *Human Rights and Human Welfare*.

human rights are promoted and protected. In contrast to some skeptics,¹ it accepts that valid comparisons can be made between and among different countries to examine empirically the universal claims for human rights that are made normatively.² Starting from this basic assumption, this article seeks to demonstrate how comparative politics can establish the methodological rigor from which substantive inferences about human rights protection can be made. It does so through outlining the purpose of comparison, differentiating comparative methods available to human rights researchers, and reviewing exemplars from the extant political science literature on human rights.

II. THE PURPOSE OF COMPARISON

The comparison of countries centers on four main objectives: (1) contextual description, (2) classification, (3) hypothesis testing, and (4) prediction. Contextual description allows political scientists to learn about the historical events, important actors, cultural aspects, among other elements in countries with which they have little or no prior knowledge. Typically, such contextual description does not seek to make larger inferences beyond the confines of the study's immediate focus. Classification seeks to simplify the world of politics through providing the researcher with "data containers" into which empirical evidence is organized.³ Indeed, from Aristotle to Samuel Finer, political observers and political scientists have sought to classify regimes, regime transitions, modes of political behavior, classes of

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1. See, e.g., Alasdair MacIntyre, *Is a Science of Comparative Politics Possible?*, in *AGAINST THE SELF-IMAGES OF THE AGE* 260–79 (1971); ALASDAIR MACINTYRE, *AFTER VIRTUE: A STUDY IN MORAL THEORY* 67 (1981); Michael Freeman, *Is a Political Science of Human Rights Possible?*, 19 *NETH. Q. HUM. RTS.* 123 (2001). MacIntyre has argued that the contextual specificities of different nation states and cultures preclude a science of politics that can discover Hempelian "covering laws," and that human rights do not exist either as principles or objects of enquiry. While Freeman is not skeptical of human rights themselves, he does see an unresolved tension between the positivist foundation of behavioral social science and the natural law tradition in the field of human rights.
 2. The term "normative" is understood in two ways: (1) as legal norms that maintain a certain objectivity of law that is free from political and social construction, or influence, and (2) as moral and ethical norms in political theory, which inform larger statements about how political systems ought to be organized. See Daryl Glaser, *Normative Theory*, in *THEORY AND METHODS IN POLITICAL SCIENCE* 21–41 (David Marsh & Gerry Stoker eds., 1995); Martti Koskeniemi, *The Politics of International Law*, 1 *EUR. J. INT'L L.* 4,6 (1990), reprinted in HENRY J. STEINER & PHILIP ALSTON, *INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS, MORALS* 50–52 (1996); KIMBERLY HUTCHINGS, *INTERNATIONAL POLITICAL THEORY* (1999).
 3. Giovanni Sartori, *Concept Misinformation in Comparative Politics*, 64 *AM. POL. SCI. REV.* 1033 (1970).

people, events, among other factors, in an effort to clarify and simplify the world of politics.⁴ Hypothesis testing helps eliminate rival explanations about particular events, actors, and structures in an effort to help build more general theories. Since comparativists cannot manufacture their own counterfactuals, comparing across a range of countries or time periods provides a “quasi-experimental” situation of control test rival hypotheses.⁵ Finally, the generalizations that result from comparing countries help predict likely outcomes in other countries not included in the original comparison, or outcomes in the future, given the presence of certain antecedent factors.

These four functions of comparative politics are not mutually exclusive, and in most instances, they are cumulative such that classification requires description, hypothesis testing requires description and classification, and prediction needs all three. This cumulative nature of these four functions is evident in many popular comparative studies. For example, in *Problems of Democratic Transition and Consolidation*, Linz and Stepan describe different periods of democratic transition and consolidation, provide a classification of regime types that precede the moment of transition, test rival hypotheses about the key factors that affect the period of consolidation, and offer tentative predictions about problems that are likely to confront other countries going through similar process of democratization.⁶ These functions are directly related to different methods of comparison, which allow scholars to make larger inferences about the political world they observe. It is to the consideration of these different comparative methods that the discussion now turns.

III. METHODS OF COMPARISON

The central distinction between different comparative methods depends on the key trade-off between the level of abstraction and the scope of countries that are under study.⁷ In general, the higher the level of conceptual abstraction, the more potential there is for the inclusion of a large number of

4. In the case of Aristotle, such classifications lead to normative prescriptions about forms of government, while in the case of Finer, regime classification allows for pattern recognition of governmental forms across thousands of years of history. See S.E. FINER, *THE HISTORY OF GOVERNMENT* (1997).

5. DONALD T. CAMPBELL & JULIAN C. STANLEY, *EXPERIMENTAL AND QUASI-EXPERIMENTAL DESIGNS FOR RESEARCH* (1963).

6. JUAN J. LINZ & ALFRED STEPAN, *PROBLEMS OF DEMOCRATIC TRANSITION AND CONSOLIDATION: SOUTH AMERICA, SOUTHERN EUROPE, AND POST-COMMUNIST EUROPE* (1996).

7. Peter Mair, *Comparative Politics: An Overview*, in *THE NEW HANDBOOK OF POLITICAL SCIENCE* 309–35 (Robert E. Goodin & Hans-Dieter Klingemann eds., 1996).

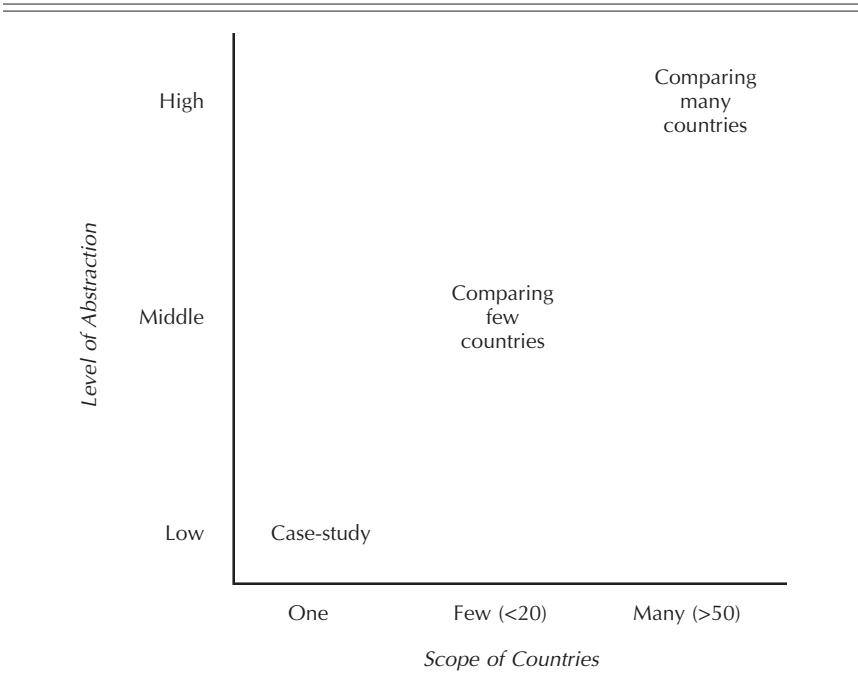
countries in a study, where political science concepts seek to “travel” across different contexts.⁸ Alternatively, focus on one case or a few cases means that the researcher can use less abstract concepts that are more grounded in the specific contexts under scrutiny. For example, in the study of democratic institutions, a comparison of many countries may use a simple dichotomy between “presidential” or “parliamentary” political systems.⁹ On the other hand, a comparison of Latin American political systems would have to adopt more refined categories of presidentialism (e.g. strong vs. weak) because all the countries in the region are presidential.¹⁰ Further, refinements of the concept of presidentialism could be made in order to fit the nuances of a particular case, such as the United States.

Figure 1 summarizes these methods of comparison by showing this trade-off between the level of abstraction and the scope of countries.¹¹ The cells identifying each method are determined by the intersection between the level of abstraction (high, middle, and low) and the scope of countries (one, few, and many). The figure is a heuristic device to illustrate this trade-off in stark terms. In reality, the lines of distinction between the various methods are more blurred. Some studies may use highly abstract concepts, yet ground their study in the single cases, while others may combine several different methods in the same study. Much rational choice work posits universal categories of human action and choice, while the empirical testing of the formal theories tends to be done in single cases, such as Colomer and Pascual’s study of the Polish democratic transition.¹² On the other hand, in *Agrarian Revolution*, Jeffrey Paige compares many countries at once to uncover the structural determinants of revolutionary activity in the world, and then compares the specific cases of Angola, Vietnam, and Peru to see if the cross-national findings hold at the local level.¹³

This representation of comparative methods differs from that outlined in previous work on comparative politics in two important ways: (1) it includes all three methods under the comparative umbrella, and (2) it seeks to

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8. Sartori, *Concept Misinformation in Comparative Politics*, *supra* note 3; Giovanni Sartori, *Compare Why and How: Comparing, Miscomparing, and the Comparative Method*, in *COMPARING NATIONS: CONCEPTS, STRATEGIES, SUBSTANCE* 14 (Mattei Dogan & Ali Kazancigil eds., 1994).
 9. Alfred Stepan & Cindy Skach, *Presidentialism and Parliamentarism in Comparative Perspective*, in *THE FAILURE OF PRESIDENTIAL DEMOCRACY* 119–36 (Juan J. Linz & Arturo Valenzuela eds., 1994).
 10. See MARK P. JONES, *ELECTORAL LAWS AND THE SURVIVAL OF PRESIDENTIAL DEMOCRACIES* (1995).
 11. Figure 1 draws on the distinctions made in G. Sartori, *Concept Misinformation in Comparative Politics*, *supra* note 3, and Mair, *supra* note 7.
 12. Josep Maria Colomer & Margot Pascual, *The Polish Games of Transition*, 27 *COMMUNIST AND POST-COMMUNIST STUD.* 275 (1994).
 13. JEFFREY M. PAIGE, *AGRARIAN REVOLUTION: SOCIAL MOVEMENTS AND EXPORT AGRICULTURE IN THE UNDERDEVELOPED WORLD* (1975).

FIGURE 1
Methods of Comparison



eliminate the confusing distinction between “large-*n*” and “small-*n*” comparisons. These two points are considered in turn. Arend Lijphart, among others, refers to comparing many countries using quantitative analysis as the “statistical” method; and comparing few countries using qualitative analysis as the “comparative method,” while single case studies are seen by their nature not to be comparative but having comparative merit.¹⁴ There are examples of many-country comparisons that do not use statistical techniques, few-country comparisons that do, case studies that either use concepts applicable to other countries, develop new concepts that may become applicable in other countries, and/or embed their studies in a

14. Arend Lijphart, *Comparative Politics and Comparative Method*, 65 *AM. POL. SCI. REV.* 682–93 (1971); David Collier, *New Perspectives on the Comparative Method*, in *COMPARATIVE POLITICAL DYNAMICS: GLOBAL RESEARCH PERSPECTIVES* 9–12 (Dankwart A. Rustow & Kenneth Paul Erickson eds., 1991); B. GUY PETERS, *COMPARATIVE POLITICS: THEORY AND METHODS* (1998).

comparative context.¹⁵ Thus, many of the distinctions in the comparative literature exclude certain categories of comparison. This article argues that if the research strives to make larger inferences about politics through some form of comparison and uses concepts applicable to more than the case under study, then it is deemed comparative.¹⁶

Second, comparing many countries is commonly referred to as a “large-n” comparison, and comparing few countries is referred to as a “small-n” comparison, where n is the number of cases. As Eckstein rightly observes, it is possible to have a single case study with many observations, such as six general elections, or 2,000 respondents in a national survey.¹⁷ Indeed, Putnam’s *Making Democracy Work* compares many regions within Italy, making his study a single case study that draws inferences from a large-n.¹⁸ To prevent confusion, n should always be used to denote the number of observations.¹⁹ For example, Burkhart and Lewis-Beck compare 131 countries from 1972 to 1989 (n = 2,358), and Foweraker and Landman compare Brazil (from 1964 to 1990), Chile (from 1973 to 1990), Mexico (from 1963 to 1990), and Spain (from 1958 to 1983), producing n = 99 (the total number years compared from adding all four cases).²⁰ While the former study compared many countries and the latter a few countries, both could be considered “large-n” comparative studies. Thus, comparative studies should be identified simply by the number of countries they compare: one, few, or many.

Empirical research in the field of human rights is particularly suited for comparative analysis since the international human rights community has set an ideal and legal standard of rights that ought to be protected in all countries of the world. This ideal standard is laid out in a series of international legal instruments to which countries can become signatories, such as the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Prevention and Punishment of the Crime of Genocide,

15. Sartori, *Compare Why and How: Comparing, Miscomparing, and the Comparative Method*, *supra* note 8.

16. See also Mark Irving Lichbach & Alan S. Zuckerman, *Research Traditions and Theory in Comparative Politics: an Introduction*, in *COMPARATIVE POLITICS: RATIONALITY, CULTURE, AND STRUCTURE* 3, 4 (Mark Irving Lichbach & Alan S. Zuckerman eds., 1997).

17. Harry Eckstein, *Case-study and Theory in Political Science*, 7 *HANDBOOK OF POLITICAL SCIENCE: STRATEGIES OF INQUIRY* 85 (Fred I. Greenstein & Nelson W. Polsby eds., 1975).

18. ROBERT D. PUTNAM, *MAKING DEMOCRACY WORK: CIVIC TRADITIONS IN MODERN ITALY* (1993).

19. See GARY KING ET AL., *DESIGNING SOCIAL INQUIRY: SCIENTIFIC INFERENCE IN QUALITATIVE RESEARCH* (1994).

20. Ross E. Burkhart & Michael S. Lewis-Beck, *Comparative Democracy: The Economic Development Thesis*, 88 *AM. POL. SCI. REV.* 903, 904 (1994); JOE FOWERAKER & TODD LANDMAN, *CITIZENSHIP RIGHTS AND SOCIAL MOVEMENTS: A COMPARATIVE AND STATISTICAL ANALYSIS* (1997).

etc.²¹ As of 1999, there are between 125 and 191 countries that are signatories to these various instruments.²² Yet, global evidence suggests that “there are more countries in the world today where fundamental rights and civil liberties are regularly violated than countries where they are effectively protected.”²³ This disparity between official proclamations and actual implementation of human rights protection is a fruitful area for comparative research, where the gap between so-called “rights in principle” and “rights in practice” can be compared across any number of countries to uncover key explanatory factors that may account for this difference.²⁴ Moreover, the accumulation of information on human rights protection in the world and the inferences drawn from the systematic comparison of countries can serve as the basis for the continued development of human rights policy, advocacy, and education.²⁵

While the academic study of human rights tends to be dominated by single-country studies, the increased availability of global data, regional summaries, and national reports allows for few- and many-country comparisons to be carried out that seek to explain the degree to which human rights

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21. International Covenant on Civil and Political Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (*entered into force* 23 Mar. 1976); International Covenant on Economic, Social and Cultural Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (*entered into force* 3 Jan. 1976); Convention on the Prevention and Punishment of the Crime of Genocide, *adopted* 9 Dec. 1948, 78 U.N.T.S. 277 (*entered into force* 12 Jan. 1951) (*entered into force for U.S.* 23 Feb. 1989).

There remain unresolved problems with the ontological and epistemological status of human rights that transcend political theory, philosophy, and anthropology. However, within these disciplinary communities, many scholars argue for minimal and pragmatic understandings of human rights as the respect for human dignity and protection from the permanent threat of abuse, whether that understanding is in terms of Western derived concepts of rights or their “homeomorphic” equivalents. Such homeomorphic equivalents in anthropology are akin to “functional equivalents” in political science. See Alison Dundes Renteln, *Relativism and the Search for Human Rights*, 90 AM. ANTHROP. 64 (1988); Susan Mendus, *Human Rights in Political Theory*, 43 POL. STUD. 10–24 (1995); MATTEI DOGAN & DOMINIQUE PELASSY, *HOW TO COMPARE NATIONS: STRATEGIES IN COMPARATIVE POLITICS* (1990); Franz von Benda-Beckmann, *Human Rights, Cultural Relativism and Legal Pluralism* (Paper presented at the Conference on Law and Anthropology, Centre for Socio-Legal Studies, Wolfson College, Oxford, 1 Dec. 2000) (on file with author).

22. UNITED NATIONS DEVELOPMENT PROGRAMME, *HUMAN DEVELOPMENT REPORT 1999* (2000).
23. A.H. ROBERTSON & J.G. MERRILLS, *HUMAN RIGHTS IN THE WORLD: AN INTRODUCTION TO THE STUDY OF THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS* 2 (1996).
24. See FOWERKAER & LANDMAN, *supra* note 20.
25. Barrett R. Rubin & Paula R. Newberg, *Statistical Analysis for Implementing Human Rights Policy*, in *THE POLITICS OF HUMAN RIGHTS* 269 (P.R. Newberg ed., 1980); Richard P. Claude & Thomas B. Jabine, *Exploring Human Rights Issues with Statistics*, in *HUMAN RIGHTS AND STATISTICS: GETTING THE RECORD STRAIGHT* 5 (Thomas B. Jabine & Richard P. Claude eds., 1992).

are protected. Like other topics in political science, the same problems of comparison apply to the study of human rights, including measurement and operationalization, internal and external validity, case selection, qualitative vs. quantitative analysis, among others. The remainder of this article demonstrates in greater detail the methodological trade-offs associated with each method of comparison, how these methods have been applied to key topics in the field of human rights, and what substantive conclusions can be drawn about the promotion and protection of human rights.

IV. COMPARING MANY COUNTRIES

Comparing many countries most closely approximates the experimental method of science, since it is particularly suited to quantitative analysis through measurement and analysis of aggregate data collected on many countries.²⁶ This method of comparison requires a higher level of abstraction in its specification of concepts in order to include as many cases as possible. Its main advantages include statistical control to rule out rival explanations, extensive coverage of cases, the ability to make strong inferences, and the identification of “deviant” cases or “outliers.” Comparing many countries is referred to as “variable-oriented,” since its primary focus is on “general dimensions of macro-social variation” and the relationship between variables at a global level of analysis.²⁷ The extensive coverage of cases allows for stronger inferences and theory building, since a given relationship can be demonstrated to exist with a greater degree of certainty. For example, Gurr demonstrates that levels of civil strife across 114 countries are positively related to the presence of economic, political, short-term, and long-term deprivation, whose independent effects account for 65 percent of the variation in civil strife across the countries.²⁸ More recently, Helliwell has shown that for 125 countries from 1960 to 1985, there is a positive relationship between per capita levels of income and democracy. After controlling for the differences between Organization for Economic Cooperation and Development (OECD) countries, Middle Eastern

26. See Lijphart, *Comparative Politics and Comparative Method*, *supra* note 14. Although there are examples of qualitative comparisons of many countries, the majority of studies that compare many countries simultaneously use quantitative methods. For qualitative global comparisons, see SAMUEL P. HUNTINGTON, *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF THE WORLD ORDER* (1996); FINER, *supra* note 4.

27. See Charles Ragin, *Introduction to Qualitative Comparative Analysis*, in *THE COMPARATIVE POLITICAL ECONOMY OF THE WELFARE STATE* 299, 300–9 (Thomas Janoski & Alexander M. Hicks eds., 1994).

28. Ted Robert Gurr, *A Causal Model of Civil Strife*, 62 *AM. POL. SCI. REV.* 1015 (1968); see also David Sanders, *Behavioural Analysis*, in Marsh & Stoker, *supra* note 2.

oil-producing countries, Africa, and Latin America, this relationship is demonstrated to hold for about 60 percent of the countries.²⁹

A second advantage of comparing many countries lies in the ability to identify so-called "deviant" cases, or "outliers." These are countries whose values on the dependent variable (e.g. levels of civil strife or democracy in the examples above) are different than expected, given the values on the independent variables (e.g. levels of deprivation or per capita income). For Gurr these outliers include highly unequal societies with no civil strife, or highly equal societies with high civil strife, while for Helliwell they are poor democracies (e.g. Costa Rica) or rich authoritarian countries (e.g. Saudia Arabia).³⁰ Building on Gurr's earlier work in the field of conflict studies, Muller and Seligson use a simple scatter plot to test the positive relationship between income inequality and political violence in sixty countries and to identify those countries that fit the theory. In the analysis, Brazil, Panama, and Gabon were found to have a lower level of political violence than was expected for the relatively high level of income inequality. On the other hand, the UK was found to have a particularly high level of political violence given its relatively low level of income inequality. By identifying these "outliers," scholars can look for other explanations that account for their deviance (e.g., the Northern Ireland conflict in the case of the UK) and can remove them from their analysis to make more accurate predictions with the remaining cases.³¹

Qualitative comparison of many countries is more difficult for two reasons. First, qualitative analysis generally requires a richer level of information, such as deep history of all the cases, which is often difficult to collect and synthesize. Indeed, Finer's attempt to compare regime types over 5,000 years and across the globe represents a monumental task that occupied many years and produced a three-volume study with 1,700 pages.³² Second, it is more difficult to draw strong inferences from these data since they cannot be subjected to statistical analysis of the kind that supports more general statements. Thus, Finer is able to describe and analyze different regime types as they have appeared in history to show how those in existence today are products of innovations from the past, but he is unable (or unwilling) to make any larger causal inferences. Even though he "privilege[s] those governmental innovations that are still relevant today,"

29. John F. Helliwell, *Empirical Linkages between Democracy and Economic Growth*, 24 BRITISH J. POL. SCI. 225 (1994).

30. *Id.*; see also Gurr, *supra* note 28.

31. Edward N. Muller & Mitchell A. Seligson, *Inequality and Insurgency*, 81 AM. POL. SCI. REV. 425, 436 (1987).

32. FINER, *supra* note 4.

he is adamant in stating that these regime types are not the product of a process of "linear evolution."³³

Despite the advantages of comparing many countries, there are some distinct disadvantages, including the availability of data, the validity of measures, and the mathematical and computing skills needed to analyze data. First, collecting relevant data on the independent nation states of the world can be difficult and time-consuming. Aggregate data are often published only for selected years or selected countries, making comprehensive comparison difficult. In the past, students had to rely on statistical abstracts and yearbooks produced by governments and international organizations, but the advent of the World Wide Web has made the search for data much easier. Second, measuring concepts from political science is difficult and can affect the validity of the measures. Valid measures closely approximate the true meaning of a concept, or what the researcher thinks he or she is measuring.³⁴ For example, the literature on economic development and democracy tends to measure economic development with a country's level of per capita gross domestic product. But some argue that this measure does not take into account the distribution of income, which is also needed in order to capture the nature of a country's level of development. Like economic development, democracy tends to be measured in a variety of ways. For example, Freedom House (www.freedomhouse.org) uses abstract scales that measure the degree to which political and civil liberties are protected; Vanhanen measures democracy by combining the vote share of the smallest party with the level of electoral turnout; Banks measures the presence of democratic institutions, such as the competitiveness of the nomination process, executive effectiveness, legislative effectiveness, legislative selection, and party legitimacy.³⁵ Many argue that this plethora of democratic measures highlights problems of validity, where the measure adopted reflects an underlying normative assumption about the meaning of the concept.³⁶

Global studies of human rights protection draw on the longer tradition of comparative research on the "pre-requisites" of modern democracy, which seeks to measure democracy and find its economic "correlates."³⁷

33. *Id.* at 88–89.

34. See KING ET AL., *supra* note 19, at 25.

35. TATU VANHANEN, *THE PROSPECTS OF DEMOCRACY* 35 (1997); ARTHUR S. BANKS, *CROSS-POLITY TIME-SERIES DATA ARCHIVE* (1994).

36. See Todd Landman, *Economic Development and Democracy: The View from Latin America*, 47 *POL. STUD.* 616 (1999).

37. See, e.g., Seymour Martin Lipset, *Some Social Requisites of Democracy: Economic Development and Political Legitimacy*, 53 *AM. POL. SCI. REV.* 69 (1959); Helliwell, *supra* note 29; Burkhart & Lewis-Beck, *supra* note 20; Todd Landman, *ISSUES AND METHODS IN COMPARATIVE POLITICS* 66–71 (2000).

Like the research on democracy, human rights research in this area begins by measuring the protection of human rights in a way that is comparable across a global selection of countries and then examines the explanatory factors that account for its cross-national variation. While the reporting of human rights violations in various parts of the world suggests which areas may have the most problems, establishing equivalent measures is often problematic for ethical, methodological, and political reasons. Ethically, it can be dehumanizing to use statistics to analyze violations of human rights³⁸ and it is difficult to judge the relative weight of one type of violation over another, thereby committing some form of moral relativism. Methodologically, raw numbers of violations are continuous without an upper limit, which can make them intractable for comparative purposes,³⁹ while the level of available information on violations ranges from an ideal of full information to only those violations that are reported by the international press.⁴⁰ Politically, international governmental and non-governmental organizations refuse to rank the countries for fear of recrimination and loss of credibility. Indeed, the United Nations Development Programme (UNDP) came under strong political criticism for its 1991 *Human Development Report*, which used a measure of human rights that ranked all UN member states.⁴¹ For these reasons, NGOs such as Amnesty International refuse to rank the countries in their *Annual Reports*.

While cognizant of these concerns, global comparisons start from the assumption that human rights can be "more or less" protected in nation states, and that this "more or less" can be measured in some fashion. Accepting the tentative nature of these measurements, comparative human rights scholars who use statistical methods agree with Strouse and Claude's argument that "to forswear the use of available, although imperfect, data does not advance scholarship."⁴² To date, global comparisons tend to concentrate on a narrow conception of human rights that includes more salient violations such as torture, extrajudicial killings, political imprisonment,

38. See Claude & Jabine, *supra* note 25.

39. See Herbert F. Spiner, *Violations of Human Rights-How Many?*, 49 AM. J. ECON. & SOC. 199 (1990).

40. See Kenneth A. Bollen, *Political Rights and Political Liberties in Nations: An Evaluation of Rights Measures, 1950 to 1984*, in Jabine & Claude, *supra* note 25, at 188, 198.

41. See Russell L. Barsh, *Measuring Human Rights: Problems of Methodology and Purpose*, 15 HUM. RTS. Q. 87-121 (1993).

42. James C. Strouse & Richard P. Claude, *Empirical Comparative Rights Research: Some Preliminary Tests of Development Hypotheses*, in COMPARATIVE HUMAN RIGHTS 51, 52 (Richard P. Claude ed., 1976). This sentiment has been reiterated recently and more generally by King, Keohane, and Verba, who provide strategies for reducing the presence of systematic error in any research project, while reporting uncertainty in the findings. See KING, KEOHANE & VERBA, *supra* note 19.

and disappearances.⁴³ These categories, considered to comprise life integrity violations, are coded on a standard scale.⁴⁴ One popular measure is known as the “political terror scale,” which scores a country according to the frequency of these violations, and ranks countries from low protection of rights (i.e., frequent violations) to high protection of rights (no violations).⁴⁵ Most studies treat the components of the political terror scale as having equal value, while some argue that violations of these rights are sequentially ordered from least to most egregious.⁴⁶ Whatever the case, the components are aggregated into a single score, which serves as a dependent variable for which a variety of independent variables are specified and tested using advanced statistical techniques. The key explanatory variables identified in these studies include socio-economic factors such as wealth, the pace of development, and population size, and political factors such as the form of government (democracy, autocracy, transitional, leftist, or military), previous levels of repression, and involvement in international or domestic conflict.

Some studies examine the relationship between these explanatory variables and the protection of human rights by comparing a selection of countries synchronically, while others compare across space and time.⁴⁷

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43. Strouse & Claude's, *supra* note 42, pioneering work in this area is a notable exception, which uses the political and civil liberties measure devised by Raymond D. Gastil, later taken over by Freedom House.
 44. See, e.g., Neil J. Mitchell & James M. McCormick, *Economic and Political Explanations of Human Rights Violations*, 40 *WORLD POL.* 476–98 (1988); Steven C. Poe & C. Neal Tate, *Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis*, 88 *AM. POL. SCI. REV.* 853–72 (1994); Steven C. Poe et al., *Repression of the Human Right to Personal Integrity Revisited: A Global Cross-National Study Covering the Years 1976–1993*, 43 *INT'L STUD. Q.* 291–313 (1999); Sabine C. Zanger, *A Global Analysis of the Effect of Political Regime Changes on Life Integrity Violations, 1977–1993*, 37 *J. PEACE RES.* 213, 229 (2000).
 45. One version of the political terror scale ranges from 1 to 5, while a more recent coding scheme uses a scale of 0 to 2 for each separate violation. The former scale uses both the US State Department Country Reports and Amnesty International's Annual Reports, while the latter relies exclusively on the Amnesty reports. In either case, a country is awarded a higher score for a lower protection of human rights. See RAYMOND D. GASTIL, *FREEDOM IN THE WORLD: POLITICAL RIGHTS AND CIVIL LIBERTIES* (1980); Poe & Tate, *Repression of Human Rights*, *supra* note 44; Poe et al., *Repression of the Human Right to Personal Integrity*, *supra* note 44; Mark Gibney & Matthew Dalton, *The Political Terror Scale*, in *HUMAN RIGHTS AND DEVELOPING COUNTRIES* 73–84 (Stuart S. Nagel & David L. Cingranelli eds., 1996); David L. Cingranelli & David L. Richards, *Measuring the Level, Pattern, and Sequence of Government Respect for Physical Integrity Rights*, 43 *INT'L STUD. Q.* 407, 409–10 (1999).
 46. See James M. McCormick & Neil J. Mitchell, *Human Rights Violations, Umbrella Concepts, and Empirical Analysis*, 49 *WORLD POL.* 510 (1997); Cingranelli & Richards, *supra* note 45.
 47. For the synchronic comparisons, see Strouse & Claude, *supra* note 42; Mitchell & McCormick, *supra* note 44; Conway W. Henderson, *Population Pressures and Political*

Overall, their results demonstrate that democracies (or those countries moving toward more democratic forms), wealthy countries, and those that have become developed are less likely to violate personal integrity rights. On the other hand, countries involved in international and civil warfare, with a large population, with the presence of an authoritarian regime, previous levels of repression, and those that have undergone a transition to either “anocracy” or autocracy are more likely to violate personal integrity rights. A recent such study shows that the benefits of democracy, with respect to the protection of personal integrity rights, come into effect within the first year of a democratic transition.⁴⁸ Finally, there are mixed effects for leftist governments that depend on whether the terror scale is coded using the US State Department reports or the Amnesty reports, a difference which may uncover possible biases against leftist regimes by the US State Department.⁴⁹

The results of these studies must be seen as empirical generalizations that hold for more of the countries than not, where exceptions to the overall patterns identified will necessarily appear. Global comparisons thus identify the regularities that hold across the selection of countries in order to make general claims, and these general claims should be of interest to human rights scholars and practitioners.⁵⁰ The empirical results help reinforce arguments about associations and relationships made in normative and legal studies, and they provide support for important prescriptions for the international community to reduce the violation of personal integrity rights. These prescriptions include the promotion of economic development and democracy, the reduction of international war and prevention of domestic conflict, and focusing more attention on the political problems inherent in more populous countries. All the studies find broad empirical support for

Repression, 74 *Soc. Sci. Q.* 322 (1993). Using more robust data sets, Poe and Tate compare 153 countries between 1980–1987, while in their later study, they extend the period to cover the years 1976–1993. See Poe & Tate, *Repression of Human Rights*, *supra* note 44; Poe et al., *Repression of the Human Right to Personal Integrity*, *supra* note 44. The use of such pooled cross section time series (PCTS) data sets raises the number of observations and thus strengthens the types of inferences that are made. See also Nathaniel Beck & Jonathon N. Katz, *What to Do (And Not to Do) with Time-Series Cross-Section Data*, 89 *AM. POL. SCI. REV.* 634 (1995).

48. Zanger uses the category of “anocracy” to include those incoherent regimes that have both democratic and autocratic features. See Zanger, *supra* note 44, at 217–18; Keith Jagers & Ted Robert Gurr, *Tracking Democracy’s Third Wave with the Polity III Data*, 32 *J. PEACE RES.* 469–82 (1995); Christian Davenport, *Human Rights and the Democratic Proposition*, 43 *J. CONF. RES.* 92 (1999).
49. Poe & Tate, *Repression of Human Rights*, *supra* note 44, at 866; see also Judith Eleanor Innes, *Human Rights Reporting as a Policy Tool: An Examination of the State Department Country Reports*, in Jabine & Claude, *supra* note 25, at 235.
50. Poe & Tate, *Repression of Human Rights*, *supra* note 44, at 867.

the benefits of enhanced levels of economic development and democracy. Zanger's finding that the benefits of democratic transition occur as early as the first year indeed suggests that the third and fourth waves of democratization have had real benefits for the protection of personal integrity rights. Finally, Poe and Tate argue that beyond the promotion of economic development and democracy, reduction of internal conflict is the single most important policy prescription that would enhance the global protection of personal integrity rights.

Despite the effort to measure personal integrity rights, the strong inferences about key explanatory factors for their global variation, and the important policy prescriptions drawn from their conclusions, there are many areas in these studies that remain problematic. First, it is not clear that the types of generalizations made possible by the global comparisons are necessarily universal. It may be the case, that for particular regions and groups of countries, the strong relationships between the explanatory factors and the protection of human rights simply cannot be upheld.⁵¹ Second, the conception of human rights is effectively isolated to civil rights, while the protection of political rights (i.e. the presence of procedural democracy), and the realization of economic, social, and cultural rights are either not operationalized, or are specified as explanatory variables.⁵² Thus, the presence of procedural democracy and levels of economic development are seen to explain the protection of personal integrity rights, while it is entirely possible to specify these relationships in different ways. Third, as in any model specification, there may be omitted variable bias, where key explanatory variables have not been specified.⁵³ Such variables may include the strength of the state, the location of the country in the world capitalist system, the type of economic development, the presence of social mobilization, and perhaps most importantly, the effectiveness of the international and regional human rights regimes to which countries are a party. Finally, the global comparison of countries has a limited set of research questions that it can answer since many topics in human rights research either cannot be operationalized for this kind of analysis, or require different levels of analysis and techniques.

51. See Landman, *Economic Development and Democracy*, *supra* note 36.

52. New developments in this style of research that are exceptions to this more general observation include measures of women's human rights to political participation and economic equality. See Steven Poe, Diddi Wendel-Blunt & K. Ho, *Global Patterns in the Achievement of Women's Human Rights to Equality*, 19 HUM. RTS. Q. 813-35 (1997).

53. See KING, ET AL., *supra* note 19, at 168-82.

V. COMPARING FEW COUNTRIES

It is precisely these types of omissions and problematic areas identified in the global comparisons that have led many comparativists to examine a smaller selection of countries. Variouslly called the comparative method, the “comparable cases strategy,” or “focused comparison,”⁵⁴ comparing few countries achieves control through the careful selection of cases that are analyzed using a middle level of conceptual abstraction. Studies using this method are more intensive and less extensive because they encompass more of the nuances specific to each case. The political outcomes featured in this type of comparison are often seen to be “configurative,” i.e., the product of multiple causal factors acting together. This type of comparison is thus referred to as “case-oriented,” since the case is often the unit of analysis, and the focus tends to be on the similarities and differences among cases rather than the analytical relationships between variables.⁵⁵ Comparison of the similarities and differences is meant to uncover factors that are common to each case that account for the observed political outcome.

The method of comparing few countries is divided primarily into two types of system design: “most similar systems design” and “most different systems design.” Most similar systems design (MSSD) seek to compare political systems that share a host of common features in an effort to neutralize some differences while highlighting others. Based on J.S. Mill’s method of difference, MSSD seeks to identify the key features that are different among similar cases that account for the observed political outcome. On the other hand, most different systems design (MDSD) compares countries that share few common features, apart from the political outcome to be explained, and one or two of the explanatory factors seen to be important for that outcome. This system is based on Mill’s method of agreement, which seeks to identify those features that are the same among different cases in an effort to account for a particular outcome. In this way, MDSD allows the researcher to distill out the common elements from a diverse set of cases that have greater explanatory power.⁵⁶

Figure 2 clarifies the distinction between these two systems and shows to which of Mill’s methods they adhere. For MSSD on the left-hand side of the figure, the cases share the same basic characteristics (a, b, and c), and

54. See Arend Lijphart, *The Comparable Cases Strategy in Comparative Research*, 8 COMP. POL. STUD. 158–77 (1975); ROD HAGUE ET AL., POLITICAL SCIENCE: A COMPARATIVE INTRODUCTION (1992).

55. See Ragin, *supra* note 27.

56. See ADAM PRZEWORSKI & HENRY TEUNE, THE LOGIC OF COMPARATIVE SOCIAL INQUIRY (1970); Collier, *supra* note 14; Andrew Murray Faure, *Some Methodological Problems in Comparative Politics*, 6 J. THEORETICAL POL. 307–22 (1994); JOHN S. MILL, A SYSTEM OF LOGIC (1843).

FIGURE 2
Most Similar and Most Different Systems Design

	MSSD			MDSD		
	Method of Difference*			Method of Agreement*		
	Country 1	Country 2	Country ϕ	Country 1	Country 2	Country ϕ
	a	a	a	a	d	g
Features	b	b	b	b	e	h
Key explanatory factor (s)	c	c	c	c	f	i
Outcome to be explained	x	x	Not x	x	x	x
	y	y	Not y	y	y	y

Adapted from T. Skocpol and M. Somers, "The Uses of Comparative History in Macrosocial Inquiry," *Comparative Studies in Society and History*, 22 (1980), 194.

*Based on the methods differentiated in J.S. Mill, *A System of Logic* (London: Longman, 1843).

some share the same key explanatory factor (x), but those without this key factor also lack the outcome which is to be explained (y). Thus, the presence or absence of the key explanatory factor is seen to account for this outcome, a state of affairs that complies with Mill's method of difference. For MDSD, shown on the right-hand side of the figure, the cases have inherently different features (a through i), but share the same key explanatory factor (x) as well as the presence of the outcome to be explained (y). In this system, the outcome to be explained is due to the presence of the key explanatory factor in all the cases (x), and thus adheres to Mill's method of agreement. In both systems, the presence of x is associated with the presence of y, and some would argue that x actually causes y. The difference between the two systems resides in the choice of cases.

Most similar systems design is particularly well suited for those engaged in area studies. The intellectual and theoretical justification for area studies rests on something inherently similar about countries that make up a particular geographical region of the world, such as Europe, Asia, Africa, and Latin America. Whether it is common history, language, religion, politics, or culture, researchers working in area studies are essentially employing most similar systems design. The focus on countries from these regions effectively controls for those features that are common to them while looking for those features that are not. For example, Jones compares the institutional arrangements of Latin American countries, which not only share the same cultural and historical Iberian legacies, but also share the same basic form of

presidentialism.⁵⁷ Similarly, Collier and Collier compare the experiences of eight Latin American countries to uncover the “critical junctures” during which labor movements were incorporated into the political system.⁵⁸

Most different systems design is typical of comparative studies that identify a particular outcome that is to be explained, such as revolutions, military coups, transitions to democracy, or “economic miracles” in newly industrialized countries.⁵⁹ The cases that comprise these types of comparative studies are all instances in which the outcome occurs. For example, Wolf compares instances of revolutionary movements that had significant peasant participation in Mexico, Russia, China, North Vietnam, Algeria, and Cuba. Though these countries share few features that are the same, Wolf argues that the penetration of capitalist agriculture is the key explanatory factor common to each that accounts for the appearance of the revolutionary movements and their broad base of peasant support.⁶⁰ More recently, the field of democratization studies focuses on cases of democratic transition, where the selection of cases tends to be based on the successful transition from authoritarian rule. Again, the comparisons seek to identify common features across the different cases that account for the democratic transition.⁶¹

To strengthen the types of inferences that can be made from the comparison of few cases, some comparativists use both system designs. For example, Rueschemeyer, Stephens, and Stephens use MSSD to examine the relationship between capitalist development and democracy within Latin America, and MDSD to compare between Latin America and the advanced industrial world; de Meur and Berg-Schlosser employ both designs to analyze the conditions of survival or breakdown of democratic systems in inter-war Europe; and Linz and Stepan use MSSD to compare the experiences of democratic consolidation within South America, Southern Europe, and Eastern Europe; and then use MDSD to compare across these three regions.⁶² In this way, the inferences made using MSSD can be compared to those made using MDSD.

57. JONES, *supra* note 10.

58. DAVID COLLIER & RUTH BERINS COLLIER, *SHAPING THE POLITICAL ARENA: CRITICAL JUNCTURES, THE LABOR MOVEMENT, AND REGIME DYNAMICS IN LATIN AMERICA* (1991).

59. See Barbara Geddes, *How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics*, 2 *Pol. Analysis* 131–50 (1990); Robert Wade, *East Asian Economic Success: Conflicting Perspective, Partial Insights, Shaky Evidence*, 44 *WORLD POL.* 270–320 (Jan. 1992).

60. ERIC R. WOLF, *PEASANT WARS OF THE TWENTIETH CENTURY* (1969).

61. See Laurence Whitehead, *Comparative Politics: Democratization Studies*, in Goodin & Klingemann, *supra* note 7, at 353.

62. DIETRICH RUESCHEMEYER, EVELYN HUBER STEPHENS, & JOHN D. STEPHENS, *CAPITALIST DEVELOPMENT AND DEMOCRACY* (1992); Gisele de Meur & Dirk Berg-Schlosser, *Comparing Political Systems: Establishing Similarities and Dissimilarities*, 26 *EUR. J. POL. RES.* 193–219 (1994); LINZ & STEPAN, *supra* note 6.

Like the comparison of many countries, the comparison of few countries has several weaknesses that may limit the types of inferences that can be drawn. First, such studies may identify a large number of explanatory variables whose full variation far exceeds the number of cases under question. This problem is commonly labeled “too many variables, not enough countries” or “too many inferences and not enough observations.”⁶³ Linz and Stepan identify seven explanatory variables that may account for the propensity for countries to achieve successful democratic consolidation, yet their analysis only includes fifteen countries. While they successfully combine MSSD and MDSD to make their comparisons, the logical combination of their seven “master” variables far exceeds the number of cases in the analysis and thus limits the types of inferences that can be made.⁶⁴

Second, the intentional selection of cases rather than a random selection can seriously undermine the types of inferences that can be drawn. This problem is known as selection bias, and occurs in comparative politics through the non-random choice of countries for comparison, or the deliberate selection by the comparativist. Though selection of countries lies at the heart of comparison, selection without reflection may lead to serious problems of inference. The most blatant form of selection occurs when a study includes only those cases that support the theory. More subtle forms of selection bias, however, occur when the choice of countries relies on values of the dependent variable; and for qualitative studies, the use of certain historical sources that (un) wittingly support the theoretical perspective of the researcher.⁶⁵ For example, Wolf only compares countries in which revolution has occurred, and it may well be the case that other countries that have not undergone revolution may nevertheless have experienced the historical penetration of capitalist agriculture. In contrast, Wickham-Crowley compares instances of successful revolution to those of unsuccessful revolution.⁶⁶ Unless instances of both outcomes are compared to each other, the types of conclusions that are drawn are necessarily limited.

In few-country studies of human rights, similar research questions are posed to those in the global comparisons, but the smaller number of cases allows deeper investigation into the similarities and differences that are observed. Moreover, the smaller selection of cases allows human rights

63. See DOĞAN & PELASSY, *supra* note 21; Collier, *New Perspectives on the Comparative Method*, *supra* note 14; HAGUE et al., *supra* note 54; KING ET AL., *supra* note 19.

64. LINZ & STEPAN, *supra* note 6.

65. Geddes, *supra* note 59; KING, KEOHANE & VERBA, *supra* note 19; Ian S. Lustick, *History, Historiography, and Political Science: Multiple Historical Records and the Problem of Selection Bias*, 90 AM. POL. SCI. REV. 605–18 (1996).

66. WOLF, *supra* note 60; TIMOTHY P. WICKHAM-CROWLEY, GUERRILLAS AND REVOLUTION IN LATIN AMERICA: A COMPARATIVE STUDY OF INSURGENCE AND REGIMES SINCE 1956 (1993).

research to move beyond the questions posed by the global comparative studies and examine key questions that are more intimately linked to the cultural and political specificities of the countries under comparison. Owing to space limitations, this article considers three areas of research in human rights that use such a reduced selection of countries. First, it considers my own comparison of economic development and democracy in Latin America.⁶⁷ Second, it discusses the role of social mobilization and the struggle for rights under conditions of authoritarianism and democratic transition in Brazil, Chile, Mexico, and Spain.⁶⁸ Third, it looks at a comparative study of truth and reconciliation processes in fifteen countries,⁶⁹ and then in the cases of Uruguay and Chile.⁷⁰

VI. DEVELOPMENT AND DEMOCRACY IN LATIN AMERICA

The global comparisons of human rights outlined above find a positive and significant relationship between economic development and the protection of personal integrity rights, a finding that mirrors the cross-national evidence for economic development and democracy. But these empirical generalizations can (and should) be tested at the regional level. A recent study in this area examines this relationship by using a sample of countries confined geographically to Latin America. Three of the seven measures of democracy in the comparison explicitly measure the protection of rights, including a combined Freedom House score, and Poe and Tate's separate measures of personal integrity rights.⁷¹ Using three different measures of economic development, seventeen Latin American countries are compared over the period 1972–1995 (408 total observations) to examine their relationship with these rights measures. The countries in the sample are geographically proximate and culturally similar, therefore fitting squarely in the most similar systems design. The comparison controls for the cultural commonality of the region (similar Iberian heritage and patterns of economic development), and the model specifies further controls for sub-regional differences between the Southern Cone and Central America, both of which had somewhat different patterns of development and democracy during the period. The statistical analysis tests for both the linear and non-linear forms

67. Landman, *Economic Development and Democracy*, *supra* note 36.

68. FOWERAKER & LANDMAN, *CITIZENSHIP RIGHTS AND SOCIAL MOVEMENTS*, *supra* note 20.

69. Pricilla B. Hayner, *Fifteen Truth Commissions—1974 to 1994: A Comparative Study*, 16 *HUM. RTS. Q.* 597 (1994).

70. A. B. DE BRITO, *HUMAN RIGHTS AND DEMOCRATIZATION IN LATIN AMERICA: URUGUAY AND CHILE* (1997).

71. Poe & Tate, *Repression of Human Rights*, *supra* note 44.

of the relationship, and finds no significant results. These non-findings suggest that generalizations that hold at the global level may not do so at the regional level, and that factors specific to the region of Latin America (e.g. colonial history, patterns of dependent capitalist development, and authoritarianism) may undermine the otherwise beneficial effects of enhanced levels of economic development.

VII. CITIZENSHIP RIGHTS AND SOCIAL MOVEMENTS

In comparing the modern authoritarian cases of Brazil, Chile, Mexico, and Spain, Foweraker and Landman control for the effects of economic development on what they call rights “in principle” and rights “in practice,” while examining the mutual relationship between social mobilization and these categories of rights. In contrast to the global comparisons, they thus consider an additional variable—the struggle for rights—in explaining the degrees to which these countries protect rights. In an effort to recapture the historicity of rights, their analysis traces the political origins and impact of social movement activity in terms of the protection of individual rights of citizenship.⁷² Like the studies outlined above, the authors use various measures of political and civil rights protection to illustrate the contours of citizenship rights in the four cases. Rights “in principle” are coded from a reading of the regimes’ constitutions, decree laws, and institutional acts, while rights “in practice” are measured by combining a series of published abstract scales on rights protection. Social movement protest events from labor and other social movements are gathered from the International Labor Organization. Primary and secondary sources on activity are gathered from grass roots groups, self-help groups, and women’s and peasant organizations, among others.

The comparison shows the different ways in which the regimes in these countries protected rights in principle and rights in practice, where the difference between principle and practice is seen as critical for understanding the origins and impact of social movement activity. The study posits unidirectional and mutually constitutive relationships between rights and movements, while the time-series statistical analysis tests these propositions. Overall, the results of the statistical analysis show a strong mutually

72. Citizenship rights are differentiated from human rights as they are grounded in the national political and legal context of each country; however, they recognize the importance of human rights law and discourse as it demonstrates the historical culmination of a larger historical rights tradition. See FOWERAKER & LANDMAN, CITIZENSHIP RIGHTS AND SOCIAL MOVEMENTS, *supra* note 20, at 19–20.

constitutive relationship between rights protection and social mobilization in Brazil, a mutually conditioning but partial relationship in Chile, a relatively weak relationship in Mexico, and a highly concentrated relationship in Spain. Taken together, these various relationships suggest that the process of democratic transformation in these cases is characterized by the “halting and contradictory” struggle for rights by social movements.⁷³

VIII. TRUTH AND RECONCILIATION

The role of truth and reconciliation commissions (TRCs) is another area in the field of human rights that is particularly appropriate for few-country comparisons. Hayner compares fifteen countries with such bodies to uncover patterns in their political genesis, mandates, resources, levels of authority, and lasting impact. She defines TRCs as “bodies set up to investigate a past history of violations of human rights in a particular country—which can include violations by the military or other government forces or by armed opposition forces.”⁷⁴ Such TRCs share four common features: (1) they focus on the past, (2) they do not focus on specific events, but seek to discover a broader picture, (3) they are temporary, and (4) they have the authority to access all areas to obtain information. Her fifteen cases include Uganda (1974), Bolivia (from 1982 to 1984), Argentina (from 1983 to 1984), Uruguay (1985), Zimbabwe (1985), Uganda (from 1986 to 1994), Philippines (from 1986 to 1987), Chile (from 1990 to 1991), Chad (from 1991 to 1992), South Africa (1992), Germany (from 1992 to 1994), El Salvador (from 1992 to 1993), South Africa (1993), Rwanda (1993), and Ethiopia (from 1993 to 1994).⁷⁵

Her descriptions and comparisons of these TRCs reveal that no one model predominates; however, she reaches some important general conclu-

73. *Id.* at 232. A similar finding concerning the role of social mobilization in processes of democratization is obtained in Bratton and van de Walle’s comparison of forty African countries. Research on the struggle for human rights (as opposed to citizenship rights) combines comparative politics and international relations as it seeks to examine the impact of so-called “transnational advocacy networks” and international non-governmental organizations on the domestic struggle for human rights. Risse, Ropp, and Sikkink examine this complex relationship among actors in domestic civil society, governments, and international actors across eleven countries. See MICHAEL BRATTON & NICHOLAS VAN DE WALLE, *DEMOCRATIC EXPERIMENTS IN AFRICA: REGIME TRANSITIONS IN COMPARATIVE PERSPECTIVE* (1997); MARTHA KECK & KATHRYN SIKKINK, *ACTIVISTS BEYOND BORDERS: ADVOCACY NETWORKS IN INTERNATIONAL POLITICS* (1998); THOMAS RISSE, STEVEN C. ROPP, & KATHRYN SIKKINK, *THE POWER OF HUMAN RIGHTS: INTERNATIONAL NORMS AND DOMESTIC CHANGE* (1999).

74. Hayner, *supra* note 69, at 600.

75. *Id.* at 601–03.

sions about the minimum standards for operating such bodies, as well as key insights that account for the regional differences she observes. First, she argues that TRCs should meet a set of minimal standards including impartiality, political independence, significant financial resources, access to information, immediate post-conflict formation, limited duration, and immediate publication of findings. Second, her comparisons reveal key differences between Africa and Latin America, the two regions in the world that have had the most TRCs to date. On balance, the Latin American TRCs have had more funding, better staff, less politicization, and are more likely to publish their findings. More importantly, she argues that since the nature of conflict in these two regions is different, the outcomes of the TRCs will be different. The pattern of human rights abuse in Africa is borne of ethnic, religious, and group conflict, where civilian elites are primarily responsible for the gross violations. In contrast, the pattern of abuse in Latin America finds its genesis in an ideological struggle between forces of the left and right, where the military is responsible for the majority of the abuses. She argues these two differentiating features make reconciliation more likely in Latin America than Africa.⁷⁶

In *Human Rights and Democratization in Latin America*, De Brito compares Uruguay and Chile in order to examine the “political conditions which permitted, or inhibited, the realization of policies of truth-telling and justice” under the new regimes that emerged after long periods of authoritarianism.⁷⁷ Her comparison of the two cases is meant to move beyond truth and reconciliation and show how systematic attention to accountability can add to our understanding of the larger process of democratization. Her selection of cases is based on the model that the Southern Cone set for the rest of the world to follow, where Chile and Uruguay serve as “formative examples of attempts to deal with a fundamental aspect of the politics of transition and democratization.”⁷⁸ In this way, she adopts a most similar systems design that identifies the factors that account for the differences she observes across the two cases. The key features that are addressed across the two cases include the nature and the strength of the human rights movement, the amount of international support for the process, the relative autonomy of state institutions, the inherited constitutional legislation, and the judicial precedents for prosecution. Moreover, there are key features of democratic transition that need to be taken into account, including the relationship between opposition parties and the human rights organizations, the legal and constitutional setting, the

76. *Id.* at 653.

77. DE BRITO, *supra* note 70, at 1.

78. *Id.* at 4.

nature of the military and its relationship with new civilian regime, the role of the Catholic Church, and the ways in which the human rights violations are articulated by the main political actors.⁷⁹

This two-case comparison across all these factors reveals that the process of truth and reconciliation is inextricably linked with the legacy of authoritarian rule and the politics of the democratic transition, as well as the balance of political forces in the new democratic period.⁸⁰ Arguably, the Chilean military has maintained far more reserve domains of power than in the Uruguayan case, where the detention and extradition proceedings against General Pinochet in the United Kingdom demonstrate the precarious nature of truth telling and reconciliation. While total truth and justice are not possible, the process itself is an important symbolic dimension for consolidating democracy as it appeals to principles of accountability and to “more fundamental intuitions about the just treatment of all citizens in a civilized society.”⁸¹

IX. CASE STUDIES AS COMPARISON

It has been argued above that single case studies are considered comparative if they use or develop concepts applicable to other countries, and seek to make larger inferences beyond the confines of the original study. Despite the label “comparative politics,” the field is replete with such studies, which when properly carried out can provide a number of important functions in developing our understanding of observed political phenomena. First, they provide important contextual description upon which other studies build their analyses. Second, they develop new classifications of political events and outcomes not yet observed in other parts of the world. Third, they can be used to generate hypotheses that can be tested in other countries. Fourth, they can be used to confirm or infirm existing theories by providing “crucial” tests. Finally, they help explain the presence of deviant cases identified through cross-national comparison.⁸² These different functions of the single-case study are considered in turn.

Case studies that merely describe or interpret political phenomena have been variously labeled “atheoretical,” “interpretative,” or configurative-idiographic.⁸³ Strictly speaking, these types of studies are not comparative

79. *Id.* at 33–34.

80. *Id.* at 213.

81. *Id.* at 217.

82. See Eckstein, *supra* note 17.

83. Lijphart, *supra* note 14, at 691; Eckstein, *supra* note 17, at 96.

but are useful purely for their information. Case studies that provide new classifications are useful for comparison. For example, in describing the Franco regime in Spain, Juan Linz identified a new form of authoritarianism that was different from personalistic dictatorships and totalitarian states. The Franco regime institutionalized representation of the military, the Catholic Church, and the Falange, as well as the Franco loyalists, monarchists, and technocrats. Unlike totalitarian states, the regime relied on passive mass acceptance rather than popular support.⁸⁴ In similar fashion, Guillermo O'Donnell builds on Linz's earlier work to establish the concept of the "bureaucratic-authoritarian state" in his examination of Argentine politics, a concept that would later be applied not only to other authoritarian regimes in Latin America but also to those in Southeast Asia.⁸⁵

Case studies are also useful for generating hypotheses for theories that have yet to be specified fully. As "plausibility probes," they either explicitly or implicitly suggest that the generated hypothesis ought to be tested in a larger selection of countries.⁸⁶ Again, O'Donnell's work on authoritarianism is illustrative. To account for the 1966 military coup and subsequent authoritarian regime in Argentina, O'Donnell posited a relationship between a particular stage of dependent capitalist development and the advent of the bureaucratic authoritarian state. This hypothesis was then tested in other Latin American cases and was found wanting on many grounds.⁸⁷ More importantly, however, is the fact that the hypothesis generated in the Argentine case was stated in such a way that other scholars could test it for other countries, and its subsequent rejection led to the search for rival explanations.⁸⁸

When someone gives a lecture using comparative evidence from many countries, a member of the audience may exclaim, "But in my country, things are different!" This is undoubtedly true, but more importantly the comment illustrates how case studies can be used to confirm and infirm existing theories, or illuminate known deviant cases. Theory-confirming and theory-infirmiting case studies are conducted within the confines of known generalizations and they often adopt the "least-likely" or "most-likely"

84. Juan J. Linz, *An Authoritarian Regime: Spain*, in *CLEAVAGES, IDEOLOGIES, AND PARTY SYSTEMS* (ERIKA ALLARDT & YRJO LITTUNEN 1964), reprinted in *MASS POLITICS* (Erik Allardt & Stein Rokkan eds., 1970).

85. GUILLERMO O'DONNELL, *ECONOMIC MODERNIZATION AND BUREAUCRATIC AUTHORITARIANISM* (1973).

86. Eckstein, *supra* note 17, at 108; Lijphart, *supra* note 14, at 692.

87. See *THE NEW AUTHORITARIANISM IN LATIN AMERICA* (David Collier ed., 1979); Landman, *Issues and Methods in Comparative Politics*, *supra* note 37, at 46.

88. See, e.g., YOUSSEF COHEN, *DEMOCRACY FROM ABOVE: THE ORIGINS OF MILITARY DICTATORSHIP IN BRAZIL*, 40 *WORLD POL.* 30 (1987); YOUSSEF COHEN, *RADICALS, REFORMERS, AND REACTIONARIES: THE PRISONER'S DILEMMA AND THE COLLAPSE OF DEMOCRACY IN LATIN AMERICA* (1994).

method of comparison.⁸⁹ Least likely case studies find a country where the theory suggests the outcome is not likely to occur. If the outcome is not observed, then the theory is confirmed. Most likely case studies are conducted in countries where the theory suggests the outcome is definitely meant to occur. If the outcome is not observed, then the theory is infirmed. These crucial case studies do not definitively prove or disprove a theory, but merely confirm or infirm its applicability to all cases. In this way, contemporary comparative politics loosens the strict Popperian rule of falsifiability.⁹⁰

Finally, deviant case studies are particularly useful for theory generation. As outlined above, comparison of many countries often reveals a host of deviant countries that do not conform to the theoretical expectations of the researcher. This deviance invites further research of the cases to establish which rival explanations had not been considered, and it forces the re-evaluation of how the key variables of the study were originally operationalized. Deviant case studies can weaken existing theories as well as further refine the concepts and measures used in the original comparative analysis. For different reasons, the United States, China, and Brazil represent excellent examples of deviant cases. For the United States, comparativists seek to explain the absence of a large socialist party; for China, the survival of the communist regime after the 1989 “velvet revolutions” in Central and Eastern Europe; and for Brazil, the absence of a social revolution given the presence of supportive socio-economic conditions. All three cases represent a state of affairs that defies predominant theories in comparative politics.

The field of human rights research is full of single-case studies that serve these different comparative functions. By definition, they focus on countries with particularly problematic human rights records and include official reports from international governmental and non-governmental organizations, domestic commissions and NGOs, journalistic and descriptive accounts, and research monographs. The *Nunca Más* report from Argentina and the *Nunca Mais* report from Brazil are classic examples of such descriptive accounts of human rights abuse under conditions of authoritarianism, and as mentioned above, truth and reconciliation commissions often publish their findings for the general public.⁹¹ On balance, however,

89. Lijphart, *supra* note 14, at 692; Eckstein, *supra* note 17, at 118.

90. See GEORGE COULVALIS, *THE PHILOSOPHY OF SCIENCE: SCIENCE AND OBJECTIVITY* 62–69 (1997).

91. See CONADEP, *Nunca Más Argentina: Informe Sobre la Desaparición Forzada de Personas* (Buenos Aires, CONADEP, 1984); JAUN DASSIN, *TORTURE IN BRAZIL: A REPORT BY THE ARCHDIOCESE OF SÃO PAULO* (1986). In Chile, the Rettig Commission published its findings about Pinochet shortly after the democratic transition. See Comisión Nacional de Verdad y Reconciliación, *Informe de la Comisión Nacional de Verdad y Reconciliación* (Santiago, La Nación, 1991).

these descriptive accounts are not grounded in any one discipline, nor do they seek to make larger inferences from intensive examination of the individual case. The descriptive accounts do, however, serve as the foundation for research monographs, which are grounded in one or more disciplines and which seek to make larger inferences about human rights.

While the plethora of single-case studies is simply too large to treat in this present article, it is possible to compare a few examples of such studies from political science to illustrate the type of contribution that they can make to our understanding of human rights promotion and protection. Instead of comparing a disparate set of case studies, these examples all focus on the case of Argentina, which offers a good example of a "most likely" case study for the field of human rights. In 1976, the Argentine military ousted civilian President Maria Estela Martinez de Peron and established a "bureaucratic-authoritarian" regime, which aimed to suppress leftist subversion and "reorganize" the Argentine political, economic, and social system. A key element in this "Process of National Reorganization" was the systematic elimination of political opposition through the use of torture, execution, and disappearance.⁹² The pattern of human rights abuse continued throughout the regime, while the practice of disappearance began to subside in 1979. British defeat of Argentina over the disputed Malvinas (or Falklands) Islands brought the downfall of the regime and subsequent democratic transition in 1983.

The Argentine example is a "most likely" case study since the military regime presented the world with a stark pattern of gross human rights violations, precisely of the kind to which the international and regional human rights mechanisms and organizations, albeit young, are meant to respond. Success in such a case bodes well for the international law of human rights, while failure demonstrates the limits to the full implementation of international human rights law. The comparison of three studies of this period in Argentina's political history demonstrates the different dimensions of the human rights issues at stake. In Iain Guest's book, *Behind the Disappearances*, his account of the "Dirty War" conducted by the Argentine military considers the challenge the regime offered to the United Nations, while considering the conflict between the United Nations and the United

92. A total count of those disappeared during the military period between 1976–1983 will never be established. See ALISON BRYSK, *THE POLITICS OF HUMAN RIGHTS IN ARGENTINA: PROTEST, CHANGE, AND DEMOCRATIZATION* 1 (1994). Of the 8,960 known cases, 30 percent were blue-collar workers, 21 percent students, 18 percent white-collar workers, 11 percent professionals, 6 percent teachers, 5 percent self-employed, and the remaining percentages comprised the self-employed, housewives, military conscripts, journalists, actors, and members of the clergy. *Id.* at 183 n.1; CONADEP, *supra* note 91, at 3. See also LUIGI MANZETTI *INSTITUTIONS, PARTIES, AND COALITIONS IN ARGENTINE POLITICS* 53–54 (1993).

States over the case during the shift from the Carter to the Reagan Administration.⁹³ Weissbrodt and Bartolomei analyze the effectiveness of international human rights pressure by comparing the activities of the Inter-American Human Rights Commission, the then-named UN Subcommittee on Prevention and Protection of Minorities, international NGOs, and domestic NGOs.⁹⁴ Brysk examines the success and limitations of the domestic human rights movement and its resistance against the military regime.⁹⁵ What is important for this article is that each study seeks to make larger inferences about different aspects of the politics of human rights protection based on a consideration of a particularly acute case of abuse.

In *Behind the Disappearances*, Guest offers an exhaustive account of the Argentine case that extends from the military coup of 1976 and the first reports of disappearances to the new democratic regime of President Raúl Alfonsín. Beyond a mere journalistic reporting of events, he strives to convince the reader that the United States should not mistrust the United Nations, nor should the UN be construed as having a politicized human rights machinery that is used selectively, but one that is particularly useful and important. Despite his plea for the UN, his study demonstrates that without the support of the US, UN effectiveness in the area of human rights protection is limited.⁹⁶ Indeed, the UN system responded, albeit belatedly, to the gross violations in Argentina during the Carter administration (from 1976 to 1980), which had explicitly formulated its foreign policy around the promotion and protection of human rights. Any gains that were achieved during this period, however, were quickly stifled with the inauguration of President Reagan in 1981, whose foreign policy was guided by more geostrategic concerns, where Argentina was perceived as a tolerable bulwark against the possible advance of communism in the region.⁹⁷ The defeat and subsequent transition brought with it a commitment to seek truth and reconciliation, where former military officers were put on trial for abuses committed during the period. This most likely case offers hope that

93. IAIN GUEST, *BEHIND THE DISAPPEARANCES: ARGENTINA'S DIRTY WAR AGAINST HUMAN RIGHTS AND THE UNITED NATIONS* (1990).

94. David L. Weissbrodt & M.L. Bartolomei, *The Effectiveness of International Human Rights Pressures: The Case of Argentina, 1976–1983*, 75 MINN. L. REV. 1009–35 (1991).

95. BRYSK, *supra* note 92.

96. See generally GUEST, *supra* note 93.

97. The underlying logic to the Reagan Doctrine was that right-wing authoritarian regimes were inherently more capable of political liberalization and democratic transition than left-wing authoritarian regimes, a view voiced most prominently by Jeane Kirkpatrick, Ambassador to the UN at the time. In this perspective, US support for the Argentine military regime in the short run was seen as vital to US interests in the long term. See CECIL VAN METER CRABB, *DOCTRINES OF AMERICAN FOREIGN POLICY: THEIR MEANING, ROLE, AND FUTURE* (1982).

even in the most coup-prone nation in Latin America, democracy has taken root, and since 1985 has not been reversed. As for the United Nations, Guest argues that it should re-assert its role as human rights advocate and openly confront governments for their abuses.⁹⁸

Like Guest, Weissbrodt and Bartolomei examine the effectiveness of human rights pressure on the Argentine military regime, but broaden their inquiry beyond the UN and United States, to include the Inter-American Commission, as well as important international and national human rights NGOs. Overall, the primary aim of the NGOs and INGOs was to document and publish human rights abuses for the attention of international governmental organizations and media.⁹⁹ The Inter-American Commission for Human Rights responded in part to the increasing number of reports coming out of Argentina. By 1978, it asked for permission to carry out an on-site visit, which was reluctantly granted,¹⁰⁰ and ultimately led to the Commission publishing a highly critical report on the situation. The Commission did not follow up with any significant action following the publication of the report. The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, under the auspices of the Economic and Social Council (ECOSOC) Resolution 1235, adopted a resolution expressing concern over the situation in Argentina. This resolution was followed up by the confidential procedures for the investigation of human rights abuses as stipulated in ECOSOC resolution 1503.

Despite the efforts of the NGOs, INGOs, and the Inter-American Commission, Weissbrodt and Bartolomei demonstrate that the UN Sub-Commission could not establish a consensus to take action against the military regime. Key obstacles to successful action included a delay in

98. GUEST, *supra* note 93.

99. The key NGOs included the Madres de la Plaza de Maya, the Permanent Assembly for Human Rights, the Argentine League for the Rights of Man, the Ecumenical Movement for Human Rights, the Committee of Families of Persons who have Been Disappeared or Detained for Political Reasons, the Centre for Legal and Social Studies, and the Argentine Commission for Human Rights. The most important INGOs included Amnesty International, International Federation of Human Rights, and the Lawyers Committee for Human Rights. While not exhaustive, this list represents the key human rights NGOs that were present during the "Dirty War." The Argentine Commission for Human Rights was comprised of those Argentinians who had managed to leave their country, and had representatives in Geneva, Madrid, Mexico City, Paris, Rome, and Washington, D.C. See Weissbrodt & Bartolomei, *supra* note 94, at 1015–16. President Alfonsín did not form the National Commission on the Disappearance of Persons (CONADEP), which published the *Nunca Más* report, until 1983. See BRYSK, *supra* note 92, at 68–69.

100. The authors argue that perhaps US political and economic pressure led the Argentine military to accept a visit from the commission. Weissbrodt & Bartolomei, *supra* note 94; BRYSK, *supra* note 91. This point thus corroborates Guest's argument about the diplomatic power of the United States. GUEST, *supra* note 93.

initiating proceedings until after the NGOs published their findings, a savvy Argentine ambassador who used UN procedures to block any action, strong allies within and outside the region, and the presidential succession of Ronald Reagan.¹⁰¹ Like Guest, their study demonstrates the political vulnerability of the United Nations, relative effectiveness of the Inter-American Commission, and the ultimate reduction of abuses as a result of a complex combination of multilateral and bilateral pressure on the regime. More importantly, they conclude by arguing “the lessons of this case study must be tested in cases involving other countries and time periods to determine whether more general lessons can be drawn from this single case.”¹⁰²

The final case study of Argentina considers the power of the domestic human rights movement in challenging the repressive apparatus of the regime, negotiating within a complex set of relationships among the state, society, and international system.¹⁰³ Drawing on analytical categories from social movement theory, Brysk chronicles the origin, trajectory, strategies, and impact of a movement comprised of ordinary citizens “who were protesting to defend traditional, legitimate values like the right to life, the rule of law, and the sanctity of the family.”¹⁰⁴ Like Foweraker and Landman, Brysk’s account demonstrates that social movements can and do prosper under conditions of authoritarianism and democratic transition, and that in this particular case, the human rights movement was able to “produce unexpected social change . . . by unleashing symbolic challenges to regime legitimacy.”¹⁰⁵

Her study traces the background of the military regime and the emerging pattern of abuses, the emergence of the human rights movement under extreme conditions of repression, and the strategy of symbolic protest against regime legitimacy. The account demonstrates that the movement achieved real changes, including international delegitimation of the regime, the establishment of a governmental commission on disappearances and the Subsecretariat of Human Rights, trials of the former military rulers and officers, new legislation to safeguard civil liberties, and the introduction of new social norms and institutions in civil society. Beyond the Argentine case, she argues that her study provides important lessons for the politics of human rights and transitions to democracy. First, rapid post-transition political reform is vital for democratic consolidation, which may be lost if the new democratic leadership procrastinates. Second, establishing a causal

101. Weissbrodt & Bartolomei, *supra* note 94, at 1029–31.

102. *Id.* at 1034.

103. BRYSK, *supra* note 92, at xi.

104. *Id.* at 2.

105. *Id.*

link between a human rights movement and real human rights reform requires a controlled comparison of Argentina with other cases without such movements that did or did not achieve such reforms. The Argentine case demonstrates the importance of such explanatory variables as the interaction between the movement and the international system, the role of the judiciary, and the overall legitimacy of the protesters. Finally, the case shows that international learning and diffusion of human rights discourse across national boundaries are possible.

X. CONCLUSIONS AND POSSIBILITIES FOR FUTURE RESEARCH

This article has delineated the key dimensions of comparative analysis that can be deployed to examine the cross-national variation in the protection of human rights. It argued that all three methods—comparing many countries, comparing few countries, and case studies—be grouped under the umbrella of comparative politics if they seek to make generalizations through explicit comparison, or if they use and develop concepts applicable to other countries through implicit comparison. It argued that no one method of comparison is superior to any other, but that there are important methodological trade-offs associated with each. Comparing many countries is the best for drawing inferences that have more global applicability. Through use of the method of difference and method of agreement, comparing few countries can lead to inferences that are better informed by the contextual specificities of the countries under scrutiny. Case studies can provide contextual description, generate hypotheses, confirm and infirm theories, and enrich our understanding of deviant cases. The article has shown that these various methods are useful for developing theories and providing explanations for the protection of human rights, while stressing the point that the choice of the methods is directly related to the type of research question that is posed.

Table 1 summarizes the various methods, their relative strengths and weaknesses, and the main findings of the various exemplars of human rights research that this article has considered. Global comparisons focus on establishing a series of general statements about key explanatory variables that account for the variation in human rights protection, such as economic development, form of government, and involvement in conflict. Their large number cases allow these studies to control for some effects while highlighting the importance of others. Few-country comparisons allow for a closer examination of these and other explanatory factors for human rights protection, the results of which highlight the limitations to the universal aspirations of the global comparisons. Finally, single case studies can serve as important checks on such generalizations by providing an even richer

TABLE 1
Comparative Methods and the Politics of Human Rights

		<i>Methodological considerations</i>		
<i>Method of Comparison</i>	<i>Strengths</i>	<i>Weaknesses</i>	<i>Exemplars</i>	<i>Conclusions</i>
Many Countries	Statistical control Limited selection bias Extensive scope Strong inferences and good for theory-building Identify deviant countries	Invalid measures Data availability Too abstract/high level of generality Time-consuming Mathematical and computer training	Mitchell and McCormick (1988); Henderson (1993); Poe and Tate (1994, 1999); Poe, Tate, and Keith (1999); Zanger (2000) Up to 120 countries over 20 years	Personal integrity rights are protected better in developed, peaceful, democratic countries First year of a democratic transition has real benefits Threats include internal conflict, poverty, authoritarian regimes
Few Countries	Control by selecting 1. Most similar systems design (MSSD): comparative countries 2. Most different systems design (MDSB): contrast of contexts Good for theory-building Intensive, less variable-oriented Avoid 'Conceptual stretching' Thick description Areas studies Configurative analysis Macro-history	Less secure inferences Selection bias: 1. Choice of countries 2. Choice of historical account Language training Field research	Landman (1999) 17 Latin American countries, 1972-1995 Foweraker and Landman (1997, 1999) Brazil, Chile, Mexico, and Spain, 1958-1990 Hayner (1994) 15 countries with truth & reconciliation commissions (TRCs) De Brito (1997) Uruguay & Chile	Economic development does not enhance directly political or civil rights Social mobilization has a direct relationship with the expansion and contraction of political and civil rights Truth and reconciliation is more likely in Latin America than Africa Truth and reconciliation depends on the legacy of the prior authoritarian regime and the balance of political forces in the new democratic period

TABLE 1 (continued)
Comparative Methods and the Politics of Human Rights

Method of Comparison	Methodological considerations			Conclusions
	Strengths	Weaknesses	Exemplars	
Single Countries	<p>Intensive, Ideographic, Path-dependent, and Configurative analysis</p> <p>Six types:</p> <ol style="list-style-type: none"> 1. Atheoretical 2. Interpretive 3. Hypothesis-generating 4. Theory confirming 5. Theory-infirming <p>Deviant countries</p>	<p>Insecure inferences</p> <p>Selection bias:</p> <ol style="list-style-type: none"> 1. Choice of countries 2. Choice of historical account <p>Language training</p> <p>Field research</p>	<p>Guest (1990)</p> <p>Argentina 1976–1983</p> <p>Weissbrodt and Bartolomei (1991)</p> <p>Argentina 1976–1983</p> <p>Brysk (1994)</p> <p>Argentina 1976–1990</p>	<p>Conflict between UN and US can confound efforts to halt gross violations of human rights</p> <p>Inter-American commission is more effective than UN bodies.</p> <p>1503 procedures are too laborious and vulnerable to political influence</p> <p>Domestic human rights movement achieved a symbolic and political victory over the military government</p>

consideration of explanatory factors. It is important to bear in mind, however, that the deeper into the individual case a study probes, the less able it is to make generalizations. All good comparative studies recognize the inferential limitation of their analyses.

But beyond these methodological points, what can we conclude from this brief consideration of comparative political science research in the field of human rights? First, the field of comparative politics provides support for an eclectic body of empirical theory that seeks to explain the global variation in the protection of human rights. This body of theory is variously comprised of rational, structural, and cultural explanations, each of which focuses on different features of national and international systems to explain the outcomes that are observed. Rational explanations examine the actions of powerful actors and groups, structural explanations focus on socio-economic and institutional factors, and cultural explanations look at the ideological and ethical dimensions. These categories of explanation tend not to be deployed in mutually exclusive fashion, but are seen as cross-cutting dimensions that help account for the variation in human rights protection that is observed. The Argentine case study illustrates this use of theory. Guest, Weissbrodt, and Bartolomei show that the structure of the systems for human rights protection were politically vulnerable to the actions of both the military regime in Argentina and the United States, while Brysk shows how successful collective action of the human rights movement framed its struggle symbolically and brought real social change.

Second, despite the differences in research questions and design observed across these studies, it appears that political science is primarily interested in researching the variation in the protection of political and civil rights, where the economic and social dimensions of human rights are considered exogenous or explanatory. This omission of other human rights is partly due to the history of the discipline and partly due to the quest for commensurability of measures across disparate cultural contexts. Political science has traditionally been interested in the design, analysis, and evaluation of political institutions that best realize the "good life" through the establishment and protection of fundamental political and civil rights, while concerns with social welfare could be considered over the long term. Thus, comparative politics has always been concerned with forms of governance based on the protection of such rights. Methodologically, it has proven easier for political scientists to establish standards-based scales and coding strategies for measuring political and civil rights, while benchmark measures of social and economic rights remain problematic. Future research in this field ought to find ways to operationalize social, economic, and cultural rights for systematic comparative analysis.

Third, future research in political science needs to combine the methods of comparative politics with the insights of international relations

in order to examine the interaction between domestic and international politics. For example, the Argentine case study demonstrated that the international system for the protection of human rights was both sluggish and politically vulnerable, but are these more general phenomena? More systematic few-country and many-country studies are needed that include important international variables such as the presence and activities of INGOs, and measures of the international and regional human rights systems which are meant to constrain certain forms of state behavior. Indeed, the theory of international regimes suggests that international and regional human rights regimes ought to have an impact on state behavior. Demonstrating a positive impact and effectiveness of these regimes on state behavior with regard to human rights would lend support to the assertions of international legal scholars.¹⁰⁶

In sum, the field of comparative politics has much to offer to the field of human rights research. The notion of universality inherent in human rights discourse and law necessarily implies the need for cross-national comparison, and this style of analysis complements other disciplines in the field of human rights, particularly law. Such comparisons can help explain the gap between what is claimed in principle and what is observed in practice. It accepts that international, regional, and domestic bodies of law represent an expression of consensus achieved in the various public fora in which such laws are promulgated. Yet, it sees these agreements and acts as an important starting point for political analysis. In this way, both the theories and methods of comparative politics provide a useful set of tools to examine the precariousness of international, regional, and national human rights regimes, while suggesting important prescriptions for strengthening them in the future.

106. See, e.g., Oran R. Young, *International Regimes: Problems of Concept Formation*, 32 *WORLD POL.* 331 (1980); ROBERT O. KEOHANE, *AFTER HEGEMONY: COOPERATION AND DISCORD IN WORLD POLITICAL ECONOMY* (1984); JACK DONNELLY, *UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE* 205–28 (1989); ORAN R. YOUNG, *GOVERNANCE IN WORLD AFFAIRS* (1999); Peter Mayer, Volker Rittberger, & Michael Zürn, *Regime Theory: State of the Art and Perspectives*, in *REGIME THEORY AND INTERNATIONAL RELATIONS* 391 (Volker Rittberger ed., 1993). In an interesting preliminary and exploratory analysis, Markku Suksi compares the content of 160 national constitutions to uncover first order relationships between a series of institutional, political, and socio-economic variables, including the degree to which countries have signed and ratified the International Covenant on Civil and Political Rights. Such comparative work should be continued and should include other key international human rights instruments over time. See also MARKKU SUKSI, *BRINGING IN THE PEOPLE: A COMPARISON OF CONSTITUTIONAL FORMS AND PRACTICES OF THE REFERENDUM* 126–80 (1993).