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Centralizing Principles: How Amnesty International Shaped Human Rights Politics  
through its Transnational Network

A Dissertation submitted in partial satisfaction of the Requirements for the degree of  
Doctor of Philosophy

in

Political Science

by

Wendy H. Wong

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2008

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The Dissertation of Wendy H. Wong is approved, and it is acceptable in quality and form for publication on microfilm:

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Chair

University of California, San Diego  
2008

To my parents, Boon and Carrie, and my sister Eileen.

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## LIST OF ABBREVIATIONS

AI	Amnesty International
ANC	African National Congress
BBC	British Broadcasting Corporation
CAAA	Comprehensive Anti-Apartheid Act
CAT	United Nations Convention Against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CHF	Swiss franc
ECOSOC	United Nations Economic and Social Council
FO	British Foreign Office
HRC	Human Rights Commission
IAHCR	Inter-American Court of Human Rights
ICM	International Council Meeting (Amnesty International)
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICRC	International Committee of the Red Cross
IEC	International Executive Committee (Amnesty International)
IGO	Inter-governmental organization
IISG	International Institute of Social History

IMF	International Monetary Fund
IS	International Secretariat (Amnesty International)
MFN	Most Favored Nation
MSF	Médecins Sans Frontières
NGO	Non-governmental organization
OECD	Organization for Economic Cooperation and Development
OHPP	Oral History Pilot Project (Amnesty International)
POCs	Prisoners of Conscience
PRC	People's Republic of China
TAN	Transnational advocacy network
UA	Urgent Action
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
US	United States
USSR	Union of Soviet Socialist Republics
WTO	World Trade Organization



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## ABSTRACT OF THE DISSERTATION

Centralizing Principles: How Amnesty International Shaped Human Rights Politics  
through its Transnational Network

by

Wendy H. Wong

Doctor of Philosophy in Political Science

University of California, San Diego, 2008

Professor David A. Lake, Chair

International relations theory has posited that transnational advocacy networks (TANs) affect international human rights norms. Human rights norms are created through a political process that involves both state and non-state actors. I establish in this project the importance of network structure as a determinant for how well human rights principles advocated by transnational networks transition into international norms. Centralized network structure is a key factor in explaining TAN effectiveness over time. Using insights from social network analysis, I build a theory that argues centralization in networks leads to the ability for certain nodes to control the agenda and rule-making powers, allowing for a core set of principles to develop within a network, and making it more likely those principles can be advocated successfully in international politics.

In a historical overview of the post-World War II era, I demonstrate that although many principles of human rights existed in the middle of the 20<sup>th</sup> century, none held an internationally normative status. Even a document as vaunted as the Universal Declaration of Human Rights evinces the lack of agreement, rather than the consensus over which rights were mattered most. I then move to a network analysis of Amnesty International, from 1968-1980, demonstrating the power of centralization as the factor explaining its success in influencing international norms. I also show that Amnesty's network structure differed from its formal structure, affecting the flows of information within the network. I move to a comparison of other human rights-related TANs, the International Red Cross, Oxfam International, and Médecins Sans Frontières. Finally, I conclude with an analysis of state behavior as an indicator of international norms, using economic sanctions data from the 20th century.



## Chapter 1

### Introduction

“Please act as quickly as possible. Time may be crucial in locating Professor Rossi, or even in helping to save his life.”<sup>1</sup> These words commenced the first Amnesty International Urgent Action appeal in 1973, urging volunteers to write letters on behalf of Luiz Basilio Rossi, a professor of Brazilian history at São Paulo University. Like many others, Rossi had been taken away in the middle of the night by the Brazilian military regime, which had gained a reputation for arresting, torturing, and eliminating political opponents. He was taken in February; by October, Rossi was released. According to his wife María, Brazilian police showed her the piles of letters penned on her husband’s behalf, demanding his immediate release. These letters, María claims, helped demonstrate to the military regime that its incarceration of Rossi was unacceptable, and encouraged authorities to let him go.<sup>2</sup> Rossi’s story, along with countless others like his, reflect the folkloric quality of Amnesty’s influence in international human rights politics – Urgent Action appeals, like Rossi’s, led to prisoner releases in the best cases, and at least betterment of conditions for many other who have been imprisoned.

Because of thousands of anecdotal successes like Rossi’s, Amnesty is a recognized name in the world of human rights activism. It has, by far, the most members of any human rights advocacy organization (2.2 million),<sup>3</sup> and it is one of the few international organizations awarded the Nobel Peace Prize. It is represented in 150

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<sup>1</sup> “The Story of Amnesty’s First Urgent Action.” *Amnesty International UA Newsletter*, March 2003.

<sup>2</sup> *Ibid.*

<sup>3</sup> <http://www.amnesty.org/en/who-we-are/history> (Accessed March 19, 2008).

countries worldwide<sup>4</sup> and commanded a budget of £3.3 million in 2006.<sup>5</sup> It is, without a doubt, the leading human rights organization in the world, and its role is acknowledged widely by skeptics and believers alike.

The anecdote above raises several questions about international human rights and the role of non-governmental organizations (NGOs)<sup>6</sup> in defining the course of human rights politics. First, why did Amnesty choose to get involved in Rossi's case? He was not an especially high-profile person prior to his arrest. Although the Brazilian regime at the time was involved in a widespread campaign of terror, the South African government's practice of Apartheid loomed menacingly over the horizon, and Amnesty mostly avoided confronting that situation. Second, how did Amnesty's letter-writing campaign work? Coordinating thousands of letters over the course of months could not have happened without some major organizational infrastructure. Third, why did Brazilian authorities respond to a British-based pressure group? Why did they allow such a violation of their sovereignty? And fourth, stepping outside of the Brazilian example, why did countries around the world where Amnesty involved itself respond to similar letter-based appeals, and how did Amnesty's advocacy affect the character of international debates and the foreign policy of states in the 20<sup>th</sup> century? Amnesty played a direct and active role in encouraging states to formulate and pass the United Nations'

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<sup>4</sup> Ibid.

<sup>5</sup> "Amnesty International (International Secretariat) Financial Summary 2005/06." [http://www.amnesty.org/resources/pdf/AI\\_Summarised\\_Accounts\\_2005\\_06.pdf](http://www.amnesty.org/resources/pdf/AI_Summarised_Accounts_2005_06.pdf) (Accessed February 2, 2007).

<sup>6</sup> Surprisingly, not all prominent studies of transnationalist, non-state actors, or NGOs have a definition of what NGOs are (Skjelsbaek 1971, Huntington 1973, Keck and Sikkink 1998). The assumption seems to be that NGOs are non-profit and advocacy-based (James and Rose-Ackerman 1986, Lindenberg and Bryant 2001), a definition that could be construed to include violent groups, such as al-Qaeda. I limit my analysis to non-violent groups, but I discuss the applicability of my theory to violent groups in the Conclusion.

(UN) Convention Against Torture, and the human rights principles it advocated appeared to dominate the international conversation about human rights into the 1990s.<sup>7</sup>

This dissertation answers the above questions by demonstrating that shifting the way we analyze transnational advocacy reveals the reasons why human rights norms look the way they do, and the role NGOs had in informing the content of those norms.

Because many of the important human rights NGOs are transnational and have large membership, looking at these actors as networks of dense or sparse connections, rather than cohesive organizations is the first cut to understanding why some NGOs are “more successful” than others. Rather than focusing on the reactions of states to transnational campaigns, the methods NGOs pursue in promoting human rights, or the issues that they advocate, I instead demonstrate that the pattern of connections between actors in a network (i.e. the links between nodes, or network structure) exposes which nodes control the flow and thus the content of information, a key factor in determining whether an NGO can successfully affect international norms.

Through an exposition of post-World War II human rights politics, demonstrating how in addition to eye-grabbing photos and moving stories such as Rossi’s, I show some NGOs have influenced the human rights debate through agenda-setting that privileges some human rights principles over others. Though Amnesty has an important place in this project, the project is not about Amnesty, the monolith of an international NGO, *per se*. Amnesty is significant because of its unique organizational structure, allowing it to

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<sup>7</sup> In 1993, the UN’s World Conference in Vienna adopted the “right to development” as part of an agenda for making human rights more prominent around the world. The end of the Cold War marks a period of attempts to expand the scope of international human rights norms that dominated debate, but state compliance with economic, social, and cultural rights has actually been on the decline since the fall of the USSR.

play a big role in setting the international agenda for human rights politics, and forwarding its principles as international human rights norms. I establish that 1) the normative human rights universe was considerably broader at the beginning of the UN human rights project, and that the norms we accept today are product of politics and not principle; 2) transnational advocacy networks (TANs), a category that includes NGOs, have affected the course of the international human rights debate through agenda-setting; and 3) TANs vary in structure, from decentralized, uncoordinated networks in name to highly centralized arrangements with effective transnational coordinative capacity. More centralized TANs have a notable advantage in defining network principles, diffusing them internally, and advocating their principles as norms in international politics.

First, states are the ultimate arbiters in terms of human rights policies and norms: we look to state behavior as indicators of human rights norms. But as the primary movers in human rights politics, states have negotiated themselves to near-standstills in terms of international documents. In international law, there exist designations between various human rights, such as derogable and non-derogable rights, and certainly there are some issues important enough to merit their own separate conventions – genocide, race discrimination, women’s issues, children, torture. By and large, however, states have done a relatively poor job clarifying which principles articulated in these treaties matter most in their subsequent behavior after they have signed and ratified human rights treaties. There are no rights that are more basic than others, despite arguments to the contrary.<sup>8</sup> If we look at ratification rates of various international treaties as a signal of

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<sup>8</sup> Many of these arguments about the essentiality of certain rights are actually quite lengthy lists. See Nussbaum (1992), Sen (2001).

state commitment to human rights norms, we may in fact capture an ironic effect noted by Hathaway (2007): states that are most likely to comply domestically with the tenets of a treaty might in fact not sign on in order to avoid having to bear the costs of human rights commitments working.

International law seems to serve as a starting point, rather than an endpoint when it comes to international human rights norms, and the more basic, confounding point is that sovereignty concerns have often outweighed human rights issues. States can opt-out of most parts of most human rights conventions when sovereignty and national security become a concern. In other words, states have defined and continue to modify the terrain in which the human rights debate take place, but international law does not specifically define the importance of some types of human rights over others; there are many principles, but not too many norms.

Second, when the Universal Declaration of Human Rights (UDHR) passed the UN General Assembly vote on December 10, 1948, it marked the beginning of an era in which human rights would become a dominant political issue, and made way for various other actors to get involved in reifying the ideals included in that document. States were obviously at loggerheads (see Chapter 3) – no one could decide what the “right human rights” were, so they included everything. NGOs had been granted unprecedented access to the UN negotiations in San Francisco (Robins 1971, Burgers 1992), opening up a new chapter in international politics, and in particular, the politics of human rights. Although TANS did not crowd the platform immediately, early movers, such as Amnesty, created openings for NGOs to influence state behavior through direct lobbying in the UN and domestic fora. The consultative status of NGOs through the UN

Economic and Social Council (ECOSOC), moreover, is an invitation for non-governmental influence on international decisions that affect states. Human rights are one area of international politics where NGOs have had a significant effect on the evolution of norms, as I demonstrate in the following pages.

Third and finally, NGOs adopt different structures. Amnesty's network structure, in which a central actor controlled information flows and determined the agenda for the rest of the larger network, facilitated an additional form of campaigning states: grassroots advocacy of a limited set of human rights principles taken from the UDHR. Amnesty's conception of human rights from 1961-2001 rested on a narrow conception of what human rights are, adopting the following four UDHR articles: 5 (torture), 9 (arbitrary arrest/exile), 18 (belief/religion), and 19 (opinion). These four, henceforth "Amnesty's rights," would shape the way that members of Amnesty's vast network of activists would think of the norms of human rights, and more importantly, the way that the human rights TAN, states, and other international political actors would come to conceive of human rights in response to, or in conjunction with Amnesty's campaigns. Amnesty's political effect comes from its hand in directly shaping how the norms of human rights formed after World War II.

Interestingly, the structure described above does not reflect Amnesty's formal structure, as designated by its Statute.<sup>9</sup> The great insight of network theory is in looking at how different parts of TANs are connected in ways that go beyond the rules. Formal structure and network structure can and often do diverge. Put differently, the actual

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<sup>9</sup> <http://www.amnesty.org/en/who-we-are/accountability/statute-of-amnesty-international> (Accessed May 15, 2008). Amnesty's Statute has historically underspecified the tasks of the International Secretariat in favor of detailed rules about the International Council and International Executive Council.

functioning of TANs might diverge from the written rules because of how information flows in a given network. In Amnesty's case, the International Secretariat (IS) has been central since its establishment in 1967 because of its role in researching and distribution information on various cases in which Amnesty's rights apply. Although its formal role is to "administer" the network through implementing the policy decision of the two policymaking branches of the network, the International Council and the International Executive Committee (IEC), in reality the IS does much more than administer. It finds the information, decides whether it fits Amnesty's principles of human rights, and packages it in a way that is palatable and practical for the rest of the network. In summary, Amnesty's structure enabled it to decide on a limited number of principles from the UDHR as Amnesty's rights. These principles defined what it meant to be part of Amnesty's advocacy network as a grassroots participant. In turn, Amnesty employed its principles when confronting states with human rights violations in attempts to change state behavior, and in the process of doing so, shaped international human rights norms.

My theory places heavy explanatory emphasis on network structure, or the quantity and quality of links between actors (or nodes) in the network. Using insights derived from network theory, I argue that the structure of Amnesty is unique among international human rights NGOs in that it capitalizes upon the abilities of its global membership base, while restricting power and information within its own network; it approximates a scale-free network (see Chapter 2). The control that Amnesty exerts over its agenda has resulted in a "widespread dissemination of a conception of human rights which is partial ... a rather distorted list of basic human rights which would reflect the list

of core ‘mandate’ issues pursued by Amnesty and little more” (Alston 1990: 8-9).<sup>10</sup> How and why Amnesty was able to coordinate its membership, advocate a narrow set of rights from the UDHR, and indeed, come to set the human rights TAN’s agenda is pivotal to understanding how NGO structure can limit its ability to affect human rights norms, and is not completely revealed in reading the intricate details of organizational statutes. Amnesty simultaneously leverages the strengths inherent in network structures while centralizing its most important functions, control over the content and flow of information, in the IS. This insight comes from analyzing the nature of the links between various parts of the TAN, and is the core contribution of this dissertation.

In this project, international NGOs and TANs function in the same manner, and I use the terms interchangeably; I make no theoretical distinction between the two. All of the international NGOs examined here are also TANs, linked together by varying degrees of cohesion. Since network theory can be used in the analysis of almost any social or political phenomenon (Knoke 1990), it is a perspective that can provide common vocabulary in explaining the effect of non-state actors on international human rights norms. The use of network theory allows for a unified analysis of various non-state political phenomena, whether formalized into an organization or more amorphous collaborations that do not label themselves in formal relationships. Focusing on the patterns of links between nodes, network theory allows theoretical insight into how structure constrains organizational behavior, and consequently, norms. If we are to understand how NGOs matter in international politics, and more specifically, their effects

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<sup>10</sup> See also Weyker (2002) for discussion of technology and its effect on Amnesty’s ability to control its agenda.



in the past 60 years in the politics of human rights, we must first understand that differences in the way networks of activists are organized and linked have enormous consequences on their ability to influence normative outcomes.

Looking at Amnesty's effect on human rights norms is no trivial matter. In fact, the way that human rights in international law have evolved, the limited array of rights which have been advocated in international politics, and the continuing dominance of "the West" in politicking human rights elsewhere in the world has contributed to a notion of bias in dominant conceptions of human rights, and the human rights project writ large (see Pollis 1996, Neier 1996-7, Mutua 2002). Amnesty has contributed to the dominance of a certain set of human rights norms in international politics. Its principles differentiate it from the next NGO, but the fact that Amnesty's rights have stuck in the political agenda is no accident, and certainly cannot be chalked up solely to state politics or Western ideology.

Below, I review the literature on norms and diffusion processes on policymaking, explaining the relationship between diffusion and network processes. I then examine scholarship that claims the efficacy of transnational, non-state actors on politics. I go over theories of organizational structure for international NGOs, revealing weaknesses in the extant typology. I conclude with a discussion of the rest of the dissertation.

## **II. Norms and Diffusion**

Thus far, I have introduced two terms that demand definition: principles and norms. While there is an interesting debate in the literature about both concepts, here I provide a baseline definition for simplicity. Krasner's (1983: 2) classic definition of

regimes includes principles and norms: “Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations.”<sup>11</sup> Where both principles and norms contain statements of right and wrong, and conceptions of how the world “should” work, norms are adhered to more generally. Norms have to have widespread consent. Katzenstein (1996) argues that norms are constantly evolving and contested, and are anchored by historical events and existing institutions. However they may be challenged by competing principles, a norm at minimum must be broadly shared to qualify as a standard, and entail claims of rectitude or morality.

The central question for this dissertation is how norms diffuse once some principles are established as normative. Diffusion is the temporally and spatially-clustered process by which information is transmitted from one actor to another (see Starr 1991: 359, Elkins and Simmons 2005). Scholars of diffusion processes emphasize the interdependence of actors within the international system, and the effects such interdependence has on the movement of principles, norms, and policies across borders. The presence of one actor adopting a certain idea, norm, or practice increases the opportunity that another one will follow in adoption (Elkins and Simmons 2005). The core insight in this literature is the fact that states do not act independently of one another, and that choices by some states affect those who decide subsequently. Diffusion theories attempt to solve “Galton’s problem,” which finds that country observations are not independent of one another (Braun and Gilardi 2006, Jahn 2006).

In political science, diffusion has been studied in the spread of liberalism in the 20<sup>th</sup> century (Simmons, Dobbin, and Garrett 2006), bilateral investment treaties (Elkins,

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<sup>11</sup> The other two components of regimes are rules and decision-making procedures.

Guzman, and Simmons 2006), democratization (Starr 1991, Gleditsch and Ward 2006), fluctuations in the size of the welfare state (Jahn 2006), corporate tax structures (Swank 2006), the downsizing of the public sector (Lee and Strang 2006), and decolonization (Strang 1991). Although the studies do not point to a uniform model of diffusion, they find across issue area that interdependence, rather than independence, drives state policy adoption. Interdependence explains why states tend to cluster in their decision-making. Jahn's (2006) argument demonstrates that in multiple iterations, globalization-as-diffusion, whether operationalized as common international organization memberships or trade relationships, affect the domestic policies in the OECD countries.

The assumption of diffusion models that one additional adherent increases the likelihood of another follows similar assumptions to some of the core ideas advanced in this dissertation, discussed in the next chapter. Both network theory and diffusion theories account for power and relative advantages in the adoption of policies. However, network theory allows for both intentional and unintentional shifts in behavior, whereas a key characteristic of diffusion is that it is uncoordinated. Diffusion can occur through multiple mechanisms: coercion, competition, learning, and emulation (Simmons, Dobbin, and Garrett 2006). In each of the mechanisms, no one principle is better or "more right." Concerns over power disparities, market share, finding "the truth," and mutual acceptance drive states to adopt a given policy. The interdependence of decision-making necessarily reflects an underlying structure of relationships, which is a key insight of this project in understanding why some principles become norms.

To a certain degree, diffusion skims the line between intentionality and uncoordinated behavior very closely. Phenomena such as information cascades or

relying on reference groups, as articulated in Elkins and Simmons (2005), would seem to undermine the argument that convergence on a policy outcome is not the result of some sort of coordination, or at least idea sharing and persuasion. The line they draw between adaptation and learning is very interesting, but both types of behavior can fall into situations where intentionality is in fact involved in the process of policy adoption. States, after all, make active decisions about which others they want to emulate. This limits the types of policies they choose, and like-minded (whether linked by common geography, language group, colonial and legal history, etc.) states are not passive policy transmitters. It seems reasonable as well that in most cases, those who have adopted the policy would encourage those who have not, especially those undecided in the middle, to also adopt a similar policy, such as free trade, or nuclear disarmament. Moreover, the establishment of norms truncates the number of possible options that can be diffused, and in that sense, an actor in a given situation has a limited array of choices, some because of unintended systemic effects. There is a tension in the sense that theory states the unintentionality of diffusion processes, and yet there is a recognition that not all states are equally learned from, or emulated (Elkins and Simmons 2005, Lee and Strang 2006). The fact that power differentials exist should imply some sort of intentionality on both the model state and the learning/adapting state. The stress on unintentionality is what makes diffusion theories different from network theory as I advance it here, but this distinction seems unnecessary and overstated.

Also, Braun and Gilardi (2006) point to extant weaknesses of diffusion explanations (which they attempt to resolve). Many of diffusion theory's insights come from different fields; as a result, the explanations are inconsistent and ad hoc

combinations of various factors, such as country characteristics, or learning and competition. They posit that combining various diffusion explanations with an expected-utility model of policy change can fix the problems of incoherence in the diffusion literature, including more specific modeling of various diffusion behaviors. Thus, “diffusion mechanism operate by altering the relative effectiveness and payoffs associated with policy alternatives” (Braun and Gilardi 2006: 317).

Network theory does not posit an intentionality or unintentionality. It simply points out the effects of the quantity and quality of connections between different nodes, and the implications such structure has on information and power in the network. Actors within the network may exploit the advantages of structures with which they are endowed. They may act without intention, per se, and capitalize upon network effects, as when individuals join grassroots networks like Amnesty. They may also act intentionally, such as when the IS and national sections have turf wars over who has authority in different advocacy areas. Network theory also allows analysts to take more seriously “diffusion failures” when structure inhibits the flow of information, as in more decentralized networks. Similar to Braun and Gilardi’s (2006) point, network theory also reveals the incentives newcomers may have in joining a particular network. What kind of utility will one derive from joining at network at its central node, versus a peripheral node? Is the utility derived from joining a centralized network greater than, the same, or less than joining a decentralized network concerned with the same issues? Network theory is a logical extension of diffusion, or perhaps a similar explanation using a different focus – structure, rather than process – to assess how norms are created and state behavior converges. The parallels in diffusion and network theories cannot be

downplayed. Both literatures explore how decisions made by actors (states, nodes) affect other actors in the system, and how this in turn may lead to similarities in observed behavior.

### **III. Transnational Advocacy in International Relations**

International NGOs and TANs have been credited for changing the face of international politics. The 1990s witnessed an explosion of scholarship on both topics, though one would be more correct to pinpoint the 1970s as the beginning of the flurry of interest in non-state political actors (for classic statements, see Nye and Keohane 1971a and 1971b, Huntington 1973). A related analysis is the work on TANs. Though theoretically differentiated in the literature, many of the arguments advanced in work on TANs is applicable to NGOs, and vice versa. International NGOs are transnational by definition, and participate in advocacy in states outside of their home countries. Many NGOs are actually TANs themselves, spanning across boundaries in terms of membership and influence, often pumping money and resources into local communities (see Chapter 5). In my view, the TAN and NGO literatures complement one another, and suffer from some of the same pitfalls.

There are good reasons for the explosion in scholarship. Some argue that they challenge our traditional conceptions of sovereignty (Sikkink 1993, Keck and Sikkink 1998). NGOs have pressured states to consider human rights more seriously and environmental issues and maintained public consensus on state compliance with international law in these areas (Clark 1995). NGOs have participated in negotiations of major international institutions in the 20<sup>th</sup> century, including the League of Nations, the

UN, The Universal Declaration of Human Rights, and the International Criminal Court; by some accounts, they have participated in international governance since at least 1775 (Robins 1971, Willetts 1996, Charnovitz 1997, Korey 1998). Though some maintain the preeminence of states' roles in creating international policy (Raustiala 1997), it is impossible to deny that "the new transnationalism" has certainly ushered in a greater role for non-state actors in international politics since World War II. In fact, Dichter (1999) argues that NGOs exist in a "global marketplace for altruism."

Other have assumed that NGOs are somehow different from other types of political actors in the sense that their "principled" ideas<sup>12</sup> allow them to avoid the pitfalls of other types of organizations or function according to alternative incentives (Clark 1995, Mathews 1997, Clark 2001). Other studies (in particular regarding humanitarian NGOs) show the idealization of claims (James and Rose-Ackerman 1986, de Waal 1997, Simmons 1998, Lindenberg and Bryant 2001, Cooley and Ron 2002, Lischer 2005, Stein 2007) resting on principled actors.<sup>13</sup> NGOs ought to be conceived of as rational actors motivated by principled beliefs that despite high-minded ideals, fall prey to similar organizational survival and expansion concerns.

Many analyses that examine the effect of external forces on changing domestic norms focus on the quality of an idea as the primary determinant for its political salience internationally or domestically (Nadelmann 1990, Cortell and Davis 1996, Legro 1997, Price 1998, Checkel 1999). The watershed study in this field is Keck and Sikkink's

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<sup>12</sup> "Principled" applies to both the ideas, and also the actors themselves, who are somehow different from "non-principled" actors (e.g. firms or businesses).

<sup>13</sup> This of course does not account for all of the studies that do not examine "good" networks, such as drug and terrorism networks (Adamson 2005, Kenney 2007a) or criminal networks that subvert state regulation of borders (Andreas 2003). The literature on such "dark" networks has not received much airplay in "mainstream" analyses of transnational networks (see Kenney 2007b for a critique and relevant citations).

(1998: 27) examination of historical and modern advocacy networks. In this treatment of transnational advocacy, in which they coined the term “TAN,” Keck and Sikkink offer a descriptive sense of what effect linked activists might exert on international politics. They observe that campaigns that causally demonstrate bodily harm or injustice were more likely to succeed. Their study focuses on the quality of the issue, rather than the qualities of the group advocating the issue.

The focus on ideas, principles, and norms as causal forces neglects to account for the sources of the norms that TANs follow. Though some (Keeley 1990, Goertz and Diehl 1992) have argued persuasively that one cannot disaggregate the notions of power and interest from a discussion of norms, the literature on transnationalism often assumes norms as given or the cause of a network’s formation, rather than a product of TAN activity. Those who study TANs often assume the exogeneity of norms to networks, arriving by way of “norm entrepreneurs” (Sunstein 1996, Finnemore and Sikkink 1998), existent as matter of fact to a contemporary state identity (Risse and Sikkink 1999, Foot 2000), or existing antecedently (Axelrod 1986). They assert that the principles of norm entrepreneurs are *de facto* normative and definitive, negating the fact that many times norms themselves are under contention between activists (Bandy and Smith 2005, Hertel 2006). Though Risse’s work (1999, 2000) highlights the importance of communicative action in order to reach norms that follow the “logic of appropriateness,” it still lacks a conceptualization of the sources of the claims for “appropriate.” In this case, human rights are assumed to be monolithic in character and an uncontested political category.

There are recent exceptions which show how human rights advocacy networks exclude some ideas and principles (Carpenter 2007) and fail to reach the international



radar (Bob 2005), but by and large studies remain silent on the process of issue choice, electing to assume that norms emerge apolitically. Those who have examined more specific political issues and the interaction of states and non-state actors, such as apartheid (Klotz 1995a, 1995b) or intervention (Finnemore 2003) have also been more successful in demonstrating how international norms change over time, and what the sources of such changes are.

Ironically, much of the work on TANs has done a good job moving the scope of international relations to different types of international organizations, but it has at the same time undertheorized its main contribution to the conversation. Networks are observed, but networks do more than reflect norms. Networks have a political role in generating principles and setting the agenda in the creation of international norms. As it stands, network is often more of a metaphor than an actual examination of structure (see Kahler 2007: 1-2) in the TAN literature. The causal factor in determining the success of a given transnational advocacy campaign rests on the principles advocated, rather than the structure of the NGOs themselves, or the pattern of relationships between them. Though the quality of the principle most likely has an effect on how it takes hold and becomes an international norm, I argue structure determines the success of a principle as well. To place all causal explanation on the principle-in-itself as the driver of the process of norm diffusion assumes that some ideas are simply inherently more right or convincing than others such that they become standards.

Furthermore, the variation in the structure of TANs has only recently been explored in a rigorous fashion. There are two weak points in the existing literature that studies the structure of NGOs. First, scholars have differentiated between domestic

NGOs and those working in multiple countries, or international NGOs, even though many of the claims that hold in the study of domestic non-profit organizations also hold for international NGOs (see for example Zald and Denton 1963, Young 1989). For instance, international NGOs are predicted to have a “federated” structure. Time and again theoretical and empirical examinations show that such a structure, in which autonomous units operate locally but a central organizing body disseminates information, resources, and establishes a unified identity for the rest of the organization, is the dominant structure of both domestic and international NGOs (see Provan 1983, Young 1992, Hudson and Bielefeld 1997). Little has been done to unify studies of domestic NGOs, however, with those that focus on international NGOs (an exception is Lindenberg and Bryant 2001), and none exist to date that link domestic theories to advocacy-only NGOs, such as those involved in human rights or environmental politics. Importation of ideas from domestic studies is necessary, as international NGOs are just as affected by their organizational structures as those that stay within borders.

Second, existing work relies heavily on typology. Organization theorists have established several other categories by which structure can be classified. Lindenberg and Bryant (2001) apply Young’s (1989) theory of domestic non-profit structure to their examination of international humanitarian NGOs, offering the most comprehensive typology to date. Typologies are useful, but current conceptions are too static. Using network theory allows us to capture the dynamism of interactions between nodes, and also how structure affects power relations in TANs, rather than concentrating on classifying various networks. For instance, Lindenberg and Bryant’s analysis runs into problems classifying the middle categories of weak umbrellas, confederations, and

federations, because all three types vary in the level of centralization that is possible, given the number of agenda-setting nodes. Coincidentally, most organizations fall within this in-between zone, as very flat or very centralized organizations are far and few between. Lindenberg and Bryant (2001)<sup>14</sup> in fact argue that larger Northern NGOs have been adopting such intermediary structures in recent years, confirming the hypotheses set forth by earlier theorists. This conversion on the middle categories, therefore, renders the typology less useful than an alternative approach that does not adhere as rigidly to categories, focusing on analyzing the structure of relationships between actors in a TAN. Typologies serve useful analytic purposes, given a universe of actors. Nonetheless, as networks of activists, national, and sub-national groupings, international NGOs have many moving parts, in which relationships between nodes change over time. In other words, giving a type to each group is not sufficient, because the difference between the middling types is not great. Instead, scholarship should focus on the patterns of and decisions concerning interconnectivity between nodes in a network – or between parts of an NGO – alongside formal rules, to understand how power moves between various actors adopting the same name.

TAN scholarship also, for the most part, assumes norms come prior to the network, rather than as an emergent property of the network itself. This dissertation takes the “N” of TAN quite literally to examine how network structure affects the creation of norms and governing relations within networks. Though the actors in TANs may be principled, the structure of the network in which they interact affects which principles

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<sup>14</sup> Their analysis is more fine-grained than previous attempts, which did not differentiate between weak umbrella structures and confederations. Federated models, however, remain consistent in all theories.

become prominent. Just as not all networks look the same, not all actors within networks look the same, and not all principles become norms. Structure determines how actors are able to forward their agendas, and which actors are more likely to be successful than others. Furthermore, networks often are assumed to pre-exist, because nodes constantly interact with one another. This may be an appropriate assumption for many things, however, this dissertation argues that, at least in the case of the human rights, a transnational network did not pre-date the norms that arose as a result of its efforts.

This project expands upon current conceptions of NGOs in international politics by refocusing the debate on the structure of these organizations and their affiliated networks. Structure determines the distribution of power within the network, which alters its capacity for effecting norms. The distribution of power in a network can determine its ability to articulate a coherent set of norms for both those in the network and potential newcomers, and for use in international politics. Organizational structure, therefore, is a decisive determinant for how power moves within and as a consequence of networks. TANS create norms, and norms are a source of their power in international politics. TANS are built by agents for political purposes, and therefore there is no “natural” or obvious set of norms that initially trumped others.

Because norms have important consequences for how states act, it is important to figure out how non-state actors can and do influence the content of those norms. Current explanations rely on optimistic assumptions about what non-state actors do differently from other types of actors, or thinly explain how they arrived at their favored principles, and consequently norms in the case of successful TANS. These theories are clearly insufficient for understanding how human rights politics became centered on the rights

that it did, and how states came to conceive of some human rights as norms. Even though NGOs are not the only source of human rights norms, they form a vital component in terms of pushing state compliance with existing treaties, and creating new norms through transnational advocacy.

#### **IV. Outline of the Dissertation**

As stated earlier, the goals of this dissertation are three-fold. I first establish that human rights are political constructions. Second, human rights TANs played an integral political role in establishing human rights norms after World War II. Third, the structure of some NGOs enabled them to outperform others because of their relative advantages in transmitting and controlling information and the agenda within the network. This project proceeds in an hourglass pattern. I begin by establishing the theoretical concepts and work through the ideational variation in human rights discussions in the early years of the Cold War. I then narrow the scope to a study of Amnesty's structure, with particular attention paid to its founding period, and the major transition it undertook within its first decade of existence. I also explore the structures of other NGOs in comparative fashion. Finally, I expand beyond specific organizations, looking at NGO effects on international norms, and the degree to which NGO advocacy affects state behavior.

In Chapter 2, I outline the theoretical claims of the dissertation in greater detail, establishing the main tenets of network theory, explaining their applicability to the study of TANs and the diffusion of human rights norms. I argue that networks characterized by central nodes, or scale-free networks, create actors that control agenda-setting and rule-making power, a key to successfully spreading particular principles within networks, and

diffusing them as norms outside of the network. Scale-free networks are also easy to join, and follow the rule of preferential attachment, and therefore have large membership bases as well. Centralization of information and de-centralization of action allows for the best of both worlds. The fewer the agenda-setters in a network, the more clearly articulated the principle in the network will be, which contributes to the ability for a network to diffuse a set of principles through a dispersed network of advocates, and influence international human rights norms. Advocacy networks must be clear on what principles matter to them to determine the issues they adopt, the methods they use, and the cases they take on. This, in turn, contributes to the coherence of its advocacy message, and its ability to articulate a direction or alternative conception for international norms.

Chapter 3 establishes the multiplicity of human rights visions in the aftermath of World War II, reinforcing the notion that human rights are political constructions, and that in fact, no principles could be considered normative until decades after the passage of the UDHR. I demonstrate this through an examination of human rights theories at the time in Great Britain, the home country for Amnesty International, differences between the US and the UK (“The West”), and the negotiations over the UDHR in 1947-48. I seek to demonstrate the political, and not obvious, nature of “Amnesty’s rights” by referring to the diversity of thought on what human rights “ought to be.” First, I conduct a brief intellectual history of British liberal thought concerning rights, examining dyadically the work of Sir Isaiah Berlin and T.H. Green, and Hersh Lauterpacht and Eric Beckett. As I argue, all four men were influential in British conceptions of human rights. The latter pairing of Lauterpacht and Beckett demonstrates the vigorous debate that took

place within Britain over the content of universal human rights after World War II. I then trace the history of the negotiations of the UDHR and identify the various political motivations underlying the creation of the landmark aspirational document, establishing the historical and political context in which Amnesty was founded in 1961.

I then move in Chapter 4 to detail the founding and early years of Amnesty to demonstrate that formal rules do not always tell the story of where power lies, drawing extensively upon primary archival sources. Amnesty's early years were characterized by the typical chaos of founding an NGO, and its leadership rested in the hands of a charismatic leader. Growing popularity and a dramatic series of scandals caused the network to reformulate its leadership structure, devising a new set of rules with multiple points of accountability. However, contrary to the intentions of the reformers, agenda-setting and rule-making power remained centralized, albeit in a bureaucracy, the IS, rather than vested in a single individual. I explain that the responsibilities of the IS, which included producing and diffusing information, led to the pattern of links between the IS and the other nodes of the network. This pattern led to the centralization of agenda-setting and rule-making capacities in the IS, and the IS was able to determine the direction of the network virtually unfettered for over two decades. The centralization of decisions on Amnesty's rights, and the principles of the network are ultimately what made it successful in shaping international human rights norms.

In Chapter 5, I extend the network analysis template outlined in Chapter 2 to more human rights NGOs: the International Committee of the Red Cross (ICRC) and the greater Red Cross movement, Oxfam International, and Médecins Sans Frontières (MSF). Using secondary texts, I draw inferences from the evidence provided in these sources to

determine if and how formal structure and network structure diverge in cases beyond Amnesty. Again, using the key theoretical tool of network centrality, I demonstrate that Amnesty's centralized network structure defies convention among other NGOs. The decentralization that characterizes MSF is a function of philosophy. For Oxfam, decentralization is in part historical accident, and the current trend has been to unite the various national sections under the umbrella organization Oxfam International, at least for global issues. The ICRC and the Red Cross has a much more convoluted history because of the challenge to the centrality of the ICRC by its sister organization in the Red Cross network, the International Federation of Red Cross and Red Crescent Societies. However, the Red Cross case resembles Amnesty more than any other case presented in this chapter because of structural similarities in centrality, and the ability of these networks to diffuse their respective principles as international norms.

Chapter 6 investigates the political effect of Amnesty's advocacy on state behavior. I operationalize the adoption of norms through justifications for economic sanctions. This is not a "traditional" indicator of human rights norms, as sanctions are not specifically human rights episodes. However, if norms shape worldviews, as I claim above, observing state behavior in other arenas demonstrates the salience of human rights as political tools. More importantly, I show the significance of Amnesty's conception of human rights. I find that when economic sanctions are justified by human rights reasons, Amnesty's rights are overwhelmingly those that are chosen by sender states. I examine aggregate level trends, and use three cases to highlight the fact that Amnesty's rights show up even in the most unlikely cases. The three cases focus on South Africa, where the issue centered on race and Apartheid; in sanctions against China in reaction to



Tiananmen Square, but addressing the human rights situation there in general; and Argentina, the most likely case, during the military junta's rule, when widespread disappearances and torture terrorized the population in the "Dirty War," and Amnesty's efforts earned it a Nobel Peace Prize.

Chapter 7 concludes, advancing a research agenda that includes future extensions of the insights discussed here. I posit structural analyses for the study of groups that employ non-conventional violence, environmental advocacy networks, and religious organizations. Structure is something that all networks have to contend with at one point, either to make a decision to adopt a certain formation, or to scrap a current organizational arrangement, and is a useful lens to use across issue areas. Using the lessons of structure from its effects on human rights norms, I offer implications for policymakers and NGOs in pursuing their advocacy goals.

The portrait of 20<sup>th</sup> century transnational activism presented here is one that emphasizes structure as the explanatory variable for the creation of international norms. Using network analysis provides a different vocabulary with which to describe political phenomena, and gives us theoretical insights for the implications of functional forms. Different patterns of relationships in different human rights networks leads to their varying success in promoting competing versions of what human rights ought to be. Structure is a strategic and political decision that is made both at the founding of an NGO and throughout its lifespan.

For TANs, the weapon of choice and necessity will always be one of principle. Serving as an alternative source of information or goods and services is one of the primary foundations for political networks of all stripes. The value of principles in the

politics of transnational advocacy demands that we examine from where these principles come. Some principles become prominent because prominent people choose them, such as when Bono takes on poverty, or George Clooney declares the Sudanese crisis as his pet humanitarian project. But prominence is not tantamount to normative. Norms are seen as standards to which states are bound. The shift from principles to norms, in other words, requires states themselves to shift their behavior, something that requires understanding the forces and processes that affect states' conceptions. In the case of human rights, TANs played a significant part in influencing international norms, and this dissertation explains how, and why we have the human rights norms we do today.

## **Chapter 2**

### **Network Structure and the Political Construction of Norms**

How do transnational advocacy networks affect international human rights norms? This question is in fact deceptively simple. To answer it, we really need to address two separate, but related processes: 1) how networks converge around a set of principles to advocate, and 2) how networks diffuse their principles as norms in international politics. In both processes, network structure is the key variable.

Networks vary in structure, and it is this structural variation that determines to what extent they can influence international norms. Structure is a choice made by those who found and participate in networks. Some networks have central nodes. These nodes have a disproportionate number of connections to other nodes in the network, as discussed below. Nearly, if not all, of the other nodes (peripheral nodes) in the network are connected through it. I argue that more decentralized, or distributed networks, which lack a central, coordinating node, are hindered in their efforts to create norms and diffuse them in international politics, while more centralized, or scale-free networks, are better able to formulate a coherent set of norms and spread them politically. Structure, and more critically, centrality, affects the degree to which a network can be an effective political actor. Norm creation and diffusion are less likely without coordinative capacity.

My goal here is to refocus existing typologies in the study of NGOs (see Chapter 1) away from formal rules, and to stress the importance of a centralized network structure, as opposed to formal structure, on the creation and diffusion of norms and political power in

human rights networks. Centralized network structure, even given decentralized formal structures, can still give rise to coherent principles within a network because of the way information travels within a given NGO.

This argument relies upon an account of the rise of networks, and how network structure determines how human rights norms are conceived, through agenda-setting and not political persuasion (Risse 1999, 2000) or other social effects. Therefore, the structural centrality of political actors, in this case TANs and NGOs, affects which principles become norms. TANs that approximate a scale-free network are most likely to propagate their principles successfully as international norms because of their control of information, and are therefore better positioned to affect the politics of human rights than their less centralized counterparts. By extension, scale-free networks have more power in the politics of international norms.

The theory presented here differs from existing literature on TANs in that it delves into the structural elements of networks that affect agenda-setting within networks, and the agenda-setting capability of the networks in international politics. Previous efforts at explaining the effect of NGOs and TANs on human rights norms overlook key structural differences I highlight below. In the first section, I briefly define networks and discuss the key theoretical concept of centrality. The next section provides a more extensive literature review of relevant scholarship on how and why networks form, and how they function. In the third and fourth sections, I develop a theory based on insights from network theory of how TANs might form, and how central nodes and other nodes interact with one another in the network. I explain how the structural advantages of central nodes translate into the capability of centralized TANs to turn principles into

norms. In the last section, I synthesize how the insights developed in the previous section explain the shape of human rights norms in the 20<sup>th</sup> century, and why in terms of transnational advocacy, Amnesty's rights won out.

## **I. What are Networks?**

The idea of “network” has become a pervasive term of art in the social sciences. Its insight that actors are defined in terms of interdependence and relations makes network analysis distinct (Wasserman and Faust 1994). Emirbayer and Goodwin (1994) argue that network analysis cannot be viewed as theory, but only as a paradigm. Networks can be evaluated as distinct objects or used as a method of analysis (Dicken, et al. 2001, Thompson 2003: 6). Definitions of networks range from typologies to very general definitions that simply state networks are created when actors, whether individuals or organizations, interact (Salancik 1995).

At a basic level, all networks are composed of actors, called nodes, whose connections to one another are variously called links, edges, ties, or vertices. Any two nodes linked directly together are called adjacent. When examining network structure, there are many different criteria. Many of these are measurement and methodological issues.<sup>15</sup> In addition, the study of networks covers multiple levels of analysis, and consequently, many of the insights of network theory do not translate from individual, social group analysis to NGO, or TAN-level studies. Here I focus on the notion of

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<sup>15</sup> For a textbook on the major concepts in network analysis, see the preeminent text on social network analysis, Wasserman and Faust (1994).

centrality in graph theory,<sup>16</sup> which has direct implications for differentiating between types of networks and the normative consequences of structural differences. I acknowledge that this discussion drops out many significant findings in an impressive body of network scholarship that has gained prominence since the middle of last century, but I do this for the sake of parsimony.

Nodes are “visible” when they are more prominent than others in a network, which means they are more involved (Wasserman and Faust 1994: 172-73). Visibility can be direct, as in links to different nodes, or indirect, links mediated by other nodes. There are two types of prominence, centrality and prestige. Centrality describes all relationships in a network, and is a simple measure of interaction; prestige adds in a directional component to the interaction. Whereas centrality identifies the density of links in a network, prestige specifies a choice – nodes want to link to prestigious nodes because of some concept of desirability or benefit. Wasserman and Faust (1994) note that because prestige is only one-way – it looks at certain nodes as objects of links, and not subjects of links – it is hard to measure. In other words, actively soliciting ties does not count as part of a node’s prestige; others must link to it. For this dissertation, the key structural component is network centrality. Nodes that are more central, or have the most links to other nodes, will be more likely to affect normative outcomes of the network than those that are less well-connected.

Centrality is one of the most measured and most significant measures in social network analysis (Freeman 1979, Everett and Borgatti 2006). Since his seminal paper,

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<sup>16</sup> Graph theory is the study of nodes and the pattern of connections between them; “network theory” in this dissertation.

Freeman's (1979) three criteria have been the mainstay for succeeding scholars who have refined his concepts for measuring centrality. The three main ways to think about centrality in graph theory are: betweenness, closeness, and degree (Freeman 1979).

Closeness is a measure of the distance between nodes in terms of the directness of the link – does A link to B through a single link, or do they have to go through C (and D, or E) to get there? Betweenness is a measure of whether a node falls in between the connection of another pair of nodes. In previous example, C would be between A and B if indeed one of the ways to connect A and B was through C. Degree is a measure of how many nodes a given node is adjacent to, or directly linked to. Degree is the most obvious way to think about centrality, because we can safely assume that a node with a high degree means that it is “in the mix.” Equating connectivity with presence in a network is an intuitive step (Freeman 1979). Being well-connected enables a node with high degree to be involved in the network. However, degree can be a misleading measure, since it is a simple count of adjacent links, and the configuration of a network can lead to high degree values if the nodes are simply all connected to one another, rather than a traditional “star,” in which there is a clear central node adjacent to all the other nodes in the network (Everett and Borgatti 2006) (see Figure 2.1, “scale-free network”).

This is why betweenness is an important factor in assessing centrality. A node falling in the path between two other nodes by definition has influence over what transpires between the other two. Betweenness allows for a nuanced view of degree that includes a sense of the geometric arrangement of nodes and the control of information in the network. Finally, closeness is an indicator of the independence of a given node (Freeman 1979), or how long it takes to transmit a measure through the network. A

network characterized by short paths between all of the nodes is more efficient, and thus, closer. Ideally, a centralized network has a node with a high degree, which sits between all or most of the paths between nodes. Connections between the various nodes in the network are short. A decentralized network is the opposite: nodes with low degree scores, little betweenness, and long links between all of the various nodes.

Figure 2.1 (p. 42) offers a good contrast between a perfectly central node by degree, betweenness, and closeness (scale-free) versus a network not characterized by centrality at all (distributed). Most networks do not make the centrality cut along one of the three dimensions (Freeman 1979), since finding that perfect “star” network is rare. This makes, of course, the evaluation of whether a node is central or not somewhat more arbitrary. Finding a node in a network that is central along two of the three criteria is convincing if it means that as a consequence, that node can control information. The purpose of network theory is, at least here, to discern the consequences of the network structure, rather than detailing the perfect network in conformity to measurement or form.

Because centrality allows for certain nodes to control the flow of information and distribute information within the network, it is a concept that must be emphasized in examining the formation and diffusion of norms from TANs. I now turn to a more general review of network literature to extend upon the insights on centrality presented here, and to develop a theory of power within and of TANs in human rights politics.

## **II. Social Network Theory: Why Networks Form, and How They Work**

Especially in organization science, and sociology more generally, network conversations proliferate (for general reviews, see Podolny and Page 1998, Newman



2002, Borgatti and Foster 2003). As a result, uses of it are multiple, contradictory, and often difficult to reconcile with one another, since the great variation in language to describe networks sets up a primary barrier. There is also a problem with unit of analysis. Studies vary from individual-level, firm-level, and network-wide observations, and the extent to which findings can translate between various levels is unclear. Furthermore, no real theory of the politics of networks has emerged, even as other areas, such as the methodology of studying networks (Wasserman and Faust 1994) have evolved in very sophisticated directions (Banks and Carley 1996, Robins, et al. 1999, Robins, et al. 2001, Macy and Willer 2002). Although political science is a fairly new contributor to this burgeoning literature, insights from studies of international relations concerning power and its effect on political outcomes can make a serious contribution to our understanding of networks, especially with an eye to matching up empirics from political science with theoretical findings generated by sociologists, physicists, and biologists. The review here focuses mainly on sociological perspectives. I try to remain at the network level to capture overall network structure and dynamics, but there are insights from both the individual and firm-levels that I employ to explain how certain concepts might operate in TANs.

My concern is with how structure affects power within networks and the power of networks. Power within networks determines the principles of the network; power of networks determines whether and how they affect international human rights norms. With a very recent exception that models the dynamics within networks and how new entrants to populations might alter the structure of networks (Powell, et al. 2005), the focus in much of network theory from the sociological perspective has either examined

the effects or beginnings of networks without analyzing the relationship between network structure and politics. Network theory is concerned with outcomes and beginnings without a substantial body of literature that explains how variations in network structure might alter the effects produced by networks, or how structure affects power within networks (i.e., how networks “work”). Each strain contributes to a general understanding of networks. I review, first, theories that explain why and how networks might arise, and show that such theories need insights into how structure constrains choices. I then review theories of network structure, and how structural variations explain how networks differ in their effects.

#### *Why Networks?*

There are many reasons why networks form. Information is a key reason for joining networks. Podolny and Page (1998) argue that networks not only assist in the more efficient transfer of information between nodes, but that the relationships between nodes over time actually generate new information. Smith-Doerr and Powell (2005) argue that central nodes have access to information first and are more likely to be early adopters of new ideas and technologies. Networks also signal information about a given node, enhancing a node’s reputation when it links to other, well-respected nodes, informing future decisions. The enhanced reputation can generate future economic benefits. Hafner-Burton and Montgomery (2006) claim that a state’s social power is enhanced through the relationships it forms with other states by joining an intergovernmental organization (IGO). Similarly, Gulati and Gargiulo (1999) find in their study of how organizations choose new allies to form alliances with, the network that is the accumulation of the various ties between nodes also informs nodes how best to

proceed in finding new partners. Other scholars have applied measures of affinity, various types of interdependence and polarity (security, economic, and cultural) and network centrality to the study of conflict in the international system (Maoz 2006, Maoz, et al. 2006, Maoz, et al. 2007). Furthermore, inter-firm cooperation and economic embeddedness (explained below) can contribute to competitive advantages (Rowley, et al. 2000).

The network literature has two major alternative explanations to network formation that do not hinge on network structure: homophily and trend-following, or “appropriateness” (Powell, et al. 2005). Homophily is the principle that “birds of a feather flock together,” as the old adage goes. The implication of homophily is that all aspects of an individual’s life will tend towards homogeneity, which is reflected in one’s social network. Homophily studies have only recently begun branching out beyond individual level analyses in the study of networks (McPherson, et al. 2001). What these studies find is that despite variations within categories, individuals tend to form relationships with others who are like them, across demographic categories such as race, gender, and socio-economic standing. Theories of homophily can help explain how networks might form at the individual level, and how the makeup of different networks might become more homogenous over time, but this explanation is really rooted at the individual, cognitive level. Homophily is a selection process, and argues that individuals will select into homogenous groups based on some affiliation through choice or structural constraints (McPherson and Smith-Lovin 1987), but it reveals nothing about the underlying dynamics after opting into a certain interaction. As McPherson, et al. (2001) note, homophily studies suffer from a lack of dynamism and do not tend to consider

multiple dimensions of possible homophily in driving individual interactions (for example, gender plus occupation, or gender versus occupation).

Theories of appropriateness tend to look similar to the diffusion ideas explored in Chapter 1. One of the mechanisms of diffusion is emulation, in which an actor takes on a characteristic from another successful actor that it believes will lead to a positive outcome. In organization studies, DiMaggio and Powell (1983) find that several factors lead to institutional isomorphism organizations that do not make them more efficient or competitive. Organizations instead become more homogenous because of various environmental and institutional factors: ambiguity/uncertainty, professionalization, interactions with the state, and interactions with other organizations. Thus, the drive to become similar hinges not on actual predictors of success in terms of profit or efficiency per se, but on social understandings of what makes a “good” organization, and what every organization “needs” (see Finnemore 1993 for an analogue among states) to be like everyone else. Appropriateness arguments have their counterpart in political science in how states socialize themselves to “act like a state” (Johnston 1995, Risse 1999, 2000), although socialization accounts are more active than “appropriateness” accounts, which seem to derive their inertia from a desire to be accepted, rather than argumentation.

Both homophily and appropriateness accounts can explain why networks develop, and what entices individuals to link to some people but not others. But homophily and appropriateness cannot explain why networks are chosen, as opposed to merely spot market exchanges with certain desirable actors. Both seem to be automatic processes, even as both approaches emphasize agency. Appropriateness in particular makes less sense in an environment composed by actors that define themselves by principles – such

herd-like mentality seems to make less sense among human rights activists, who have very definitive notions of how the world ought to work. Neither perspective gives a very good explanation of the effects of networks, or how networks contribute to or alter individual choices. In other words, homophily and appropriateness theories outweigh agency concerns and underconceptualize structural factors. Although this may answer Emirbayer and Goodwin's (1994) challenge to network theory to account for the underlying normative commitments of actors who construct networks and contribute to network structure, the lack of insight on how the process of individual selection and its interaction with structure necessitates structural theories to bridge the gap.

### *Network Structure*

Theories of structure frequently begin at the point that networks are different from previous forms of governance or interaction.<sup>17</sup> Networks are commonly conceived as the “flat” governance alternative to markets or hierarchies (Powell 1990, Podolny and Page 1998, Castells 2000). Flat governance arrangements can be thought of as more structured than spot, market exchanges, but less rigid than formal, corporate rules. In fact, network membership can serve as a great equalizer – once in the network, nodes are equal in terms of connectivity and access to the benefits of the network. In more general terms, culturally-oriented studies of networks have emphasized the de-territorialization or permeability of state boundaries because of the formation of transnational networks (Vertovec 1999). Such studies have stressed the free flow of information, resources, and people that networks enable. Networks are thought of as an alternative to states, and

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<sup>17</sup> In truth, this reflects the academy's lack of attention to such “alternative” forms of governance or interaction.

therefore an alternative to power. As Castells (2000: 500) artfully characterizes: “the power of flows takes precedence over the flows of power.” Such a view is incongruous with findings that networks in fact do vary quite significantly in structure; variation in network structure implies that not all networks operate in the same fashion. Some, may in fact, lend themselves as naturally to flows of power as states or corporations.

Recent work in sociology and physics confirms this from at least a structural standpoint (Watts and Strogatz 1998, Barabási and Albert 1999, Barabási 2003, Watts 2003). Real-world networks in fact often follow small-world or scale-free (or skewed) distributions. These different distributions have an effect on how information and rules flow within a network. Recent work has also moved away from a focus on the spontaneity of network activity versus firms by demonstrating that networks can have formal or informal foundations and rules of operation (Smith-Doerr and Powell 2005).

Scholars who study network structure start from the premise that the pattern of links in a network drives network effects and outcomes (Borgatti and Foster 2003), as stated in a previous section. The distribution of ties, or network structure, determines how nodes in networks can interact and has real consequences on the distribution of power (Knoke 1990, Uzzi 1996, Powell, et al. 2005). Scholars have tended to split themselves into two camps on links: those who count them, and those who describe the nature of the link. Because this project falls squarely into the “counting” camp, I briefly explain why addressing the nature of links, or relational embeddedness is not the focus of this project, though certainly can be useful in understanding TAN dynamics in other versions of the research question.

Powell (1990), in his classic statement on networks as the “new” method of organization, further differentiates networks from hierarchies and markets because of their dependence on relationships and reciprocity, or trust. Networks exhibit greater levels of entanglement than other forms of organization, leading to “embeddedness” in interactions among nodes (Granovetter 1985). Embeddedness can be relational or structural (Borgatti and Foster 2003). Structural embeddedness examines the degree to which a node is connected quantitatively; relational embeddedness attempts to measure the quality of the links forged by a node. Both types of embeddedness can lead to the spread of norms and common expectations (Meyer and Rowan 1977, Rowley 1997). Relational embeddedness, however, leads us to discussions of “weak” and “strong” ties (Granovetter 1983), and benefits/drawbacks that networks can give to a particular individual, or ego, in a network. For example, Christakis and Fowler (2007) find that obesity among close friends, siblings, and spouses lead to an increased likelihood of obesity for an individual. Within those groups, the nature of the relationship matters: spouses do not affect obesity chances as much as same-gendered relationships. Theories of social capital follow much the same formula – egos exploit network relationships (Adler and Kwon 2002, Borgatti and Foster 2003). Such explanations can tell us what nodes get from interacting with one another, but it does not necessarily speak to network-level effects. Understanding the dynamics of TANs requires us not to stop at what an individual gets from joining a network, but what the network gets from an individual joining a network, and how it affects the network as a whole in the distribution of links.

Structural embeddedness gets us closer to an understanding of how structure impacts outcomes. Uzzi (1997), for instance, finds that embeddedness can provide firms

with both increased efficiency and economies of scale, but these advantages only go up to a certain point. The advantages of being linked into a network are curvilinear. Too much embeddedness can lead to myopia and an inability to react to things outside of the firm's network. High levels of embeddedness facilitate efficient transmissions of information within the network, but may fail to account for information outside of the network, ultimately derailing efforts at efficiency, normative influence, or whatever the goal of the network might be. Hence, Burt's (1992) concept of "structural holes" in market competition – networks cannot be so embedded that they stifle freedom and the benefits of having to beat the next best alternative.

Structural embeddedness can be visualized through the use of three general models of networks. Networks can follow a random, "small world," or power law distribution (see Figure 2.1). These three archetypal forms inform much of network theory, although networks are dynamic and ever-evolving, and interaction within networks can shape future interactions (Kirman 1997, Watts 2003). Nonetheless, examining the characteristics of the archetypal distributions can give us a sense of the implications of structure on network behavior and outcome, and the degree to which nodes in a network are structurally embedded.

In a random distribution (e.g. the national highway system), nodes are connected by roughly the same number of linkages, forming a lattice-like structure or grid. In a "small world" distribution, nodes are connected to their neighbors. Some nodes, however, can link outside of their neighbor clusters, and form linkages to other clusters of neighbors; hence the remark "what a small world" when it turns out the stranger next to



you at a party is really a friend of a friend.<sup>18</sup> In a power law distribution, by contrast, very few nodes link to a large number of nodes, whereas a great number of the nodes in the network link to very few others (e.g. airline hubs).<sup>19</sup> In these types of arrangements, very few nodes can command a great deal of attention (henceforth, central nodes), whereas less well-connected nodes cannot influence as many others simply from a structural point of view. Power law distributions limit access to information, influence, or other nodes, all mitigated by differential positions within the network.

We call networks that follow power law distributions scale-free networks. They form under two conditions: low barriers to entry and preferential attachment (Barabási 2003). It is both easy to join the network, and newcomers to the network will link to the nodes that are already best connected, i.e. not all nodes are equally valuable because of the distribution of nodal connections. A central node's power is derived via its structural position, though nodes may have virtues that differentiate them from other nodes. Scale-free networks can be said to be more centralized in structure because of these central nodes. A scale-free network is both most powerful at its central node, and most vulnerable. The central node connects to the greatest number of other nodes, but for this reason if the central node were to be lost, it would also destroy the network.

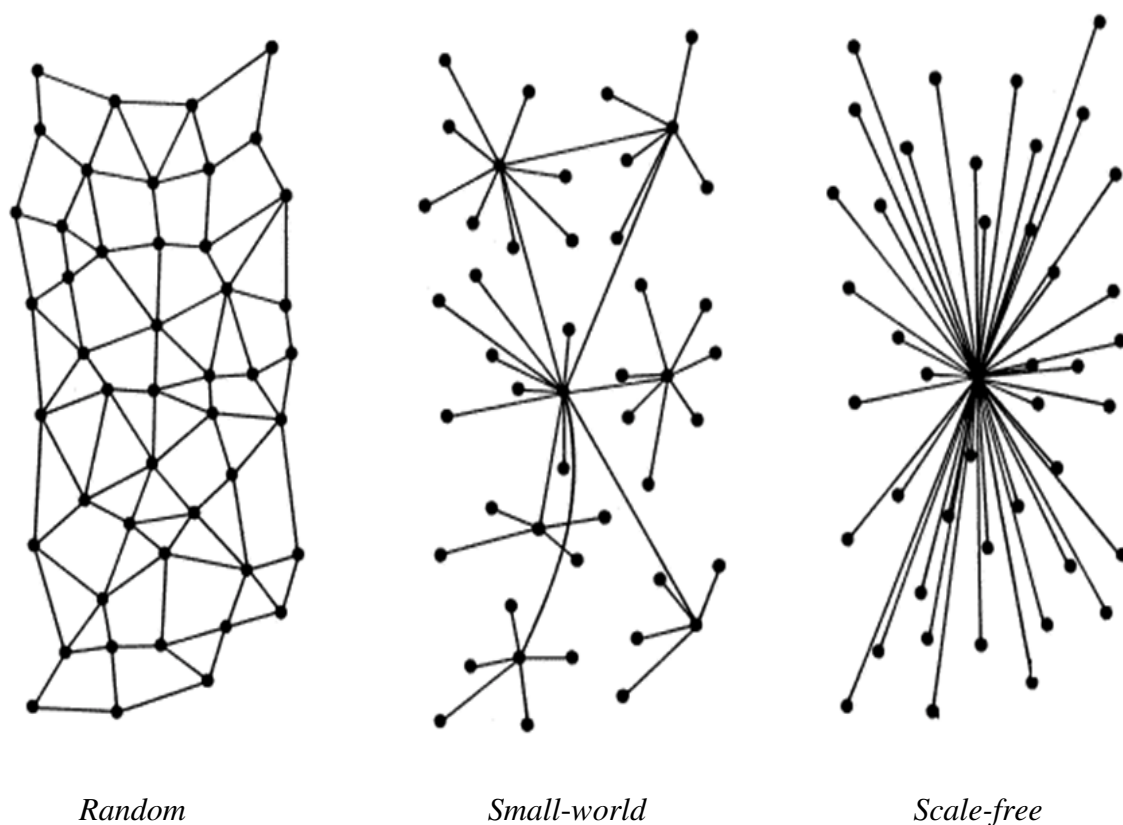
This project emphasizes the conditions under which scale-free networks form, rather than focusing on the actual degree distributions between nodes to categorize

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<sup>18</sup> This is also where Granovetter's (1973) oft-cited "strength of weak ties" fits in. Casual acquaintances are more likely to be of help in job searches, because they are the link outside of your cluster and therefore know many that you do not necessarily know.

<sup>19</sup> There are a number of problems associated with power law distributions, including the fact that something can truly be scale-free only if the population of consideration is unbounded (Watts 2003: 111-14). As a conceptual alternative, it may be helpful to think of scale-free networks as extreme small-world networks, where an individual has many friends compared to those immediately around him/her.

networks as scale-free, small world, and random. My use of the archetypal networks, particularly scale-free networks, is not to show whether they are in fact scale-free or not, but instead what insights we can gain from understanding how low barriers to entry and preferential attachment enable the formation of central nodes, which in turn are critical for establishing norms in TANs. The key insight is therefore what causes centralized networks to form and what effect such centralization has on norms, rather than establishing whether a power law is actually being followed in the distribution of links within a network.



**Figure 2.1 Three Archetypal Networks.** These depictions are based on the work of Paul Baran©. Reproduced in Barabási (2003).

In addition, networks will not be treated as a conceptual category different from firms/hierarchies, markets, or organizations: I am not creating a typology in that sense. Rather, they will be treated as a method of examining transnational political phenomena by emphasizing nodes and the patterns of connections between them. Although this may somewhat cloud the conceptual clarity of “network,” it allows for a more inclusive analysis of international NGOs as networks. Thus, networks as structures (Kahler 2007), rather than as agents, will be the conceptual focus in this theory. The benefit of examining the structure of a network is to point out that structurally, nodes can differ in their share of the distribution of links, which affects power in the network and of the network. The difference leads to a power differential between nodes, making some more influential than others. Similar to organizations, some types of networks give few more power over many – some parts of the network are merely members whereas other parts lead. Because networks look different, some may “look more like organizations.” The difference between “organization” and “network” is not always so clear. If networks are nodes and the patterns of connections between them, any organization is a network, but networks may not be organizations. Networks may also be flatter, more market-like entities. However, one can evaluate all of them using the same kind of analysis – figuring out who has power by the distribution of connections between members of the network.

Put differently, networks encompass a more general conception of human and organizational relationships, and definitions of networks never seem satisfactory for all cases. Networks can change form over time, moving from more skewed distributions to flatter arrangements, or vice versa. In fact, as networks spread in influence, the role of

the central node may actually fade over time. As the network grows, it generates its own inertia, and the norms of the network get reproduced by each new connection forged. The central node in fact may not have to insist upon rule-compliance if other nodes self-enforce as a condition for being part of the network. The quality of the network may also degrade over time as the structure becomes flatter, forcing some nodes to reinvigorate the network by exercising power and forcing other nodes to fall in line. The point is that the false trichotomy between networks, hierarchies, and anarchies obscures the insight of network analysis, which is to point out how the pattern of relationships between nodes shapes the output and functioning of the network. Organizations, which are typically thought of as “more hierarchical,” are not “not networks.” They are merely more centralized networks. Networks and organizations therefore, are not at odds with one another. Rather, networks include many more relationships than the ones that fall between two extremes of social association, and thus failing to note the relevance of network theory on the study of TANs and NGOs is a gap this dissertation seeks to cover.

### **III. Network Formation and the Role of Power**

Scale-free networks are not inevitable – the structure of TANs, as Chapters 4 and 5 demonstrate, is often a deliberate decision made by early movers. But scale-free networks differ importantly from more de-centralized networks in the way that their structures empower central nodes, discussed in detail in the next section, to make decisions about which norms become the norms of the TAN. Here, I lay out theoretically how a scale-free network arises where no pre-existing network provides an obvious structure. After a network forms, a central node exploits its centrality in the network

through controlling information in the network, whether by setting the agenda or setting the rules. These are the two forms of power that the central node exercises.

Sometimes, analyses lend themselves to existent networks. If one examines the spread of the popularity of *Harry Potter*, there are ready-made networks in society to facilitate their spread: schools, churches, neighborhoods, workplaces, and so on. Ideas spread through social diffusion via a number of handy “percolating vulnerable clusters” which are somehow isolated enough so that early adoption is not shunned by the rest of the network, supported enough by a small group of like-minded nodes, and with enough access to convert the rest of us in the dark that the idea is worthy of attention (Watts 2003: 162-194, 220-252). Such a metaphor works when one looks at social fads and the popularity of a given set of objects in a given year. Ex ante, given the need for a perfect combination of insulation with exposure, it is nearly impossible to predict what ideas will stick (Watts 2003: 243-244, 250). However, in looking at political networks, one must explain first how those networks formed before figuring out why some ideas and principles take off and others falter in the network. And without an obvious prior network, first-movers in building the network have an easier time constructing incentives and conditions in their favor, so that it is easier to control what principles become norms. With purposive nodes constructing connections to new nodes, the effect and evolution of an instrumental network, as opposed to an incidental network, will differ both in how nodes become part of networks and in the content of the norms produced by the network. In other words, networks that must be built will also have more predictability in terms of the content of the norms produced: nodes do not simply adopt principles passively, but

choose from among the options offered. Knowing how a network arises gives us insight into what principles will be among the choices.

Networks, when defined as a pattern of connections between a given set of nodes, exist ubiquitously in the world. Setting the boundaries of networks therefore can be a difficult and sometimes controversial step; deciding what kinds of connections count is not always easy to discern empirically. However, in the case of the human rights network and other political networks, different nodes may have existed before, but they were not linked together in the same way, nor did they receive the recognition as political actors until the mid-20<sup>th</sup> century.<sup>20</sup> In the case of human rights, the TAN simply did not exist in the globalized sense until the 1970s, even though since the early 20<sup>th</sup> century religiously-affiliated groups and internationalist groups in the spirit of Wilsonian idealism certainly spoke of a need to protect the rights of individuals. They were not, however, galvanized with a singular position on human rights in the widespread, grassroots way they were in the 1970s and on as Amnesty helped form norms, gaining dominance in the TAN. In summary, though a network of sorts existed prior to the UN era, the quantity and more importantly, the quality of the connections between nodes was substantially different from the TAN that arose in the 1960s and 1970s. The networks differed structurally, which in turn affected their respective normative outputs. TANs also create their own inertia. Contemporary TANs, because they are so widespread relative to ones of the first half of the 20<sup>th</sup> century, generate larger and larger followings. Once formed,

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<sup>20</sup> For example, the modern-day environmental TAN did not take form until the 1960s, well into the post-World War II era (Dalton 1994, Keck and Sikkink 1998)

networks create incentives for newcomers to join, whether based on previous successes or normative outputs.

Networks develop in roughly three stages. In the first stage, multiple possible networks and norms exist. Principles abound, and no clear dominant node exists. Because principles do not become norms until they amass a critical number of adherents, not only is there no coherent network, there is no norm that stands out as “better.” Norms are created from politics; until a network with a structure arises from this situation, actors with principles in this stage compete in an anarchic situation. This is a key contribution of the theory. Unlike other analyses, my explanation differentiates between the principles and the structure that advocates the principle. Principles do not matter until a political actor makes them matter.

In the second stage, a cluster appears from disorder. These nodes agree to link together by coincidence, or by shared preferences. As a collective, they have greater influence than if they go it alone, and cooperation lowers the costs of gaining information. Following a logic articulated by network theory, these nodes can pursue political action alone, finding their own information, lobbying leaders, and formulating normative positions, or they can join together, meeting new advocates, sharing information, and acting together to try to alter state behavior. There are network benefits for those who choose to join. At this stage, a purposeful structure does not necessarily get chosen – activists are busy uniting themselves. Depending on how large and beneficial this nascent network is, it can fade back into the mass – cooperation worked for awhile but in the end did not continue yielding benefits – or it can continue to provide benefits for members.

In the third and final stage, the network grows, attracting new nodes. First-mover advantages from the second stage are not automatic, and centrality has to be constructed (see Powell, et al. 1996). As it expands, the network imposes a set of norms and rules on newcomers, and original members decide on the best way to structure activities within the network. In the case of human rights in the 1960s, this was a limited set of human rights from the scope of possibilities outlined in international documents. Nodes will join despite these restrictions if the network produces enough benefits to overcome the costs of not being able to choose from the entire universe of principles and approaches to advocacy.

If a scale-free network has formed, the original cluster to which newcomers have joined is now the central node of the network in terms of degree, closeness, and most likely, betweenness (see Figure 2.1). The central node can be a group, or it can be an individual, depending on the nature of the network formed. The central node has two forms of power: agenda-setting, and rule-making. Both of these forms of power require the ability to control information flows within the network. For agenda-setting in human rights networks, the questions are which principles and how to advocate them. In terms of rule-making, the central node can decide who can join the network and enjoy its benefits, and who cannot. In addition, it also makes rules for participation once a node is in a network. As the value of the network expands through increased membership, the power of the central node also expands along these two dimensions. As the influence of the central node grows, becoming part of the network increases in value, and the norms that the central node favors become more dominant. I develop these ideas further in the next section.



There is a “tipping point” at which, more likely than not, a network’s version of advocacy wins out – the principles propagated by this network triumph over competing notions (Watts 2003: 205-06). Historical examples of civil rights in the United States, or the taboo against the use of nuclear weapons in the 20<sup>th</sup> century demonstrate that once enough nodes are exposed to and buy into a certain principle, the principle takes hold as a norm, thereby excluding other principle from consideration.

The power of a central node in a network is not unlimited. Too exploitative of a central node degrades the value added for others to join the network. Central nodes can set the rules, and go about maintaining order within the network, but being too restrictive or too rigid takes away from the benefits of participating. A node that provides information and provides rules for conduct within the network while maintaining the control over the principles adopted by the network, on the other hand, provides other nodes with a valuable service that keeps improving as more members are attracted to the benefits of being part of the network. One way for networks to succeed is growth, which exposes more people its principles, increasing the likelihood that more will buy into its way of seeing the world, convincing states to see things their way as well.

In this model, norms are endogenous to the network, as a product of the set of principles advocated by the network. Without the network, or more accurately, without a coherent set of principles, the norms would not form. Unlike the case of fads, in which “norms” encounter existing networks, which then reject or accept them, TANs must first be created. In order to generate a network, its creators follow certain rules and have certain conceptions that they believe are important for their cause, and by implication, the network. This model captures the political elements behind the construction of networks,

the power involved in creating and diffusing a set of principles within networks, which forms the baseline from which networks can the advocate norms in international politics.

#### **IV. “What happens and how it happens depend on the network”<sup>21</sup>**

If central nodes derive their power from the fact that they have the largest number of links that are unfettered by intermediaries, and in turn are the point to which all other nodes must refer to be informed about the principles and rules of the network, they are in the position to evaluate the merits of a principle for a group much larger than itself. Both Barabási (2003) and Watts (2003) note that central nodes can break a new idea just as easily as they can promote a certain set of principles as preeminent. That is, structure is just as important, and can in fact be more important than the qualities of an idea or a principle, in determining what issues reach salience or fail. Given the potential power of centralized networks, I elaborate on two concepts of power I introduced previously, rule-making and agenda-setting power, to demonstrate the importance of central nodes on the principles advocated by a network.

##### *Why are Central Nodes Powerful? Agenda-setting and Rule-making*

In any political relationship, being able to control information and access to resources is a prime source of power. It is always possible to manipulate outcomes by manipulating the agenda (Riker 1986). In scale-free networks, the essential roles played by central nodes are 1) agenda-setting, which determines the principles of the network and 2) providing a principled template for the rest of the nodes in the network. The role of central nodes in creating shortcuts for peripheral nodes will be discussed below.

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<sup>21</sup> Watts (2003): 28-29.

Central nodes determine the importance of some principles and create incentives for other nodes in the TAN to latch on to those principles. This power to control the agenda and information comes not from having the best principle, per se, or having the best argument, but being structurally the best-positioned to pass it on as a norm.

As gatekeepers to a large number of nodes, central nodes can deny or allow access to potential supporters of a principle. Because central nodes are so well-connected, they are both weaknesses and strengths for a network – weak because destroying them destroys a large number of links in the network (vulnerable), but strong because their ties to many other nodes increases their influence within the network (robust). Central nodes may not originate all of the norms within a network, but any potential norm must pass through them at one point or another to get to most of the other nodes. This structural advantage is what enables their agenda-setting power.

Central nodes do not have power in the sense of coercion (Dahl 1961), but as providers of information. Agenda-setting and information are both vital for the functioning of TANs, whose main purpose and strength is providing information that states otherwise would not reveal (Keck and Sikkink 1998). Thus when we think of power in networks, we refer to the second face of power (Schattschneider 1960, Bachrach and Baratz 1970, Lukes 1974, Gaventa 1982, James and Lake 1989). Agenda-setting is not the same as persuasion, which involves convincing others of the rightness of one's point of view. In networks, agenda-setting operates to truncate the menu of norms from which to choose; to find other norms, nodes may exit the network, but are unlikely to change the central node's normative agenda. TAN members select into the network – because they have a set of a priori beliefs about human rights and how the world works,

they seek out others who share these views. For TANs, then, the difficulty is not persuading potential members that human rights are “right,” but deciding which human rights matter most. That is the power of agenda-setting in networks.

Agenda-setting has been well-developed in the study of American politics. The literature can be split roughly into two camps: agenda-setting power of the media and agenda-setting power in Congress. Both offer insights into how TANs function, the former relevant to discussions of the importance of TANs in international politics, and the latter informing how agenda-setting power works within TANs. The media serves an important non-state role by providing information to an uninformed public. Media reports can frame issues to create causal connections (Iyengar 1987) or highlight the importance of issues (Iyengar and Kinder 1987) that are otherwise relatively low on the radar for most governments, let alone the citizens under these governments. Chwe (2001) argues that not only is information consumption important, but how many others are also consuming the information through repetitive “public rituals” contributes to its believability. Agenda-setting can affect issue salience, as Lukes (1974) and Bachrach and Baratz (1970) claim. In short, TANs can set the agenda for how human rights are conceived in the broader political arena outside of the network (see Chapter 1).

Congressional studies reflect some of the dynamics of agenda-setting that happen in TANs. Cox and McCubbins (1993, 2005) use procedural cartel theory to explain how agenda-setting functions in two ways in the US House of Representatives. A procedural cartel “is a coalition of legislators who constitute a majority in the assembly, share a common label ... and cartelize the agenda” (Cox and McCubbins 2005: 24). This cartel, composed of only the majority party, controls the two types of agenda-setting power.

First, there is negative agenda-setting power, in which party leaders protect the status quo through the use of vetoes. Positive agenda-setting power, by contrast, is the ability to create new policy by putting bills to vote on the floor and securing of the necessary votes. Inherent in such as set up is a trade-off: if there is too much veto power, it will be hard to change policy, but if there is too much proposal power, the cartel in charge risks being overruled.

In TANs, there may or may not be a cartel, depending on the structure of the network. Distributed networks and small-world networks, which lack a single central node, may exhibit some of the problems between the balance of negative and positive agenda-setting power that Cox and McCubbins (1993, 2005) point out. The dynamic between the majority and minority, or between various pluralities, would thus hinder any particular normative agenda to dominate debate within the network. For scale-free networks, the story is different. Structurally central nodes have both positive and negative agenda-setting power. Because almost all of the connections in the network pass through them, central nodes can filter out information or repackage it in a way that suits their interests, thus simultaneously vetoing and creating information. Alternatively, central nodes may also decide what is important for the network and how resources should be distributed within the network. Because of their connectivity, central nodes can exercise agency in determining the course of the network more than other nodes, i.e. central nodes have agenda-setting and rule-making power.<sup>22</sup> Agenda-setting power therefore allows those with it to determine the content of the norms produced by the

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<sup>22</sup> Agenda-setting and rule-making power do not map on perfectly to the conception of positive and negative agenda-setting power. Rather than emphasize the proposal and veto power, however, in scale-free political networks it is important to address the capacity to create (and deny) information, as well as govern activity within the network based on structural centrality.

network. Because agenda-setting power is valuable in a network, one would expect that those with it would do whatever they could in their power to preserve it; conversely, those without would seize the opportunity when given it.<sup>23</sup>

Agenda-setting power is another way for central nodes to control the network by limiting other nodes to a particular set of principles or norms. The construction of “barriers to the public airing of policy conflicts” (Bachrach and Baratz 1970: 8) is how agenda-setting power creates rules for the network. Some topics are simply off-limits, either unmentioned or specifically denied. By truncating the universe of knowledge, central nodes can control the normative content of the network. A concrete example is that of open-source computer operating system Linux. All changes to the code ultimately go through founder Linus Torvalds, who personally approves them (Weber 2004: 63-64, 89-90). Central nodes create the rules by which everyone else in the network plays.

Agenda-setting resting in one node is far more powerful in a centralized scale-free network, where few have connections to many, rather than in less centralized networks, where the distribution of connections is more diffuse, and multiple agenda-setters compete for control over the principles of the network. The centralization of agenda-setting power is fundamental to the ability of TANs to formulate coherent principles to advocate as international norms. Central nodes in more scale-free networks, therefore, will be able to disproportionately influence the way that other nodes think about advocacy issues and what is “right” in both the sense of outward veto or preventing things from ever reaching the table.

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<sup>23</sup> I assume that having a coherent agenda is important in TANs, since the principle activity of the network is advocacy. However, if normative cohesion is not a desirable quality in a particular network (e.g. is representation or voice are more fundamental concerns), then the benefits provided by the central node, as articulated here, may not be as positive in their effect.

*Creating Reasons to Join: Central Nodes and Network Externalities*

TANs are voluntary networks, which means that nodes can leave freely if they so choose. Therefore, central nodes must offer benefits to participation in the network. This is the converse of power: if a central node is successful, it will be able to provide enough incentives for nodes to stay in the network while giving up little to no agenda-setting and rule-making power to other actors. I outline three benefits that come from the role played by a central node in a scale-free network. One of the ways to incentivize participation is to provide an easily-understood set of principles that the network argues should be international norms. As stated previously, central nodes create a template of principles for other nodes to follow. That is, a newcomer to human rights advocacy does not need to start *de novo* with what issues to support – any TAN will have a set of issues that it focuses upon. Scale-free networks will have clear norms for advocates to support, while more decentralized networks will lack such coherence because of competing principles and a lack of clear rule-maker who resolves disputes by making binding decisions.

Linked to this norm template notion is the production of information. TAN influence comes from the provision of alternative information from what states and their agents provide. In the case of human rights, much of the value of TANs in international politics has been the revelation of state abuses against individuals and groups. One of the important questions that arises, of course, is the reliability of that information. Central nodes have an incentive to be seen as providers of reliable information. If they are viewed as propagandists, their influence can be diminished, and they can lose credibility in the eyes of other nodes in the network and potential newcomers. Per network theory, scale-free networks form when there are low barriers to entry and nodes join according to

the law of preferential attachment to the central node. Thus, the information provided by the central node needs to be seen as critical, if not indispensable to meeting the goals of individuals in the network. The central node's informational function needs to be valuable enough to attract new nodes to attach to it.

Networks also exploit economies of scale. This characteristic is not particular to scale-free networks, as all networks have this ability to use network connections to reduce the cost of otherwise producing information on one's own. However, central nodes in scale-free networks can greatly reduce the costs associated with obtaining and spreading information throughout the network because they are connected to so many other nodes. The central node becomes the point in the network from which information emerges, and where information is sifted through to create a coherent normative agenda. Central networks control how information travels in the network. In return, the central node provides relatively cheap information for the rest of the network to use. The larger the network grows, the greater the network's influence, in turn making the connection to the network all the more worthwhile. Economies of scale also cut the other way, as adding another node can help generate more power for the network as a whole without necessarily increasing costs prohibitively.

The central node provides potential nodes and network members three main incentives to join and remain in a network. It must work to ensure that these reasons stay in place so that it can expand the network, and by extension, its influence. For the central node, it is a delicate balance between being popular enough and helpful enough while still maintaining agenda and rule-making power. At some point, it will have to contend with competing principles. The central node may deny nodes the ability to participate or



object (voice) or reject newcomers with different principles, setting the rules of participation, or it may choose to allow a new principle to diffuse in the network, taking on new agenda items in advocating different norms.<sup>24</sup> The dynamic between central nodes and peripheral nodes in the network is nicely captured by Hirschman's (1970) concept of exit, voice, and loyalty, where participants in a given organization can choose to leave, articulate objections, or remain in spite of suboptimal outcomes. A central node must balance its desire to augment power with the desire to maintain a network, which ultimately sustains its power.

The check against a central node run amok is the desire to grow the network and retain its structural centrality so as to best aggrandize a central node's power. They may not always agree with what happens within the network, but nodes generally remain attached to the network unless the costs become greater than the benefits of remaining a member. Members of the network might see value in staying to lobby for change because they find the cause of human rights so appealing. They may not want to leave, even if they want to advocate other types of principles, because the central node has created enough incentives – cheap, reliable information – for a node to stay. For some networks, such as NGOs, having many nodes is better than having a few when trying to pressure governments into changing policy; greater likelihood of effectiveness is also something that can be a benefit for joining a TAN. Because networks want to grow, central nodes will be less likely to be able to exploit their structural advantages at the

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<sup>24</sup> One of the assumptions of network and TAN literature is that nodes agree with one another in their purposes. In fact, agreement is what begets networks in the first place (all agree that there is a problem that needs to be advocated for transnationally). However, this assumption seems riddled with problems, beginning with the fact that it is clear empirically not all nodes in a network agree – in fact they often disagree with the means of achieving political goals, even if they might concede to some thin end (see Chapters 4 and 5). Structurally, central nodes are the best positioned to solve these problems.

expense of other nodes for fear that they will opt out of the network. However, the catch is that most nodes join TANs because they perceive some public good that gets produced as a consequence of belonging to a network. This pull results in loyalty, rather than exit from the network. Central nodes must promote the benefits they provide to other nodes, ameliorating their power to limit norms in the network and regulate membership. Thus, for most peripheral nodes in the network, network externalities must be great enough to ensure their loyalty. These externalities serve as a check against a central node's control over information, forcing the central node to account for what others in the network want.

## **V. Making Principles Norms in International Politics**

The presence of central nodes in networks leads to coherence around principles, allowing the TAN as a whole to advocate for international norm change. Centralized networks are more likely than other types of networks to shape and change norms outside of the network because of the important role played by the central node in exerting agenda-setting and rule-making power. I demonstrate this through a theory of how human rights norms came to fruition in the mid-20<sup>th</sup> century through a synthesis of the previous sections.

First, activists come together to advocate for a particular human rights cause. In the initial stages, there are many competing notions of what human rights are and what they ought to be. Certainly by the waning days of World War II, there were scores of groups interested in human rights in the US (see Robins 1971), but also in Britain and

continental Europe.<sup>25</sup> NGOs compete – they differ in terms of leadership, advocacy style, overall ideology, community support, and capital. Some are fledgling groups, led by a few strong-willed individuals who may or may not have had advocacy experience in the past; most will have affiliations with existing groups, such as trade unions, churches, or other charity groups. At some point, especially for the fledgling groups, a choice must be made. How should the group be structured? Around what core principles should network activities focus? What tactics ought to be employed, and who should decide? This choice has massive consequences for the future of the organization, particularly if its norms take hold in greater society, and perhaps, transnationally.

Those groups that have a structure that centralizes power are better poised to make enduring choices about which human rights to advocate, and how to do it – they can better come up with a set of principles for the rest of the network. With a centralized agenda-setter, members may support the gamut of rights from workers' rights to freedom of the press, but one or few decision-makers allow for the allocation of resources to a certain subset of rights. As the initial group transforms into a larger network with greater human and economic resources, the power to set the agenda becomes ever important. Political power of the TAN increases as its size increases. The ability to command the loyalty and donations of thousands, perhaps millions of adherents, grants the central node ever greater power to determine the normative direction of the network. More importantly, however, this greater political power in international politics is ultimately what TANs hope to influence: the behavior of states, and the construction of state policy

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<sup>25</sup> For example, Anti-Slavery International traces its roots back to the 18<sup>th</sup> century (See <http://www.antislavery.org/homepage/antislavery/faq.htm#howlong>) (Accessed February 5, 2008).

in concordance with its human rights principles. TANs want international norms to comport with their vision of the world.

Centralized network structures not only streamline information through central nodes, leading to their ability to agenda-set for the rest of the network and set rules for membership in the network, but centralization also plays a key role in determining the ability of that network to influence human rights norms. It is important to note here that formal rules might stipulate a very different structure from the network structure that results, particularly if the designers of the rules do not consider how flows of information affect power in the TAN. Amnesty, as will be demonstrated in the next chapter, is somewhat of an accidental centralized network, particularly after 1967. Though the leaders of the network hoped to decentralize power through a rewriting of the Statute, they actually set up the network such that the central node was replicated, albeit in the form of a bureaucracy, rather than a single leader. Nonetheless, the network structure of Amnesty worked to its advantage, rather than detriment in terms of centralizing principles and giving it a clear normative agenda vis-à-vis states.

In 1948 at the signing of the Universal Declaration of Human Rights, there were (at least) 30 potential human rights norms towards which states promised to aspire. However, not all of them are equally important in international politics or in dictating the behavior of states. The difference in part can be explained by the structure of the NGOs that advocate certain rights. Because structure determines the internal movement of information within the network, it also affects the norms advocated by the network, and how that TAN approaches states with reports and demands for behavior change. TANs make principles salient through their research and educative work, and in so doing, create

norms of human rights. States learn that they cannot get away with certain human rights violations, because the focus on reporting certain rights and not others creates the norm by which states then modify their behavior. Those NGOs that are most well-poised to articulate a consistent set of norms that attract widespread agreement are those which follow a scale-free model: large membership with a centralized agenda-setting node. Scale-free networks take advantage both of economies of scale, and at the international level, the grassroots scalability of having a large membership base when advocating norms in international politics. Low barriers to entry mean more members, and more members often translate into greater political power in the politics of advocacy. Claims can be made about how representative a normative position is that is not possible with smaller networks, or networks that are less clearly unified around a core of human rights norms. Scale-free networks have power and more legitimacy in determining international norms.

This chapter explored two separate but related processes: how does a network develop a coherent sense of what it believes in, and how does it then translate those principles into international norms? Networks characterized by central nodes are best-positioned to succeed at both mechanisms, but that does not preclude distributed and small-world networks from also coming up with principles and propositions for international norms. It is just highly unlikely that without the focal point of the central node networks can solve their coordination problems and settle their differences in opinion over competing principles. The more centralized scale-free networks overcome this problem by streamlining information channels. This is an advantage both in terms of the internal politics in deciding which human rights to norms to advocate, but also

benefits makes scale-free NGOs more powerful in international politics. A centralized agenda-setter conveys a set of coherent norms, and also mobilizes membership much more efficiently than disaggregated, less clearly-centralized national sections or local sections do. The flip side to having a central node, of course, is that an actor in the network has power over the agenda and the rules, and outside input is unlikely to result in changes from a status quo that works.<sup>26</sup>

Amnesty International was and is a scale-free network of human rights activists. Like many other NGOs, one very committed individual began a set of principles and set the agenda for the network in the early days. Unlike other NGOs, these central agenda-setting powers remain because of network structure, even as the formal rules have changed. But because of its scale-free structure, Amnesty was able to put forth a clear agenda of human rights norms in its advocacy, officially throwing its weight behind Articles 5, 9, 18, and 19 of the UDHR by 1968 (see Chapter 4). Amnesty's rights would then become its serious challenge to human rights politics at the international level, affecting norms and state behavior.

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<sup>26</sup> For example, Amnesty International finally added the other rights of the UDHR to its official mandate in 2001. Adding economic, social, and cultural rights had been on the agenda since very early on in the organization, but attempts to add to its list of human rights principles were always rejected by the IS, even if they made it through the International Council.

### **Chapter 3**

## **Liberal Discontents: The Struggle over Human Rights in Britain and the West**

The end of World War II marked the beginning of a new international regime based on human rights that took its place alongside traditional concerns such as peace and security in the Charter of the United Nations (UN). The atrocities of Nazi Germany in particular struck a chord with many of the individuals who attended the founding meetings of the UN and subsequent meetings held to establish the tenets of the new world that had emerged from witnessing what true totalitarianism could ravage upon the human condition.

Human rights did not emerge as a unanimous doctrine, in spite of the unanimity of approval for the Universal Declaration of Human Rights (UDHR). In fact, the passage of the founding document of the international human rights regime on December 10, 1948, as voted by the UN General Assembly, merely set the preliminary bounds of an agenda that has enlarged itself over time. A year-and-a-half of diplomatic wrangling resulted in 30 articles with rights, many of which seemed to have little to do with one another. Included in the UDHR were a wide range of rights, such as the right to free thought (Article 18), the right to a nationality (Article 15), and the right to leisure (Article 24).<sup>27</sup> The UDHR was a document born of political negotiation and a pressing need a statement of the universality of human dignity and the limits of state action.

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<sup>27</sup> The common demarcation in thinking about rights is to label some rights as 'civil and political' and others as 'economic, social, and cultural,' roughly Articles 12-21 and Articles 22-27, respectively. Many of the articles that fall under the latter category are compound and can be split themselves into separate

In the beginning, then, there was no center, no definitive designation of what constituted human rights. Indeed, the diversity of principles trumped as “human rights” has been the consistent hallmark of the regime, characterized by competing notions of rights from which norms had to be carved. The process that generated human rights norms, and the role of transnational advocacy networks in that process, is the subject of this dissertation. Here, however, I focus on the profusion of human rights principles in the post-World War II world on several levels – the international, “the West,” and in the birthplace of Amnesty itself, Great Britain – in order to emphasize that no human rights norms predominated. The diversity of human rights principles might be a constant, but the lack of normative direction in the immediate post-war years was especially poignant in the infancy of the regime, as states struggled to define themselves as protectors of universal rights, and what the limits of those rights would be. Different conceptions of rights competed at the domestic and international levels.

For the reason that it is at once universal in aspiration and controversial in application, the UDHR marks an apt starting point for understanding how human rights, as we know them today in the 21<sup>st</sup> century, took shape as part of an ongoing debate not only between the geopolitical West<sup>28</sup> and the Rest, but also within “the West,” and more specifically, within the home of liberal philosophy, Britain. Despite the UDHR’s

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articles. Others have examined ‘personal integrity’ rights, see Poe and Tate (1994), Leblang, Milner, and Poe (1999).

<sup>28</sup> For simplicity in this chapter, I limit the West to the US and UK. Adding France only emphasizes the marked differences between Western ideas of what human rights ought to be and the obligations of states to their citizens. Leaving out the French viewpoint, therefore, only serves to make the schisms between the US and UK more profound. Moreover, the major parties in the post-war era concerning human rights are the US, the USSR, and the UK (See Simpson 2001 for an interesting discussion of the UK’s policies versus those of the other two states). For clarity in the chapter, Western will be used to denote notions broader than Anglo-American ideas, unless referring to terminology used in other writings, and in the context of critiquing extant literature which makes assumption about the West.



international character, the human rights articulated in the document have been attacked as “Western” (Pollis and Schwab 1979) and moreover, the entire project of human rights is often characterized as such (Brown 1999). Even if Western, liberal democratic societies are particularly conducive to human rights, however, the idea of “human rights” is controversial, between and within these societies because states have differing notions of what they ought to provide for their citizens.

This chapter highlights the discontents of human rights politics within the Anglo-American liberal tradition. The West (or liberal democracies for that matter) did and does not agree on a definition of “human rights,” in contrast to what prominent arguments assume (Mutua 1996, Muzaffar 1999, Risse and Sikkink 1999, An-Na’im 2001). This discrepancy comes from minimal and maximal conceptions of what states should do for their citizens (freedom), and the concern that international human rights would threaten state sovereignty. States opposed or supported human rights because of concerns that they would sidestep state authority, preventing states from deciding their own internal policies. Within states, as in the British case, the Foreign Office, among other bureaucracies, wrestled with the threats (or additions) to their own turf that universal human rights would contribute. Freedom raised a larger, more philosophical question – should states be prevented from acting adversely upon their citizens (negative rights) or be obligated to provide goods to their citizens (positive rights)?<sup>29</sup> What constitutes freedom, protection from or enabling to? Again, the struggle over this question echoed in debates between states, as well as philosophers and policymakers, which in combination with concerns about sovereignty led to either a more civil and

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<sup>29</sup> See section on Berlin for clarification of the terms.

political rights-oriented conception of human rights, one that emphasized economic, social, and cultural rights, or a hybrid of both types of rights. The tension between sovereignty and freedom is reflected in debates within liberalism about the role of the state vis-à-vis individuals. A concern with state sovereignty and maximal individual freedom leads to a conception of human rights limited to civil and political ones. A conception of individual freedom in a more communitarian<sup>30</sup> sense combined with limited state sovereignty leads to a more expansive definition of human rights, including economic, social, and cultural rights.

Although the international conflicts over human rights norms has been amply developed (Burgers 1992, Morsink 1999, Glendon 2001) the same cannot be said of studies of the Anglo-American, or Western position in the immediate post-war era. As I show, the intellectual history is murkier than often assumed for the Anglo-American tradition concerning human rights, and the apparent clarity of Western rights has come about through political, and not ideational or moral, victory. Establishing the lack of Anglo-American consensus about human rights norms points out the variegated heritage of liberalism. Liberal thought, at least since the mid-1800s, has struggled with defining the relationship between freedom and rights.

The chapter proceeds in two parts. In the first section, I point out the ongoing struggle to balance concerns between sovereignty and freedom had been a debate in British liberalism since the 19<sup>th</sup> century. I select four individuals whose philosophical and policy contributions to human rights in the 20<sup>th</sup> century should not be denied. First, I

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<sup>30</sup> Individuals under this conception do not exist in a vacuum, they are part of a collectivity and their decisions are affected by this collectivity. See Section II, regarding T.H. Green; also Brown (1999).

turn to the thought of Sir Isaiah Berlin<sup>31</sup> and T.H. Green,<sup>32</sup> whose arguments have shaped the cross-century about the limits of rights and the state. Though they were not contemporaries, their ideas mark the boundaries of the liberal debate concerning individual freedom that arguably continues today in British politics. Their writings continue to influence thinkers today, as well as important policymakers in the mid-20<sup>th</sup> century, such as Eric Beckett and Hersch Lauterpacht,<sup>33</sup> to whom I turn next. Beckett and Lauterpacht were both involved in contemporaneous debates over the breadth of international human rights in the post-World War II era. Both men were directly involved in the domestic British and international debates concerning human rights. Beckett, who was Legal Adviser to the Foreign Office during the UDHR negotiations, and Lauterpacht, who was a prominent international lawyer and credited with writing the first text on international human rights (Simpson 2004a), each influenced the terrain of the human rights debate in their respective capacities. Both Beckett and Lauterpacht affected human rights politics at the international level, through physical and philosophical presences at the UDHR negotiations and legal symposia. Pairing the Beckett-Lauterpacht story with that of Berlin-Green shows importantly how the same argument within liberalism translated into heated debate in British human rights policy, and the discontents between liberals concerning the limits of states and rights. In the second section I provide the political context for the philosophical discussion, focusing

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<sup>31</sup> In particular, Berlin has been placed in the center of debates about human rights by noted political philosopher Michael Ignatieff (see Ignatieff 1998, 2001a, and 2001b). See also Hofferbert and Klingemann 1999 for discussion of how Berlin's theory on rights has been included in domestic debates in democratic transitions.

<sup>32</sup> T.H. Green's brief stint at Oxford earned him scores of admirers and students, one of whom was the American philosopher John Dewey. Though his influence will be discussed further in this chapter, he has been called "the intellectual father of the British welfare state" (Ryan 1995: 12, see also 89-100).

<sup>33</sup> These figures are lesser-known than giants Green and Berlin, which emphasizes even more so the need to see how their policy roles played affected British politics at the time.

on human rights in the post-World War II era through the negotiations over the UDHR, from 1947-1948. This section shows that political contestation centered on competing notions of freedom and the struggle to preserve sovereignty by the “Big Three:” the UK, US, and USSR. In particular I point to liberal discontents in the West and show how the Cold War, and not democratic liberalism, was the unifying factor in the Anglo-American alliance, and indeed the positions adopted by the US and the UK during the UDHR negotiations were not reflective of the ongoing political and philosophical projects of their respective home territories.

### **I. Beyond Liberal Democracy? British Conceptions of Human Rights**

Liberalism’s emphasis on the individual in particular lends itself to justifications in favor of human rights, and some have gone so far as to claim that “human rights norms help define a category of states – ‘liberal democratic states’” (Risse and Sikkink 1999: 9). Human rights, however, are heterogenous even within British liberalism both philosophically and politically. Two important and somewhat overlapping debates within Britain liberalism are highlighted here to illustrate the discussion over rights in both policy and philosophy debates. As with the international debate, concerns over the meaning of freedom and state sovereignty *within* liberalism inform the conceptions of rights and human rights. As we see below, minimal conceptions of freedom and maximal conceptions of sovereignty lead to the support of “negative” rights (civil and political), whereas more inclusive conceptions of freedom and limited conceptions of sovereignty lead to the embrace of “positive” rights (economic, social, cultural).

The theoretical debate between positive and negative liberty, as espoused by the leader of British Idealism, T.H. Green, and Sir Isaiah Berlin, encapsulates the long-standing intellectual debate in British thought. Consideration for social and economic rights as on par with, and in Green's case, enabling the exercise of civil and political rights was not a new post-war claim. Neither is Berlin's claim of the relative importance of civil and political rights: his arguments find resonance in classical liberalism, beginning with John Locke. What I want to highlight with the inclusion of Green and Berlin is the long-standing debate over the obligation of the state in ensuring freedom for the individual that has played a prominent role in liberal British intellectual and political history.<sup>34</sup>

From a policy point of view, it would be incorrect to argue that there was a dominant view of human rights at the time represented by the British arguments at the Human Rights Commission (HRC),<sup>35</sup> for a formidable challenge came from Hersch Lauterpacht, a prominent lawyer and the author of *An International Bill of the Rights of Man* (1945) (hereafter *International Bill*). In his book, Lauterpacht proposes a bill that covers more than the civil and political rights that the Foreign Office espoused, and moreover, proposed institutional arrangements to ensure human rights at the international level. Though his work was never considered an official British position, his arguments and insights nevertheless demonstrate that the UK view on human rights was not confined to civil and political rights. The historical record shows that the Foreign Office responded to his position (Simpson 2004b: 356-7, 480). The Lauterpacht and Beckett

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<sup>34</sup> This analysis excludes more radical, socialist thinkers from consideration, such as H.G. Wells.

<sup>35</sup> The body that oversaw the drafting of the UDHR.

political debate is analogous to the philosophical disagreement in liberalism evinced by Green and Berlin.

*A Matter of Freedom: Green and Berlin on Rights*

Philosophical debates in the UK on the subject of individual rights and freedom have demonstrated the same kinds of variation over which policymakers of the mid-20<sup>th</sup> century debated. Through a discussion of the ideas of T.H. Green and Isaiah Berlin,<sup>36</sup> I show the varied conceptions of the role of the state and the capacity of individuals as a part of a greater debate within liberalism. These authors show how liberalism evolved from the negative liberties<sup>37</sup> espoused by John Locke in the 17<sup>th</sup> century to expand the notion of individual liberty and the duties of the state to protect and enhance this liberty. By the mid-1800s, J.S. Mill had begun to expand the notion of the state as a moral agent in ensuring moral minima for each citizen. However, it is in Green's work that this role is seen in a positive light. Berlin in many ways retreats back to older notions of liberal freedom, although he comes chronologically after Green. In a sense, then, the thinkers

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<sup>36</sup> Although nearly a century separates the two thinkers, there are two reasons why I counterpose them in the way that I do here in this section. One, they form two poles of the debate regarding freedom and individual rights. The social, political, and economic contexts of the two shape their thinking about what rights one has vis-à-vis others and the state. Though one may claim using their ideas out of their respective contexts is anachronistic, it is useful to place their ideas in opposition to one another in order to mark out variations in how British *liberal* thinkers conceptualized the role of the state. Two, the Green/Berlin debate is something that has been done before in the literature. See Bellamy (1992), Dimova-Cookson (2001: 115-127). Because of the importance of Berlin's work on negative and positive freedom, one cannot endeavor a study of freedom without considering the dichotomy he posed in his theory, into which some have argued Green does not fit (Nicholson 1990; Simhony 2005), while others have successfully used such a rubric to place Green in the context of the post-Berlinian freedom debate (Rodman 1964; Dimova-Cookson 2001, 2003; Christman 2005). Both thinkers figure prominently in two "opposing" concepts of freedom, so it is entirely relevant to consider them in an analysis of freedom and human rights to establish variation in British intellectual debate of prime importance to conceptions of human rights.

<sup>37</sup> "Negative" liberties are commonly defined as a lack of obstruction against the individual's will, whereas "positive" liberties are categorized as enabling to individuals; put differently, freedom from versus freedom to. Berlin's influential "Two Concepts of Liberty" (1958) reviews and disputes some of the fundamental premises of the positive-negative liberty debate. This essay will be the focal point of the discussion on his thought later in this section.

are emblematic of the debate within liberalism,<sup>38</sup> and it is also convenient that they are both British.<sup>39</sup>

Focusing on conceptions of freedom<sup>40</sup> and rights, I highlight the emphasis placed on economic and social rights by one of Britain's most prominent political philosophers, Green, in the mid-1800s and on.<sup>41</sup> The return to an emphasis on a less active state in Berlin reflects the totalitarian regimes on the left and right which shaped his early years. Given their opposing stances on the role of the state and society in individual lives, it is interesting that both philosophers also exerted profound influence on the politics in their respective lifetimes (Harris 1992: 123, Hausheer 1997): Berlin's reflections spanned broadly across contemporary topics, whereas Green's influence was felt most in social policies. I discuss each theorist in turn to develop their differing conceptions of freedom, and their logical derivation of what rights must mean. For Green, in order to be free, one must be able to exercise his/her reason. Therefore, the state and society must actively ensure an individual's ability to do so. By contrast, Berlin argues that liberty is the freedom from obstruction by others, or the ability to choose. For him, then, the only rights the state must guarantee are those that ensure negative liberty. Although they are both firmly liberal thinkers, they arrive at different sets of "necessary" rights because of differences in their conceptions of freedom.

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<sup>38</sup> Green's ideas were not solely British. Almost concurrently in the US, the Pragmatists, led by William James, and later, John Dewey, asked the same questions that Green was posing – given that negative liberties exist, why does it seem as though freedom still has not been reached for so many?

<sup>39</sup> Technically, Berlin was born in Riga, then part of the Russian empire. However, his professional years were spent in Britain.

<sup>40</sup> I will use "freedom" and "liberty" interchangeably in this chapter, as Berlin alternates between the two words in his "Two Concepts of Liberty."

<sup>41</sup> Green's formidable influence on a generation of British liberals does not end with his untimely death in 1882. One of his most prominent heirs, L.T. Hobhouse – who will not be discussed here – forwarded many of Green's ideas in his works. See *Liberalism* (1994) [1911].

T.H. Green died in 1882 at the age of 47, largely unpublished, but not obscure by any means. Not only is he recognized today as the intellectual leader and founder of the British Idealism movement (Boucher, et al. 2005),<sup>42</sup> but in his day he exerted an influence on British politics far greater than any other philosopher between 1880 and 1914 (Richter 1964). Primarily recognized as a theorist of positive liberty, Green concerns himself with rights of citizens, political obligation of individuals to one another and to society, social “goods” and how they develop, and how one exercises freedom in two fora: the private and the public. Revising claims of natural rights by theorists such as Locke, Green and the British Idealists conceived an evolutionary, developmental view of rights, linking their formation not to some abstraction antecedent to the formation of society, but instead showing rights as a product of society (Green 1986a: 109-116, Boucher 2001).<sup>43</sup> Green was a well-known proponent of social and economic rights and a less well-known supporter of civil and political rights (Tyler 2003).<sup>44</sup>

Unlike many scholars of freedom, including Berlin, Green envisioned liberty beyond the mere absence of coercion or impediment. That is, he views freedom not just as the lack of external restriction, but also a lack of internal limitations, i.e., individual

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<sup>42</sup> British Idealism resonates still in modern academic debate. It is credited as the forerunner to the modern communitarian literature. See Boucher (1997).

<sup>43</sup> All citations of Green’s work correspond with page numbers in the volume cited, and not paragraph number, which is the practice in other Green scholars’ work. However, to maintain consistency with the rest of this chapter and dissertation, I use page citations.

<sup>44</sup> As Simhony (2005: 43) reminds us, “we cannot ignore the ideological context of Green’s writings ... [unlike for Mill] The ‘social problem,’ not the tyranny of the majority, was the problem that preoccupied Green. He believed, rightly or wrongly, that negative freedom in terms of negative liberties is sufficiently secured. Security should be extended to the freedom of the worse off.” Green’s protection of so-called “positive liberties,” or economic and social rights, logically followed from what he saw as his predecessor’s successful defense of civil liberties, namely Mill’s emphases on the freedom of thought, association, and speech.



ability. Freedom is about self-realization through the unity of will and reason.<sup>45</sup> Will “is understood ... [as] an effort (or capacity for such effort) on the part of a self-conscious object to satisfy itself: by reason ... the capacity on the part of such a subject to conceive a better state of itself as an end to be attained by action” (Green 1986b: 252). Put into more generalizable terms, freedom entails a notion of individual capability – it is a two-fold conception that required negative freedom, but to make negative freedom meaningful, one had to be able to take advantage of the absence of external constraints (positive freedom) (Hoover 1973, Simhony 1993, Dimova-Cookson 2003). Thus, although Green is still considered by many to be a liberal because of his focus on individuals within society, he criticizes *laissez-faire* liberalism through an incorporation of aspects of German idealism: the role of rational realization of self-development and with it, individual moral progress (Rodman 1964).

Given Green’s conception of freedom, his theory of rights naturally follows. Rights are not contentious or individualistic, but bound up in relationships within a community, and in essence are community goods, rather than goods only for singular persons. He defines rights as premised on the realization of a common good in society, and it is society’s job to secure the ability for every individual to realize that common good (Green 1986a: 28). Rights arise from the agreement of those individuals in that particular society: contrary to social contractarians, to speak of the “natural rights of man” makes no sense to Green. Moreover, Green views rights as mutually held and reinforced, and held in tandem with social duty, defined as “a process affecting our conception of the ends of action” (Green 1986b: 275). Following Edmund Burke, Green

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<sup>45</sup> Will roughly corresponds with positive freedom, reason with negative freedom.

conceives of rights as social and socially-based, rather than anti-social and innate, as in social contract theories, and therefore views them as an essential part of social life and in our obligations towards one another (Simhony 2003: 274-6). Rights are based on mutual recognition of claims for self-development (will), and therefore every person's mutually-recognized claim for self-development forms the basis of equality.

His second contribution to rights-thinking has to do with progress, which needs to be discussed in tandem with his idea of common good. Green uses the concept in two ways: to discuss individual self-realization (moral good) and the good for all in a society of recognized equals (Dimova-Cookson 2001: 81). In order to realize the common good for oneself, one must take into account other people; there is no way to avoid the good of others in contemplating the good for oneself because individual interests are influenced by the interests of others (Green 1986b: 263-4). Though some of these ideas were already in J.S. Mill's work, Green differed from other theorists of the past by giving the state an affirmative role in regulating social relationships and ensuring the rights and freedoms of individuals. For Green, holding rights against a state makes no sense, because states and sovereigns presuppose rights and society, and are the protectors of such (Green 1986a: 107-8). Instead, he views states as the moral actor to ensure agents are able to realize their freedom as best as possible. Thus his conceptual contribution to theories of rights relates to his idea of self-realization and moral progress. Rights should not be thought of as limitations on others' encroachment on an individual, but rather the shared political and moral obligation for state and society to aid individual moral progress toward the common good in both senses.

By contrast, Berlin published prolifically in his lifetime. His oeuvre is expansive: he wrote essays about political leaders, Russian intellectual history, and science studies. He serves as an important touchstone of the 20<sup>th</sup> century precisely because of the expanse of his work and underlying concern with value pluralism and the preservation of individual liberty. This is best articulated in “Two Concepts of Liberty,” first published in 1958 following his lecture at Oxford University. This essay not only reinvigorated debates about the nature of liberty, but articulated the dangers of what he called “positive liberty” that relied upon universalist claims of reason and “the good” for mankind. Instead, Berlin advocates negative liberty, or the absence of external obstacles to one’s ability to choose. For Berlin, negative liberty creates a space between the individual and the society around her – it is the sphere in which a person is able to act freely without interference. Any coercion is a denial of one’s negative liberty (Berlin 1970: 122, Reed 1980, Parekh 1982, Galston 1999).

To understand why Berlin values negative liberty, it is important to explore his conception of man and therefore his idea of the role of politics. Like others before him, Berlin rejects several tenets of Western philosophy. He disputes the notion of a universalizable human experience, and therefore places himself against the grain of Western philosophy which emphasizes aspects of what he calls positive liberty, roughly: self-mastery, a good life that should be attained by all (though coercion or self-enlightenment), and liberty as a goal higher than oneself that can be attained through reason (Berlin 1970: 131-154). For Berlin, asking the questions of what the meaning of life is is in fact absurd (Parekh 1982: 207). To begin with, man ascribes meaning into events and the universe, and because man is plural, there are plural meanings given to

anything; there is no unifying narrative, in other words, that assigns meaning to things. It follows, then, that meanings, or values, inevitably conflict. There are no values that automatically trump others, and the use of reason can only go so far in working out value conflicts (Riley 2002). In other words, Berlin accuses Western philosophy of never having come to terms with the importance of plurality, and because of this element in his philosophy, Berlin has alternately been labeled a liberal, a cultural relativist, a value pluralist, and an aesthete (Galston 1999, Riley 2002).

What logically follows is the crux of Berlin's point – given that there are multiple and competing values, man *must* be able to choose values autonomously. Individuals therefore are ends, and never means to an end. Moreover, there are ultimate values that cannot be judged and are simply good in themselves, and these ultimate values often conflict – therefore, again, forcing individuals to choose between them (Parekh 1982). For Berlin, two of the most important of these ultimate values are negative liberty and equality, which exist at odds and in tandem with one another (Annan 1997). Negative liberty, the absence of interference, is the space of choice. People need to be able to choose autonomously; that is, by using their own reason, and not someone else's, they must weigh various values, which often contradict (Parekh 1982, Kenny 2000). There is no overarching vision for humanity, and because there is nothing higher than the self, positive liberty for Berlin makes no sense, and in fact invites repression of individual meaning. There is nothing that man ought to aspire to as a collective.

Liberty is not a state of being, but the ability to choose. According to Parekh (1982: 224-225), Berlin leaves very little room for conceiving of liberty beyond the political, for negative liberty cannot apply in other realms as easily, such as moral,

spiritual, social, and economic. Autonomy in other areas of life means much less than in the political – for example, how is one moral without reference to the behavior of at least one other? Berlin represents an influential, but lone voice in the defense of a minimal moral conception based on negative liberties or rights (Weinstock 1997). For Berlin, negative liberties, that specific space for autonomous decision-making must be protected. Civil and political liberties epitomize this idea of autonomous space, using Berlin’s own distinction of “freedom from” rather than “freedom to:” freedom from religious coercion, or from being censored in one’s thoughts and writings, for example.

Within liberalism, and more critically, British liberalism, conceptions of freedom and their ensuing rights were contested. Whether one examines the work of political theorists, like Berlin and Green, or political and legal figures, like Beckett and Lauterpacht, this observation has frequently (but should not be) overlooked. Ultimately, the lesson to take from a study of political thought in this era is this: such ideas, which were clearly embedded in the liberal tradition, found their ways into political debates and undergird the policy positions of the day. The debate between Lauterpacht and Beckett very closely reflects that between Green and Berlin. Their analogous positions regarding the role of the state in relation to individuals strike remarkably similar chords. Both Lauterpacht and Green argue for the inclusion of social and economic rights in order to fully realize the civil and political rights that already exist, while Beckett and Berlin both argue that including more rights is either unnecessary in international politics (Beckett) or unduly restrictive of individual freedom (Berlin). Berlin and Beckett agree on the idea of protecting only the barest minimum of rights, leaving the rest up to individuals or sovereign states, while both Green and Lauterpacht claim that is simply an untenable

position. Without more comprehensive protections of rights, the barest minimum simply will not be realized, either.

Given the integration of the notion of rights, human or the liberal individual, with freedom, as all their works show, it is clear from this section that ideationally, the Anglo-American liberal project was not unified in the mid-20<sup>th</sup> century, nor was it ever unified under one set of core norms. Rather, as the liberalism debate shows beginning with Mill but finding its strongest articulation in Green, as the notion of the liberal state and individual developed, conceptions of what freedom and rights mean shifted as well.

*Lauterpacht and Beckett: Contrasting Views on Human Rights Policy*

Though the views of Lauterpacht and Beckett are not polar opposites by any means,<sup>46</sup> at the time Lauterpacht's alternative was one to which Beckett's Foreign Office (FO) responded. Lauterpacht's ideas were considered by John P. Humphrey, who drafted the first version of the UDHR (Morsink 1999). What this section shows is how Beckett's view was not uncontested, but by virtue of his office, his prestige as a government official, and in some sense his dominating and high-strung character, his view of human rights became that of the UK delegation in the meetings of the HRC.<sup>47</sup> While Beckett emphasized the articulation of a set of rights throughout the UDHR negotiations, Lauterpacht from the beginning focused on institutional creation, leaving the rights

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<sup>46</sup> See for example H.G. Wells, *The New World Order*, for an alternative set of rights which reflect a far more socialistic influence.

<sup>47</sup> Although Beckett's view was influential early on in establishing the British position, the appointment of Charles Dukes as the British representative for the First Session was in many ways a misstep for the FO, for Dukes 'did not prove to be a docile mouthpiece of the Foreign Office' (Simpson 2004b: 376). During the first HRC meeting, Dukes agreed to a resolution, rather than the more binding convention. Also, he argued in favor of social rights, and did not oppose the establishment of a sub-commission on minorities, all of which were part of his pre-departure instructions. Dukes was never fired, because of his ties to Foreign Minister Ernest Bevin; however, his performance as UK representative aligned itself more consistently with the British position after the First Session.

themselves vaguer, but more inclusive than Beckett's proposal. More importantly, the content of their list of rights differed. Beckett stuck rigidly to a very narrow set of civil and political rights as the only rights relevant to international politics, whereas Lauterpacht included social and economic provisions in his proposal *International Bill*. A comparison of their thoughts clearly demonstrates their differences in thinking about the nature of individual freedom and the nature of sovereignty. Beckett emphasized British sovereignty through the protection of individual freedoms as consistent with extant domestic politics. Lauterpacht's proposals suggest the use of an international court to arbitrate human rights cases and moreover, the need to think about freedom in a broader, communal sense, rather than limited to just the individual.

What eventually became the UK proposal for the UDHR was mostly the work of Beckett, who succeeded Sir William Malkin as Legal Adviser in 1945. His contribution went beyond the work he did in constructing the British position on human rights during the HRC meetings. Scholars have recognized his efforts within the FO in elevating lawyers from a more ambiguous advisory position to one with direct policy influence (Fitzmaurice and Vallat 1968, Simpson 2004b). Beckett's articulation echoed the rights in existence at the time in Britain. It was minimalist in the sense that it limited itself to the rights of Englishmen, which in 1945 were civil and political – there was no mention of a right to work, education, social security, or any of the other rights associated at the time with Soviet states. Nor did Beckett include protections for minorities or cultural rights (Simpson 2004b: 399). In perfect congruence with British law, at least before Labour's election in 1945, then, Beckett's conception was minimalist *and* conservative.

A critic might argue that given Beckett's (and therefore the FO's) staunch position against any rights other than Anglo-American rights there is no reason to speak of any alternative conceptions, for those conceptions did not eventually form the British position in UDHR debates, which excluded all but civil and political rights. Moreover, Beckett's exclusion of economic, social, and cultural rights from his proposal signals the lack of normative hold these rights had in the UK at the time. Such an argument, however, misses the importance of considering the other ideas which existed in Britain, and moreover, their influence on the process of coming up with the UK proposal. Even if alternatives did not pose a substantial threat to the Beckett proposal, their existence indicates a lack of normative consensus on human rights, which is evidence against the idea that Anglo-American thought is monolithic. And, finally, knowing the eventual course of British history in this era, one can be confident in the tenuousness of Britain's domestic normative position. Successive governments, beginning with Clement Attlee's after World War II, initiated a system of nationalization and social security for Britons as they recovered from the effects of the war. These policies more or less endured until the Thatcher administration took office in 1979 (Morgan 2001).

By 1946, Beckett already viewed the establishment of rights as a bulwark against Communism – he saw rights as toleration, which he ascribed to the West, and characterized the Soviets as intolerant (Simpson 2004b: 343). In this sense, his views aligned perfectly with the American Cold War view of human rights of the West as freedom and security versus the threat posed by the totalitarianism of the USSR (Adler and Paterson 1970). He therefore viewed the British as the most stalwart defenders of a tradition of rights, despite not having a written Constitution, and furthermore, argued that



the UK had to compete with the US during the UDHR negotiations to maintain the prestige of being viewed as the upholders of human rights (Simpson 2004b: 345-46).

From the beginning, Beckett and the FO wanted a short and legally enforceable set of rights. Geoffrey Wilson, who represented Britain during the first drafting session (June 9-25, 1947) reacted negatively towards John P. Humphrey's first draft, thinking it covered too much and was too universal, especially when compared to the FO version (Glendon 2001: 58-9). I outline the FO version – Beckett's proposal – here.

Wilson had earlier produced a list of 14 rights in March 1947, including no social and economic rights, which reflected the FO rationale that such rights could not be enforced. Conspicuously, however, he had included two provisions that protected the rights of aliens and national birth right, and also incorporated a right to protect minorities. Beckett, who took up the project shortly after Wilson's initial effort, disregarded these provisions, because by British law aliens could be expelled. Minorities, on the other hand, were not a subject that the FO dealt with and therefore also nixed that right from the list. Beckett's proposal, after meetings in April and May 1947, in which he dominated the debate, was published as FO paper in June of the same year and became the official FO position submitted to the HRC drafting committee.

Specifically, Beckett's proposal contained nine rights, under the heading "Definition of Human Rights and Fundamental Freedoms." These rights are as follows: right to life, prohibition of slavery, right of personal liberty and trial, right to travel within and outside of one's country, prohibition of retrospective criminal laws, freedom of religion, freedom of expression, freedom of assembly, and freedom of association. Of these, only two, retrospective criminal laws and slavery had no limitations placed on

them; the rest of the articles included a permissible limitation on the rights. There was also a promise for a provision banning compulsory labor at a later date, which was designed as a weapon to use against the USSR, but ran aground with the Colonial and Labour Offices (Simpson 2004b: 397, 400). Beckett also idiosyncratically distinguished between “implementation,” which he saw as the steps necessary to bring the convention into operation and “enforcement,” which was how complaints would be dealt with, which ranged from forcing domestic law compliance to setting up international institutions to rectify complaints (Simpson 2004b: 404-09). Beckett had no problems with pushing for implementation, for the UK was ready for full compliance with the rights articulated in his draft. With enforcement, he argued that such provisions were unnecessary given Article 2 (7) of the UN Charter – parties could bring complaints to the UN under that provision. As far as international institutions were concerned, he “primarily relied upon publicity as a sanction” (Simpson 2004b: 406). The HRC accepted the British submission, along with Humphrey’s draft, for consideration during the first drafting session.

Beckett’s attitude towards enforcement ran directly counter to Lauterpacht’s ideas in the seminal text *International Bill*. When Lauterpacht’s name came in the list of possible UK representatives to the HRC, Beckett personally expressed his disapproval, despite Lauterpacht’s reputation as an international lawyer and the publication of *International Bill*, at the time the only current book on defending international human rights (Simpson 2004b: 350). Their differences can be traced to one fundamentally different assumption about where international human rights must begin. Whereas Beckett felt that without a specific (and therefore implementable) enumeration of the

precise content of rights, the human rights project would go nowhere, Lauterpacht argued that the right international institutions needed to be established in order to enforce human rights. Institutions came before definitions (Simpson 2004a). As he claims, “The International Bill of the Rights of Man is concerned with the totality of human rights in relation to the entire human race ... assuming it is to become an effective part of the international legal order, the machinery for its enforcement must be correspondingly more comprehensive and intricate” (Lauterpacht 1945: 173).

Lauterpacht was well-known in his own right, and perhaps in some ways better-connected than Beckett. Both men were lawyers and participated in the Grotius Society, and both men were knighted in their time. Lauterpacht served from 1937-1955 as the Whewell Professor of International Law at Cambridge University. During the war he served as an FO envoy to the US, delivering lectures in 1940-41 and providing information on wartime schemes to the US government. He served on the British team during the Nuremberg trials, and was appointed as judge to the International Court of Justice, beginning in 1954.

In his approach, Lauterpacht was more theoretical and abstract than Beckett (Simpson 2004a: 54): he grounded much of the argument in *International Bill* in political theory, citing sources as wide-ranging as Hugo Grotius and William Blackstone. In reviewing the intellectual history of natural rights and the role of the state in relation to the individual, he echoed the ideas of T.H. Green, whose theory will be discussed in the next section.<sup>48</sup> The state, Lauterpacht argued, is not an end, but merely a means to the

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<sup>48</sup> Curiously, he does not cite Green, though he does acknowledge British Idealist David Ritchie’s *Natural Rights: A Criticism of Some Political and Ethical Conceptions* (1894). It is well-known that Ritchie, and other British Idealists, drew much of their theoretical inspiration from Green, the father of British Idealism.

ultimate end of individual: freedom (Lauterpacht 1945: 49-53). Individuals must be given the capacity to attain their full ends, which means that rights cannot be capped at civil and political rights; economic and social rights matter as well. Also, he reminded his reader, the ultimate subject of the law is the individual, which includes his welfare and freedom (Lauterpacht 1945: 53). International law and states, then, must recognize this human dignity, and would serve the purpose of peace and progress.

Lauterpacht's proposal, though encompassing many of Beckett's rights, went beyond the eventual FO conception of human rights by including social and economic rights. He provided for a right to nationality (Article 8), which Beckett had removed from the original Wilson draft. Unlike the FO document, Lauterpacht allowed for social and economic rights to education, work, humane working conditions, and public assistance (Articles 12, 13, and 14, see also Simpson 2004b: 391).<sup>49</sup> Like Green, he justified the inclusion of economic rights because political freedom is not fully achieved without "corresponding advance in the economic and social spheres" (Lauterpacht 1945: 155). Unfortunately, economic rights need the cooperation of other states to be effective, and thus, he offered an instrumental reason for why the articles in *International Bill* ought to be legally enforced (Lauterpacht 1945: 160).

Therefore, the second contribution of *International Bill* and his subsequent work on this matter is the idea of enforceability. In his proposal, Lauterpacht is very clear when he argues that it is a legally enforceable document. In this sense, he agreed with Beckett, which is not surprising, given their legal backgrounds. Both men wanted to

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<sup>49</sup> Interestingly, Lauterpacht's text allows for cultural rights. The text of Article 12 allows the possibility of minority rights, including language instructions in a minority language in school, as well as public funding for minority cultural and religious institutions.

have enforceable (or at least implementable in Beckett's case) proposals. However, Lauterpacht included more than just civil and political rights in his version of international human rights. Because he argued for the establishment of an international tribunal modeled on the US Supreme Court to enforce the tenets of the *International Bill* (Lauterpacht 1945: 173-78, 186), his proposal exceeded the enforceability of Beckett's idea, which was to merely have publicity about violations and perhaps some semblance of international shaming.<sup>50</sup> He found the observance of human rights was no longer within the domestic jurisdiction of states, as the UN Charter had made them an international issue. Additionally, he argued that although clarity of definition was valuable, some violations of rights and individual freedom were beyond definition in their scope and effect. It was the role of the UN to take on the role of enforcing human rights, and most radically (at least to the HRC), Lauterpacht argued for the right of individuals to petition against states.

Given the important differences between Beckett's and Lauterpacht's interpretations of international human rights and what needed to be done for the project to succeed, why did the FO not consult Lauterpacht in the drafting of its proposal to the HRC drafting committee? Why was Lauterpacht excluded from FO proceedings, and perhaps more critically, why does his contribution matter if it was roundly ignored by officials in his own country? Simpson (2004b: 480) speculates that *International Bill*, which was the first book on the subject of international human rights, surely would have at least served an indirect influence in later stages of the HRC meetings (see also

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<sup>50</sup> As scholars and some practitioners claim, today transnational human rights NGOs practice a variant of Beckett's shaming, see Keck and Sikkink (1998), Price (2002), Roth (2004), Rubenstein (2004), Ron, Ramos, and Rodgers (2005).

Simpson 2004a). As perhaps an odd twist of irony, John P. Humphrey used a draft of Lauterpacht's book in the construction of the HRC Secretariat's first draft (Morsink 1999: 6), which was later considered simultaneously to Beckett's British proposal at the first set of drafting committee meetings in June 1947. In the end, then, despite Beckett's rejection of Lauterpacht's input in the FO document, his rival's ideas found their way into Humphrey's "official" Secretariat draft.

The lessons from this comparison between Beckett and Lauterpacht are important in the sense that they are often overlooked in thinking about the Western conception of rights. Primarily, what I show here is variation within British thought on human rights at the time. Although others like H.G. Wells had produced treatises, Lauterpacht's proposal was different given his stature as an influential, well-respected jurist and the depth and breadth of his project – he not only came up with a list of rights, but justified them through theoretical and political reasoning. Unlike other readings, then, the one I provide here demonstrates that, again, the FO and British position in the HRC proceedings was political, rather than ideational. Beckett was able to deny the option that Lauterpacht represent the British contingent at the UDHR meetings. If he had not been able to do so, the historical record would have most certainly reflected a different British position. By nature of his occupation, Lauterpacht was constrained in his influence. In essence, both Lauterpacht and Beckett advocated "Western rights," but Lauterpacht's perspective expanded them in a way that Beckett refused to allow human rights to be conceived, making the former's position much closer to early State Department arguments about human rights, and much more "centrist" along the spectrum of which rights to incorporate into the UDHR. In many ways, the debate between Beckett and Lauterpacht

is the political analogue to the debate within liberalism about the role of the state in ensuring individual freedom.

## **II. UDHR Negotiations: Freedom, Sovereignty, and the Schisms in the West**

At the time of the UDHR, there was not only great variety in conceptions of human rights, but also dispute over which ones would be drafted into the document. The fact that traditionally non-Western rights were included into the UDHR and ratified by Western states confirms the lack of international dominance of civil and political rights. Additionally, their inclusion demonstrates the influence of other states in conceiving human rights besides the US and the UK, which were commonly presumed to be the main champions behind the post-war human rights project (Waltz 2002), and even within the Anglo-American alliance there were differences in how human rights were to be conceived. Thirdly, states by and large embraced a hybrid of rights, including civil, political, economic, social and cultural rights, thus going against the idea of solidly Western versus non-Western rights. Finally, the debates were marked by different conceptions of freedom and their attendant rights, as well states either seeking to protect their sovereignty, or gain a more equal say in international politics against powerful states.

Traditional accounts credit Eleanor Roosevelt as one of the main architects of the UDHR – this is probably due much to her tenure as the first chair of the HRC.<sup>51</sup> More truthfully, her role in the negotiations, though important, was not decisive in the same

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<sup>51</sup> This is the body which was commissioned to draft the International Bill of Rights, or what was to become the UDHR and the two Covenants.

ways as other participants' were.<sup>52</sup> Many ideas came from much more seasoned philosophical thinkers and diplomats, such as René Cassin of France, P.C. Chang of China, John P. Humphrey of Canada, Charles Malik of Lebanon, and Hernan Santa Cruz of Chile, each of whom were significant in getting the document off of the ground, drafting ideas and providing the leadership to push the HRC towards its eventual goal of the “international bill of human rights.”

I point this out because it was Roosevelt's prestige that helped the HRC along in its tasks, and indeed, what made her the focal point of the UDHR creation, but she certainly did not serve as a prime figure in articulating or drafting the rights that would eventually be incorporated into the document. In this sense, knowing that many of the ideas that eventually found their way into the declaratory document were contributed by non-Western actors is the first step in understanding why accusations of the Western imperialism of human rights misses the point of international human rights norms, which from the beginning were not Western, but international, and came to be associated with negative liberties only with time.

Recent scholarship has recognized the significance of individuals from the Soviet as well as former-colonial blocs (Lauren 1998, Morsink 1999, Falk 2000, Glendon 2001, Waltz 2001, 2002, 2004, Simpson 2004b). As a result of World War II, human rights became a topic of intense discussion and interest on a worldwide basis. Contrary to what critics of universal human rights claim, protecting fundamental freedoms was not just an artifact of Anglo-American culture. For example, when the Atlantic Charter was released

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<sup>52</sup> This insight has received much play in several recent works: Lauren (1998: 205-240), Glendon (2001), Simpson (2001). The misperception of Roosevelt's role may contribute to the assertion that even the UDHR was the product of the West.



as a telegram August 14, 1941, its impact was far beyond what its drafters (led by Winston Churchill and Franklin D. Roosevelt) imagined. The Charter was drafted to emphasize the differences between the Allies and the fascist Axis powers. Its long-term impact, however, was to influence the writings of anti-colonial leaders, notably Nelson Mandela, who took the document to reify the dignity of all human beings, as captured by the phrase “all the men” (Borgwardt 2005: 29-45). The popularity of the “Mandela interpretation” of the Atlantic Charter, as well as Roosevelt’s and Churchill’s subsequent efforts to clarify what they meant by the famous line (Borgwardt 2005) illustrates the tractability and adaptability of liberal notions in non-Western countries.

Americans also adopted “non-Anglo” rights. As Sunstein (2004) argues, Franklin Roosevelt pushed domestically for a “Second Bill of Rights” that encompassed economic rights to insure “human security,” which he believed was necessary for freedom (2). On January 11, 1944, Roosevelt introduced his notion of security – physical, economic, social, and moral – and linked two of his Four Freedoms<sup>53</sup> together. Freedom from fear, he argued, had to be linked to freedom from want, for true freedom could not exist without economic security (Sunstein 2004: 11-12). Roosevelt then articulated the relevant rights, which included: right to gainful employment that was adequate to provide for basic needs of the individual and his family, a right to free trade, a right to a decent home, a right to medical care, protection from the fears associated with age, debilitations, and unemployment, and the right to education (Sunstein 2004: 13). Such economic and social rights are commonly linked to the Soviet contingent of the negotiations over the

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<sup>53</sup> The two other freedoms in this oft-cited January 6, 1941 State of the Union address are: freedom of speech and expression and freedom to worship God in his own way.

UDHR and other non-Western parties of the HRC, but in truth Roosevelt had embraced them as part of the political agenda for US domestic politics; this conception influenced the US position in the negotiations over the UDHR.

The HRC was established February 16, 1946, assigned to draft an international bill of rights, concerning “civil liberties, the status of women, freedom of information, and similar matters” (*YHR* 1949: 422-23), and preventing discrimination on the basis of sex, race, and religion. An amendment dated June 21 added to the HRC’s duties any other human rights matter not covered under the specific provisions outlined before, thus expanding the scope of action for the Commission, and also opening the way for more expansive interpretations of human rights. From the beginning, attempts were made to include, rather than exclude participation in the drafting of the document. Canadian John P. Humphrey, who was then serving as the Director of the Secretariat’s Division on Human Rights, has been credited with compiling much of the first draft of an international bill of rights (Morsink 1999). His version specified 48 rights, drawing on many sources, including the 1944 “Statement of Essential Human Rights” produced by the American Law Institute, which the Panamanian delegation introduced in San Francisco in 1945, the draft submitted by the Inter-American Juridical Committee, and Hersch Lauterpacht’s work (Morsink 1999: 5-6, Glendon 2001), which will be discussed in the next section. Although Humphrey completed much of the actual drafting of the first draft, the drafting group included members from Australia, Chile, China, France, Lebanon, the USSR, the UK, and the US.

Because there were 18 countries represented in the HRC, however, complications soon multiplied. From the beginning the Soviet bloc insisted on the preeminence of

social and economic rights, while other participants representing France, China, Lebanon, the Philippines, the US, and Chile advocated a more moderate mix between civil and political rights (“old”) and the rights that were considered “new” because of their relevance to post-war politics (Morsink 1999, Glendon 2001). The UK, which managed to maintain a civil and political rights hard line after 1947 with the working paper publication of the UK’s HRC proposals, nonetheless also made positive statements about the inclusion of social rights early on in the proceedings concerning the British interest in promoting “education and social progress” (Simpson 2004b: 383).

It is clear from the UDHR negotiations that there was no definitive consensus on which rights were paramount and no agreement on the idea of freedom. The efforts of Malik, one of the leaders of the negotiations, have been recognized broadly, but the Lebanese representative also pushed (unsuccessfully) for an article protecting minorities.<sup>54</sup> Latin American representatives advocated strongly for workers’ rights in drafts of the declarations, which by the 1940s were staples in their constitutions, but not so in other countries. Many Latin American countries, along with states in the Soviet bloc, also had explicit provisions for health care in their constitutions. The Chinese contingent successfully lobbied for the explicit mention of food and clothing in the final text of the UDHR (Morsink 1999).

Perhaps more interestingly is that the West did not uniformly reject the “new” rights in favor of the civil and political rights. Although it is often easy to lump the US with the when thinking about the West, in truth the “special relationship” of the Anglo-

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<sup>54</sup> Though some were present, Middle Eastern states made many more contributions to later human rights documents, since many were still under colonial rule at the time of the UDHR negotiations. See Waltz 2004.

American alliance was not necessarily always smooth: the West's position was not always the same, nor was the eventual congruence due to normative agreement. Only the US, Morsink (1999) notes, thought of the newness of economic, social, and cultural rights in a negative sense as compared to civil and political rights, even though the American delegation, unlike the British one, initially advocated the inclusion of social rights. The State Department position in the HRC was finalized February 6, 1947. The US proposal argued that several types of rights should be included in the Declaration: personal rights, such as religion and property; procedural rights, such as right to a fair trial when accused of a crime; and social rights, such as social security and employment (Simpson 2004b: 383). Contrastingly, the British position stuck closely with the rights Britons enjoyed at home, namely civil and political rights.

As Adler and Paterson (1970) note, “anti-totalitarianism,” reached new highs during the Truman administration with the rise of the Communist menace and the Soviet move into Eastern Europe. As conditions of World War II faded and the reality of the Soviet-West standoff became clearer, the US aligned itself with the UK against a common threat, Communism, favoring a much less cohesive set of rights limited to civil and political rights. The American shift in position and the seeming uniformity of the West was not ideational, so much as it was seen as necessary to combat the communist menace to Western civilization.<sup>55</sup> Following the appointment of well-known anti-Communist Dean Acheson to Secretary of State in November 1947, however, the

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<sup>55</sup> The irony here of course, is that domestically in this period the UK became “socialist” with the landslide election of Labour in 1945. With the Attlee government came nationalization of industry, the National Health Service (1946), Education Act (1944), and the National Insurance Act (1946), which enacted the proposals of the Beveridge Report. This domestic swing did not become a large issue, in part because of the congruence in UK and US foreign policy (Perkins 1986).

American position in the HRC became united with the British. The conception of freedom reflected in the rights supported by the US and the UK turned from being purely about the relationship between a state and its citizens, but also the freedom from the shackles of Communism. Freedom was redefined in the US shift from an emphasis on civil, political, and social rights to one which emphasized a defense from the anti-freedoms of a system under communism.

Beyond debates over the content of human rights, states also disagreed on the level of implementation for the rights agreed upon in the UDHR negotiations; they were concerned about threats to their sovereignty. The Soviets and their Communist allies eventually abstained from the final vote to approve the UDHR based precisely on these points – the international declaration was seen as an encroachment of domestic sovereignty, and such an encroachment could only be justified if the violation of human rights threatened world peace<sup>56</sup> (Morsink 1999, Simpson 2004b). Additionally, the other two major powers in the negotiations, Britain and the US, did not favor the “importation” of human rights to their domestic jurisdictions, either. Human rights, to the UK, US, and USSR, were for export to other countries, not for intrusion into their own management of domestic affairs (Simpson 2004b: 481-482). The UK, US, and USSR did not want international norms to trump or violate extant domestic law, and found ways to curtail debate so as to best preserve their authority within their respective borders.

It is clear, therefore, that not only did states have distinct preferences over the content of human rights in international negotiations, but that they balanced these with

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<sup>56</sup> Morsink (1999) argues that evidence throughout the negotiations demonstrates that the Soviet bloc, on the other hand, participated in the UDHR negotiations as a way to oppose fascism (23-4).

concerns over national sovereignty. For larger states, it seemed sometimes this concern trumped the concerns over establishing effective human rights institutions. The threat of Communism united the Anglo-American position, and also solidified the lines between ideational blocs – not until the end of the Cold War do we see a gradual emergence of economic, social, and cultural rights into the fold of international human rights politics, and even then in limited fashion.

### **III. Conclusion**

The problem with many accounts of the history of human rights is this: because Western philosophical and political traditions most easily align themselves with many of the bases of human rights, it is assumed that human rights are an import and an imposition to the rest of the world. However, to take this position is merely the inverse of what they accuse others of doing – assuming a uniform West is just as egregiously wrong as presuming the universality of human rights. As this chapter has demonstrated, human rights have always been contested, and in particular, the content of human rights has never been consistent or unanimous. Even within the West, human rights were not given and deeply varied.

The linking of freedom to rights is a consistent theme in Anglo-American political thought. At the heart of the dispute is not the relationship between the two, but rather, the means by which to achieve the link. The primary argument, then, whether between the US and the UK, Lauterpacht and Beckett, or Green and Berlin, hinges on what precisely best defines freedom, and the appropriate rights that accompany that notion of freedom. As I have shown here, the meaning of freedom has never been consistent within

“Western” thought and politics, and consequently, the “right” rights have never been clear, either. Depending on whether freedom was couched in group or individual terms and whether sovereignty needed to be protected stringently or not determined what types of rights constituted “human rights.” Domestic concerns also limited state positions on human rights. A salient restriction on both the US and UK, for example, was the need to make international agreements congruent with domestic law and politics (Morsink 1999: 192). In particular, the treaty approval process of the US made the domestic congruence issue of prime importance. Finally, the looming of the Cold War and the subsequent geopolitical land grab pushed states and leaders to adopt different positions on human rights. Although the Western tradition is far more nuanced on human rights thought than is typically represented, what often gets brought up is the political aftermath, rather than the nuanced ideational tradition of liberalism.

The controversy in the West is emblematic of the broader context of human rights in the 20<sup>th</sup> and 21<sup>st</sup> centuries. The human rights debate often speaks in terms of universals, but these universals need to be understood as political constructs. As this chapter reveals, even the united front of the Anglo-American position on human rights in the mid-20<sup>th</sup> century was fraught with disagreement; had the West not had to confront the threat of a communist East, human rights politics might have played out quite differently. While the idea of human rights is contested, I do not argue that a dominant set of rights did not emerge in the 1960s and 1970s. Rather, the argument here is that it is important to recognize the variation within the West as part of a project of recognizing the continuing evolution of human rights as a political, ideational, and moral project. This argument goes beyond what others have noted about the explicit intellectual history in the

West concerning human rights that is missing from other cultures. Thus, the project of human rights may have originated historically in the West, and the current dominant paradigm may still be largely tinged with Anglo-American ideas, but neither the human rights nor the Western liberal project have been universal.



## **Chapter 4**

### **The Formation of Human Rights Norms in Amnesty International's Network, 1961-1980**

“But I would emphasise its crucial long-term importance in establishing Amnesty’s dominance in its field. With this in mind, we must establish our uniqueness. We must hunt alone, not with the pack. Our publicity approach must be different and superior to all others. We must take the initiative whenever possible and act independently.”<sup>57</sup>

Amnesty International is recognized as the most influential human rights non-government organization (NGO) (Alston 1990), and influences not just individuals, but states. Amnesty’s country reports, along with the US State Department’s, are cited as the two sources of consistent information for how well countries meet human rights standards (Cingranelli and Richards 2001). But why are Amnesty’s principles so important, and why has it been relatively more successful than most other human rights organizations? Human rights advocacy groups abound, and there are many more international advocacy groups than just Amnesty and its oft-cited competitor, Human Rights Watch, such as PEN International, the International Commission of Jurists, or the International League of Human Rights, to name a few.

I argue that Amnesty’s prominence as an organization stems from its network structure, and not its formal organizational flow chart. In looking at the Amnesty Statute, the most important bodies are not the ones that Amnesty relies upon to set the agenda and organize its human rights principles. In reality, however, the reason why Amnesty’s network flourishes against its NGO peers is because of its underlying scale-free network, one which both capitalizes upon a far-flung, grassroots activism base while maintaining a

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<sup>57</sup> From “Publicity, Public Relations, Appeals: A Programme for 1967,” AI Index NWS 05//66. Most Amnesty documents have an internal Index number, which I will use, along with author, title, and place information, where available.

tight, centralized grip on the policies, principles, and tactics of the NGO. Surprisingly few have noted the uniqueness of Amnesty's structure among NGOs (Stroup 2008), and no one to date has attributed Amnesty's success to its uniquely centralized network structure among its peers, one that does not follow from examining the formal rules of the organization. Many have instead argued that its human rights principles are what made Amnesty unique and/or successful as a generator of human rights norms, and many accounts have been driven by analysis of Amnesty's campaigns (Larsen 1979, Power 1981, 2001, Hart 2001, Korey 1998, Clark 2001). However, principles in themselves are not sufficient.

Amnesty for much of its history articulated a narrowly-focused set of human rights principles (Amnesty's rights), based on just a few of the rights in the Universal Declaration of Human Rights (UDHR): Articles 5 (torture), 9 (arbitrary arrest/exile), 18 (belief/religion), and 19 (opinion). Given its large membership and name recognition, we could reasonably expect Amnesty to expand its principles to placate certain factions, but it did not fundamentally expand its agenda until 2001. The structure of the network allowed only a few nodes to set the agenda, and indeed, often exclude certain rights from consideration. The centralization of power in the network enabled Amnesty to adhere to its mandate for forty years despite challenges from activists, other organizations, and national sections alike. The narrowness of Amnesty's mandate matters, of course, because its prominence among other human rights NGOs gave it a prized position from which to influence human rights norms by calling attention to inconsistencies between state behavior and Amnesty's rights.

Focusing on Amnesty's formative years from 1961-1980, I demonstrate how the central node of the network continually took hold of the agenda for the rest of the movement. These years are critical for Amnesty as an organization. In this period, it was able to consolidate support for its version of human rights, winning considerable recognition in the 1970s with its Latin American campaigns and its receipt of the Nobel Peace Prize. It is in these years that Amnesty became the international name it is today, and this period in particular is when its influence was undisputed and instrumental in forming a transnational advocacy network (TAN) for human rights. I draw largely on archival resources that are housed in the International Institute of Social History in Amsterdam, The Netherlands (IISG) and the University of Colorado, Boulder<sup>58</sup> to demonstrate Amnesty's organizational and structural features that enabled its success in articulating the norms of human rights in the post-UDHR world.<sup>59</sup>

This chapter is organized to reflect the founding, expansion, and evolution of a network, and its description of the dynamics of network change are designed to demonstrate how network decisions can have unanticipated, but positive consequences in terms of overall power of the network. I begin with the founding of Amnesty's network by Peter Benenson and continue through its expansion from a personalistic network to a centralized, professionalized structure by the late 1970s. The first part offers a history

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<sup>58</sup> These Amnesty International USA archives have since moved from Boulder to Columbia University as part of the Human Rights Initiative, as of 2006. I conducted my research June 14-24, 2005 in Boulder, prior to the move.

<sup>59</sup> There are two types of documents employed from the Institute: Amnesty's internal documents, which are labeled with an index number, and the transcripts that are part of the Amnesty International Oral History Pilot Project (OHPP). In 1983, the International Executive Committee (IEC) of Amnesty International approved of the OHPP as an effort to preserve the record of the early days of the organization. The project was taken up by Andrew Blane and Priscilla Ellsworth, both representatives from the United States section. They interviewed a total of 16 people for this project. Henceforth, I will refer to the project as OHPP, with the appropriate interviewee's referenced in quotes and the date of the interview. Direct quotes are referenced by the page number in the transcript.

that departs from other accounts in that I show the dilemmas faced by the emerging network of activists, utilizing the language and insights of network theory. I emphasize the personal network that surrounded Benenson and his close collaborators in Amnesty, something that has been examined historically (Buchanan 2002), but without an exploration of the differences between network structures. I discuss the structural changes made after Benenson's departure and the day-to-day operations of the Amnesty network. This part of the chapter illustrates the agenda-setting and rule-enforcing power of the network, and demonstrates the fits and starts of nascent activists' networks, drawing attention to personalities, important governmental connections, and the general chaos surrounding a project with uncertain funding and high demands from a grassroots membership.

The second section traces Amnesty's recovery from the later Benenson years shows how the power of the central node is limited – Benenson so abused his powers and influence that the network struck back, so to speak. This is also the period in which Amnesty's central node established the four norms Amnesty would advocate consistently in its campaigns thereafter: Articles 5, 9, 18, and 19 of the UDHR. In this part of the chapter, I explain why the shift from a personalistic to a bureaucratized network benefits from network analysis, and why despite formal organizational rules distributing power to different segments of the network, the centrality of the International Secretariat (IS) remained the dominant force in agenda-setting and rule-making.

I conclude in the third section with the effects of the bureaucratized network and its management of the burgeoning membership base, demonstrating the power of the central node in pushing a narrow human rights agenda while fundamentally changing

Amnesty's tactics. Here I also discuss the implications of how centralization of power in networks, through structure, restricts the human rights principles possible within a network, and the norms produced by the TAN.

### **I. Amnesty's Network, 1961-1967**

#### *"An Appeal for Amnesty": Launching of a Human Rights Network*

On Sunday, May 28, 1961, a two-page spread entitled "The Forgotten Prisoners," was published in the weekend review section of the *Observer* in London. In this article, its author, British barrister Peter Benenson, revealed that individuals the world over – First, Second, and Third, to adopt the Cold War language of the time – were imprisoned by their respective governments for their non-violent political and religious beliefs. Calling these individuals "Prisoners of Conscience" (POCs), Benenson's piece launched the "Appeal for Amnesty 1961." Benenson hoped to highlight the continued disconnect between official state declarations, such as the UDHR, and the actual practices within states. Despite their agreements in international politics, states continued to treat their citizens in ways that openly flouted the ideals of the UDHR.

The piece generated enormous interest, reprinted in newspapers such as *Le Monde*, *The New York Herald Tribune*, and *Die Welt*. The response led to the founding of an official organization by the end of the year.<sup>60</sup> In 1962, the name "Amnesty International" was adopted after a meeting of delegates from Western Europe and the US to emphasize the global character of the movement (Power 1981). By the close of 1962, there was Amnesty representation in the form of letter-writing groups (THREES groups)

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<sup>60</sup> "Amnesty International, 1961-1971," AI Index ORG 03//71.

in Australia, Belgium, Britain, France, Greece, Ireland, the Netherlands, Norway, Sweden, the United States, and West Germany. Early high profile releases, such as the case of Archbishop Josef Beran, helped solidify Amnesty's reputation as a credible and effective political player (see Larsen 1979).

This is the standard account of Amnesty's founding and its early success. It arose out of one man's crusade against huge international and state forces, engaging thousands of volunteers the world over to write letters on behalf of these POCs. Most accounts of Amnesty's early days reflect such a gilded history. Typical alternative explanations of Amnesty's success focus on the contributions of adhering to a specific organizational mandate (Baehr 1994), the influence of the concept of the POC (Kaufman 1991), a strict impartial and apolitical stance (Wilson 1997, Winston 2001) or Amnesty's unique balancing act between volunteerism and professionalism (Korey 1968, Cook 1996).

The summary account for Amnesty's success does not explain how one man's idea about human rights caught on fire, and how the principle of POCs captured the energies of so many. Sikkink (1993) tries to account for why NGOs attract followers despite their lower-paying jobs and demand for material contribution without material reward in return. Joiners join because of the principles espoused by the organization, and the success of the organization politically. Sikkink invests much of her explanation here, and in future iterations (Keck and Sikkink 1998, in particular) on the quality of the principle being argued, a "strong message capable of mobilizing their staff, membership, and public opinion" (Sikkink 1993: 16). Amnesty certainly had that in the POC, in both written and pictorial accounts of the treatment of prisoners, and the reasons for incarcerating them.

But the structure of Amnesty also differed crucially in helping it attract early adherents, especially early on in the network, when the principles of human rights were many, and people did not have the luxury of many human rights NGOs embodying different human rights principles from which to choose. The fact grassroots human rights NGOs as a concept simply did not exist in 1961 undercuts Sikkink's analysis of what makes an NGO attractive. For early joiners to the human rights cause, Amnesty provided coherence, camaraderie, and connectedness to a single POC, whose life could be followed for months, and in some cases years, by a group of letter-writers gathered in a living room in a British country home, or musty London flat. The early organization was suffused with a fervor – what Hopgood (2006) likened to secular religiosity, where volunteers and “professional staff” exchanged what information they themselves could find for what the other side could provide.

In terms of providing coherence, each THREES group would receive a case sheet for each of three prisoners, one from the First, Second, and Third Worlds. Groups would gather together regularly to write letters on behalf of a prisoner, advocating his or her release, or the betterment of prison conditions, and would work on these individual cases, until the prisoner's conditions did improve, or the prisoner died. This work could be disheartening, but it could also be very rewarding for the individuals involved in the THREES' efforts. In addition to participatory affect, individuals who joined THREES could find a sense of coherence in Amnesty's way of defining human rights: almost always linked to the incarcerated, either demanding release because of unjustified reasons for arrest, or the cessation of cruel treatment.

Joining Amnesty for some of the early followers “chimed with their own experiences of persecution and loss” (Buchanan 2002: 590). Many of the initial supporters of Amnesty, including those who found themselves working in leadership positions, had personally witnessed or were targets of German persecution. Keith Siviter, who helped found the Eltham THREES group, saw the Appeal and the subsequent Amnesty network as a way to do something about the imprisonments in the USSR (Buchanan 2002). In founding Amnesty, Benenson provided a vocabulary (human rights and POCs), a method (consistent letter-writing in groups) and a link (Amnesty itself) to the thousands who read headlines, and felt unable to act upon what they found disturbing. In coordinating research with an emphasis on accuracy, discussed below, Benenson gave a credibility and reliability to the Amnesty project to which more newcomers could attach, to a certain set of human rights principles that people could act upon, and try to effect change from their living rooms. By creating a network of belonging, centered around one individual’s freedom and the efforts of many to free him/her, Amnesty’s network provided both purpose and connection for the many that pledged their time in the early days and beyond.

*Belonging to Something Greater Than Himself: The Benenson Network*

As outlined in Chapter 2, there are two conditions under which scale-free networks form: low barriers to entry and preferential attachment of newcomers. Amnesty has always been a network, and as I demonstrate in this chapter, a scale-free network. The important consequences of a scale-free network (as opposed to a lattice-shaped one) are the capabilities of the central nodes to exert agenda-setting power for rest of the network, limiting the choices of other nodes. Central nodes can be determined by an



evaluating along three different criteria: degree, closeness, and betweenness (see Chapter 2). Central nodes determine the norms of the network, in Amnesty's case substantively (limiting cases to certain Articles of the UDHR) and in practice, pushing such values as political and moral impartiality, adhering to a strict mandate, and the notion of a POC.

As argued in previous chapters, whether a network is characterized by centrality or not has important consequences for how information travels, and hence how agenda-setting, happens between nodes. Amnesty has always been a transnational network of activists organized around a central node, as I demonstrate below. At times, the central node has been its founder; at other times, the IS has served been central to the functioning of the organization. The important consequence of having a central node is its capability to limit the choices of other nodes. Central nodes therefore determine the principles supported by the network, in Amnesty's case substantively (limiting cases to certain Articles of the UDHR) and in practice, pushing such values as political and moral impartiality, adhering to a strict mandate, and the notion of a "prisoner of conscience" (POC). In the big picture, the central node also enabled Amnesty to advocate a set discrete set of rights as norms in the international arena.

Amnesty began as a personalistic network whose central node was Benenson. As detailed below, Benenson was no accidental activist, and many of the principles he pushed as the leader of Amnesty he advocated earlier in his life. He had a long history of trying to bridge political differences between barristers, though he himself was partial to the Labour Party. He long felt that one could not just let others suffer, that activism and helping others was an important, human thing to do. After his conversion to Catholicism, he wanted to find something secular that would help others experience that sort of

profound change, and he thought political activism was one of the vectors by which to do so. The profundity of Benenson's influence reflects how central he was as a node in the Amnesty network. Even in the last couple of years of his formal involvement with Amnesty as his health deteriorated and those who supported him began looking elsewhere for leadership, he was still considered as a central, and indeed, necessary figure in Amnesty's network. As he departed in a cloud of scandal, the organization plowed on following the ideals of Amnesty, which Benenson had established, even if the leadership now shifted hands (Buchanan 2004: 287).

That is, in the early network of Amnesty we see the characteristics of building a scale-free network: ease of joining and preferential attachment. Letter-writers had to be willing to put in time to write letters and, in the first years, investigate cases that the IS did not have the manpower to complete. But they also did not necessarily have to have special qualifications beyond literacy and patience. The condition of preferential attachment is particularly interesting in this period, for when the IS was run out of the basement of Benenson's barrister's chambers, the greater volunteer network did a bulk of the research for POCs – the network had not yet evolved into the distributed, specialized bureaucracy it would after Benenson's departure. And yet, people joined Amnesty, seeking to form THREES groups (explained below), rather than darting off with the information Amnesty provided and starting their own advocacy organization.<sup>61</sup> Amnesty provided information as well as reputation. There was clearly value in joining Amnesty's network, even if it meant less autonomy in the types of prisoners one could advocate, a limited source of information which exacted yearly dues (the IS), and the rules that came

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<sup>61</sup> At least, there was no notable spin-off organization that formed that I came across in archival research.

along with being part of Amnesty. Of course, there were the benefits of not having to find your own prisoners, of being part of a greater movement, and of joining an organization which received good media exposure early on with its 1961 Human Rights Day candle-lighting ceremony and prominent political and celebrity supporters.<sup>62</sup>

Networks can evolve, and as we see after Benenson's departure from Amnesty, the network shifted from one centered on a single, charismatic individual to a highly bureaucratized organization. However, power in the Amnesty network still revolved around a core of members, now paid instead of unpaid, which determined the rights Amnesty advocated as a whole, and collected and distributed information accordingly. Amnesty was still composed of a network of individual advocates, but the center of the movement expanded without delegating more power to the rest of the network. Though the central node was no longer a single individual, the network remained one where few nodes retained connections to many, and most still relied upon the center for information.

Stopping here, however, leaves much of the story untold. Although Benenson no doubt played an instrumental role from idea to execution, he was not the only reason Amnesty became the transnational success that it did. A combination of many factors – his elaborate network of connections, his fiery and distinctive personality, the British domestic political environment in the early 1960s – all contributed to Amnesty's spread. For the first part of the organization's existence, Benenson was at the center of a network of activists, sympathetics, and funders as he coordinated a coherent human rights message and a group of advocates. Benenson's Appeal galvanized the movement by

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<sup>62</sup> For example, Cy Grant and Julie Christie had their bonds severed by the "Amnesty candle" at St.-Martin-in-the-Fields on Human Rights Day, 1961, and prominent politicians like George Brown, Sir Elwyn Jones, and Lord Gardiner were all supportive of Amnesty International.

identifying specific language in international law (UDHR Articles 18 and 19)<sup>63</sup> to concretize the movement in an official language.

Others, however, also played key roles in Amnesty's early international successes, whether in terms of international prestige (former Irish Foreign Minister Sean MacBride), publicity (*Observer* editor David Astor and Quaker activist Louis Blom-Cooper), administrative coordination (the "Librarian," or first researcher Christel Marsh), or philosophical leadership and support (Quaker activist Eric Baker). There were "Amnesty's godfathers," who kept the organization going on a day-to-day basis, providing Benenson with counsel and helping keep it afloat after the organizational crisis of 1966:<sup>64</sup> Andrew Martin, Lionel Elvin, Neville Vincent, and Norman Marsh. The contributions of scholars, lawyers, and social activists combined with the efforts of a mostly-female cadre of volunteers gave Amnesty the manpower necessary to become politically salient. These individuals were also there to pick up and rearrange the pieces when the internal crisis of 1966-67 resulted in Benenson's resignation from the movement.

Figure 4.1 below illustrates the structure of Amnesty in the early days. It has been constructed from both primary and secondary texts, using UCINET and NetDraw. The diagram is by no means a "complete" picture of Amnesty's network, but it plots the links between prominent members of Amnesty and how they first became involved in the

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<sup>63</sup> Though it is hard to pinpoint the precise moment in which Amnesty's mandate expanded from these two original rights to the more inclusive 5, 9, 18, and 19, which became human rights norms in the 1970s. The Statute of Amnesty International adopted by the Sixth International Assembly, Stockholm, Sweden in August 1968 officially states that the four articles are the objects of the organization. The Swedish section formally proposed adoption of Article 5 in the 1966 International Assembly meeting in Copenhagen, Denmark, but it was not adopted until 1968.

<sup>64</sup> OHPP, "Christel Marsh," November 7, 1983 and June 1, 1984.

organization. Included are also some of the figures who precipitated the restructuring of the network in 1967. Not all possible links are mapped out,<sup>65</sup> but the connections between the central figures, as described in the chapter, and their links to others in the early Amnesty network are shown. Another way to think about the diagram is “how people *initially* got involved in Amnesty,” and in most cases, they would have met Benenson in order to get involved. This is at best a map of central figures within the organization, and in particular those involved in the leadership. THREES group members receive less attention in this diagram, because their roles were not in making policies and organization-wide rules, but in executing directives from the central node.

As a note, not all figures depicted are actually Amnesty members or staff. They may have contributed monetarily or politically without direct advocacy or helping the administration of the network. Known Amnesty members and staff are denoted by circles in the figure. Where possible, I included people as mentioned in both primary and secondary documents, but to be as systematic as possible, I did not include those whose link to the network was not known. If it is unclear to whom they were linked and how they got their foot in the Amnesty door, they are not included in the diagram.

I referenced mainly OHPP transcripts, but also used internal Amnesty documents when applicable, and secondary sources (e.g., official histories) to compile the information about who was involved in the early days of the network. Thicker lines represent direct references to knowing someone according to the OHPP, which I take to be an individual’s acknowledgement of significant interaction with another person. Many of

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<sup>65</sup> And, I would add, it is very difficult to *systematically* deduce all of the members from the evidence that has been preserved in various Amnesty archives and publications.

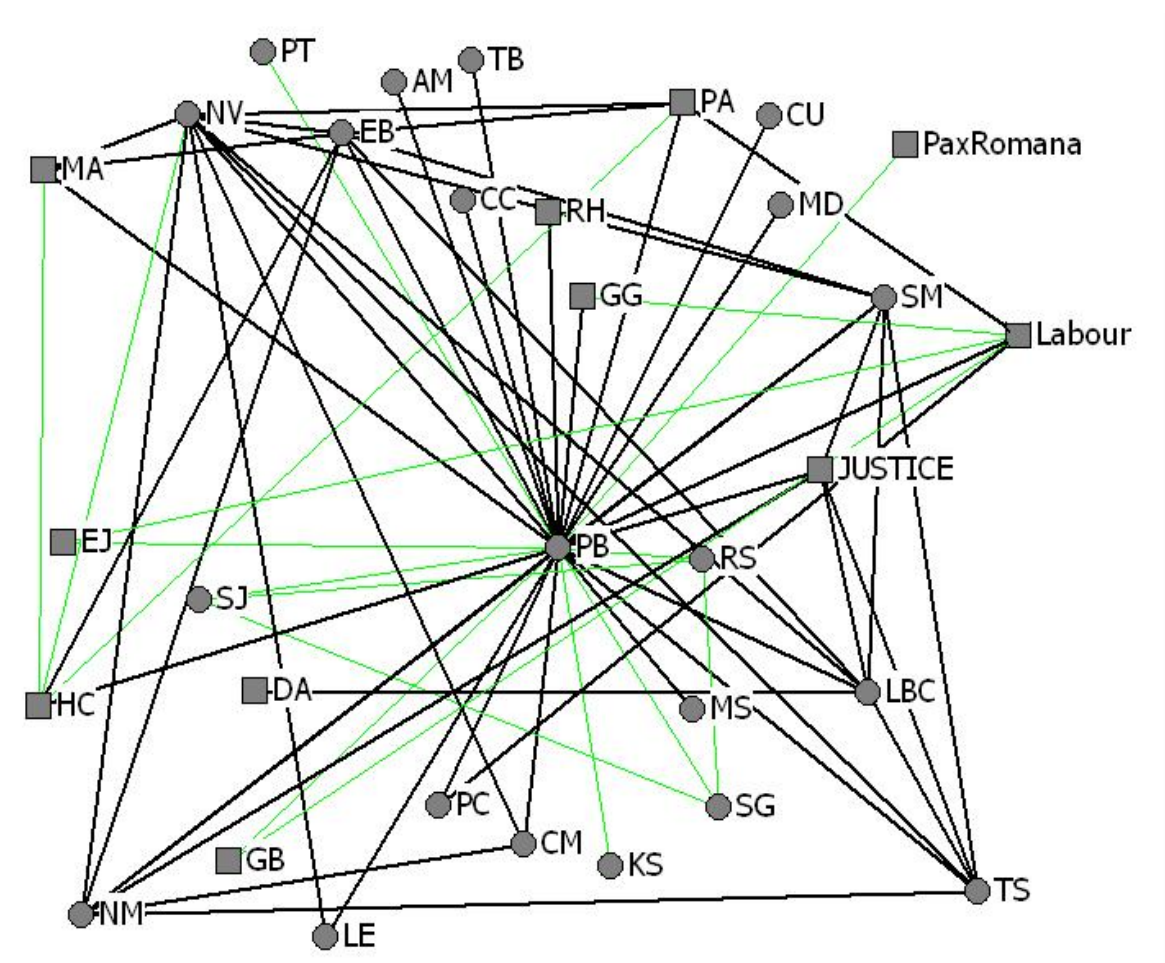
these references detail how the person knew Benenson. There are two types of direct references: one claimed by an individual him/herself (e.g., Benenson referencing collaboration with Eric Baker) or ones others observed (e.g., Baker's wife Joyce identifying Benenson and treasurer Neville Vincent as close associates of her husband). The lighter lines represent indirect links. Indirect links are either derived from secondary sources, or in some cases, primary sources other than the OHPP.

Figure 4.1 makes visually evident the centrality of Benenson to the network, by degree and betweenness criteria. While primary and secondary sources all acknowledge his key role in Amnesty's success, the visualization of his role emphasizes just how connected he was to all facets of the network when he was in charge. Vincent and Benenson were acquaintances through their legal professions. They held in a common interest in penal reform. Hilary Cartwright, who participated in lunch planning meetings and individual projects, was a solicitor who had interests in international law. Other nodes, however, are notable in their interconnectedness as well. JUSTICE, which was a group that Benenson founded, served as a basis for recruiting from the legal community in England. Key figures such as MacBride, Norman Marsh, and Blom-Cooper had ties to the group, and their initial contact with Benenson through JUSTICE led to their involvement in Amnesty. The Labour party attracted politicians and some of the leading administrators of Amnesty, who would form the backbone of the network as its letter-writers. Peggy Crane, for instance, who served as Executive Officer from October 1961-1962, met Benenson through the local Labour party in South Kensington.<sup>66</sup> As Figure 4.1 clarifies, most ties in the network go through Benenson, demonstrating his high level

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<sup>66</sup> OHPP, "Peggy Crane," June 17, 1985.

of betweenness. Benenson also held the most connections in the early network, making him central by degree.



**Figure 4.1: A Visual Representation of Amnesty's Early Network**

**Abbreviations:**

AM: Andrew Martin  
 CC: Christine Chattin  
 CM: Christel Marsh  
 CU: Clara Urquhart  
 DA: David Astor  
 EB: Eric Baker  
 EJ: Sir Elwyn Jones  
 GB: George Brown  
 GG: Lord Gerald Gardiner  
 HC: Hilary Cartwright  
 JUSTICE: JUSTICE,  
 lawyers' association

KS: Keith Siviter  
 Labour: Labour Party  
 LBC: Louis Blom-Cooper  
 LE: Lionel Elvin  
 MA: Miff Archer  
 MD: Marlys Deeds  
 MS: Michael Straight  
 NV: Neville Vincent  
 NM: Norman Marsh  
 PA: Peter Archer  
 PaxRomana: Catholic  
 lawyers' association  
 PB: Peter Benenson

PC: Peggy Crane  
 PT: Polly Toynbee  
 RH: Ronald Harker  
 RS: Robert Swann  
 SG: Stephanie Grant  
 SJ: Stella Joyce  
 SM: Sean MacBride  
 TS: Tom Sargent  
 TB: Timothy Beaumont

The remaining measure for a node's centrality is closeness, for which the diagram and the above narrative provide evidence for in terms of Benenson's links among the leaders and highly-involved figures within the organization. However, Amnesty's network, like many other networks, was created by tapping into other existing networks. What makes Amnesty's network construction different, though, was its mass call through the Appeal. By placing the editorial in high profile print media, Benenson increased the chances that those beyond his own immediate social circles would receive the call, but it also poses a problem in terms of the measure of his closeness to other nodes in Amnesty's network. Indeed, Marlys Deeds was one of those individuals. Amnesty received a tremendous response, as Power (1981) notes, in letters and donations after the publication of the Appeal. The responses also demanded what could be done – hence, the THREES. Nonetheless, Benenson also remained quite active among THREES groups during tenure as the leader of Amnesty, and so we can guess that he maximized his closeness to the rest of the network by facilitating direct ties to as many activists as he could.

The network depicted here, then, is at best incomplete and missing the massive quality of even the initial movement. However it does demonstrate the interconnectedness of the inner circle – the Godfathers – while also demonstrating that Benenson was the glue that held the network together. We can conclude that at least by two measures of centrality, betweenness and degree, Benenson can be called a central node in the Amnesty network. In terms of closeness, Benenson was proximal to the other leaders of the network, who themselves contributed to Amnesty through funding or links to other NGOs, but not necessarily to all of the THREES members. What emerges from



this analysis is Benenson's centrality within the core group of Amnesty, and in the decision-making parts of the network. The centrality of his position within the network, therefore, left it vulnerable to any fluctuations in Benenson's ability as leader of the movement. Breakdowns in scale-free networks occur precisely at their centers, and not in their peripheries.

*Benenson as Central Node*

Benenson was certainly a character by all accounts. He was a devout Catholic convert and believed deeply in the relevance and traction of symbols. He shirked bureaucracy and ordering principles, preferring to work as hard as necessary for a given project and demanded others do so as well. He liked controlling the information, and yet also had trouble with remembering details.<sup>67</sup> He synthesized his experiences well, however. Many of the pieces of Amnesty's work – political prisoners, adoption by groups, indeed, the idea of bearing “Christian witness”<sup>68</sup> – came together either from personal experience or the political environment of Britain at the time. The idea of freeing political prisoners in the rightist regimes of Greece, Portugal, and Spain, for example, was a theme of increasing interest for the British political Left in the 1950s. A campaign in the late 1950s launched by the Communist party in Britain demanded amnesty for Spanish political prisoners (Buchanan 2002).<sup>69</sup>

As several have noted in their memoirs, Benenson also had trouble with delegating tasks, administration, and seeing his projects to full fruition – by then, he

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<sup>67</sup> Ibid.

<sup>68</sup> “Letter from Peter Benenson to Eric Baker,” July 21, 1967, IISG, Amsterdam, The Netherlands (Accessed October 9-20, 2006).

<sup>69</sup> Indeed, the name “Amnesty International” itself may have taken inspiration from this earlier movement. See Buchanan 2002: 579-585.

would already be on to the next step.<sup>70</sup> In the words of a former volunteer, all people were treated as “tools for his ambitious scheme.”<sup>71</sup> The volatility in his character which would become so detrimental in later years was critical in the formative years of Amnesty, as “he [Benenson] could never stop making the revolution.”<sup>72</sup> But he also held the notion of balance, particularly in the sense of representation, in high esteem, as in establishing THREES groups.<sup>73</sup> As Benenson claims, “I was very much involved in this idea of the world being united ... two major powers and yet there being a third world and bringing in three.”<sup>74</sup> The THREES group model was very much a part of the way Benenson dealt with an unexpectedly large amount of support, and these THREES groups eventually served other purposes besides letter-writing, generating membership dues and launching wider fund raising campaigns.

He was demanding: he felt that participating in Amnesty should be life-changing not just for the POCs, but for their advocates as well; a sort of secularized conversion experience that would make the world a better place.<sup>75</sup> But his natural charisma catalyzed the movement, attracting adherents – he traveled extensively in promotion of the cause, he recruited, he kept personal tabs on groups of activists in different countries, and he raised money through his personal connections (Larsen 1979, Power 1981,

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<sup>70</sup> From OHPP, “Louis Blom-Cooper,” June 6, 1984; “Peggy Crane,” June 17, 1985; “Christel Marsh,” November 7, 1983 and June 1, 1984.

<sup>71</sup> OHPP, “Marlys Deeds,” June 19, 1985: 40.

<sup>72</sup> From OHPP, “Peggy Crane,” June 17, 1985 (as quoted in Buchanan 2002: 587).

<sup>73</sup> OHPP, “Christel Marsh,” November 7, 1983 and June 1, 1984.

<sup>74</sup> OHPP, “Peter Benenson,” November 12, 1983: 81.

<sup>75</sup> Buchanan (2002) references a letter written from Benenson to Baker on August 9, 1961, in which the former writes, “To me the whole purpose of AMNESTY ... is to re-ignite a fire in the minds of men. It is to give to him who feels cut off from God a sense of belonging to something much greater than himself ... each one with the spark burning inside of him ... if the spark of AMNESTY has any power, it is to convince each of us that everything is in his power.” Hopgood (2006) also emphasizes the role of religion not only in the founders’ lives, but also in informing Amnesty as a “secular religion.”

Buchanan 2004). Benenson was central to the take-off of Amnesty, but in the process of leading the network he nearly destroyed it; once Amnesty had taken off, Benenson's skills no longer helped the organization. In fact, the later years of his leadership were marked not only by questionable financial dealings, but also by power struggles between himself and other leaders of the organization, such as MacBride and his own handpicked secretary general, Robert Swann.

Benenson was the son of a British ex-army officer and a Russian-Jewish mother.<sup>76</sup> He was educated with the *crème de la crème* of England: Eton and Balliol College. The poet W.H. Auden briefly served as his private tutor. Besides his brush with adopting a Spanish child name Jesus during the Spanish Civil War,<sup>77</sup> he also worked to help Jewish children in Germany in the late 1930s, after Kristallnacht. During World War II he worked for the Ministry of Information and Military Intelligence at Bletchley Park. In 1947, he became a barrister, practicing civil law. Benenson was also quite active in the Labour Party, and stood (but lost) several times as an MP, finally winning a seat in Hertfordshire, which he gave up in 1959.

Following his stint in Parliament, Benenson founded JUSTICE, which he modeled after the American Civil Liberties Union. Membership in JUSTICE was limited to barristers who were interested in pursuing civil liberties.<sup>78</sup> But unlike existing lawyer's associations, Benenson strove for political balance in the membership of this organization – something he again pressed for with Amnesty – making JUSTICE open to

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<sup>76</sup> Benenson's personal history can be found in various places, including Solomon and Litvinoff 1984, Buchanan 2002, Hopgood 2006, and OHPP, "Peter Benenson – Memoir."

<sup>77</sup> OHPP, "Peter Benenson." November 12, 1983.

<sup>78</sup> Interestingly, Benenson saw civil liberties and human rights as one and the same – in fact, he preferred the latter term and used the two interchangeably (OHPP, "Peter Benenson," November 12, 1983).

lawyers of all political parties. Eventually, JUSTICE became the British wing of the International Commission of Jurists in 1957. He was diagnosed with celiac's disease in the late 1950s, and it was during this period in which he debarred and converted to Roman Catholicism in 1958. Benenson's religious conversion was important for him as an individual and informed his views on rights. It was at this time the formative steps towards the Amnesty campaign began to foment.

Benenson's success was in many ways premised on his ability to make connections to people and to sell principles effectively; literally, to network. From his schoolboy and university days to his work for the Labour Party, he met future supporters of Amnesty's cause. His links to the future Lord Chancellor Gerald Gardiner, his fellow Balliolian Prime Minister Harold MacMillan, the Trades Union Congress, for whom he attended a Spanish political trial in 1947, and the scores of lawyers he knew through his years as a barrister and his activity in JUSTICE helped him solicit not just the tacit support of these individuals, but also big opportunities to get Amnesty the publicity it needed early on to exert political influence regarding POCs. His friendly relationship with fellow lawyer Louis Blom-Cooper led to the two-page spread in the *Observer*, for Blom-Cooper wrote about legal matters for the paper and therefore knew the publisher David Astor. Because of Blom-Cooper's endorsement, Astor allowed the Benenson piece to be published, even though he himself did not believe in the effectiveness of trying to influence government actions from abroad.<sup>79</sup> JUSTICE put Benenson in contact with Sean MacBride, who by 1961 was an established international figure, having been Ireland's Foreign Affairs minister and his heavy involvement in both the European

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<sup>79</sup> OHPP, "David Astor," June 20, 1985.

Movement and the European Convention on Human Rights in the 1950s.<sup>80</sup> MacBride played instrumental roles in both lending Amnesty credibility, most notably by encouraging Czechoslovakian regime to release Archbishop Josef Beran in 1964, and in serving leadership roles throughout the 1960s and 1970s.

Benenson himself was connected to a wide variety of people through his career as a barrister and his service in the Labour Party. The contacts he made also had important contacts, which enabled Amnesty to start off on advantageous footing. Significantly, all nodes connect back to Benenson, for in the early days he had the final say (and often the first say) of the trajectory of the network. As Amnesty grew in size and stature, however, the hold he had over the agenda degraded, as other nodes in the network leveraged their connections to one another and began to bypass the central node. Before 1967, activity in the network went through the center, occupied by Benenson, by deference and the informal rules at the time. To get to Amnesty, one had to convince Benenson first. Figure 4.1 also illustrates why when the network around Benenson started to reject him as central node, it was necessary to start over. The young Amnesty network simply would not be sustained if Benenson left.

Though the centrality of important figures in the organization was no doubt critical to the success of Amnesty as an organization and a movement, there were also institutional components that differentiated Amnesty from other like-minded efforts and further encouraged the scale-free structure that formed after 1967. At the beginning of the Appeal, two parts of the organization were to be permanent: “the Library”<sup>81</sup> and the

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<sup>80</sup> OHPP, “Sean MacBride,” June 8, 1984.

<sup>81</sup> After 1966, the Library became one of the three major components of the IS. It was also known as the Registry or Investigation Department, and later became known as the Research Department, before

information newsletter.<sup>82</sup> The Library in particular distinguished Amnesty from its human rights NGO peers:

After discussion about the main function of the movement, particularly with reference to relations with other groups in the Human Rights field, it was decided that the principal work of AMNESTY would be the collection and dissemination of information about Prisoners of Conscience. For this purpose the growth of the Library was all important.<sup>83</sup>

From the beginning, the centrality of research and accuracy of information was something that was emphasized by the structure of the network and the emphasis in documents and staffing.

The Librarian was Christel Marsh, whose husband Norman was one of Amnesty's Godfathers. Her job was to investigate possible cases of POCs, following the insistence of Benenson and Baker that all POCs were to be non-violent. In the beginning, THREES groups and Marsh would split up the investigation cases – in ambiguous cases, groups were given the task of finding out more information. The early days were marked by a lot of reciprocity in fact-finding between the groups and the Library – the idea was that the groups received free information from the Amnesty office, and in turn were expected to share anything they themselves had found out on their own. Information in those days was a scarce commodity, and therefore the task was distributed amongst volunteers. Because of the non-violence condition of being designated a POC, Marsh and others investigating prisoner cases stressed verifying a person's non-violent status before advocating an individual's release in Amnesty's name.

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disappearing altogether as an independent department under the restructuring completed by Secretary General Pierre Sané in the 1990s (see Hopgood (2006): 125-128).

<sup>82</sup> OHPP, "Peter Benenson," November 12, 1983.

<sup>83</sup> "Minutes of the Second Meeting of the Amnesty International Committee," October 8, 1961, London.

However, much of the task of distribution of case sheets, as well as designating a person as a POC, fell squarely on the shoulders of Marsh.<sup>84</sup> Even though THREES groups had much more leeway in the beginning, Marsh was in charge of determining which cases deserved more investigation, and which ones could be classified as POCs right away and be handed down to the groups for adoption. Though the Library never physically wrote the letters on behalf of POCs, it provided and centralized information on prisoners and distributed the cases to letter-writers in the broader network of THREES. Clearly, like Benenson, the role of the Library was indispensable to the movement. However, the founder of Amnesty not only provided links within the Amnesty network that the Library facilitated, but also created connections outside of the organization itself, creating opportunities for the network to grow.

As Amnesty built membership momentum in its campaigns throughout the 1960s, it also garnered influence in international politics, in particular with intergovernmental organizations. In 1964, it gained Category B<sup>85</sup> consultative status before the United Nations (Cook 1996: 184-9, Clark 2001: 6-7). In 1972, Amnesty's Fifth International Council Meeting reported the network's role in rallying 30 fellow NGOs in a campaign to further the international protection of human rights through the establishment of the High

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<sup>84</sup> OHPP, "Christel Marsh," November 7, 1983 and June 1, 1984. Eventually, other Library workers were called in to consult on POC status, but in the beginning, Marsh was the final word.

<sup>85</sup> There are three categories of organizations with consultative status before the UN (via the Economic and Social Council, or ECOSOC). At the time Amnesty gained consultative status, Category A organizations have "a basic interest in most of the activities of the Council." Category B organizations have a "special competence" in limited fields. Category C (or Register) organizations focus on "the development of public opinion and with the dissemination of information." Since 1968, NGOs with consultative status have been re-categorized as Category I, Category II, and the Roster, but the same rules essentially apply to the new names (see Willetts 1996).

Commissioner of Human Rights.<sup>86</sup> It also played an early instrumental role in pushing forth NGO action in the worldwide Campaign for the Abolition of Torture, sponsoring the Paris Conference of 1973. Amnesty also influenced the government decision to bring the issue of torture before the General Assembly, and participated actively during negotiations and indirectly (through state brokers like Sweden and the Netherlands) in the drafting of the text of the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (see Clark 2001: 43-69).

## **II. The Network Strikes Back: Righting the Central Node's Abuses**

It is clear that Benenson's position within the network made him critical to the success of Amnesty. As the NGO grew, however, it became increasingly clear that its founder's shoot-from-the-hip method of advocacy was simply not sustainable.

Traditional accounts neglect to account for how close Benenson's quirks came to single-handedly destroying the advocacy network he worked so zealously to further. As he felt power slipping from his hands, Benenson increasingly usurped more responsibilities and shirked accountability. Network theory tells us that when a central node usurps too much power, it creates incentives for the other nodes in the network to leave, because the costs of staying outweigh the benefits of information and identifying as part of the network.

Alternatively, the central node can shift gears and reform its actions so that the rest of the network decides that staying is better than leaving.

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<sup>86</sup> "Amnesty International Report and Decisions of the 5<sup>th</sup> International Council Meeting." Utrecht, Holland, 8-10 September, 1972.



In the case of Amnesty, the other nodes in the network, certainly its most prominent members, were not about to let a “renegade” central node take down the whole movement. For the welfare of the movement, and to escape further tarnishing of its reputation, Amnesty had to reorganize the network that had gotten it so far, and yet doing so threatened to unravel and end all of its accomplishments. Equally telling, however, is how long others in the network were willing to tolerate Benenson’s antics because of his centrality in the network. He not only held the network together, for many years he generated much of the information (or at least decided to pursue leads) for Amnesty’s advocacy. The generation of an alternative central node, in other words, took some time, but two sets of scandals rocked the organization in the late 1960s, leaving the survival of the network hanging in balance, and pushed the issue of Benenson’s leadership to the forefront.

The scandals mainly revolved around personality differences and money, surrounded by government intrigue. A rash of activities taken on by the organization, culminated by its Aden report in 1966, led to the loss of British government support, previously cemented by Benenson’s ties with Labour Party leaders. The cutting of ties with the Her Majesty’s government may have been for the best, as rumors surfaced that Amnesty was being funded by British intelligence,<sup>87</sup> and that Amnesty funneled illicit British funds to families in Rhodesia whose relatives had been politically imprisoned. As if that was not enough, accusations of financial misconduct and leadership infighting within Amnesty also generated enough heat to threaten the credibility of Amnesty’s

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<sup>87</sup> Calvocoressi, Peter. 1967. “Report on Certain Matters Affecting Amnesty presented to Sean MacBride,” University of Colorado, Boulder, (Accessed June 14-24, 2005).

claims of “independence” and “apoliticism,” and indeed, the existence of the organization itself. Though a detailed retelling of this period is not possible here, the events that led to Benenson’s resignation from Amnesty in March 1967 are summarized briefly here and drawn largely from a report commissioned by Amnesty at the time, investigated and written by Peter Calvocoressi.<sup>88</sup>

Benenson, whose personal quirkiness is documented above, resigned from his formal day-to-day operations for health reasons in September 1964. He continued unofficially as “President,” exerting major influence in the organization, including handpicking Robert Swann as Amnesty’s Secretary General in 1965 (Buchanan 2004). At the time, Benenson hailed Swann as someone like himself, someone he could trust: he too went to Eton, was a devout Catholic, and had been a part of the foreign service. Though at the time of his appointment, Swann revealed to Benenson that he had worked for British intelligence, Benenson appeared to take no issue with this fact until February 5, 1967, when he met with MacBride and accused Swann of trying to undermine Amnesty’s work in Aden (part of Yemen) (Buchanan 2004).<sup>89</sup> Benenson also viewed staff hires made by Swann in 1966 as suspicious. One, Stella Joyce, was hired at a significantly lower salary than her previous employment, and Benenson questioned why she would accept a pay cut in order to work at Amnesty.<sup>90</sup> According to Benenson, Swann ensured him that “the chums” (British intelligence) would take care of her

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<sup>88</sup> For an excellent historical account of 1966-7, see Buchanan (2004).

<sup>89</sup> See also Calvocoressi 1967: 5-7

<sup>90</sup> In addition, Benenson faulted Joyce for providing Niels Groth, a Danish lawyer, with faulty information and contacts, leading to his arrest for two-and-a-half months when he visited Guinea on an Amnesty mission to try to persuade Sekou Toure to release the “Prisoner of the Year,” Koumandian Keita.

salary.<sup>91</sup> Though Swann denied he used the term “chums” or anything else to denote that British Intelligence was financially supporting Amnesty employees, Benenson’s suspicions of Swann intensified by the end of the year. He made a list of 18 questionable employees, and when one of the new hires mysteriously disappeared after Swann sent him to Yemen, Benenson became convinced that Swann was trying to sabotage Amnesty as an agent of British Intelligence. Coincidentally, a burglary occurred in March 1966 in the Amnesty offices, enough to rile Benenson’s already-existent suspicions, though the crime was attributed to white supremacists.<sup>92</sup>

The watershed event in this period in which Benenson’s actions became untenable even to his previous supporters like Sean MacBride, who at the time was the Chairman of the International Executive Committee (IEC), was catalyzed by the Amnesty report on Aden. In 1966, following an attack on the British High Commissioner of Aden, Sir Richard Turnbull, the colonial government cracked down on the population through mass arrests. There were allegations of the use of torture by British authorities. The case of Aden was the ideal opportunity for Amnesty to criticize “the home government,” so to speak, and also to give credence to the claim that the organization was not impervious to claims made against Western states. Amnesty’s Swedish section was delegated the task of sending an observer to write a report, following the principle of not working on one’s own country to avoid accusations of bias. It chose Dr. Selahaddin Rastgeldi, who was ethnically Kurdish, to investigate the case. Though his efforts to visit with prisoners were thwarted by British authorities and the accusations of torture and political imprisonment

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<sup>91</sup> Ibid.: 9-10.

<sup>92</sup> Ibid.: 12-13, 18.

were flatly denied, Rastgeldi wrote a report which claimed “there is definitely some degree of torture in the interrogation camps.”<sup>93</sup>

The differences between Swann and Benenson came to a head concerning the publication of Rastgeldi’s findings. Swann felt he could strike a deal with the British government: if the abuses found by Amnesty’s emissary were dealt with, the report would not be published.<sup>94</sup> Although at the time Benenson viewed Swann’s plan as information suppression, he went along with trying to broker a deal with the government, but the negotiations fell through (Buchanan 2004: 277), and the Swedish section decided to publicize Rastgeldi’s findings. The British government responded dismissively and harshly to Amnesty’s report, and Benenson’s connections were severely affected. On November 11, Benenson decided to visit Aden to see for himself whether the accusations made by Rastgeldi were true – he returned to Britain disgusted by the environment he witnessed, and frustrated with how misled Parliament had been concerning the situation. He filed a petition on behalf of Amnesty on November 19 with the Council of Europe without prior consultation, not even with MacBride, “claiming that Rastgeldi’s human rights had been violated by allegations made against him in the radio broadcast” (Buchanan 2004: 279). He then tried to force Swann to demonstrate his loyalty to Amnesty by taking an oath in his presence at the abbey Cîteaux, to which Swann agreed but was later advised not to follow up on.

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<sup>93</sup> Letter from Rastgeldi to Swann, August 2-7, 1966. It is the second of two letters that he sent from Cairo, one prior to his trip to Aden and the other following. He also attached 13 “case reports” and a memorandum concerning five sworn statements from those who were detained and claimed that they had been tortured (Calvocoressi 1967: 15).

<sup>94</sup> Also, as noted by Calvocoressi (1967), Swann spoke dismissively of the letters from Rastgeldi because they were imprecise, without much differentiation between true researched evidence and rumors.

Following this petition, Benenson's behavior, according to associates, became more erratic. He was convinced that intelligence was monitoring his movements, and was further convinced by the plot against Amnesty. In other words, his intensifying paranoia threatened to run the very organization he was trying to protect into the ground. Asked to take leave by MacBride, Benenson tried to smooth over some of the monetary controversy over his role in Rhodesia (discussed below) with various government officials, but wound up not paying back the funds out of his own pocket, as he had intended in December 1966. After multiple meetings with MacBride, in which Benenson made accusations about Swann, relations between the two attenuated ever further. In February 1967 Calvocoressi was recruited by David Astor, the publisher of the *Observer*, to get to the bottom of the flurry of accusations made by Benenson in time for the March 11-12 meeting of the IEC in Denmark. Calvocoressi's report essentially exonerated Swann of all charges leveled against him by Benenson, but also noted, "Swann has been in the service of British Intelligence, and his former employment has become a risk or embarrassment to Amnesty."<sup>95</sup> His report recommended that Swann resign after another year of service, and that Benenson remove himself from further involvement in Amnesty.

The issue of money, ever a concern for the fledgling network, also resulted in scandal. Like any other charitable organization, the network relied upon voluntary contributions made by individuals. However, unlike other NGOs, Amnesty has historically shirked funding from any "political" bodies – governments, ideological organizations, and even at times intergovernmental organizations – to remain politically

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<sup>95</sup> Calvocoressi 1967: 19.

impartial.<sup>96</sup> This stance reflects Benenson's preference for unity of the world, which had split into three following the commencement of the Cold War, as well as Amnesty's fear of external control on its internal policies. Ironically, then, it would be Benenson's financial activity which would be called under scrutiny for secret collusion with the British government in the "Harry" affair in an expedition to Rhodesia.

As the organization grew, it needed to expand beyond Benenson's basement barrister's chambers. In 1965, the Library and rest of the staff moved to a larger office, but the budget of Amnesty remained dismally low: for 1965-6, the budget was £7000 (Larsen 1979: 31). In particular, after the departure of Benenson, the organization essentially was running out of money and public support dwindled. It became clear, particularly in the later years of Benenson's tenure as leader of Amnesty, that the ad hoc fashion with which the movement began had led to financial crisis, with spending concentrated in too few hands.

This problem was particularly poignant in the controversy that arose around Amnesty's expedition to Nigeria and Rhodesia, at the time part of the British Empire. In a set of newspaper interviews on March 5, 1967, Polly Toynbee, who was an Amnesty employee, revealed the shady sources of Amnesty's funding from a source called "Harry," and alleged that funds that were made available to Amnesty were not used wisely in the Rhodesia mission. She claimed that Amnesty's efforts were minimal in both locales, and there seemed to be an "endless supply of money. I could go to the bank and draw out £200 a time. And there was no check on what I did with the money" (as

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<sup>96</sup> Although in 1966 the IEC decided that national sections should decide whether or not they individually would accept government funds, a later draft report of the Committee on the Field Operations of Amnesty International (ORG 02//67) articulated more specific guidelines for accepting non-Amnesty funds, designed to give the organization as much leeway as possible in deciding its own policies. See also Winston (2001).

quoted in Power (1981): 16). Toynbee claimed that Benenson had admitted to her that the money came from the British government (he himself dubbed it “Operation Lordship”).<sup>97</sup> Amnesty officials backed away from the Rhodesia mission, claiming it was Benenson’s own undertaking.<sup>98</sup> However, Amnesty’s reputation did not escape unsullied. In the waning days of his direct involvement with the organization, Benenson took his disagreements with the administration of Amnesty public, directing attacks at MacBride in particular in the British press, in effect trying to rally up support for himself (Buchanan 2004). The staff, however, and more importantly, the Godfathers threw their support behind MacBride at the IEC meeting in Elsinore, Denmark, March 11-12, 1967.

Following the Calvocoressi report, the IEC made a number of decisions. MacBride was reappointed Chairman of the IEC, and Benenson’s resignation was accepted. The IEC abolished the office of the President, and appointed Eric Baker as an interim Director-General (later renamed Secretary General). Though Calvocoressi recommended waiting a year before resigning from his leadership post in Amnesty, Swann left a few months after the release of the report (Buchanan 2004: 286). The petition to the Council of Europe was retracted. The IEC suggested a reorganization of the IS and redefining the relationships between the THREES, national sections, and IS. It also made three major resolutions: to find a Scandinavian to replace the interim leader Baker as the head of Amnesty, to establish committees to revise the administrative and

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<sup>97</sup> Toynbee’s allegation was later discredited in a letter to members of Amnesty dated March 20, 1967, after Baker himself had looked into her allegations.

<sup>98</sup> As all of the furor over the Rhodesia mission exploded, it was also revealed in 1967 that the International Commission of Jurists, of which MacBride served as secretary, accepted CIA funds.

financial structures of the organization, and to reconsider the relationship of Amnesty and like NGOs to governments.<sup>99</sup>

As the central node to the Amnesty network, Benenson held a lot of sway. Personal characteristics aside, his influence stemmed from his position within the network. As the central node, he decided which cases were Amnesty cases and the overall direction of the network. Although he had staff to help him, his notorious inability to delegate fully not only made him an intolerable boss, but also more fully in charge with setting the agenda. More to the point, his centrality was structural – most people involved in the core functions of Amnesty went through him, even if they had since forged their own relationships. His centrality made it hard for others to support an ouster, and had it not been for the two scandals involving money and British intelligence, it might have taken longer for Amnesty to switch to a more bureaucratized way of network leadership. Benenson was able to stay in power for so long, even after it was clear his decisions were not sound for the rest of the network, precisely because of his role as central node. As the rule-maker and information-keeper, other nodes stood to lose quite a bit if the central node were removed, or made critical errors. Therefore, when it became clear, and only when it became obvious, that Benenson's interests were not fully aligned with those of Amnesty, were efforts made to fully extricate him from the network. Having such a liability as the central node was a huge blow, especially one so publicly prominent, and the decision was made: to save Amnesty as a network, and its valuable commodity, human rights principles, something had to be done.

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<sup>99</sup> Letter from Eric Baker to Amnesty members, March 20, 1967.



Importantly, better-connected nodes did not defect from the network in reaction to some of Benenson's actions in the mid-1960s. Rather than leaving, the core individuals chose to stay aboard and reform the network. In fact, most people involved with Amnesty chose Amnesty over leaving (Buchanan 2004). This, in turn, demonstrates the value of the Amnesty network, and that the principles Benenson had created and popularized had gained a life outside his shadow. The network was worth saving, and removing the original central node, though extremely costly, was not enough to deter the other nodes.

All of these events of 1966-7 set the stage for a fundamental restructuring of the network. Benenson's legacy informed subsequent efforts of professionalizing the NGO in order to prevent future incidents of individual hijacking of Amnesty the organization for personal convictions and missions. Moreover, the decision-making structure and the links between the nodes of the Amnesty network were remade. None of this is to say that Amnesty is unique among NGOs in having replaced a charismatic leader; Médecins Sans Frontières and the International Committee of the Red Cross both did so early on in their histories. But the active efforts to remedy the problem of having a single central node similar to Benenson through formal rule-making proved futile in preventing the rise of another central node in the network. The next section details the effects of the legacy of the tumultuous early years under Benenson to a stabilized, growing network of volunteers with growing involvement in international policy decision. More importantly, it demonstrates how the structure of Amnesty fundamentally affected its approach to human rights advocacy.

### III. Curbing the Central Node? The IS Ascendant, 1967-1980

After the Elsinore meeting of the IEC in 1967, Amnesty's leaders moved to restructure the network so as to prevent a recurrence of the Benenson incident: "it would have to be transformed into an organisation run by committee rather than by any single person."<sup>100</sup> In his oft-referenced essay on bureaucracy, Max Weber writes,

Once it is fully established, bureaucracy is among those social structures which are the hardest to destroy. Bureaucracy is *the* means of carrying "community action" over into rationally ordered "societal action." Therefore, as an instrument for "societalizing" relations of power, bureaucracy has been and is a power instrument of the first order – for the one who controls the bureaucratic apparatus. (Weber 1946: 228)

Indeed, in the post-Benenson era, Amnesty's leaders sought precisely to create these "social structures" through a more heavily rule-bound, abstract, and less "sacred" and personalistic in the figure of Benenson. As was made clear by the resolutions following the meeting in Elsinore, different parts of Amnesty needed to define their roles more formally. More importantly, however, these changes centralized agenda-setting power in the London office of the IS, concentrating information and decision-making power in one branch of the network. Though by the charter of the organization, the IS plays a very minimal policy-making role, the revised responsibilities of the IS that started with the IEC meeting at Elsinore *de facto* led to a day-to-day administration that allowed the IS to make a larger contribution than anticipated to Amnesty's human rights policies. The bureaucratic growth after Benenson's departure is exemplary of 1) managing the economies of scale as Amnesty grew in size by creating a larger, formal central staff, while 2) preventing a similar hijacking of the organization in the future by diffusing

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<sup>100</sup> "Amnesty International, 1961-1971," AI Index ORG 03//71.

power to a greater number of full-time people and 3) articulating the rules of organization much more clearly while maintaining the advantages of a global network of activists.

However, as Weber points out, in bureaucracy is power.

As students of the non-profit sector have noted, bureaucratization takes over as the tasks of the organization multiply (Candler 2001). It is not surprising, therefore, given both the rapid success and spread in combination with the shadow of conspicuous leadership abuses that Amnesty decided to solidify its organizational structure and redefine its operations. By 1977, the IS employed 110 staff members,<sup>101</sup> compared to the early days when the number of paid staff could be counted on one hand. Importantly for Amnesty as a network, the bureaucratization of central power did not result in the loss of the advantages of utilizing membership-based advocacy. In fact, the reorganization of power within the network resulted in the growth of the membership, from 15,000 members in 30 countries in 1969 to 200,000 in approximately 100 countries in 1979,<sup>102</sup> with continued, undisrupted expansion until the 1980s.

Scholars often positively assess Amnesty's adherence to its statute (Baehr 1994, Hart 2001), within which the mandate, methods, and object are defined. In fact, Kaufman (1991) claims the narrowness of the mandate actually contributed to the success of the organization. Whereas the object of the organization articulates the ultimate goals, the mandate "is the more limited focus which Amnesty has chosen in order to contribute to the aforementioned high goal" (Baehr 1994: 7). However, the Statute did not reach its current iteration until after 1967; early versions are sketchy on the structure of authority

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<sup>101</sup> *Amnesty International Report, 1977.*

<sup>102</sup> *Amnesty International Report, 1979.*

within the organization in particular.<sup>103</sup> At the 1968 first International Council Meeting (ICM) in Stockholm, members of Amnesty adopted a new Statute. The meeting came a little more than a year after the events surrounding Benenson's departure, and the focus on building the organization and articulating its rules is evident in the formulation of the Statute. This document reformulated the objectives of the organization, expanding the scope of interest to Articles 5, 9, 18, and 19 of the UDHR, omitting reference to the European Convention on Human Rights, and working for the release of POCs.<sup>104</sup> Critically, however, it was the first clear articulation of the different roles of the various parts of the organization – national sections, who/what counted as a member, the IEC, and the IS. It also restated Amnesty's methods for achieving its objectives, focusing on the process of selecting and helping POCs, as well as advocacy of relevant laws, cooperating with other like-minded organizations, and streamlining the functioning of the organization of national and local groups.

The membership of Amnesty is the first entity within the organization that the Statute mentions, and it is the membership that funds the organization and makes the ultimate decisions on changes to the mandate. Decisions made at ICMs are the policies of the organization: the "directive authority for the conduct of the affairs of the Amnesty International is vested in the International Council."<sup>105</sup> Members of Amnesty include national sections, affiliated groups, individuals, and corporations. The IEC serves the

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<sup>103</sup> A very early version of the Statute was written after the July 22-23, 1961 meeting in Luxembourg. This document, however, like subsequent Statute-like documents, concerns itself mostly with establishing the philosophical bases of POCs and advocacy on their behalf, as well as tactical and strategic considerations. Not until 1968 does the Statute focus extensively on the structure of the organization.

<sup>104</sup> The 1968 ICM also officially voted in favor of opposing the use of the death penalty in all cases. See "Amnesty International Review," November 25, 1968.

<sup>105</sup> "Statute of Amnesty International," Adopted by the Sixth International Assembly, Stockholm, August 25, 1968.

role of executor between ICMs, “responsible for the conduct of affairs of Amnesty International and for the implementation of the decisions of the International Council.”<sup>106</sup>

The IEC is made up of members elected by the International Council, with renewable terms. Though it must meet at least twice a year, it sets its own schedule. Though by the Statute both the International Council and the IEC take the lion’s share of policy-making capacities, the day-to-day decisions come from the IS. The IEC appoints the head of the IS, the Secretary General, but the Secretary is free to appoint executive and other staff “as appear to him to be necessary for the proper conduct of the affairs of Amnesty International.”<sup>107</sup>

What is critical here in 1968, and in subsequent observations of Amnesty’s structure, is that the focus is on the policy importance of ICM decisions (Winston 2001), the importance of the membership (Thakur 1994), and in the ability of the IEC to make executive decisions for the organization in lieu of the International Council (Schneider 2000). Rarely has the emphasis been on the IS, despite the daily importance of the staff in providing the information for the rest of the network. Perhaps the reformers did not foresee the mundane power of the IS to become a policymaking source by the reformers of Amnesty in 1967-8, or the expectation was that the staff would not grow to such great proportions.<sup>108</sup> In any case, the IS was given very few formal policymaking powers, but was entrusted with applying and enforcing the decisions made by the executive branches of network, which met at most several times a year.

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<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> The staff grew from 10 in 1968-1969 to 150 in 1979 (*Amnesty International Report, 1979*). These figures are small compared to the number of staff today of 410 staff members with 120 volunteers from 50 countries (<http://web.amnesty.org/web/web.nsf/print/aboutai-facts-eng>) (Accessed May 12, 2007).

The central role of the IS, and in fact, the single contributory factor for why the IS was and continues to be the central node of the Amnesty network, is its control over information. Information is the key to Amnesty's moral authority, and certainly the way it became an agenda-setter in the development of the norms of human rights. Very early on, accurate research was the heart of Amnesty's work. Not enough emphasis can be put on the information distribution aspect of the IS. It was entrusted not only with finding, researching, and distributing accurate information within the network to THREES groups, but also to represent Amnesty to the greater world through the publicization of human rights abuses. Christel Marsh's Librarian job became the function of specialized researchers, handling in the 1970s some 3,000-5,000 cases annually, with many more pending.<sup>109</sup> The IS staff – and particularly the staff in the Research Department – solved problems on a daily basis: determining who was a POC,<sup>110</sup> distributing prisoners in groups of three in accordance with its philosophy of maintaining political impartiality, filtering out the relevant human rights cases for Amnesty, writing Annual Reports, and eventually, running the anti-torture campaigns of the 1970s.<sup>111</sup> Put differently, even if the IS did not have the formal powers of the two policymaking bodies of the IEC and the

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<sup>109</sup> "Amnesty International, 1961-1971," AI Index ORG 03//71, *Amnesty International Annual Report, 1973-1974, Amnesty International Annual Report, 1974-1975, Amnesty International Annual Report, 1975-1976, Amnesty International Annual Report, 1978, and Amnesty International Annual Report, 1979.*

<sup>110</sup> After 1968, the aptly called Borderline Committee, which was elected by the International Council, would decide cases that the IS Research Department deemed indeterminate in terms of fitting in or not with the mandate and the nonviolence clause.

<sup>111</sup> In 1970, there were seven staff at the IS: the Secretary General and his assistant, and five researchers. Contrast that with five IEC members (according to the 1968 Statute), who meet at least twice a year; the number of THREES groups, which expanded from 512 to 832 since the end of 1968; and the increase in national sections from 19 to 26 in the same 18-month period. By 1977, the IEC had increased to nine members, but the disproportionate influence the seven IS members had on the information Amnesty provided and distributed is illustrated in these numbers. See "Structure of Amnesty International," AI Index ORG 01//70, "Report to the 10<sup>th</sup> International Council 1977, 16-18 September 1977 from the International Executive Committee," University of Colorado, Boulder, (Accessed June 14-24, 2005).

International Council, it certainly made decisions about how Amnesty was to be run and what counted as Amnesty issues, and its involvement in the everyday was precisely how it gained power as the central node of the network after the reorganization of 1968.

Because all information had to pass through it, and because it administered the network in between meetings of the Statute-designated policymakers, the IS became the *de facto* policymaker when it came to making decisions for how the network was supposed to run.

The purpose of the changes in 1968 was to create multiple nodes of accountability. Instead of allowing one person or one office to formulate and implement new policies, the reforms created several veto points within the network. This separation of administrative from executive powers allowed for power to remain centralized but within three, rather than one, bodies – the International Council, the IEC, and the IS. In other words, the post-1968 project was to create multiple channels that different parts of the network had to link to. However, with the increased reliance on the IS as the network gained adherents throughout the 1970s, it soon became clear that one node emerged as the central node. As Amnesty succeeded, it needed a bigger central staff to cater to increased information demands, which increasingly made decisions that affected the entire network without consulting the International Council or the IEC. Power was depersonalized from the person of Benenson, but it was bureaucratized in the growth of importance of the IS. Future conflicts within the organization would largely be between national sections and the IS, rather than national sections facing off against each other.

The fact that the IS became central in the network should not be a surprise to anyone who studies networks. After all, because information was such a premium within the network, and essential to the value of Amnesty, the IS' role as primary fact-finder and

case-distributor should de facto make it central to any network. Structurally, all nodes had to link to the IS to get information on different prisoner cases. This makes the IS central in terms of closeness and betweenness, because all parts of the network eventually led back to the source of information. To get direct access to the information, various parts of the network formed relationships with the IS, and in fact, THREES were encouraged to have direct contact with the Secretariat in the early days. The IS inevitably would get involved in activities that went beyond the scope of a national section, or national sections would consult it for verification of facts and taking care of administrative tasks, such as coordination and consolidation of information. In terms of degree, at minimum any national section and important sub-national section would want a direct tie to the IS because of its ultimate administrative power. The fact that the links to the IEC and International Council failed to happen can be explained in part by the relative infrequency of the meetings (at most for the IEC, a handful of times a year), and the necessity of the IS' contribution in carrying out any policies made by the other two bodies. The formal rules tried to force the centrality of other nodes, but the IS succeeded Benenson as central node because of necessity.

The Campaign for the Abolition of Torture (CAT), which involved a massive worldwide campaign, further increased the demand for IS services. One of the ways Amnesty dealt with rapid expansion in the 1970s was to shift its advocacy model from THREES groups to non-letter-writing techniques while exploiting the growing popularity of the network and saving money.<sup>112</sup> As the number of adherents grew, it grew obvious

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<sup>112</sup> Money remained an issue throughout the 1970s. See for example, "Report I from the Administration Committee," May 1, 1967, AI Index ORG 06//67. The idea of having members simply be financial



that expansion of the structure of THREES groups with the IS in the center was not only going to be costly financially, but adding more adoption groups simply was not going to address the administrative burden of trying to appropriately distribute prisoner cases to THREES.<sup>113</sup> The goal of expanding Amnesty's reach worldwide, moreover, was of prime importance, since more national sections and more individual adherents meant more exposure and possibilities to pressure states. The most viable option turned out to be connected to AI's move to eradicate torture.

The CAT was launched at the end of 1972.<sup>114</sup> The first stage, which took place between 1972-73, raised public awareness of state practices and rallied for an international normative consensus against torture; it was a call for states to abide by Article 5 of the UDHR, which explicitly states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Like the origins of the Amnesty itself, the CAT was designed to be a year-long campaign to eradicate torture, but was instituted as part of the IS as a permanent function a year later. The CAT became the most visible part of Amnesty's work, fulfilling the dual role of diplomacy at the UN and intergovernmental levels, while publicizing Amnesty's work and presence in the field of human rights advocacy.<sup>115</sup> It successfully lobbied for two General Assembly resolutions (3059 and 3218), which forwarded the UN agenda in formulating a convention concerning torture and the maltreatment of prisoners. In December 1973, the CAT organized the Paris Convention, which gathered representatives from 69 NGOs and

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contributors (and not letter-writers or campaigners) was floated in "Amnesty International – Five Years Hence, Report and Recommendations," May 31, 1972.

<sup>113</sup> See "Amnesty International: Growth" and "Growth and Development of Amnesty International – Part Two (Paper by Irmgard Hutter)," AI Index NS 271//76.

<sup>114</sup> See "The Role of C.A.T. in Amnesty International," AI Index NS 44//76.

<sup>115</sup> Ibid.

established four different goals to stop the practice of torture: 1) identify individuals and institutions responsible for torture; 2) establish social, political, and economic background to torture; 3) discuss international, regional, and national legal factors affecting torture practices; and 4) determine the physical, psychological, and emotional effect on victims and the role of doctors in torture sessions.<sup>116</sup> CAT also engaged in a number of large-scale, country-targeted campaigns: torture and misuse of police power in Spain, denial of right to trial in the Philippines, observing the trials of the Greek junta concerning their use of torture, a country campaign against Uruguay, and encouraging a Danish medical study in how physicians could help prevent torture and deal with its after effects.

As part of the second stage of CAT, Amnesty initiated the Urgent Action (UA) program. Urgent Action is what it sounds like: a quick and large campaign designed to last only four to six weeks, mounted on behalf of a prisoner who was a victim of torture. The first UA was issued in reaction to the unexplained arrest of Brazilian economics professor Luiz Rossi in 1973. The success of this campaign led to the proliferation of the Urgent Action program, expanding its original mandate to other types of cases in 1976: death penalty and denial of access to the judicial process or medical treatment. The UA campaigns employ the tactic of immediate inundation: letters, faxes, emails, and telegrams are sent to relevant personnel in countries where a certain prisoner's rights are neglected. What differs in UA campaigns from the traditional prisoner adoption by Amnesty is that the letter in response comes first, without a full exploration of whether

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<sup>116</sup> See *Amnesty International Annual Report, 1972-1973* and *Amnesty International Annual Report, 1973-1974*.

the individual is a good candidate for long term adoption (Clark 2001: 48). Thus, contrary to the THREES model, individuals could rally behind victims of torture without the infrastructure of the group, because in many cases the process of group adoption might take longer than the actual duration of the torture suffered by the individual prisoner. Letters could be generated by individuals willing to act very quickly in reactions to bulletins from the IS.

The agenda-setting power of the IS increased as the network itself expanded into more advocacy types and more issue areas. Though the Statute rearticulated the importance of the membership in making decisions about the trajectory of the organization, as Amnesty grew larger in size, it necessitated more and more full-time staff which would supply the crucial weapon of information to the rest of the network. The rules of the organization kept other national sections from conducting research, especially in their own countries. The IS continued its influence on THREES groups, providing assistance with cases while distributing prisoners in an equitable way. The power of the IS increased vis-à-vis other parts of the network because the rest of the network needed its research in cases of human rights violations, and as the network grew, needed more productivity out of its central informational node. IS filtered this information in its London office through its daily activities: who was a Prisoner of Conscience, who would be the subject of a UA, which countries to do research on, how to distribute cases to the THREES groups, how better to utilize the increasing support it was garnering. These activities led the IS to increasingly assert day-to-day power over the activities of the organization, which allowed it to set the agenda for the rest of the network. The value added to the network of letter-writers and donors was the agenda-

setting provided by the IS. The IS decided who counted as an Amnesty adoptee, and therefore, who had their rights violated (and who did not). The criteria by which it decided who was in and who was out is discussed in the following section.

Interestingly, the IS' power did not go unnoticed, though nothing substantial seems to have come from the critique to change the conduct of affairs. In a letter to Secretary General Martin Ennals dated February 17, 1979,<sup>117</sup> Paul Lyons, Executive Director of Amnesty International USA, critiqued the role of the IS in the network, stating that the politics of the central node caused errors in some of its POC selections. By selecting POCs, the IS engaged in policy decisions, which Lyons argued was overstepping the bounds of its duties of research. Also, the IS' procedures were not transparent, and the reasons for its decisions were not always made known. In his letter, Lyons challenged both the centrality of the IS in making decisions about POCs and the reliance upon letter-writing campaigns, questioning the continued relevance of THREES groups. Lyons' critique focuses on the decision-making of POCs, arguing research was not policy-making. Though this critique came quite soon after the fundamental restructuring of Amnesty, the influence of the IS over decisions of POCs and other issues continued to increase. The 1977 ICM showed a turn towards monetary participation, rather than activism, but, if anything, the resolutions passed during this meeting did nothing to take away from the influence of the IS. Reorganization of the network meant more for the IS to administer. Reforms, until the 1980s, did not challenge the

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<sup>117</sup> "Archives Amnesty International, International Secretariat," IISG, Amsterdam, The Netherlands, Accessed October 9-20, 2006.

information provision task of the IS, which gave it an enormous amount of power within the organization.

Indeed, the pattern throughout the 1970s was expansion of the IS' power, rather than contraction. By the end of the decade, with the reception of the Nobel Peace Prize in 1977, the organization had come a long way. However, it had not fundamentally abandoned the network of activists, supported by a central node which supplied much of the value of the network, information. The role of the IS remained paramount despite calls to lessen its influence in favor of empowering the IEC, International Council, and national sections.<sup>118</sup> The feasibility of such a notion proved impossible, particularly as Amnesty's conceptions of membership (money versus participation), issue areas, and method of activism changed throughout the 1980s and 1990s. As Amnesty consolidated its influence and expanded its repertoire of advocacy, the production of information by the central node in London remained the linchpin in the network's success, and ultimately, the value Amnesty added to international politics. The departure from the group-oriented THREES adoption did not dissuade the IS from acting authoritatively on a day-to-day basis. Increasing activity meant increasing demands on the Research Department to produce enough information, and for the IS to distribute this information efficiently throughout the network. To help organize the increasing demand and supply of information from the IS to the national sections and local groups, a new division, the Coordination Unit, was started in January 1974 to help facilitate relationships between the various levels of Amnesty. The Coordination Unit served as support for both CAT

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<sup>118</sup> See "Report and Decisions of the 10<sup>th</sup> International Council Meeting of Amnesty International." Bad Honnef, Federal Republic of Germany. September 16-18, 1977, "Report and Decisions of the 11<sup>th</sup> International Council Meeting of Amnesty International." Cambridge, United Kingdom. September 21-24, 1978. See also Hopgood (2006): 80-92.

and the Research Department, and supervised the work of volunteers. It also looked for ways for Amnesty to assert a presence in the developing world. It was also, of course, an expansion of the IS.

The central node provided information, but it also took advantage of the economies of scale the network structure allowed. Even though policy-making power in Amnesty has always been concentrated either in persons or positions, the organization has relied on a decentralized activist and fundraising scheme. Employing the volunteer labor of ordinary people – not specialists, but people in homes and schools – and collecting dues from the THREES groups was integral to the functioning of Amnesty. The Secretariat recruited this international network of volunteers and donors, and used and supplemented their efforts with in-depth research on POC cases and investigative reports on countries, which it would then disseminate to the general public and inform the network that would act based on this information. The large-scale network enabled the effectiveness of Amnesty, and the groups of letter-writers relied on the information sent out from the IS. In this way, Amnesty controlled outputs from the network while capitalizing on the advantages of having such a large network of volunteers, both of which have lent legitimacy to the movement because of consistency of message and the mass basis of participation (Thakur 1994), but more importantly, maintained power in the central node, whether in Benenson or the IS. Even if the IS in 1968 was not by the official rules the central node, it certainly served the function through its day-to-day network administration role.

The point is that the IS generated demand for its own services, and in fact the membership and the IEC also contributed to the increasing workload of the central office.

Because growth was a value to the network and contributed to Amnesty's ability to get states to make concession on human rights, the work of the IS grew increasingly important. In turn, the IS created more and more positions to help meet the increased demand for information and services that increased activity within the network created. Its role as the central node in the network was crucial to Amnesty's ability to practice human rights advocacy. At the same time, the value it created as it covered more countries, issue areas, and more individual prisoners made attaching oneself to the Amnesty network ever more valuable in the terms of transnational human rights advocacy. The organizational structure of Amnesty allowed for its proliferation throughout the 1970s, precisely because the network structure promoted growth and the addition of new nodes to make Amnesty's advocacy more effective. The network, however, was not able to suffocate the importance of the central node, the IS, because it provided the value in the network, and quite literally held the network together through information distribution. The center maintained quite a stranglehold on how the rest of the network acted on a daily basis, even as policymakers repeatedly tried to "consolidate" power to national sections by pushing more tasks to the country, rather than IS level. The IS remained undisputedly central until the 1980s, when the US section became the most profitable section and demanded more autonomy.

Using network analysis to examine Amnesty highlights the political importance of how norms are transmitted. As the most influential human rights NGO within the human rights TAN, how Amnesty functions, and how it limits its conception of human rights, are of utmost importance to understanding the spread of human rights norms. By breaking down the component parts of Amnesty – the IS, the International Council, the

IEC, and the countless activists involved in some way or another – the difference between formal functions and actuality is made clear. Though Amnesty claims to be representative, and indeed, is credited as having legitimacy because of its broad-based constituency, it is important to analyze which parts of the Amnesty network truly hold the power to influence the NGO's agenda, and indeed, the rest of the human rights TAN. Until 2001, Amnesty had a very specific sense of the principles of human rights, and they did not include very many civil and political rights beyond Articles 5, 9, 18, and 19, which are respectively: torture, arbitrary arrest and exile, belief/religion, and opinion/information.<sup>119</sup> This narrow conception was preserved by the central node of the IS, whose interest in maintaining the status quo of a few rights with a continued reliance upon its information provision maintained its power. By examining the great agenda-setting and rule-making power of the IS until the 1980s, we can see why it took Amnesty, which arguably is more grassroots and less hierarchical in nature than any other major human rights organization, forty years to adopt all of the rights in the UDHR. In Chapter 6, I explore the influence of Amnesty's way of doing human rights on other human rights NGOs, and its effect on shaping human rights norms in the 20<sup>th</sup> century.

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<sup>119</sup> Amnesty consistently rejected calls (internal and external) for it to reform its conception of human rights. For an example of the IS' response to requests that Amnesty address more rights, see "Amnesty International and Economic, Social, and Cultural Rights," AI Index NS 60//76. To see the rationale which led to the changes of 2001, see "Report and Decisions of the 24<sup>th</sup> International Council of Amnesty International." Tróia, Portugal, August 13-21, 1999, AI Index ORG 52/01/00 and "Report of the Secretary General to the 1999 International Council." Tróia, Portugal, August 13-21, 1999, AI Index ORG 53/04/99.



## **Chapter 5**

### **When do Principles Become Norms? Comparing the International Red Cross, Médecins Sans Frontières, and Oxfam International**

What is the effect of network structure on human rights norms? Is there a best structural practice for making principles into norms? To date, the scholarship on transnational advocacy networks (TANs) has underspecified the structure of these networks. This dissertation has stressed the importance of examining network structure as a variable for determining the diffusion of norms. NGOs diverge in their structures, just as they diverge in the types of rights they support. Because human rights are not a monolithic concept, one should expect that some human rights networks will choose the right to a fair trial over the right to food, and so on. Much has been made of the quality of particular ideas and principles that make them more likely to be normative and successful politically (Keck and Sikkink 1998, also chapter 2). Here, I demonstrate that structure affects the successful transition of principles to norms in human rights politics.

In this chapter, I examine several human rights NGOs in international politics. I demonstrate that the structure of human rights networks can explain how well they diffuse norms. As elaborated below, NGOs vary from loosely affiliated to centralized networks with a definitive agenda-setting and decision-making core. There are NGOs which fit into all of the ideal types. I argue, however, that not all of these types are ideal for spreading human rights norms. In fact, human rights advocacy networks need a large degree of centrality (i.e., an undisputed agenda-setter) in order to articulate a coherent set of norms, which then require coordination to diffuse politically. More decentralized

networks lack these abilities, which hobble their normative advances in international politics.

I adopt a broad understanding of “human rights,” not limiting my study to just advocacy NGOs, such as Amnesty International, but also service-delivery organizations that have a strong normative component as well. Many of these service-delivery organizations are known as “humanitarian”<sup>120</sup> organizations, but the distinction between “human rights” and “humanitarian” is not significant for the purposes here.<sup>121</sup> All of the NGOs in this chapter provide services, *but* have always incorporated (and in the case of Oxfam, this is increasingly true) advocacy as part of their core activities. Included in this chapter are the International Committee of the Red Cross and the greater Red Cross movement; Oxfam International (henceforth Oxfam); and Médecins Sans Frontières (MSF, or Doctors Without Borders).<sup>122</sup>

Two of the three groups chosen have been awarded the Nobel Peace Prize. All of them, alongside Amnesty International, are ubiquitous in the contemporary, and

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<sup>120</sup> Generally, international human rights law and international humanitarian law are distinct. The former regards obligations of the state to individuals in peacetime, and the latter, obligations of the state to individuals in wartime. Since 1968, the gap between the two bodies of law has narrowed (Meron 2000, Forsythe 2005).

<sup>121</sup> Service-delivery and advocacy are theoretically distinct processes. If the ICRC, Oxfam, and MSF were pure service providers, they would not be appropriate in this study. After all, a more centralized, scale-free structure may not be optimal for delivering services to far-flung places on the globe. Though this is an interesting theoretical discussion, it will not be elaborated upon here.

<sup>122</sup> Human Rights Watch is excluded from this study for two reasons. First, Human Rights Watch arose specifically as an attempt to enforce the Helsinki Accords of 1975, becoming the organization we know today in 1979. The rights included in the Helsinki Accords cover civil and political rights exclusively, and moreover, overlap with Amnesty’s rights, which include the freedom of thought, religion, conscience, and belief (see chapter 6). Human Rights Watch’s work tracks heavily with Amnesty’s work throughout the period in which human rights norms solidified, and it did not pick and articulate its own normative agenda. Second, Human Rights Watch adopts a much more centralized structure than most other major human rights NGOs, and is much more “firm-like.” Although theoretically important to establish the extremes in a typology of structure, the timing in terms of the establishment of Human Rights Watch makes its structure moot when considering the human rights norms it help substantiate – Amnesty had been founded nearly twenty years earlier. Even if its structure was particularly effective for diffusing norms, by the time it was founded, the rights Human Rights Watch advocated were already established as normative. Excluding Human Rights Watch does not affect the theoretical integrity of the analysis (see chapter 4).

particularly Western, world. All three demonstrate a non-trivial advocacy component in their respective projects. The ICRC has always had an important role in establishing international humanitarian law, playing a direct hand in pushing the principles that became the Geneva Conventions,<sup>123</sup> the first of which appeared in 1864. Oxfam works in-country providing assistance to poverty-stricken areas, but also lobbies international organizations and states to change their foreign debt policies. MSF is perhaps the most vocal of the three, speaking out against what it perceives as gross human injustices, and even retreating from crisis situations in protest of government policies. Today, all three concern themselves primarily with economic and social rights. While the ICRC and MSF focus on healthcare and the right to medical treatment, with an emphasis on crisis or wartime situations, Oxfam has always been a staunch anti-poverty organization, fighting it using charity and lobbying and, later, development programs.

This chapter is an application of network theory to the study of human rights TANs. I emphasize the effect of network structure on the shift from principles to norms. Norms are standards of behavior appropriate for a given identity (Finnemore and Sikkink 1998). Though norms, like principles, can be disputed, norms are more widespread – they are adopted not only by the organization in question, but other organizations, and affect state behavior.<sup>124</sup> I argue that centralized structures, defined as those in which one actor has control over information and decision-making for the rest of the network (i.e., there is a central node with agenda-setting and coordinative capacity), are more likely to be able

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<sup>123</sup> The Second, Third, and Fourth Geneva Conventions were established 1949, 1929, and 1949, respectfully.

<sup>124</sup> In chapter 6, I demonstrate Amnesty's rights are indeed international norms, using data on economic sanctions. For now, I show how other organizations have or have not also succeeded in making their ideas normative.

to take principles and diffuse them as international norms. Conversely, networks that lack a central node, or have multiple, competing claimants of “central node” status, will not be as effective. As the number of nodes that claim agenda-setting power increases, it becomes less likely that an NGO can create and diffuse norms because coordinative capacity goes down. To get a sense of the way a network works, I examine the formal rules of the organization at the international level, employing secondary texts. From these texts, I extrapolate the network structure from formal rules, a distinction that is necessary to understand how information travels in a network. Using insights from network theory, I identify the likely nodes that serve as the conduits for converting principles to norms. Table 5.1 summarizes the claims advanced in this chapter.

**Table 5.1: How Network Structure Affects Norms**

<b>Indicators</b>		<b>Centralized Networks</b>	<b>Decentralized Networks</b>
Independent variable	Information (agenda-setting)	Single source that distributes within and outside of network	Multiple sources of information that have influence within and outside of network
Independent variable	Decision-making (coordination)	Single source of decision-making for the rest of the network	Multiple sources can make decisions that may or may not bind to others in network
Dependent variable	Norms	Norms are diffused outside of network	Principles may not become norms, network has difficulty pushing a coherent norm(s)

In the following sections, I discuss the founding principles and advocacy issues of each of the aforementioned organizations, comparing the environments in which they formed, and how these environments affected their normative, and in some cases,

structural outlook. Then I more closely examine the transnational structure of each organization, focusing on relationships between the national sections and the international level. I explain potential areas in which formal rules might dictate different information flows and decision-making rules than actual network outcomes. Using these network concepts, I explore how structure plays a large determinant in how well their principles have translated into human rights norms.

## **I. Founding Principles**

The three organizations studied in this chapter were all founded in different historical periods. The ICRC, the oldest, was founded in the 19<sup>th</sup> century. The youngest, MSF, was founded in part as a reaction to the “old guard” system of the ICRC in providing medical relief to those in need. All three groups have made advocacy a part of their strategies, using the language of human rights in advancing their causes. Their advocacy of different aspects of human rights makes them suitable for evaluating the effect of structure on the transition of principles to norms. The point of departure for these groups is their structure, which can be explained in part due to the nature and circumstances of their respective foundings.

### *The ICRC*

The red cross on white background is ubiquitous in conflict and disaster situations in the 21<sup>st</sup> century, playing a critical role in supplying much needed provisions and medical assistance. To many of us, the image of the Red Cross in such situations is, in many ways, taken for granted, and the only thing for which the Red Cross is famous. However, the symbol of the Red Cross (as well as the Red Crescent and Red Crystal) is

actually shared by three different entities within the greater Red Cross network: the International Committee of the Red Cross (ICRC); the Federation of Red Cross Societies,<sup>125</sup> formed in 1919; and the national societies, which work with both the Federation and the ICRC, but are, in many places, also tied to the governments of their respective countries. All three elements, and particularly the ICRC, engage in advocacy activities as part of their mandates. The emphasis in this study is the ICRC, as it is the oldest and most central of the three parts of the International Red Cross network, but its interactions with the management of the other two elements highlight the tenuousness of the ICRC's authority over the rest of the network of activists.

On June 4, 1859, a young Swiss businessman named Henri Dunant happened upon the grisly aftermath of one of the decisive battles of the war for Italian unity. In a northern Italian village called Solferino, the French and Sardinian forces had clashed with the Austrian army, causing massive bloodshed unknown since Waterloo (Bugnion 2003). The day was very warm, and much of the battle had taken place in blazing heat. Dunant, who had been a “mere tourist” traveling through the area, quickly organized the locals, mostly women, to aid as many of the dying as possible – the task left a forceful impression upon him, for in the war both armies had provided more veterinarians for the horses than they had physicians for wounded men (Bugnion 2003). Dunant returned to Geneva and published his memoirs of his experience in *A Memory of Solferino*, which he then distributed to all individuals across Europe of influence, including heads of state. Dunant was no pacifist. But he believed that the efforts of “voluntary orderlies and volunteer nurses, zealous, trained and experienced” (Dunant 1939: 92) would far

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<sup>125</sup> Originally known as the “League” – the name was changed in 1991.

outperform those of paid personnel, who lacked the spirit present in those who freely gave their efforts to saving lives. With the cooperation of four other prominent philanthropic Genevans and the approval of the Geneva Society of Public Utility, Dunant launched what would later be known as the ICRC. Gustave Moynier, the lawyer of the so-called Committee of Five, would lead the ICRC far after Dunant's influence had waned: he served as president of the organization from 1864-1910, and accordingly greatly influenced the way in which humanitarian law has been conceived (Forsythe and Rieffer-Flanagan 2007).

The organization was founded in 1863, with the goal of making war more humane through the coordination of volunteer national societies, which would send delegates to wars to help alleviate suffering in the field. It is important to note that from the beginning, *nationality* was significant to the operations of the ICRC, and pragmatism was emphasized over theory (Forsythe 2005). From the beginning, the ICRC was a distinctly Swiss organization with an international focus, the promotion of international humanitarian law. It also served as the focal point for coordinating relief efforts by member national societies, which only the ICRC had the moral authority to recognize. Finally, the ICRC advocated on behalf of victims in violent conflicts between states (Willemin and Heacock 1984), and has always maintained that its actions are politically neutral.

The ICRC is notable for its immediate role in generating international humanitarian law through the organization of the International Congress of 1864, at which delegates of 16 states signed what were to be known as the Geneva Conventions. This first Geneva Convention neutralized both the war wounded and those who cared for

them. Signed by 12 Western states (excluding the US and United Kingdom), this was to be the beginning of the role of the ICRC as caretaker of international humanitarian law (Forsythe 2005). The ICRC therefore served as an advocate of the war wounded and pushed for laws protecting such individuals, but also provided medical services in wartime. It is the only NGO specifically named as the caretaker of an international agreement, and as such, has the job of making the principles espoused in the Geneva Conventions international norms. In doing so, the ICRC also established the norms of neutrality, or apoliticism, and impartiality for humanitarian aid (Chandler 2001).

### *MSF*

MSF began in part as an offshoot of the ICRC, after a group of young French doctors, led by the media-savvy Bernard Kouchner, rebelled against the ICRC code of discretion. As volunteers in the Nigerian civil war, Kouchner and his allies saw the sufferings of the population and argued that they could not remain silent in the face of genocide. At nearly the same time, another group of doctors who had worked in Bangladesh (then East Pakistan) treating tsunami victims arrived at the conclusion that international aid needed immediate reform (Tanguy 1999). Thus, MSF was founded on the principle of *témoignage*, or bearing witness to atrocity, seeking to provide healthcare and medical aid to those in need; it changed the principle of neutrality from one that meant not taking any state's side to active denunciation of state practices that caused human suffering (de Torrenté 2004b). Its founders sought to speak for those who could not speak, and ensure their rights to basic healthcare as well as humanitarian assistance. In 1971, MSF was born in Paris. It quickly garnered a "maverick" reputation among humanitarian NGOs, treading where no others dared go (Bortolotti 2004), and violating



the cardinal rules of not speaking out against states, to which the ICRC steadfastly adhered. Thus, the difference in strategy between MSF and ICRC was made clear: MSF would announce humanitarian problems loudly, while the ICRC tended to investigate, and try to discretely change events behind the scenes. This might be seen as the difference between “naming and shaming” and “naming and negotiating.”

In its beginnings, MSF was a very French organization, in the sense that it reflected the values of the particular era of French politics and society – decolonization, the New Left movement, and the Marxist-tinged politics of the late 1960s (DeChaine 2005). Despite its official commitment to neutrality, impartiality, and independence, it is a different breed of humanitarianism from the ICRC. Rony Brauman, one of MSF’s earliest leaders, articulates the two foci of the organization’s work: highlighting acts of injustice and bringing about public knowledge of atrocities, while at the same time currying enough favor with the ruling regime in order to help those who need it (Brauman 1997). But it is also not like other aid organizations, such as Oxfam, Save the Children, or the ICRC, all of which existed decades before MSF. MSF volunteers and leaders are outspoken, and in this sense, engage in advocacy in the process of aiding communities. Offering aid against the policies of states is an implicit choice – “we made our choice clear by undermining, deliberately and indirectly, the diplomatic position of our side’s enemy” (Brauman 1997: xxii). MSF is notorious for its declaration of the right to humanitarian intervention (Rieff 1997).

“Without borders,” therefore, is not only literal in the sense that MSF sends its staff traipsing across the most dangerous and remote of situations, but also in the sense that MSF exists on an ethos of truly making the world borderless. The universality of

human rights requires that the world is thought of as borderless, as DeChaine (2005) argues. The perspective of *témoignage* premises itself upon the assumption that “humanitarian action is built on an ethic of refusal” (de Torrenté 2004a) to allow the avoidable deaths of those caught in violent political struggle. Ideologically, MSF critiques the state system that the ICRC, Oxfam, and Amnesty do not challenge, and it is such a critique which distances this network of activists from others studied in this project. Its criticisms lead to demands to interfere in state affairs, as opposed to requests; thus the famous “right to interfere” on the basis of human rights (DeChaine 2005). MSF sends doctors and logistics staff into the very far corners of the globe to bring medical services to individuals in need. Its advocacy work and efforts to shift the norms of humanitarianism rest largely on the promotion of a “new humanitarianism,” pushing an ethic of refusal to bow to states in the delivery of humanitarian assistance. Thus much of the work MSF contributes to international norms comes in the form of a negative, the rejection of the status quo of cooperation between states and NGOs and the de-politicization of humanitarianism that the ICRC helped build.

### *Oxfam*

Oxfam as an organization and a brand has actually been around for quite some time, originating during World War II as a citizen-based food charity. Oxfam International, the international network of advocacy and charity groups and one of the main proponents of debt forgiveness in the late 1990s (Yanacopulos 2004), however, would not form until the mid-1990s. The analysis presented here, therefore, will be focused on the transnational network of Oxfam International, but much of the historical and structural analysis will be based on events before the 1995 formalization of

international linkages. Both the various national Oxfams and Oxfam International have concerned themselves with questions of poverty and human suffering, and the need to alleviate these ills through international efforts. However, Oxfam International represents the culmination and commencement of the various Oxfams' concerns with advocacy, and the move towards both development work as service in-country, and development and human rights work in international advocacy.

The German war efforts of 1941 requisitioned the Greek harvest, after Greece fell into Nazi hands and refused to capitulate. Food became extremely scarce in Greece, as it was across much of occupied Europe, and British citizens united to provide food charity to the European continent. The British government was engaged in a blockade of the occupied countries, and hundreds of thousands of Greeks starved to death in the winter of 1941-2. Prominent British religious and politicians formed the Famine Relief Committee in May 1942 to deliver food to German-occupied and controlled areas. The Famine Relief Committee was composed of local groups in a national network of relief societies. The "Oxford Committee for Famine Relief," the future Oxfam Great Britain (GB), was established on October 5, 1942.

Oxfam GB was known as the Oxford Committee until 1965. One of the things that the Oxford Committee was able to pioneer was the use of mass media to advertise charities. In 1946, when it placed a one-page ad in the *Times* publicizing the European post-war relief effort, this was a strategy that was previously unused – and turned out to be very effective in generating donations from the public (Black 1992). The Oxford Committee also made use of the British Broadcasting Corporation (BBC), appearing on several radio shows about charitable causes to raise funds, and in Oxford, the shop that

sold secondhand items to fund its relief programs also promoted the Committee's cause. Beginning in 1949, the Oxford Committee set its sights on suffering in the rest of the world, pledging to bring relief outside of Europe, and in particular, in response to disasters, such as its involvement in India in 1951 and Greece in 1953.

In more recent times, Oxfam has branched into increasing levels of advocacy, beyond just service provision. They conceive of advocacy activities such as lobbying, public campaigns, education, and media access (Bryer and Magrath 1999). Their campaigns in debt forgiveness, making poverty history, fair trade, the small arms trade, and general health and education rights represent major efforts to shift from purely development/service-oriented work to generating grassroots support in major campaigns employing existing human rights principles (economic and social rights).<sup>126</sup> In particular, the issue areas Oxfam has been best known for are in the general alleviation of poverty and health care in the developing world.

## **II. From Principles to Norms: How Structure Shapes the Process**

The ICRC, Oxfam, and MSF vary from mostly centralized to very decentralized.<sup>127</sup> From a network perspective, the major differentiation between all of them is the presence or absence of *a* central node. Advocacy networks will vary in their coordinative and agenda-setting capabilities in relation to how many central nodes they may have: one (scale-free), many (small world), or none (distributed). Moving out of the typologies presented in Chapter 2, in general organizations characterized by one central

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<sup>126</sup> <http://www.oxfam.org/en/programs/campaigns/> (Accessed May 12, 2008).

<sup>127</sup> Amnesty is the most centralized of NGOs, as observed by scholars who study across organizations (Smith, Pagnucco, and Romeril 1994, Stroup 2008), and also as described in Chapter 4.

node, defined by degree, betweenness, and closeness, exhibit greater levels of coordination around the same principles and thus can push those principles as norms. While in earlier parts of the project I have lengthily discussed Amnesty's structure in its formation and subsequent changes and the strength of the theory advanced here, I have not yet examined the wider applicability of the theory. Below, I compare the structures of the ICRC, MSF, and Oxfam. While the International Red Cross generally resembles Amnesty in structure, the dual-headed central node of the ICRC and Federation of Red Cross Societies somewhat dilutes agenda-setting capacity of either by separating conflict situations from natural disasters.<sup>128</sup> Oxfam has become more centralized as it has beefed up its anti-poverty campaigns in the past decade or so. MSF, meanwhile, remains officially the most decentralized, but there are certainly more powerful national sections, which have longer historical roots and greater tendencies to speak out.

#### *The ICRC: Structure*

The ICRC is the only part of the Red Cross network with a mandate written into the Geneva Conventions, and is the only part of the network that generates norms through advocacy. Besides the ICRC, the other components of the International Red Cross include the national relief societies, which are integrally tied into politics of their home governments, and the Federation of Red Cross Societies, which was founded shortly after World War I and competed with the ICRC as the alternative International Red Cross until 1928. National sections and the Federation focus almost exclusive on service-provision. The ICRC coordinates the activities of national societies in times of war; for disaster

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<sup>128</sup> I am told, however, that the dispute between the Federation and the ICRC has been mostly resolved. The ICRC is most definitely the current head of the International Red Cross (Conversation with Professor Wolf-Dieter Eberwein, March 26, 2008).

relief, national society efforts are coordinated by the Federation, as established in the 1997 Seville Agreement. Both the ICRC and the Federation are headquartered in Geneva. The ICRC has the mandate to recognize new national societies, conveying to it a sense of authority and automatically tying all new sections to it. From a network perspective, the ICRC is connected to all national sections, since it must formally make them part of the movement, making the ICRC at least central by degree. Every four years, the ICRC, Federation, and national societies convene at Red Cross Conferences. This is also the opportunity for states, who are the official signatories to the Geneva Conventions and therefore members of the Conference, to participate in the goings-on of the Red Cross movement.<sup>129</sup> A Standing Commission provides trusteeship in between Conferences. There is also a Council of Delegates, representative of the three parts of the movement.

I focus on the ICRC because it is the more advocacy-oriented component of the Red Cross movement. The ICRC is a complex formal structure that can be divided into professional staff (Directorate) and the Assembly (also called the Committee). The rise of the professional staff has been a relatively recent development in the history of the organization (since the 1970s), and in fact, the President and Directorate are the only two bodies that can make decisions that are binding to the rest of the ICRC.<sup>130</sup> Like Amnesty and other human rights NGOs, the ICRC prized voluntary labor and non-professionalized leadership. Changes to the operations of the organization, as well as a realization that quicker responses and less caution were imperative to contemporary politics, led to the

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<sup>129</sup> Though they contribute most of the money for Red Cross activities, state participation in the Red Cross is limited to Conferences (Forsythe 1976).

<sup>130</sup> <http://www.icrc.org/web/eng/siteeng0.nsf/html/icrc-statutes-080503> (Accessed May 12, 2008).

elevation of its paid Geneva-based staff, relegating the decision-making powers of the Assembly to a more general role.

From the first days of the Committee of Five, the voluntary leadership of the ICRC has been cautious, conservative, and upper-class. The ICRC has been reluctant to change much about the composition and proceedings of the Assembly. The Assembly is composed of no more than 25 Swiss citizens at any one time, and new members may only join after being invited by standing members. In other words, these leaders of the ICRC, who can serve, practically speaking, three terms of four years each, are not accountable to anyone but themselves – not the Directorate, nor states. Service is renewable subject to voting by other members of the Assembly, and staying aboard increases in difficulty the longer one is on the Assembly. The Assembly at the moment meets five times yearly, and selects the top officials, decides the rules of the policymaking process, and approves of policies, one of which is the core budget. It makes broad policies, as opposed to those which govern particular cases. The rise of the Directorate as the more powerful of the two bodies, makes clear that it sets the agenda for Assembly discussions, which in turn also necessitates fewer meetings for the volunteer leadership.<sup>131</sup>

From the Assembly comes the top official of the ICRC, the President. However, since the 1970s, the Director-General and her staff have risen to take over many of the more particular policymaking tasks that were formerly delegated to the Assembly and President. The Director-General is charged with managing the staff, but also serves as the head of the Directorate, which has been variously composed over the years but is

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<sup>131</sup> There is also a Council (formerly Executive Council), variously composed of the President and a subgroup of the Assembly, which keeps the others in the volunteer leadership in the loop of everyday ICRC affairs.

currently the President, The Director-General, and the Director of Operations (from the professional staff). The idea is that the two professionals have information about the operations in various locales, whereas the President knows the politics within the Assembly, and combined these people can best make decisions for the whole of the ICRC. The balance, of course, reflects the post-1970s reprioritizing of professional over voluntary decision-making.

The emphasis on professionalism also means a growth in the importance of a competent staff under the Director-General's guidance. The staff has grown considerably to support the reorientation of the ICRC. This kind of move would not have been possible in the years following World War II, when staff levels fell from approximately 3700 during hostilities (paid and unpaid) to 360 (50 paid) by December 1950 (Willemin and Heacock 1984). Additionally, many of the ICRC staff during the two world wars were unpaid. Although volunteer labor at the staff level was relied upon for much of the Red Cross' history, the ICRC has moved to a professional staff since the 1960s. In the past, being an ICRC volunteer attached very little responsibility on either the delegate or the organization. The ICRC offered little to no guidance on the matter, assuming that the delegate's "Swissness" would guide him to make the right decisions in the heat of the moment (they were almost always male) (Forsythe 2005: 228). Growing multinationalism within the ranks has also help bolster the number of staff in the 2000s.

In the Red Cross network, both the Federation and the ICRC are central in terms degree to the rest of the Red Cross network because they draw upon the same



membership pool of 186 national societies.<sup>132</sup> Centrality in terms of betweenness and closeness, however, is murkier. The ICRC and Federation have different funding sources. The ICRC is funded largely by donations from Western liberal democracies, 80-85% of its spending (Forsythe 2005: 233). The rest comes from national societies in those same countries. In 2005, the ICRC received 79.8% of the CHF 943.2 million in contributions from governments. The United States' donation accounted for 23.1% of the total monies received in 2005. It also leans on national societies' contributions (8.6%), the European Commission (9%), and other public and private sources (2.5%).<sup>133</sup> The funding scheme, as well as a unique Statute, distances the ICRC from the rest of the network, despite its degree centrality.

The Federation, on the other hand, receives most of its non-emergency funding from national sections ("statutory contributions"), investments of existing assets, and voluntary contributions.<sup>134</sup> The Federation, because it relies upon national sections for funding and the execution of disaster relief efforts, might in fact be more central than the ICRC in terms of closeness, since it is in its best interest to cooperate with its primary funders.

For much of its work, the ICRC does not rely upon anyone else in the network. It employs approximately 11,200 field workers, the great majority of whom are locals (Forsythe and Rieffer-Flanagan 2007: 32). The ICRC has the burden of inspecting and

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<sup>132</sup> [http://www.ifrc.org/who/society.asp?navid=03\\_07](http://www.ifrc.org/who/society.asp?navid=03_07) (Accessed May 12, 2008), <http://www.redcross.int/en/history/> (Accessed May 12, 2008).

<sup>133</sup> All figures taken from: "Finance and Administration: Extract from ICRC Annual Report 2006." <http://www.icrc.org/web/eng/siteeng0.nsf/html/annual-report-finance-and-administration-2006> (Accessed October 11, 2007).

<sup>134</sup> Taken from figures from Annual Reports, 2001-2006, available at <http://www.ifrc.org/publicat/ar/index.asp> (Accessed May 12, 2008).

reporting upon compliance with Geneva Conventions. The ICRC does coordinate services in wartime and organizes its own resources and those of national sections. However, national sections can also act independently of ICRC direction, which in fact posed problems for the movement early in the 20<sup>th</sup> century. The nationalism each national section adopts can pose problems for coordination by the ICRC, but for the type of work it does, establishing trust between national societies and the military early on was crucial for the continuance of the movement (Hutchinson 1996: 175-182). The Red Cross network therefore exhibits some of the coordinating capacity that indicates the centrality of the ICRC, but simultaneously, the national sections exhibit independence and designate their own policies as well.

Added to that is the additional layer of complexity that the Federation poses. The Federation challenges the legitimacy and relevance of the ICRC by expanding upon the Geneva mandates given to the ICRC, and is an additional point of accountability to which national sections respond. The Federation was started to take care of peacetime needs, portraying itself as a promoter of scientific and medical principles. Founder Henry P. Davison wanted to capitalize upon the support that national societies had received during World War I to advance common understanding across people and advance humanitarian principles (Hutchinson 1996: 285-6). Davison's "real" Red Cross, therefore, posed a large challenge to the authority of the ICRC as the coordinator of national societies' efforts (Hutchinson 1996). It is also more "active" in the sense that the ICRC finds its legitimacy in wartime, whereas the Federation coordinates efforts at all other times.

Willemin and Heacock (1984) argue that the ICRC's dominant characteristic is its neutrality, which governs the scope of its actions. Protection, legal matters, and the

Geneva Convention all fall under the ICRC's jurisdiction. In many cases, however, there can be turf discrepancies. This problem became especially acute in Vietnam and Biafra in the 1960s. Besides the aforementioned Conferences, activities between the Federation and the ICRC are also coordinated by the Permanent Commission, a nine-member body that arbitrates between the two main bodies of the Red Cross. Formal agreements between the Federation and ICRC in 1969, 1973, and 1997 established preeminence of the former in relief actions and the latter in international actions in conflict, but these institutional methods do not always mitigate the tension between the two.

Centrality in the Red Cross network, therefore, has changed over time. Although it officially coordinated national sections, it saw itself (prior to the 1970s) as an autonomous actor (Forsythe 2005). National sections, in turn, were expected to act somewhat autonomously when called upon by their respective states, but also respond to the calls of both the ICRC and the Federation. For its part, the Federation has jockeyed continuously for more action at the detriment of the ICRC. In Ethiopia in 1986, for instance, the Federation accepted terms given by Ethiopia that involved relocating civilians in order to find rebel forces, who were hiding among the people. The ICRC had rejected these demands, and the Federation swooped in, accepting the terms in order to gain access to relief provision in the area (Forsythe 2005).

These types of turf wars demonstrate the lack of authority the ICRC holds over the Federation, and vice versa, although both groups draw on the same national sections for support. More significantly, the struggles between various parts of the Red Cross network evinces a lack of centralized structure. The ICRC certainly is a focal point of the network because of its advocacy of the Geneva Conventions, and because of its active

role in reporting upon prison conditions in wartime. It is central in the sense that it is directly connected to all national sections, and the Federation through the various institutional channels that have evolved over the years. But in terms of agenda-setting and rule-making, the ICRC is not *the* central node of the network. It is an important, but not a central node by indicators of betweenness and closeness from network theory. The decision to split jurisdictions with the Federation may have addressed a practical matter, but it has widespread consequences for the ability of either to set the agenda for the rest of the network.

From a network perspective, it is more remarkable that the Red Cross has played such a central role in international humanitarian and human rights politics, given its lack of a central node in the network. Despite this dearth, the Red Cross has norms associated with it because of the ICRC. The ICRC is fairly centralized as voluntary organizations go, with power concentrated in the Directorate and the Assembly. What these two bodies say usually goes as policy for the ICRC, and agenda-setting and rule-making are highly limited powers in the organization.

Neither the ICRC nor the Federation has a monopoly in agenda-setting for the rest of the network, and clearly not one over the other. The ICRC's Statute stipulates that it must maintain "close contact" with the National Societies and Federation, but this does not necessarily lead to dominance over the other parts of the Red Cross network. Thus, although the network has two central nodes if we look at in terms of degree, the Red Cross network actually lacks a central node because degree centrality does not necessarily mean that a node can control or manipulate information. The "normative

body” of the Red Cross network does successfully concentrate power in a few nodes, and therefore has successfully set the agenda in international humanitarian law and practices.

*The ICRC's Humanitarian Principles and the Geneva Conventions*

The fact that the Geneva Conventions have reached such an entrenched status in international law stems from the efforts of just one part of the Red Cross network, the ICRC. Its formal custodianship of the Geneva Conventions means that the Federation and national societies cannot participate on the same level as the ICRC has in bringing state behavior in line with the protections outlined in them. Even without a central node in its network of Red Cross activists, the ICRC has been able to support and monitor compliance with the Geneva Conventions. The principles envisioned by Dunant reify themselves as the “right way” to conduct warfare, even if states do not always adhere to them in all contexts. More importantly, because of a series of rulings in international courts, the Geneva Conventions are now “taken for granted and virtually never questioned” (Meron 2005: 819, see also Meron 1987), a far cry from the general reluctance to sign on to the idea of the ICRC in the 1860s (Hutchinson 1996). They have been reinforced through both customary international humanitarian law and the holdings of courts that have declared them to be customary, as opposed to purely codified, legal instruments.

Customary international law contains two elements: widespread practice by states, and states’ belief that such behavior is mandated by law (Byers 1995: 137). Customary international law adds a sense of “rightness” to a certain act because states feel obligated to behave in a certain way. Since customary law derives its status from state behavior, the work the ICRC does in reporting on the status of prisoners of war, for example, or the

treatment of civilians in wartime contributes to a general sense of what states believe is right or wrong. The ICRC's role in making the Geneva Conventions normative has been two-fold. First, its advocacy led directly to the signing of the first convention in 1864. Second, its continued vigilance in ensuring that the conditions stated in the Geneva Conventions are met by states contributes to the moral importance attached to the agreements. The ICRC, in addition to advocating the agreement it helped establish, has also contributed to the debate over landmines, and the general face of international humanitarian law, which now extends beyond the classic reference to the Geneva Conventions (Meron 2000).

Besides its contributions to international humanitarian law, however, the ICRC should be recognized for its role in creating a role for humanitarian NGOs in international politics, known as the Red Cross' seven official principles, first used by the ICRC in 1901 (Forsythe 2005: 29). The International Red Cross network itself formally adopted the seven principles in 1965: humanity, impartiality, neutrality, independence, unity, universalism, and volunteerism. Of these, neutrality and impartiality are key components in creating the norms of humanitarian work. These two are central to the ICRC and Red Cross network, maintained at times in the face of large human losses. These characteristics were also central to the schism between the humanitarianism of the ICRC and the new humanitarianism heralded by MSF in the 1970s, discussed below. Neutrality came to play a key role in gaining state acceptance of and participation in the ICRC project (Hutchinson 1996). By claiming a non-political stance, the ICRC became palatable to states, which were reluctant to fund an actor which had a clear political

objective.<sup>135</sup> Impartiality, or non-discrimination, often goes hand in hand with neutrality. The ICRC and national societies are supposed to serve anyone. The ICRC gains access to the wounded in conflict situations precisely because of its declaration of neutrality and impartiality – it carries no weapons, and does not pose a political threat to states. It pledges to help all.

Because it seeks state approval for its presence and services, the ICRC relies upon the goodwill of states to do its work. Unlike MSF, for example, the ICRC does not antagonize states, and does not directly challenge the state policy. The logic is that the ICRC can only be effective if it is on the scene, and often, to be on the scene, government permission is necessary. The ICRC is also governed by a sense of every little bit counts: improvement in one humanitarian area while neglect in others is still better than none at all (Forsythe 1976). The funding provided by states further reinforces the point.

Maintaining a symbiotic relationship with states has helped the ICRC establish the standards of humanitarianism in the field and in international law. Structurally, the ICRC was able to formulate such a narrow and coherent agenda for humanitarian politics precisely because of its centralization of power. The principles of humanitarianism, on the other hand, have spread throughout the universe of humanitarian organizations because of the ICRC's cooperation with other elements of the Red Cross Network. Working with the Federation, the ICRC has not deviated from its neutral and impartial stance, and these norms have stayed in place throughout the network of national sections precisely because of the pattern of links between the nodes of the Red Cross network.

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<sup>135</sup> This assertion of neutrality, of course, is problematic since the ICRC is actively involved in the creation of international humanitarian law, and engages in politics in its day-to-day activities of advocacy and service provision.

The traditional conservatism and the “Swissness” of the ICRC is replicated throughout the network. The ICRC’s way of doing things is the established norm that other activists challenge, but it is the standard to which states and NGOs have historically agreed. Furthering the agreement is an area up for contention, and certainly a divisive move – if not the ICRC-Geneva Convention model, there is not a certain alternative (Chandler 2001). In terms of international norms concerning humanitarian assistance and intervention, therefore, the norms articulated by the Red Cross remain the model from which an alternative may be cultivated (Leader 1998), but the influence of the ICRC and the rest of the network cannot be thrown aside.

The ICRC has undoubtedly contributed, and continues to influence the course of international humanitarian law. The salience of its principles in this area, however, do not come from its leverage of the rest of the Red Cross network, as they are rooted in international law. By contrast, the ICRC’s principles of humanitarian organizations do utilize the vastness of the network of national sections and the ties to the Federation to diffuse a set of norms that currently reign as the prescriptions for how humanitarian NGOs should act.

### *MSF*

Structurally, MSF is the most decentralized of the networks examined here, with no clearly more central node in terms of degree, betweenness, and closeness. Each of its national offices operates autonomously. The first six nodes of the MSF network were in Europe: France, followed by Belgium in 1980, Switzerland in 1981, Holland in 1984, and Spain and Luxembourg in 1986. MSF did not expand off of the European continent until the 1990s, adding the United States, Canada, Japan, Hong Kong, and Australia to the list



of national sections (Bortolotti 2004). There are currently 19 sections.<sup>136</sup> The five operational sections – France, Belgium, Holland, Spain, and Switzerland – make decisions about field operations. They direct when and how aid is distributed, and when to stop country programs. Each of these operational sections can potentially adopt contradictory policies, as in the case of accepting government funding (Lindenberg and Bryant 2001). Each operational section also sends its own representatives to conflict locations, if it so chooses to engage in an arena. For instance, in Goma, Zaire, MSF-France pulled its representatives in 1995, as a reaction to the massive buildup of aid workers providing services and goods to Rwandan refugees of the 1994 genocide. Other MSF sections, however, did not follow suit (Rieff 1997). The non-operational sections provide logistical support through recruitment, fundraising, and public outreach and education.

The formal center of the network is in Geneva, called the International Council, founded along with the International Secretariat in 1990 (Tanguy 1999). The power of the Council, however, is disputed. Though there is an elected President, it is not clear to what degree the Council regulates on-the-ground activity, or even network policies. More importantly, the Council does not tell national sections what to do, and does not coordinate MSF campaigns. Despite these international bodies, each national section operates under its own set of rules (DeChaine 2005). Money also has an ad hoc quality to it – although some sections, such as MSF-Australia, do not take donations from governments, the overall MSF network accepts approximately 80% of its funding from

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<sup>136</sup> <http://www.msf.org/msfinternational/donations/> (Accessed May 12, 2008), <http://www.msf.fr/?page=internalpage&id=38&section=1&cat=2&sub=10&subsub=25&title=linternationa> 1 (Accessed May 12, 2008).

private sources.<sup>137</sup> Interestingly, the International office does not take donations;<sup>138</sup> this can easily be perceived as a weakness of the network tying the various MSF's together. Sources of funding come from large contributions from single and foundation donors, as well as the European Community Humanitarian Office, UN High Commissioner for Refugees, the US Office of Foreign Disaster Assistance, and select European governments (Tanguy 1999).

However, the national sections are not completely independent from one another despite their separate governing bodies – Lindenberg and Bryant (2001) find that many MSF board members come from other national sections, thus facilitating coordination, and perhaps generating conflicts of interest. The apparent, comparative lack of bureaucracy at the international level is precisely what many within the organization feel is the advantage of MSF and what contributes to the feeling of being part of something to which one actively contributes (Leyton 1998, DeChaine 2005). But in fact, it does take a lot of coordination to distribute aid under minimal, if not hostile, conditions. As Leyton (1998) observes, “MSF is run along military lines, not according to some egalitarian mystique” (136). Tanguy (1999) observes that nearly 40 books of guidelines describing organizational protocol exist. There are different types of members, and different types of volunteers with varying skill levels. But having roles once in-country is different from having a coherent set of principles that the NGO advocates. MSF has also developed a sophisticated response system to provide aid, quickly, using a system of medical “kits”

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<sup>137</sup> <http://www.msf.org.au/info/about.shtml> (Accessed May 12, 2008). MSF-France, the founding section which prided itself on not accepting government funds, is funded by 99% private donors. <http://www.msf.fr/?page=internalpage&id=53&section=1&cat=3&title=nos-comptes> (Accessed May 12, 2008).

<sup>138</sup> <http://www.msf.org/msfinternational/donations/> (Accessed May 12, 2008).

(for thousands of people) that make the business of medical assistance modular. The operational sections have no structural incentive to coordinate their efforts, since there is no international policymaker, as in other human rights networks. Because the operational sections are formally decoupled from one another, duplication of roles and resources is not uncommon (Lindenberg and Bryant 2001). Bortolotti (2004: 66) likens the structure of MSF to that of a bumblebee: not aerodynamic, but somehow, it manages to react quickly to disaster situations. Perhaps it is not as flat as some of its members like to imagine, but MSF as a whole, internationally, is far less centralized than other human rights NGOs.

MSF does not rely on local populations to execute its projects. Expatriates sent by the five operational sections handle the bulk of the medical and logistical work. One does not have to be from one of the five operational countries to be sent into the field by MSF, and no section excludes based on country of origin. Hierarchies become relevant based not on occupation, such as doctor versus nurse, but where one has served, and for how long (Leyton 1998). MSF volunteers measure their tenures based on weeks and months, rather than years. They tend to be young and female, but not necessarily idealistic. Many cannot get things going in their home countries, coming to MSF because of boredom, unemployment, or some other combination of factors that has very little to do with heroism. The ethnographies that examine the on-ground MSFers echo a sense that being part of the MSF team fulfills volunteers in a way they never found possible in their pre-MSF lives. It is at once exhausting and addicting, and those who come back, keep coming back (Leyton 1998, Bortolotti 2004). At the individual level, MSF's

composition reflects its cowboy reputation; a certain brand of person can thrive on the spontaneity, difficulty, and dangers of the job.

The tradition of being different from the rest of humanitarian networks – more “advocacy” than “traditional” service-deliverers – translates from ethos to structure. MSF does not adopt a very centralized structure, at least at the international level, although there is a level of necessary coordination to make MSF run. Perhaps they are more coordinated and centralized than they themselves would like to think, but the links between MSF-France and MSF-Belgium are not tied together by a single central node. In other words, there is not a node that stands out as central in terms of degree, betweenness, and closeness. Even though the International office holds promise for linking all of the various national sections together, the fact it does not take contributions attenuates its ability to influence the principles in the network. The operational sections, which by description should be able to set the agenda somewhat, at least among the non-operational sections, all have too much independence to allow one or two to control information flows within the network and set the agenda for the rest of the nodes.

Issues are constantly debated within national sections, and there is a sense that there is no international identity for MSF. Each node at the national level has its own stereotypical characteristics, and there is constant jockeying about which section is “better” (Leyton 1998, Bortolotti 2004, DeChaine 2005). The work is isolating; most situations thrust one MSFer into a village, or in a community, to train locals in providing healthcare. There are not a lot of spare personnel, nor are MSFers put into centralized, urban locations. The maverick reputation of MSF as an outspoken advocacy organization may derive from necessity. The job of MSF volunteers is to be the bulwark against

complete medical chaos in situations with limited health access, and there are a lot of decisions that must be made quickly, and without much support from other experienced people.

The decentralized nature of MSF does not translate into an effective method of creating norms from principles. MSF was founded on the basis of very outspoken and strong principles in rejection of the type of neutrality and impartiality the Red Cross embraced. With the International office's weakness, advocacy becomes harder. In the case of MSF, garnering a coherent normative agenda may indeed be impossible in the absence of a central node, as different and opposing principles are all essentially equally valid. The rules of the organization, in fact, exist to promote independence of the national sections and volunteers who go in the field. From funding schemes to missions, MSF work embodies a "go get 'em" attitude, rather than organizational coherence with centralized and clear norms coming from a specific actor within the network. Centralized decision-making is shunned. Structurally, MSF is not designed to diffuse norms. The lack of centralization, and the competition between different agenda-setters within the network make finding a coherent principle difficult, and spreading that principle consensually even more so.

#### *MSF – The New Humanitarianism*

Despite its decentralization, MSF is not unsuccessful. It was awarded the Nobel Peace Prize in 1999. A 1989 French poll named MSF as the top dream job of all respondents – 32 percent (Bortolotti 2004: 61). No one can dispute the salience of the NGO, and no one can doubt that the resources it contributes to the areas in which it works make differences to those who need its assistance. It is, after all, the leader of the

movement towards a new humanitarianism (Chandler 2001), one which fundamentally assails the neutrality and impartiality principles of the ICRC and the Geneva Conventions, which had been the standard since the mid-19<sup>th</sup> century. MSF has articulated the two principles of the new humanitarianism, one that not only supplies relief, but argues that rights are important as well. First, NGOs have the right to denounce state (in)actions. Second, the right to intervene and the insignificance of state borders plays a large role in the way MSF sees itself and others like it in international politics.

The challenge to the ICRC's principles is well and good in theory, but has it panned out? In a recent assessment of the ongoing US-led coalition efforts in Iraq, Nicolas de Torrenté (2004b), then-Executive Director of MSF-USA, criticizes the apoliticization of humanitarianism. Humanitarian NGOs cannot afford to be captured by states for their own political ambitions when they already face a problem with a resistant and hostile population, as found in the current Iraq situation. In the Iraq situation, most NGOs went along with the American cooptation of their efforts because the US government funded much of their work. Following such a "coherence" approach, as advocated by the UN and states, de Torrenté argues, is nothing short of erasing the neutrality and impartiality of humanitarian norms, which in turn encumbers the provision of aid to populations in need. The UN and states have pushed for humanitarian efforts to synchronize with political programs. As de Torrenté and MSF understand the role of humanitarian groups, they are to stand in opposition to states, contrary to the conventional ICRC conception of cooperating with states. The importance of NGO independence in forwarding humanitarian efforts is demonstrated in the case of Iraq.

Though persuasive, de Torrenté ignores a major wrinkle in the debate. Without states, the UN, and EU funding, most NGOs would be mere names on paper (Rieff 1997). MSF-France is a major outlier in this regard, but other MSF chapters are not. This problem, along with MSF's decentralized structure, is one of two major roadblocks to its new humanitarianism becoming *the* humanitarian norm. Humanitarian NGOs rely on state donors for their existence; they provide relief and development in the vacuums where state efforts used to focus. The case of Iraq is illustrative of this quandary, with all NGOs looking to the American pot for financial support. But even if MSF's efforts could somehow lead the campaign to leave the feedback loop of receiving state funds to do state bidding, the need to form a coherent normative alternative to humanitarianism-as-we-know-it still exists. In its decentralized form, MSF cannot be the standard bearer. MSF sections conflict on staying or leaving different dangerous situations. In-fighting within and between national sections, even if purely ideological, demonstrates a lack of normative coherence in the MSF mission. Given the independence of the national nodes, and perhaps the independence of the individuals who choose to join MSF, the looseness of its network structure is reflected in its ability to successfully articulate and diffuse international norms on healthcare. The expectation that there can be a movement beyond the exhortations of a few outspoken leaders is unlikely, given MSF's loose structure. As the leader of the new humanitarianism since 1971, MSF has yet to articulate a robust set of new norms. It started the conversation on the direction in which to move next, but criticism is not a solution.

Even if we consider its contributions to the provision of healthcare in developing countries, MSF has not advocated a clear set of norms in policy. It obviously believes in

the right to access to healthcare, but this issue has largely remained an issue of service provision, rather than humanitarian politics. By providing an alternative to states as a provider of healthcare services, MSF is in a way eliminating the incentive for states to change their behavior in adhering to the international conventions that state that people have the right to healthcare. Furthermore, the norms that MSF has tried to alter, those concerning the terms on which NGOs participate in humanitarian efforts, have largely fallen on deaf state ears. States generally follow the ICRC model of non-state involvement in providing humanitarian relief. The support of other like-minded NGOs remains an unknown quantity, and the leadership of MSF in any concerted effort to change the norms of humanitarianism as an antagonistic, rather than symbiotic, effort with states remains questionable, given both its structure and its mission.

### *Oxfam*

Because Oxfam is actually a network of “sister” organizations with a strategy of facilitating local development, its network ties within may be less developed than its links outside. Besides the direct donations of food items and clothing, as it had done throughout World War II and in the immediate aftermath, the Oxford Committee forged partnerships with local programs and other NGOs, such as the YMCA and Save the Children, a behavior for which it actively solicits today.<sup>139</sup> The Committee developed a system of grant-making which began in 1957, “within a loose financial planning framework ... [grants] were envisaged [as] continuing support in subsequent years ... the key feature of the grant-making policy was not to have a policy ... Each scheme was

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<sup>139</sup> See “Oxfam GB Partnership Policy,” <http://www.oxfam.org.uk/resources/accounts/index.html> (Accessed January 7, 2008).



judged on its own merits” (Black 1992: 73). Early on, the Oxford Committee formalized ties between itself and potential partners, tying economic solutions to normative parameters. The Committee would fund projects that offered solutions to poverty, thus not necessitating investment of Committee personnel and time to build out local programs, and these programs would do their best to align themselves to Committee poverty eradication goals. This grant-making system shifted the focus from giving refugees and disaster victims fish, to follow the old adage, to giving them fishing poles and teaching them how to fish: self-sustenance, in other words, became the focus of the Committee’s efforts, particularly after 1960. In so doing, the Oxford Committee also actively built out a network of advocates and supporters, while not expanding its leadership and membership base. Donors were not members, only financial contributors. Oxfam also collaborates with UN agencies on projects, in part to influence policymaking on the eradication of poverty, and Oxfam GB has developed a fair trade company called the Bridge project (Smith, Pagnucco, and Romeril 1994).

Though it was active in the developing world, it was not until 1963 that Oxfam officially established new, official Oxfams outside of England, first in Canada, followed by Oxfam Belgium in 1964. Early struggles to stay afloat were alleviated with late-1960s activism, which ripened the political environment for other Oxfams to arise – Australia and the US, among others in the late 1960s and early 1970s. These new Oxfams were independent of the “original” Oxfam, now Oxfam GB, as well as one another.

Each Oxfam makes its own decisions in terms of staff and programming, and not many studies have been conducted on Oxfam outside of Oxfam GB and Oxfam International. Oxfam GB is governed by a Council of up to 50 trustees, which meets

three times a year. The Executive Committee of the Council manages in-between Council meetings, monitoring the budget and management of Oxfam GB. Daily activities are in the hands of the staff and Director, although trustees may also play a close, consultative role (Black 1992: 293). The structure of Oxfam GB is very much like a corporation and its board, with functional differentiation between staff, fieldworkers, and advocacy/research. It has a field staff, and a research arm called the Policy Department, which was founded as the Public Affairs Unit in the mid-1970s. This research arm was able to analyze the larger patterns of resistance that localized fieldworkers could not solve themselves (Bryer and Magrath 1999). The relationship between Oxfams, however, has vacillated between warm and cold since the establishment of Oxfam outside of the UK. Oxfam Canada was very much supported by Oxfam GB, but the 1970s were characterized by a “cooling” between various Oxfams (Black 1992). The end of the Cold War signaled a resurgence in relations between national Oxfams, as the new international climate demanded a change in the independent approach upon which Oxfam sections had been founded.

In 1995, twelve independent Oxfam organizations decided to form Oxfam International. Oxfam International is a separate entity that is composed of national Oxfam members. Oxfam International was founded to solve coordination and duplication problems for the national Oxfams, in particular concentrating research resources and efforts of the separate Oxfam sections (Yanacopulos 2005). Oxfam International is a self-described confederation of 13 independent NGOs<sup>140</sup> whose individual members – Australia, Belgium, Canada, France, Germany, Great Britain, Hong

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<sup>140</sup> See <http://www.oxfam.org/en/about/who/> (Accessed January 7, 2008).

Kong, Ireland, The Netherlands, New Zealand, Quebec, Spain and the United States – retain autonomy over their policies and projects. Oxfam International consists of a small secretariat, based in Oxford, England, and advocacy offices in Washington, D.C., New York, Brussels, and Geneva.

Oxfam International lists development programs, emergency work, research and lobbying, campaigning, and a rights-based approach as its primary work.<sup>141</sup> In order to better address the global, more systemic causes of development, the formalized international network helps centralize the advocacy efforts of the individual Oxfams, establishing a coherent advocacy framework for lobbying international financial institutions, such as the World Bank and the International Monetary Fund (IMF), in its most prominent international campaigns, discussed below. As Yanacopulos (2005) finds, the creation of Oxfam International not only made its poverty message more coherent, it also lent it a form of legitimacy by claiming a singular source for grassroots and coalitional representation. More to the point, it becomes impractical to have multiples of the same organization, so to speak, promoting a cause worldwide (interview in Yanacopulos 2005: 101). Oxfam International produces information that all the national Oxfams can use in their own campaigns.

The current Oxfam International structure attempts to capitalize upon the advantages of adopting network ties and formalizing communications channels, while maintaining the independence of the members of the network. It represents a conscious attempt to adapt to politics at the international, rather than the local level, which Oxfams had developed throughout the years. Oxfam International is an attempt to create a node

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<sup>141</sup> <http://www.oxfam.org/en/about/what/> (Accessed May 12, 2008).

that is structurally centralized by degree measures, and by putting certain types of projects under its jurisdiction, forces Oxfams involved in campaigns to interact through the international office. The efforts to coordinate and centralize policy through Oxfam International (while allowing individual Oxfams to pursue their policies and programs more freely) makes Oxfam more centralized than MSF. The fact that there are minimal rules to which all members agree and Oxfams delegate policy to Oxfam International demonstrates a level of coordinative and control capacity that “looser” networks cannot evince. Oxfam International is an attempt by all of the Oxfams within the network to centralize information and delegate some unified decision-making power to a single actor on certain international human rights issues. The national sections are clearly the foci in the Oxfam network and yet, all national sections have a certain increasing need and reliance upon the services of the International, shaped by the new rules of engagement to which the various Oxfams agreed. Perhaps as the linkages between the national sections and the International crystallize over time, we will observe the emergence of a single central node in the Oxfam network.

#### *Oxfam – Making Trade Fair and Poverty History*

The comparative newness of Oxfam International’s network could explain the lack of normative influence Oxfam has had until very recent history. In 2000, Oxfam’s sister organizations embarked upon a new four-year strategic plan that vowed to put social and economic rights at the top of the international agenda. The program, called “Towards Global Equity,” challenged Oxfams to band together and address the structural reasons for poverty and injustice, following a course of rights-based development articulated by economist Amartya Sen (Aaronson and Zimmerman 2006). They sought

to lobby international organizations and world leaders to pursue a different approach and prioritization of development and human rights. However, very soon after the launch of the strategic plan, Oxfam efforts diverged into multiple projects, two of which, fair trade and making poverty history, have drawn attention from scholars and activists alike. Both of these campaigns drew heavily on celebrity efforts and online petitions. These two campaigns utilized Oxfam International, to arguably different outcomes.

In the fair trade campaign, the inability of Oxfam to have a single definition of what “fair trade” meant hampered its efforts to create a norm. While it wanted both an understanding of the detrimental effects of fair on developing countries and more infrastructure to protect and educate producers of goods, such as coffee, for the worldwide market, it met with stiff resistance from the status quo (Aaronson and Zimmerman 2006). The World Trade Organization (WTO) and policymakers resisted deviating from a fair process of trade, despite the growing support that Oxfam received for its programs to provide for farmers and other producers of raw goods. Although Aaronson and Zimmerman (2006) claim that “Oxfam’s influence on how people think about development, poverty, and trade has increased in the last five years,” (1023) there is very little evidence from the fair trade campaign in their own study that supports this position. They acknowledge that despite this amorphous growing consensus that policy has not changed at the state (US), supranational (European Union), or international organizational (WTO) levels. Thus, Oxfam’s principles about fair trade may be gaining more adherents, but fair trade is far from a human rights norm.

The debt forgiveness campaigns that it has mounted alongside other NGO partners worldwide in the late-1990s and 2000s, and the World Bank, IMF, and G-7

responses to their efforts does seem to signal some sort of normative shift in thinking about poverty and developing world debt. On the other hand, as Easterly (2002) points out, international institutions and the world's richest countries had already implemented policies to help developing countries pay back their debts beginning in 1987. The efforts of Oxfam International and Jubilee 2000 made poverty a more salient issue on a global scale, extending existing loan and debt forgiveness programs. Oxfam's success in promoting debt forgiveness with the likes of Bono and the Pope are very recent – its other poverty campaigns have not had the normative effect that debt forgiveness has had.

The addition of Oxfam International to the Oxfam network could provide the explanation for why its more recent campaigns have received more positive state reactions. The coordinative capacity of the newly-created central node, which is linked to all other Oxfams, and is designed as a coordination, information-sharing platform for international campaigns, made the difference in terms of providing a single set of principles for Oxfam as a network to advocate. The volume on debt forgiveness intensified when Oxfam included it in its strategic plan at the turn of the 21<sup>st</sup> century, making it one of the central planks of its campaigns. Oxfam's international efforts have contributed to our understanding of the links between poverty, development, trade, and human rights, and the addition of the International office serves as a way to centralize agenda-setting and decision-making for network-wide efforts. It remains to be seen whether popular figures promoting development and human rights principles, and the structural centrality of Oxfam International can create a new international norm of debt forgiveness by altering state behavior in the longer term. Also dependent on future developments is the success of Oxfam International in its central role in the network –

will Oxfams come to capitalize upon its centrality, or retreat to the locally-based control that they know?

Structure can explain why Oxfam's noble project since the 1990s has since not resulted in international norms. The structure of Oxfam as a whole until 1995 was disparate, and the central node is a relatively recent transplant into a network of organizations used to going their own ways. Although Oxfams certainly work together on projects, without a coherent set of norms and goals and delegation to a body that could act on Oxfam's behalf internationally, it was impossible to spread international norms in the same way that it did in the debt forgiveness campaign. The change in the structure of the Oxfam network in the 1990s led to the beginnings of more unified efforts in the form of formalized agreements to cooperate between Oxfams. However, has this led to success? As noted above, a strategic plan fell apart relatively quickly, splitting into two other issues: debt forgiveness and fair trade. With the tenuous partnership between different Oxfams, there was not an established central node dictating a coherent normative position for the entire network, and the grand idea of a rights-based approach to development soon splintered into two different projects, one of which failed to even form as a single principle.

On the debt forgiveness issue, one could say that Oxfam's leadership in the anti-poverty campaigns produced more liberal debt forgiveness schemes. But one could argue that the contribution of Oxfam to this success is unclear because debt forgiveness has not grown into a permanent set of state or international institutional policies. Perhaps Oxfam's efforts have contributed to a widely agreed-upon principle on the verge of becoming a norm among states and international organizations.

The change in structure has not yet made fair trade a human rights norm. States continue resisting fair trade policies at the domestic and international levels, and the worldwide support for the summer of concerts and white armbands may be too ephemeral a base upon which to rely for political action (see Yanacopulos forthcoming). Purchasing fair trade coffee at corporate partner Starbucks may be one thing, while politicking for change requires a more deep-seated normative belief. It remains to be seen to what extent Oxfam has changed hearts and minds about fair trade. Moreover, Oxfam seems to want to appeal to the consumer and state policy audiences, who understand fair trade in completely different vocabularies. In some ways, getting the principle of fair trade into stores and stadiums is a victory in itself, but it is an alternative strategy to changing state behavior. At this stage, without its own unified notion of how fair trade is defined, Oxfam stands very little chance in making its campaigns about fair trade very enduring, particularly at the state policy level. Until Oxfam International can consolidate the fair trade principles it advocates, the hope to change the norm from free trade to fair trade will remain elusive.

The same analysis can be applied to Oxfam partnering schemes at the national section level. Oxfam GB, for instance, forges relationships with local groups in developing countries, effectively outsourcing development work. Because its grant-making procedure has always been long-term and subject to the review of Oxfam's staff, the networks and relationships built in developing countries follow the dictates of Oxfam GB's normative positions. That, however, is limited to the groups with which Oxfam GB works, and not other Oxfams. Even though each individual Oxfam may be very effective



at propagating its own set of norms to local programs, this does not apply to the Oxfam national section network internationally.

Oxfam International is a network of networks. At the national level, each node is quite centralized in the sense that it delegates tasks in a highly bureaucratic fashion, following a set of rules it outlined. However, the links between national sections continue to be much looser than links that bind other networks, such as the ICRC. Oxfam International does not oversee the work of other Oxfams – it is delegated to, and does not delegate. Although it can exert some uniformity across the issues it manages, Oxfams continue their own work in their own countries, under the aegis of their own staffs.

### **III. The Importance of Structure in Creating Norms**

Table 5.2, included at the end of this section, illustrates the main theoretical points of the chapter (Amnesty is included as a baseline comparison). Defining what a “norm” versus a “principle” is a very imprecise business. Indeed, it is often very difficult to figure out the borderline between a principle and a norm. The difference between principles and norms is relative – it is easier to define one and the other by contrasting their relative levels of support by other non-state actors, and by states. As I argue in previous chapters, norms are political, and therefore, there is a power in labeling something as normative and dismissing other things as merely ideational. I have tried here to show that there are principles that are more widely accepted than others, and that there are clearly some norms that have been diffused by the NGOs discussed here, and some potential, but not as yet established, norms that need further analysis and time. Even so, without a more systematic way of evaluating the “normativeness” of different

principles, as I do in the next chapter with Amnesty's rights, it is a tenuous, and at best, a preliminary analysis of how structure affects the ability of networks to diffuse norms.

Of the three networks discussed above, only the ICRC has successfully established international norms concerning the content of international humanitarian law and the conduct of humanitarian assistance. The Geneva Conventions have become more entrenched since the 19<sup>th</sup> century through the concentrated efforts of the ICRC. These norms, however, are not the result of a centralized network so much as the application of the Geneva Conventions is the mandated duty of the ICRC. The norms of impartiality and neutrality are recognized by all humanitarian actors, even if they choose to extend their meanings to fit more outspoken and critical perspectives. In part, the explanation may be that the ICRC's cooperation with states is more palatable than MSF's antagonistic style. Most states, however, were initially quite opposed to having a non-state actor meddle in war and its effects, perceived as an issue of state sovereignty. In fact, legendary nurse Florence Nightingale opposed the Red Cross project in her time (Hutchinson 1996). The Red Cross project has not always been the darling of humanitarianism that it has become. What gets perceived as state antagonism changes over time. Additionally, the notion that success at norm advocacy comes by placating states runs counter the history of Amnesty, a network that has made its name forcing states to reconcile their treaty signatures and behavior, and other human rights organizations, for which antagonism against states is the name of the game. The ICRC's ability to create the norms of impartiality and neutrality and spread them internationally is a function of its relatively more centralized structure, allowing it to coordinate the message of its seven humanitarian principles.

The ICRC, Oxfam, and MSF are all networks that seek to employ human rights politics in their activities, through the language with which they frame their issues, or through their direct and public advocacy in the name of the rights discussed in this chapter. They are not exclusively service providers or advocacy organizations: they do both. All three also act politically to alter state policies, in reaction to empirical inequities. They use the media, lobby policymakers, and educate the public to make normative statements. But all three lack a central node that consistently articulates principles that the rest of the network can and willingly agrees to diffuse. Central nodes in networks control the flows of information between other nodes by proximity (closeness), connectedness (degree), and intersection (betweenness). None of the NGOs studied here fully meet the criteria set forth in terms of network centrality to date, but with continued involvement, this evaluation could change. Oxfam International in particular exhibits promise in coordinating campaigns through the regulation of information.

Centralization is key to making principles into norms in TANs. Having a single agenda-setter leads to a coherent advocacy agenda. These are necessary in order to create norms that the networks then themselves advocate in international politics. Norm advocacy requires centralization of agenda-setting and informational control powers. The strength of MSF's in-field operations is also its greatest challenge to overcome in articulating a coherent alternative to the status quo of impartiality and neutrality. Oxfam's national sections realized this, and formed more formalized structures in order to deal with the need to have a more coherent international agenda in the "globalized" world. Oxfam International does not have the same degree of information control as in

the Red Cross or Amnesty – it serves as an aid to the other Oxfams and coordinates to a degree, but it does not control the flow of information, and is not the sole agenda-setter in the network.

Another possible explanation could be that the ICRC has been around much longer than the other two organizations. In both cases the ICRC was around nearly or over 100 years before either was conceived. The advantage of time certainly plays a role – it is always easier to be the first-comer in making the rules. The difference, though, is that ICRC was always the focal point in the Red Cross movement, since national sections had to seek the certification of the ICRC. National sections were given leeway in making administrative decisions, but the ICRC set the agenda for what the Red Cross was. Neither MSF nor Oxfam wanted centralization of control once they went beyond their home sections into other countries to establish outposts. Each Oxfam or MSF section is supposed to be independent. The Red Cross national sections were never supposed to be independent, and in fact, were supposed to respond to the dictates of the ICRC when it chose to become involved in a conflict. Individual sections of the Red Cross do not break off from a conflict situation, but the agenda-setters of the ICRC or the Federation make decisions about pulling in or out of an arena. Had the rules of the Oxfam and MSF networks been different, perhaps the effect of time would not matter. Comparatively, Amnesty is about the same age as Oxfam and MSF, falling in between, but again, the effect of its structure allowed it to concentrate agenda and information powers in the International Secretariat. Amnesty's relatively centralized structure has enabled it to diffuse a normative agenda far better than other, older human rights NGOs, such as War Resisters' International and the International League for Human Rights. In this study, the

one that comes closest to Amnesty's norm-setting ability in human rights is the ICRC and Red Cross.

Perhaps then it is the nature of the right that is driving the normative success of certain rights. After all, states benefit from the ICRC not only acquiescing to state constructions on what can or cannot be done in a conflict, but also in essence, doing the work of states by protecting prisoners' rights and dispensing medical aid on the battlefield. MSF's demands for states to relinquish more control over humanitarianism are less congruent with the state sovereignty. Oxfam's advocacy of anti-poverty and allowing states to default on loans exerts a different, but equally distasteful, cost on states. Neither organization has anything pleasant to offer states as an alternative. But MSF does provide healthcare in remote areas that states cannot or do not care to. Its efforts benefit people, while, if anything, reducing the costs on the state for providing social services by serving as a substitute. More pointedly, the case of Amnesty demonstrates that the antagonism to a state's agenda does not mean that norms cannot be advocated successfully. Amnesty's demand that states respect fundamental rights of speech, faith, and belief violated state sovereignty. Its casework forced states to either accept a status as a human rights abuser or reconsider its actions. Therefore, the thorniness of the issue does not seem to matter in the ability of an NGO to advocate norms.

If we look at Keck and Sikkink's (1998) criteria of 1) clear cause and effect and 2) suffering or injustice to predict the likelihood of non-state advocacy, both Oxfam and MSF seem to fulfill these conditions. Oxfam argues that poverty is systemic, and demonstrates through its fair trade and debt forgiveness campaigns how changing those

policies might alleviate poverty. This is the whole point of teaching a man to fish, as opposed to giving him the fish. MSF has argued that reliance on states leads to complacency and continued humanitarian crises. These two networks are spinning cause and effect stories of suffering and injustice, but a lack of centralization leads to less coherent agendas, and therefore unclear normative advocacy. The Geneva Conventions outline specific rules of engagement for states, and designates the ICRC as the caretaker of wartime rights for the wounded and prisoners. Amnesty's campaigns on behalf of individuals within specific contexts, and the monopoly over the designation of Prisoner of Conscience led to a coherent set of principles about human rights that the network as a whole advocated. The quality of the issue, therefore, in all four examples is not decisive in affecting the transition from principle to norm. The difference in level of centralization explains why the principles advocated by MSF and Oxfam remain just that – good principles that perhaps one day will be espoused as norms that effect positive global change for countless people. In the meantime, the relative centralization of the ICRC and Amnesty has created a set of norms to which states and non-state actors adhere, challenge, and act upon, and these are the principles that have gone from merely principles to appropriate standards of behavior in protecting human rights.

**Table 5.2: NGO Structure, Principles, and Norms**

<b>NGO</b>	<b>Important Nodes</b>	<b>Number of central nodes</b>	<b>Structure</b>	<b>Principles</b>	<b>Norms?</b>
Amnesty Int'l	International Secretariat (IS)	1	National sections respond to IS, IS controls information	Freedom of expression, opinion, religion, freedom from torture and arbitrary imprisonment	Convention Against Torture (1987), widespread use of these rights as justifications in economic sanctions
Int'l Red Cross	International Committee of the Red Cross (ICRC), Federation of Red Cross Societies	2 by degree, 0 by closeness, betweenness	National sections respond to ICRC and Federation, information provided dependent on wartime or other crises	Rights of prisoners of war, rights of civilian populations in wartime, rights of civilians in crisis situations	Geneva Conventions, humanitarian norms (impartiality, neutrality)
Oxfam Int'l	Oxfam International, national sections	1	Each Oxfam is independent with links to local organizations, International provides information and focal point for certain global campaigns	Right to healthcare, freedom from poverty, fair trade	Debt forgiveness?
Médecins Sans Frontières	International Council, Operational sections (5)	1 (?)	Operations sections make independent decisions, 14 non-operational sections provide support, also make decisions, weak International Council	Right to healthcare, "new humanitarianism"	No

## **Chapter 6**

### **Amnesty's Rights as Norms: The Case of Economic Sanctions**

The question of the effectiveness of NGOs and other non-state actors in international politics plagues scholars who study transnational human rights politics. Those who argue that such actors have political efficacy have to counter many skeptics who point to the fact that states make lasting and ultimate political decisions, and more importantly, have the ability to decide whether NGOs can participate or not (Raustiala 1997). Empirical examples of NGO failure to change state policy concerning human rights abound, whether one looks at humanitarian disasters, such as Rwanda or Sudan, or continued American flaunting of international conventions against torture in the War on Terror. The looming questions often remain salient in the background against claims that NGOs “work”: how do NGOs matter in shaping international human rights politics? Can they change the way states behave? Do international norms matter (or even exist), if states regularly shirk the rules to which they have bound themselves, and need NGOs to call attention to the discrepancies between rhetoric and actions? In particular, human rights NGOs pose a challenge to the sovereignty of states in determining normative behavior (see for example Sikkink 1993, Risse, Ropp, and Sikkink 1999, Forsythe 2006).<sup>142</sup>

Part of the problem with current explanations of the efficacy of human rights NGOs is the focus of scholarly research. Many prominent works, which I discuss below, focus on a direct, cause-and-effect relationship between NGO action and state reaction. That is, analysts sympathetic to the effectiveness of NGOs point to certain campaigns, or

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<sup>142</sup> Reus-Smit (2001) articulates an alternative position.



particular instances of opposition in which non-state actors demand human rights policy change from states, and record whether or not states responded favorably to NGO advocacy in that discrete context. If norms are to work in international politics, however, we will not always see these demands met in an immediately discernable cause-and-effect manner. In fact, states may never respond favorably to NGO demands in a particular case or campaign, and yet still follow the norms that transnational actors advocate.<sup>143</sup> Norms simply cannot always be looked at in a linear or one-to-one fashion.

This chapter advances an alternative that is both a theoretical approach and a plausibility probe for a new way of examining the normative effects of NGOs on state behavior. Rather than looking at direct causality, what I show is that Amnesty International's advocacy has affected the way states conceive of human rights in international and domestic politics in the decades following World War II. Instead of determining whether a specific advocacy activity or campaign led to state compliance to an NGO's demand, I claim that if Amnesty truly had a normative effect on international conceptions of human rights, we should see their ideas reflected in actions that states take on in the name of human rights, outside of the campaigns mounted specifically as efforts to name and shame human rights violations.

In the 20<sup>th</sup> century, and distinctively in the post-World War II period, what we see is the rise of human rights as an international political issue. More importantly, a very limited version of human rights, as compared to the comprehensive 1948 Universal Declaration of Human Rights (UDHR) vision, became normative. The human rights I

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<sup>143</sup> For example, the US rarely responds favorably to external demands for behavior change, nor does it sign and ratify human rights treaties as frequently as one might expect. But it does act in the name of human rights more often than other countries (Koh 2005). This has been dubbed "American exceptionalism" by observers.

argue are international norms emerged from Amnesty's repertoire of advocacy between 1961-2001. Amnesty mainly campaigned in favor of four rights in the UDHR in this time period, though other rights were added sporadically:<sup>144</sup> Articles 5 (torture), 9 (arbitrary arrest), 18 (freedom of thought, conscience, and religion), and 19 (freedom of opinion and expression). Henceforth, "Amnesty's rights" came to be enshrined as the norms of human rights, as states have acted upon these rights more often than other UDHR rights.

I demonstrate this through an analysis of economic sanctions, exploring what counts as human rights when states punish one another economically. Imposing an economic sanction is a costly political behavior. States do not sanction just anything, and such an approach offers one way to look at how conceptions of human rights advanced by Amnesty have bled into other political fields in which Amnesty played little to no part. Amnesty's effect on human rights politics is setting the agenda. In limiting the conversation concerning human rights, it in effect created categories of rights: its own, certainly, and by definition, others that did not fall into its agenda. What I show here is that Amnesty rights are a category, distinct from the groupings of civil and political rights and economic, social, and cultural rights established under the UDHR. This set of Amnesty rights became salient in international and human rights politics separate from the categories decided through international agreements, and states began to understand human rights as consisting of the rights Amnesty advocated. Although alternative views of human rights persisted and the debate continues in policy and academic circles today,

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<sup>144</sup> The death penalty, for example, but also conscientious objection and sexual orientation rights. But these are consistent with the primary four, and Amnesty does not adopt more UDHR articles until 2001, when it decides to go "full spectrum."

Amnesty set the agenda in terms of creating a concept of human rights that is different, limited, and utilized by states in international relations.

First, I review existing explanations for why and how NGOs “work” and demonstrate that such scholarship needs to be refocused, particularly in regards to international norms. Second, I explain patterns in economic sanction behavior in the 20<sup>th</sup> century that supports my claims of Amnesty’s effects on human rights norms. Third, I expand upon the aggregate trends identified in the data with three case studies: Argentina, South Africa, and China. Although these cases vary widely in terms of the broad justifications for the implementation of economic sanctions, I find evidence that Amnesty’s rights were employed as criteria in each case. I conclude in the fourth section.

### **I. Reconceptualizing norms – using indirect indicators**

If norms are standards of behavior appropriate for a given identity, as discussed in previous chapters, we should expect that the formation of these standards and the establishment of certain things as “oughts” will be fraught with contestation. We should see change over long, rather than short, periods of time – that is, years and decades rather than weeks and months. Norm change challenges existing institutions and interests, and we should predict that shifting dominant ideas not only changes conceptions of oughtness, but also alters the incentives and benefits that all immediately, as well as indirectly, involved, receive. Even if ideas are “right” and seen as “right,” there may be a lag in observed activity that reflects such normative values as states adapt their behaviors to match new norms. Kaufmann and Pape (1999) argue that the British efforts to stem the Atlantic slave trade took 60 years, between 1807-1867. Although there have been

instances where norms seemed to change rather quickly, as in the case of Chinese footbinding in the late-19<sup>th</sup> and early-20<sup>th</sup> century (Gamble 1943, Mackie 1996), the ideas that began the shift in social behavior in that case existed long before the incentives to alter behavior concretized. States may choose to wait it out to see who else decides to follow a shift in norms, in a system of interaction (Schelling 2006) with other states. They may be more likely to conform to human rights-preferential behavior when their regional neighbors do (Smith 2007). When actors change to conform to a different set of norms, they may reject direct demands to cease and desist, favoring alternatives to the “naming and shaming” strategies of many NGOs. States may prefer subtler pressures to change their behavior, ones that avoid being forced to acknowledge wrongdoing in a public, disgraceful manner.

The current literature on how non-state actors influence norm change in human rights evaluates the effect of direct advocacy on state policies. Studies on NGOs and TANs discuss the efficacy of opposition to particular state practices (e.g. torture, apartheid, disappearances) as a direct relationship. Does NGO activity result in change in state behavior? In other words, does transnational advocacy lead to compliance with international norms by states? Studies on specific issues such as apartheid (Klotz 1995a and 1995b), disappearances (Sikkink 1993), and international norm setting (Clark 2001) reflect the assumption that there is a direct relationship between NGO opposition and state behavior regarding human rights. Clark, Friedman, and Hochstetler (1998) find that NGOs can change the frames that states adopt on issues of global importance, such as the environment, human rights, and women. Theories such as the spiral pattern (Risse, Ropp, and Sikkink 1999) and communicative action, or the logic of arguing, (Risse 2000) also

predict that states change their rights-violating behavior in response to human rights advocates' opposition. When states do not comply with demands by NGOs, then, the theories argue that norms have not been fully adopted or internalized, as in the spiral pattern, or in the case of communicative action, that the logic of arguing has not been followed and some other process has occurred. If state persist in their norm-violating behavior, it is argued that somehow states have not been convinced of the rightness of human rights, rather than the fact the states may not want to bow to the influence of outside actors, state or non-state. China, for example, continually strikes back at any criticism of its human rights record, declaring it an internal matter (and therefore subject to no outside evaluation).<sup>145</sup> At the same time, China is a signatory to the UDHR, as well as major human rights conventions such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention Against Torture (CAT), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Figure 6.1 is a visualization of the percentage of states that have signed or ratified the three of the above UN human rights conventions: ICCPR, ICESCR, and CAT. These data are taken from the report by the UN High Commissioner for Human Rights, which

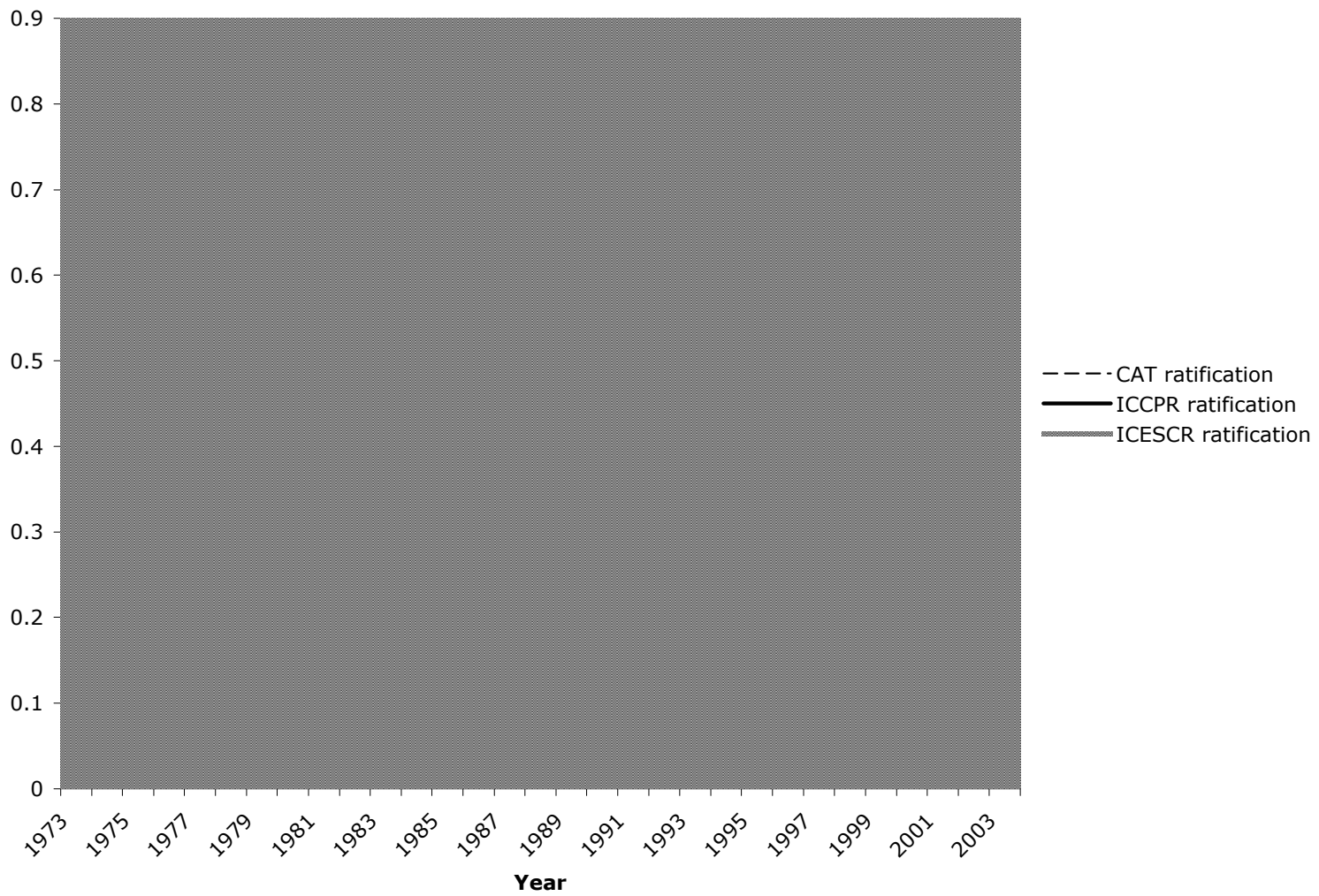
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<sup>145</sup> See "Abuses Belie China Pledge on Rights, Critics Say," *New York Times*, August 8, 2007 <http://www.nytimes.com/2007/08/08/world/asia/08china.html>; "China Evades Human Rights Censure," *BBC News*, April 15, 2004 <http://news.bbc.co.uk/2/hi/asia-pacific/3630731.stm>; "China Urged to Free 54 Jailed in Internet Use," *New York Times*, January 28, 2004 <http://query.nytimes.com/gst/fullpage.html?res=9B04E7D61538F93BA15752C0A9629C8B63>; "China Rejects Albright's Human Rights Charges," *BBC News*, March 23, 2000 <http://news.bbc.co.uk/2/hi/americas/688380.stm>; "China Warns US Over Human Rights," *BBC News*, January 31, 2000 <http://news.bbc.co.uk/2/hi/asia-pacific/625600.stm>. (Accessed December 4, 2007).

records the ratification of the aforementioned conventions, as well as the Convention on the Rights of the Child and the International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families. It also includes a record of the ratification of any optional protocols with their respective conventions. The data are current as of June 9, 2004.<sup>146</sup> As Figure 6.1 demonstrates, the ratification rates for the ICESCR and ICCPR are very similar. In fact, the two lines are nearly indistinguishable after the end of the Cold War. Rates for the ratification of the CAT are much lower. Given these patterns of ratification, no conclusion can be drawn that distinguishes the relative normative importance of civil and political rights versus economic, social, and cultural rights. With both major human rights treaties receiving similar amounts of international support in terms of ratification rates, the picture painted remains relatively comparable to that of the UDHR in terms of the balance between the different types of rights and their international importance. The lower ratification rate for CAT can be attributed to three things: it is newer, it is specifically about one issue, and the persistence of torture as a state practice – many human rights-abiding states may nonetheless refuse to commit to a universal ban on torture because it is effective under certain circumstances (Wantchekon and Healy 1999, Conroy 2000, DeLaet 2006: 64-66).

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<sup>146</sup> The data can be found online: [http://www.unhchr.ch/html/menu3/b/a\\_opt.htm](http://www.unhchr.ch/html/menu3/b/a_opt.htm). (Accessed December 6, 2007).



**Figure 6.1. Ratification Rates of Human Rights Treaties, 1973-2003**

Human rights norms have commonly been conceived through the examination of international law, often by analyzing human rights treaties and the legalization of human rights (Lutz and Sikkink 2000). These studies follow on the heels of an increasing interest in legalization as a topic of world politics (see Abbott et al. 2000, Goldstein et al. 2000). The focus on legalization and its multiple processes, however, obfuscates other aspects of international politics that human rights norms influence. Norm change happens slowly, and should affect other areas of state behavior besides overtly human rights-related issues. If states truly believe in human rights and indeed buy into their normative importance, human rights should start affecting other areas of their behavior beyond signing treaties and conventions that are specifically on the subject.

Internalization of a standard of behavior or a set of beliefs ought to bleed into the way states consider preferential trade agreements (Hafner-Burton 2005) or the distribution and reception of foreign aid (Cingranelli and Pasquarello 1985, Apodaca and Stohl 1999), for example. If states truly believe in human rights, they will act in accordance to human rights norms as a part of “normal” behavior, outside of the lure of foreign aid for signing human rights treaties, which is an incentive for the most repressive states to agree to conventions that completely go against their own actions (Hathaway 2002, 2007). States, in other words, will act in accordance to human rights norms when the issue is not specifically limited to “human rights.” States do not always need law to tell them what to do in terms of protecting human rights if there are already norms in place that guide behavior.

Below I examine political phenomena that are neither overtly nor exclusively human rights-related: economic sanctions. The use of sanctions data presents its own



biases, but they provide a good test for the normative importance of certain human rights over others. Economic sanctions are costly for states to institute, and implementing them for any reason means that the state is sufficiently invested in its justification to follow through on its threats. Sanctions are also not a human rights issue in the sense that there are many justifications for leveling sanctions on another state, and states 1) do not have to actually sanction another state and 2) do not have to choose to accuse another state of violating human rights. Actually sanctioning another state is a politically and economically costly signal in international relations. We would not expect a state to sanction another based on any reason, and we could reasonably expect that a state is committed to a particular outcome when a sanction is employed. As Neta Crawford (2002) puts it: “if ethical arguments and normative beliefs have power, we should expect the use of international sanctions ... to change the behavior of those who violate the normative prescriptions” (396). Although Crawford intends to explain coordination for international action, the point here is that states engage in costly behavior to enforce truly normative beliefs.

Economic sanctions are indirectly human rights-related in the sense that they are not always deployed in the name of enforcing human rights. It is thus a stronger test than simply measuring state ratification of human rights treaties, for instance, because states elect to use human rights as justification for costly action, or tie their hands in domestic policy. These data also point to longer-term normative effects of human rights advocacy that are not directly opposed to specific policy practices. It is one way to get at whether a state actually believes in the normative importance of human rights. More importantly

for this project, it reveals the normative importance of Amnesty's rights in state policies outside of its normal purview.

Amnesty's rights are not apolitical, nor do they come from nowhere. Although Amnesty is understood as being impartial towards any particular government and understands itself as impartial politically, it has been accused of favoring Western conceptions of rights (Mutua 2001). This is true – other chapters demonstrate there was no randomness or mistake when Amnesty's rights were chosen. Amnesty to this day struggles with including economic and social rights into its campaigns, although this may be more tactical than philosophical. While it has done other things to remain “neutral,” at the end of the day Amnesty relies on a liberal-democratic notion of rights (civil and political) and a liberal-democratic notion of how political action works (advocacy and collective action). The greatest legacy of Amnesty is not that it chose to buck the system, or forge a new way to think about human rights outside of its Western roots, or that it is the most effective human rights NGO. Rather, Amnesty's influence is the normative importance of Amnesty's rights in international and domestic politics and the infiltration of its agenda outside of politics expressly concerning human rights. The test of normative and political power for Amnesty, and for any other NGO, is its ability to change the standards of appropriateness in state behavior.

## **II. Economic sanctions as norms indicators**

Sanctions are one method by which states try to compel behaviors in other states. Sanctions come in many forms; besides economic sanctions, states can employ social sanctioning, in which pariah states are created, or diplomatic sanctioning, when states

discontinue relations or deny targeted nationals the right to travel. Unlike some of the other types of sanctions, economic sanctions are easily measurable, and these measures are readily available. Economic sanctioning is the attempt for one state, the sender, to change the policies of another state, the target, through alterations of market relationships. There are three main types of economic sanctions: constricting exports, limiting or banning imports, and directly affecting finances in the target country, including foreign investment and aid (Hufbauer et al. 2007). It is a costly action both for the sender and the target if neither state gives in, but of course the actual cost varies by case, depending on the states involved. Both sides must consequently be resolute (and convinced) of their own rightness. Sender states demonstrate a commitment to a set of principles, whether human rights-based or otherwise; target states shoulder the economic penalty, which can be catastrophic for native populations, such as the sanctions carried out against Iraq in the 1990s. Again, dependent upon the states involved and the economic disparities between them, it can be politically and economically costly for sender states to impose sanctions.

Sanctions indicate what practices are deemed sufficiently reprehensible by others to warrant carrying out punishments that are costly not only for the target but for the “enforcer” as well. The use of sanctions is an intermediate step for leaders – it is less costly than declaring military action or war, but more intense than just diplomatic warnings. In some cases, economic sanctions may benefit sender states as well, distracting the public from domestic problems, or sating a demand for action, as in the movement against Apartheid (Hufbauer and Schott 1985, Crawford 2002: 382). Although some have found that imposing economic sanctions can be politically

beneficial for the sender state domestically (Kaempfer and Lowenberg 1988, Dorussen and Mo 2001), it is at least economically costly behavior for both the sender and target state. There is an ongoing debate over the efficacy of economic sanctions (see Pape 1997, 1998, Elliot 1998), for which the stalemate seems to lie in just how “success” is measured, and what precisely counts as a sanction. There is also an emerging literature which points to the importance of economic sanctions as statecraft, whether actual or threatened (Drezner 1999, Drezner 2003). Economic sanctions are a form of coercion that requires justification because of its costliness, but also because it is an attempt to interfere in the policies of another state.

It is ironic in a sense to use economic sanctions as a measure of human rights norms. After all, critics often cite the un-humanitarian side effects of sanctions (Lopez and Cortright 1997). The extent to which sanctions have harmed civilian populations in their access to basic social services is amply documented in case studies of the use of sanctions on developing countries, such as Haiti and Iraq (Werleigh 1995, Weiss et al. 1997, Gibbons 1999, Cortright and Lopez 2000). Sanctions made in the name of human rights can actually hinder their achievement. Moreover, groups such as Amnesty have historically opposed blending human rights politics with economics, claiming a more purist achievement of human rights goals.<sup>147</sup> Nonetheless, the use of sanctions is a political mainstay, and therefore using human rights as a justification for their deployment is a useful way to gauge the extent to which certain conceptions of human rights are normative. Sanctions provide a way for states to act in a costly fashion, short of armed

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<sup>147</sup> Amnesty has a history of opposing the use of economic tactics to encourage human rights compliance. A famous example is its refusal to support the sanctions and divestment campaigns against South Africa, which proved quite successful in eliminating apartheid. See Winston (2001).

conflict and war. It is quite reasonable to assume that states will then employ sanctions in contexts in which they are willing to bear high costs in order to get their way.

Using data from Hufbauer, et al. (1990), Drury (1998), and Hufbauer, et al. (2007), I compiled the data on economic sanctions between 1910 and 1999, organized by justification for the sanction. Table 6.1 shows, by decade, the percentage of all sanctions that were enacted for human rights violations. Human rights were used to justify sanctions only beginning in the 1960s, increasing dramatically in the 1970s and 1980s to over one-third of all sanctions episodes, and nearly half of total sanctions in the last decade of the 20<sup>th</sup> century. This finding coincides with the founding of Amnesty and its growing influence in international politics by the end of the 1960s and into ensuing decades, as it established Amnesty's rights as human rights norms.

**Table 6.1. Economic Sanctions Episodes by Decade, 1910-1999**

Decade	Human Rights-based Sanctions	Total Sanctions	Percentage of Human Rights Sanctions
1910-1919	0	3	0%
1920-1929	0	2	0%
1930-1939	0	5	0%
1940-1949	0	9	0%
1950-1959	0	13	0%
1960-1969	2	21	9.5%
1970-1979	15	37	40.1%
1980-1989	14	31	45.2%
1990-1999	25	52	48.1%

Sources: Hufbauer, et al. (1990), Drury (1998), and Hufbauer, et al. (2007). For those cases coded as "human rights" sanctions see Table 6.2.

Merely using human rights as a justification for sanctions, however, only shows that human rights became more politically important, but not which rights. To demonstrate the normative effect of Amnesty's rights on sanctions, Table 6.2 summarizes

all human rights sanctions episode, with the specification of which rights were violated. Table 6.2 also categorizes rights violations as Amnesty's rights or not. Consistent with Amnesty's rights, Table 6.2 indicates that early sanctions episodes focused on the treatment of political dissidents and civil and political rights.

Table 6.2 below includes 56 sanctions that are roughly "human rights"-based. Hufbauer, et al. (1990) and Drury (1998) provided the data for 1910-1989. The 2007 edition of Hufbauer and his associates' project on economic sanctions has not yet released comprehensive case studies. I include the data from that study, which covers 1910-1999, but without the case studies, it is hard to ascertain whether in a specific case the sanction justification was based on Amnesty's rights or not. Besides those cases classified officially by the project as "human rights," I included some "best guesses" of other sanctions episodes that could involve human rights issues, and therefore Amnesty's rights.<sup>148</sup> Many of those additional inclusions center around demands for democracy, which often includes appeals such as the right to free speech, association, and the rule of law.<sup>149</sup>

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<sup>148</sup> In Hufbauer, et al. (1990) and Drury (1998), some of the episodes that seem to be clearly human rights-related were not labeled as such. Some have since been revised in the 2007 edition, but South African Apartheid continues to lack a "human rights" label. Including the democracy-based sanctions biases my analysis, but also covers possible divergences in opinion between the authors and myself about what constitutes a "human rights"-based sanction.

<sup>149</sup> For example, prominent databases used in international relations to analyze regime type, such as POLITY and Freedom House both use various human rights and freedoms as measures of "democracy" and "autocracy."

**Table 6.2. Human Rights Sanctions, 1910-1999: Amnesty's Rights in International Politics**

<i>Case</i>	<i>Countries</i>	<i>Year begin</i>	<i>Year end</i>	<i>Case Summary, justifications</i>	<i>Amnesty rights?</i>
62-2	UN v. S. Africa**	1962	1994	Apartheid; Namibian independence	N
65-3	UN, UK v. Rhodesia**	1965	1979	Majority rule by Black Africans	N
72-1	UK, US v. Uganda	1972	1979	Expelling Asians, human rights, destabilize Amin	Y
73-2	US v. S. Korea	1973	1977	Human rights	Y
75-4	US v. Kampuchea†	1975	1979	Human rights, Vietnam deterrent	N
75-5	US v. Chile	1975	1990	Human rights, Letelier, restore democracy	Y
54-4	US, S. Vietnam v. N. Vietnam†	1975	1998	MIAs, Cambodia withdrawal, human rights	I
76-1	US v. Uruguay	1976	1981	Human rights	Y
77-1	US v. Paraguay	1977	1981	Human rights	Y
77-2	US v. Guatemala	1977	2005	Human rights	Y
77-3	US v. Argentina	1977	1983	Human rights	Y
77-5	US v. Nicaragua†	1977	1979	Human rights, destabilize Somoza	Y
77-6	US v. El Salvador	1977	1981	Human rights	Y
77-7	US v. Brazil	1977	1984	Human rights	Y
77-8	US v. Ethiopia	1977	1992	Expropriations, human rights	N
78-5	US v. USSR**	1978	1980	Dissident treatment	Y
79-4	US v. Bolivia	1979	1982	Human rights, drug trafficking	N
81-2	US v. Poland**	1981	1987	Martial law, dissidents, Solidarity talks	Y
81-4	European Community v. Turkey	1981	1986	Restore democracy	I
82-2	Netherlands v. Suriname	1982	1991	Human rights, limit alliance with Cuba and Libya, reverse coup	Y
83-3	US v. Zimbabwe*	1983	1988	Anti-American comments in UN, food to Matabeleland, dissident suppression	Y
83-4	US, OECS v. Grenada	1983	1983	Elections, destabilize regime	N
83-5	US v. Romania	1983, 1990	1989, 1993	Human rights, emigration restrictions, democracy	Y

**Table 6.2. Human Rights Sanctions, 1910-1999: Amnesty's Rights in International Politics, Continued**

<i>Case</i>	<i>Countries</i>	<i>Year begin</i>	<i>Year end</i>	<i>Case Summary, justifications</i>	<i>Amnesty rights?</i>
85-1	US, British Commonwealth v. S. Africa	1985	1991	Apartheid	Y
86-3	Greece v. Turkey	1986	1999	Renounce claims to Aegean island, leave Cyprus, improve human rights	I
87-2	US v. Haiti	1987	1990	Human rights, democracy, drug smuggling	Y
87-4	India, Australia, New Zealand v. Fiji	1987	2001	Democracy, minority rights	N
88-1	Japan, W. Germany, US v. Burma	1988	--	Human rights, democracy	Y
88-2	US, UK, UN v. Somalia	1988	--	Human rights, end civil war	N
89-2	US v. China†	1989	--	Tiananmen Square, human rights	Y
89-3	US v. Sudan	1989	--	Human rights, civil war, democracy	Y
90-2	US v. El Salvador	1990	1993	Human rights, civil war	I
90-3	US, Western donors v. Kenya	1990	1993	Political repression, democracy	Y
90-4	US, Belgium, France v. Zaire	1990	1997	Establish democracy	I
91-3	US v. Thailand	1991	1992	Restore constitutional regime	I
91-4	US, Netherlands v. Indonesia	1991	1997	Human rights, East Timor	Y
91-5	US, UN, OAS v. Haiti	1991	1994	Restore democracy	N
91-7	USSR/Russia v. Turkmenistan	1991	1995	Rights of Russian minority	I
91-8	US v. Peru	1991	1995	Human rights, democracy	I
92-2	EC/EU, France, Germany v. Togo	1992	--	Democracy, human rights	I
92-3	US, UK v. Malawi	1992	1993	Democracy, human rights	I
92-4	EU, Spain v. Equatorial Guinea	1992	2000	Democracy, human rights	I



**Table 6.2. Human Rights Sanctions, 1910-1999: Amnesty's Rights in International Politics, Continued**

<i>Case</i>	<i>Countries</i>	<i>Year begin</i>	<i>Year end</i>	<i>Case Summary, justifications</i>	<i>Amnesty rights?</i>
92-5	EU v. Algeria	1992	1994	Promote democracy	I
92-6	US v. Cameroon	1992	1998	Democracy, human rights	I
92-9	USSR/Russia v. Estonia	1992	1999	Rights of Russian minority	I
92-13	USSR/Russia v. Latvia	1992	1998	Rights of Russian minority	I
93-3	UN v. Angola UNITA	1993	2002	Civil war, democracy	I
93-4	US, EU v. Nigeria	1993	1998	Human rights, democracy, drug trafficking	I
94-2	Greece v. Albania	1994	1995	Release jailed Greek leaders	I
94-4	US, EU, Japan v. The Gambia	1994	1998	Democracy	N
95-2	EU v. Turkey	1995	1995	Human rights	I
96-1	East African members of OAU v. Burundi	1996	1999	Democracy	N
96-3	US, Western donors v. Zambia	1996	1998	Human rights, constitutional reform	I
96-4	US v. Colombia	1996	1998	Drug trafficking, human rights	I
99-2	US, EU, France v. Ivory Coast	1999	2002	Democracy	N
99-3	US, Japan v. Pakistan	1999	2001	Democracy	N

Notes:

- 1) †: These are new human rights classifications in Hufbauer, et al. (2007), missing in earlier versions.
  - 2) \* Drury (1998) codes as "human rights," but not Hufbauer, et al. (1990)
  - 3) \*\* not coded as human rights in Hufbauer, et al. (1990) or Hufbauer, et al. (2007)
- I: at this time, case studies by Hufbauer, et al. (2007) are not available, and this cannot be determined accurately.

Of the cases listed in Table 6.2 for which there is case study data, 22 economic sanctions are based on Amnesty's rights. Just looking at the cases that have accompanying case information from Hufbauer, et al (1990), between 1960 and 1990, 27 cases involved human rights in the reasoning for sending the sanction. Out of those, 20

utilized Amnesty's rights (Articles 5, 9, 18, 19, from above), or roughly 74% of the time. If we include all of those cases that are labeled human rights that do not have case studies (all those designated "I" in the right-most column in Table 6.2) in order to have a more conservative estimate of how many cases include Amnesty's rights, that brings the total human rights sanctions in the same time period to 31. The use of Amnesty's rights falls to 65% of all economic sanctions based on human rights, but still well over half of the time. This constitutes (nearly) two out of three human rights sanctions containing at least one of Amnesty's four rights. The cutoff for what constitutes a norm is ambiguous, but if it is the case that human rights sanctions employ Amnesty's rights as justifications, as opposed to or in addition to other rights, it supports the argument that Amnesty's rights have shaped international norms.

One criticism of the data is its US-centric nature. The US is a frequent user of economic sanctions, although the UN has increasingly made use of sanctions since the 1990s (Pape 1997, Drezner 2003). The US has applied sanctions unilaterally and with allies in 109 out of 174 cases investigated by Hufbauer, et al. (2007), a distant first to the next most frequent user, the UN, with 20 cases. Because the data primarily cover US sanctions against other states, one might argue that the US would obviously focus on civil and political rights over economic, social, and cultural ones, especially given the Cold War. The increase in human rights-based sanctions since the 1960s, moreover, reflects the disproportionate American usage of economic sanctions as statecraft. However, the assumption that the US follows a specifically civil and political rights-oriented brand of thinking may actually follow from the fact that it used economic sanctions to protect mostly Amnesty's rights.

Forsythe (1980) finds that the State Department under President Carter moved to prioritize human rights in a hierarchy of policy importance. At the top of this list were “physical integrity” rights, such as freedom from torture and murder. Next, however, are socio-economic rights, followed by other types of civil and political rights, which runs contrary to assumptions about “Western” or liberal human rights (see Pollis 1996 for an example). In the State Department under Carter, rights were seen as interdependent, but internal documents reflect the notion that civil and political rights without basic needs fulfillment are not sufficient. In concurrence with Forsythe’s argument, the fact that social and economic rights received recognition within the State Department as more significant than most civil and political rights is noteworthy, even if rhetoric outside of the State Department failed to reflect such a preference because of the importance of the Carter presidency to human rights politics and the US strategy to achieve them. Even though Carter was only in office for four years, his brief tenure included the most concentrated efforts in creating compliance with human rights using economic sanctions. No other period prior to 1977-1980 focused on the strategy of using sanctions to achieve human rights goals with the same intensity (see Table 6.2). In looking at aggregate patterns over time, the Carter administration spearheaded the widespread use of sanctions for human rights.

Also, the important human rights case of sanctions against Chile cut across Cold War ideological lines. The USSR supported the imposition of economic sanctions after 1977 (Ropp and Sikkink 1999) cuts against any argument that may be made of US bias in the implementation of economic sanctions to justify an American vision of human rights. The conventional assumption that different regions prioritize different rights is

increasingly antiquated and simplistic as the dynamics of human rights politics point to increased homogenization of human rights ideas (Chan 1997, Midgely 1999, Parekh 1999, Sen 1999, Ignatieff 2001a, 2001b).

The fact that a great majority of the economic sanctions cases of the past 40 years covered Amnesty's bread and butter – political dissidents and prisoners – reflects the NGO's enduring influence over international politics. That these specific rights were focused on in costly state behavior signals the normative salience of Amnesty's rights over other human rights. Below, I provide several case studies, drawn from the Hufbauer, Schott, and Elliot, (2007) data to demonstrate the salience of Amnesty's rights in justifying human rights-based economic sanctions.

### **III. Case studies: Argentina, China, and South Africa**

The three cases selected here, Argentina, China, and South Africa, represent a spectrum of cases from “easy” to “hard,” with respect to the likelihood of compatibility with Amnesty's rights. In the case of Argentina, the rights being denied – political freedom and broadly, the denial of habeas corpus in the form of widespread state brutality – fall directly in line with Amnesty's agenda, and in fact, the case of Argentina won Amnesty worldwide recognition for its work. It is expected therefore that the sanctions imposed should reflect Amnesty's rights. The Chinese case is the “middling” case. Although the sanctions imposed after Tiananmen Square were focused squarely on the events that occurred June 4, 1989 and thereafter, they were not very stringent, for China retained its Most Favored Nation (MFN) trading status. The case of South Africa is “hard” because the focus of the sanctions was on race in particular, and the institutions

implemented by the minority regime to treat the majority population as secondary citizens. The two main methods of exclusion adopted (and protested by the rest of the world) by the South Africans were denial of political enfranchisement and residential segregation, which included denial of mobility based on race. The case should therefore not reflect Amnesty's rights, since the NGO does not adopt either Article 2 or 16, both of which explicitly deny the legitimacy of race as a category for discrimination. But in fact, the sanctions imposed by the US identified a number of criteria to which the Pretoria government had to accede, two of which were squarely Amnesty's rights.

### *Argentina*

The Latin American cases as a whole are illustrative of the widespread denial of the rights of political expression and speech. These are therefore "easy" cases in the sense that the human rights violations that occurred fell directly under the umbrella of Amnesty's political concern. The sanctions imposed by the US government reflect these norms directly, and the fact that the US sanctioned all of the major repressors of these political rights in this era in the Americas speaks to the strength of Amnesty's rights as international norms. The US, after all, began a serious inquiry into the notion of "political prisoner" and the denial of American assistance to those regimes with known political prisoners (Forsythe 1980). The case of Argentina is widely documented, receiving more attention at the time and in current scholarship than more egregiously brutal cases, such as Guatemala (Martin and Sikkink 1993, Ropp and Sikkink 1999).

The denial of political opposition in Argentina and the subsequent violence in the name of anti-terrorism and counter-communist surges was endemic in Latin America beginning in the 1960s, trickling through the 1980s. Argentina, Brazil, Chile, El

Salvador, Guatemala, Paraguay, Nicaragua, and Uruguay<sup>150</sup> all had their respective experiences in suppressing the threat of Leftist politics in this era, and many of these countries received mixed signals from the US in terms of approval and disapproval of the methods devised to fight off ideological threats to liberalism (Sikkink 2004). Schoultz (1981) argues that many of the draconian measures taken by Latin American states in the 1960s and 1970s reflect the need to secure the stability of bureaucratic-authoritarian regimes. These governments needed a degree of insulation from dissent in order to carry out massive political and economic reforms.

Perhaps the most notorious precursor of the Argentine junta's takeover of the government and the initiation of the "Dirty War" in 1976 is the military coup pulled off by General Augusto Pinochet and his supporters in 1973 in Chile. As a result of the close collaboration between the two countries in the authoritarian years that followed each coup, Argentina consciously molded itself against the Chilean model of overt repression, and moved toward one in which political opponents simply "disappeared" (Sikkink 1993).

With inflation running rampant in the 1970s and increasing violence on Argentine streets, the military coup in March 1976 at first seemed a welcome relief to the chaos that marked the previous government under Isabel Perón. The Argentine Dirty War began in 1976 and ended in 1983. Under this period of military rule, the official state doctrine emphasized national security ideology. This can be divided into two different principles: society is characterized by total war, and because of this, the state must maintain security

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<sup>150</sup> Argentina, Bolivia, Brazil Chile, Paraguay, and Uruguay (and later, Ecuador and Peru) were involved in "Operation Condor," a concerted effort by the Southern Cone states to deter and eliminate leftist opposition to the rightist military regimes that characterized Latin American politics in the mid-1970s.

(Pion-Berlin and Lopez 1989). The national security doctrine allowed, and even justified, massive incursions into political and civil life, preventing dissent and eliminating all individuals and groups that possibly could threaten the stability of the state. Additionally, the military junta sought to implement a free-market system, which meant that the iron-grip of labor on economic policy from previous governments had to loosen. The ideology of the military leaders was therefore two-fold, driven by security and economic urgencies.

Estimates just of individuals “disappeared” range from 10,000 to 20,000 (Skidmore and Smith 2005), often whisked away in the middle of the night, never to be seen again. Doubtless, the majority of them ended up in unmarked graves, the Pacific Ocean, or incinerated (Martin and Sikkink 1993). Many more thousands were imprisoned and tortured under this regime of terror. This was the “coup to end all coups ... to eradicate terrorism ... [and] restructure Argentine society” (Skidmore and Smith 2004: 99). The junta’s rule officially terminated after the ill-fated attempt to take over the Falklands/Malvinas in 1982.

Sanctions against Argentina came primarily from the US, under President Jimmy Carter’s administration. Prior action against the government under President Jorge Videla was blocked by Secretary of State Henry Kissinger, whose publicly staunch support of human rights belied his tacit support of the junta’s policies (Sikkink 2004: 110-119). The US position banked sharply from the previous policy under the Nixon and Ford administrations under Carter. The previous administrations had been split, as Congress acted more or less independently of the Executive in articulating human rights policy (see Martin and Sikkink 1993, Sikkink 2004). Kissinger was more amenable to

changes in staffing and organization when it came to human rights, but not in actually changing human rights policy at the Executive level. Despite the impediment posed by Kissinger, Congress was able to push through legislation that emphasized human rights, such as Sections 116 and 502B of the Foreign Assistance Act, which limited security and development assistance based on assessments of human rights performance (Boettcher 1983). Individuals in Congress also played an important role in pushing the human rights issue. Congressman Donald Fraser served as chair of the House Subcommittee on International Organizations in 1973-1978, and used that position to hold more than 150 hearings on human rights-related issues, creating a forum for discussion (Salzberg 1986). Fraser's work was groundbreaking in promoting the human rights issue in Congress, and within the Executive branch, leading to an expansion of human rights-inflected organizational changes that would aggrandize under the Carter administration. He played a pivotal role in influencing then-Presidential candidate Jimmy Carter, who would designate human rights as the centerpiece of his campaign, and later, the "soul" of his foreign policy plan.

Unlike Nixon and Ford, who exclusively pursued a quiet diplomacy through Kissinger, Carter teamed more subtle methods of persuasion with sanctions and public statements (Merritt 1986). In February, Carter announced reductions in military aid to three countries: Argentina, Ethiopia, and Uruguay, justified by human rights concerns (Hufbauer, Schott, and Elliot 1990). Argentina responded by refusing all American military aid. Under the Carter administration, Congress passed a bill in 1977 that banned all military assistance to Argentina and initiated an embargo on arms sales effective September 1978 (Sikkink 2004: 132). This was followed US attempts to deny Argentine



access to hundreds of millions of dollars in loans from multilateral lending institutions, contingent upon an improved human rights situation. In 1978, the US successfully forced Argentina's hand by blocking a major Export Import Bank loan for non-military equipment. This pushed Argentina to follow through on an earlier commitment to allow the Inter-American Court of Human Rights (IAHCR) to report on human rights conditions in the country. Both a US State Department and the IAHCR report documented the widespread political oppression and terror techniques of the junta, which by 1979, when the IAHCR visit took place, had mostly subsided. A notable event in the waning days of the junta's grasp on power was the release of journalist Jacobo Timerman, whose account of his experience as a political prisoner was widely read.

By 1981, the Reagan administration had softened its political stance against the Argentina government, despite continuing political repression, and the Senate voted to reverse earlier bans on arms sales and aid to Buenos Aires. However, sanctions against Argentina did not formally end until 1983, with democratically-elected president Raúl Alfonsín taking office. Analysis and reflection after the fact revealed that the Argentine governments repression was targeted and systematic, in-line with its economic and security concerns (Flood 1986, Pion-Berlin and Lopez 1989). But instead of fulfilling its purported dual purpose of strengthening security and improving the economy, the junta left Argentina in tatters, and damaged the reputation of the military in the eyes of the ordinary citizenry, bolstering support for the democratic transition under Alfonsín (Pion-Berlin 1991). The National Commission on the Disappeared was established in December 1983, as an effort to chronicle the events of the Dirty War.

The above case is not counterintuitive. The US chose to sanction these two countries because of their human rights practices, which violated basic liberal principles of freedom of expression, habeas corpus, and the limits of state brutality in an effort to preserve domestic and ideological security. Despite the fact that the Argentine military regime echoed free market principles, the means by which they sought to reify such ideas did not sit well with the US Congress, and this discomfort amplified under President Carter throughout the Executive branch. These sanctions came about in a period when American politicians themselves struggled with differentiating between “totalitarians” (enemies) and “authoritarians” (friends). Applying sanctions was therefore a way to save our friends, the authoritarian regimes in favor of free market economics, and prevent further derailment from human rights norms, while preserving the balance of power between communist and liberal ideologies. This strategy was not without its critics, particularly under the Carter administration (see Kirkpatrick 1979), but it was one of the ways that Carter tried to unify security concerns with his moral concern for the protection of human rights.

Argentina, as well as the other Latin American cases, demonstrates the types of issues that garnered US sanctions in the period in which Amnesty’s political influence had reached a high point. The fact that Amnesty’s rights play such a prominent role in sanctioning in both of the cases explored above evinces not just the importance of American human rights norms, but Amnesty’s effect on conceptions of international human rights deserving of the use of economic and military sanctions. The fact that the US chose to overlook the non-democratic selection of Latin American leaders in favor of

pushing an agenda based on political expression and freedom from torture and arbitrary arrest reveals the effect of Amnesty's rights on human rights norms.

### *China*

By the time the People's Liberation Army rolled into Tiananmen Square to disperse the thousands of protesters gathered there on June 4, 1989, it had already created an image of needing human rights reform in the eyes of Americans (Harding 1997). The tension that had been building up over the past decade over the issue of human rights came to a head over the events on and preceding June 4. Most of the deaths and injuries incurred during the events surrounding June 4 actually occurred outside of Tiananmen Square – the clearing of the students and other protestors was relatively easy compared to the actual approach of the army from outside of the city (Nathan 2001: 36-41).

But the question of why it took Tiananmen Square to mobilize American sanctions on human rights, and not the earlier crackdown in Lhasa, in which martial law was imposed after thousands were arrested and tens of protesters were shot dead,<sup>151</sup> is the fundamental question. The US has involved itself in Tibetan independence and autonomy movements since the 1950s, with the Dalai Lama's (unsuccessful) attempt to revolt against Communist rule in 1959. Clearly, this is an issue that continues to split China and the US, and has sparked a massive grassroots debate about a "Free Tibet" in popular culture with celebrities like the Beastie Boys and Richard Gere supporting the Dalai Lama, and most recently, widespread Olympic flame boycotts and threats from French President Nicolas Sarkozy to boycott the 2008 Beijing Olympics' opening ceremony. It seems that given the long-standing opposition to Chinese occupation of

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<sup>151</sup> York, Geoffrey. "Beijing's Dilemma." *The Globe and Mail* 17 March 2008: A1.

Tibet that the crackdown in Lhasa would have sparked American economic sanctions, particularly since Tibet has long been viewed as likely to break off from China (Sautman 2005).

Instead, the Tiananmen Square protests formed the backbone of a redesign of the US policy towards China, and not Tibet. As a catalyst for change, the crackdown on Tiananmen Square resulted in a series of economic and diplomatic sanctions from the US, as well as cause for human rights to become central in future negotiations. The release of political dissidents, allowing the ICRC access to the incarcerated, commuting the sentences of several Tiananmen Square leaders, and a general willingness to engage on human rights in international forums were all outcomes of the revised American policy post-1989. But the Chinese also strategically timed the release of prisoners, as well as the re-arrest or new arrest of political dissidents, with foreign policy objectives (Nathan 1994).

This case is “middling” in the sense that free speech and political expression, Tibet, and human rights more generally have been on the back burner in the case of China-US relations for a long time. Although the official American policy was one of encouraging Chinese development and openness prior to Tiananmen, the fact that human rights became an issue is not surprising. However, the choice of political prisoners as the focal point, and not Tibet, is revealing for the purposes here. Even though the US and other countries had a choice of what state crackdown to impose sanctions upon, Tiananmen Square was selected, rather than the earlier Lhasa riots. This puts the emphasis in the US human rights agenda squarely on protecting political dissenters, rather than supporting self-determination claims in Tibet.

American and Chinese relations were cool from the end of World War II through the end of the 1950s. The Communist threat, from the American perspective, made the US ally itself closer with the remnants of the Kuomintang regime that had fled to Taiwan after the prolonged civil war against the Chinese Communist Party. During the 1950s, mainland China also made efforts to have close links to Moscow, further straining relations with the US. By the end of the 1960s, however, relations between the USSR and China were clearly strained, and the Nixon administration seized upon the opportunity to improve the Beijing-Washington relationship. The USSR's military superiority led to the turn to the West for China; the US and other Western countries saw a positive relationship with China as one that would strengthen their hands against the Soviet threat (Vogel 1997). Nixon's visit to Beijing in 1972 initiated a warming of interactions between the two states, and after 1979, China instituted a number of economic reforms that opened markets and for the moment, the political arena to increased political dissent, as compared to the Cultural Revolution era.

The crackdown in June 1989 in and around Tiananmen Square posed a major setback in Sino-American relations, revealing information about both partners that otherwise may not have come out without such a divisive event. To China, the furor over political dissidents by the Americans obscured the fact that other human rights, including an increased standard of living and greater freedom in daily life, had improved more generally, and furthermore, political prisoners are a domestic issue, and not one subject to international debate (Domes 1990, Vogel 1997). China also claims that human rights have played a central role in domestic politics since the beginning of the People's Republic: the Communist Party gained adherents because it opposed tyrannical practices

by the Kuomintang, and each of the four constitutions of the PRC have included many of the rights found in the UDHR and International Covenants on political and civil, and economic, social, and cultural rights (Henkin 1986, Nathan 1994). From the US perspective, China's actions demonstrated the Party's commitment to stay in power, and public opinion plummeted from a mostly favorable impression of China in early 1989 to a mostly unfavorable impression of China by August (Teles 1998). Even by 1997, numbers had not climbed back to pre-Tiananmen numbers. Americans saw the demonstrations as evidence that Chinese people wanted more freedom than their government was willing to provide (Harding 1997).

This difference in perspective concerning human rights is not surprising. Despite the essentialism involved in contrasting "Asian values" with "Western values," a fundamental departure between the two positions is the centrality of groups/societies versus individuals (Henkin 1986, Chan 1997, Donnelly 2003: 71-88). The socialist bent of the Communist regime also plays a significant role in its emphasis on welfare and workers' rights, as opposed to civil and political rights, which in the minds of many Chinese had improved considerably by 1989 from earlier days under Mao. The fact that the US and China would come to loggerheads about the human rights issue is not surprising, given their ideological differences. As a trigger, however, Tiananmen Square was graphic and forced the American hand in a way that went against the policies that had been in place since Nixon.

President Bush immediately called for a number of different types of sanctions in the aftermath of "Beijing Spring," on June 5. He suspended all arms sales and exports to China, stopped visits between high-level military officials, offered humanitarian

assistance to those involved in the protests, and adopted a lenient stance in extending student visas (Pflatzgraff 1990). Bush also called for a suspension of high-level civilian exchanges<sup>152</sup> and successfully pushed through a stay on considerations of most loans to China in the World Bank and Asian Development Bank (*Sino-American Relations* 1990: 7). But he, along with his successor Bill Clinton, allowed China's MFN status to remain intact, to the criticism of Democratic and Republican opponents alike (see *Sino-American Relations* 1990: 21-42, Vogel 1997). However, unlike the more conciliatory days under earlier administrations, in which the focus was openness and reform, American strategy focused on civil and political rights, and democratic change (Harding 1997).

The US followed a hard line on civil and political rights in terms of foreign policy, but the focus in particular was on political dissidents, rather than Tibet's independence movement, or general democratizing the regime. Bush's speech on May 13, 1990 (Human Rights Day) encouraged those who struggled for greater freedom in the face of violent repression. The release of political prisoners formed centerpiece of the justifications offered before Congress to explain why the Bush Administration chose to forgo the revocation of MFN status. Assistant Secretary of State for East Asian and Pacific Affairs Richard Solomon cited the official figures from China in the release of 883 prisoners over a period of several months (*Sino-American Relations* 1990: 8). The central dilemma for US seemed to be creating an effective strategy for securing a stable relationship with China, while at the same time forging ahead with human rights as a reflection of national values. In his testimony and written statement, Solomon emphasized the costs of revoking MFN status, and maintained that the diplomatic and

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<sup>152</sup> With the exception of the Scowcroft-Eagleburger missions in July and December, 1989.

non-trade economic sanctions imposed by the Bush Administration would be sufficient for achieving the release of political prisoners connected with Tiananmen. The removal of MFN status would, in Solomon's words, "reduce PRC [People's Republic of China] incentives for reform and restraint in the human rights area ... it would push China into isolation" (*Sino-American Relations* 1990: 9). Thus, the US strategy remained conservative in the aftermath of Tiananmen.

Critics of the post-Tiananmen strategy cite the continuing arrest and imprisonment of political prisoners. Holly Burkhalter, then-Washington Director of Human Rights Watch, argued in testimony before the Senate that the release of prisoners without a list of names identifying who was released is an excessively low standard for human rights compliance. She also contended that despite the prisoners released, many more were likely to remain still incarcerated (U.S. Cong, *Sino-American Relations* 1990: 47-8). Indeed, Harding (2007) asserts that many observers would find that human rights conditions in China since 1989 have stagnated, if not gotten worse (166). Drury and Li (2006) argue that economic sanctions, and especially the MFN threat, simply do not work. Chinese leaders repress the population due to internal, rather than external cues. While negative sanctions and threats do not work, however, positive and cooperative suggestions do. The list of human rights problems in China continues to be quite lengthy (see Nathan 1997). In light of Drury and Li's findings, the sanctions against China invoked on behalf of human rights deserve reevaluation. Perhaps history repeats itself:



the rioting and unrest in Tibet in March 2008 raised specters of Tiananmen in the media coverage.<sup>153</sup>

The case of Chinese and American relations over the issue of human rights is very complex, in the sense that the US and China are in deep disagreement over which human rights to recognize, and the extent to which each side holds to them as part of a national identity. While the US has pursued “human rights” in China, broadly speaking, the issues that it raises with Beijing tend to center around political dissidents and political prisoners, rather than democracy or even Tibet – though current Speaker of the House Nancy Pelosi is certainly an outspoken advocate of the cause.<sup>154</sup> Pet issues of Congressional leaders aside, the American human rights policy towards China since Tiananmen Square has been inconsistent in terms of rhetoric and action. The US uses the threat of revoking MFN status or some other economic sanction, and China responds by letting some prisoners go, without fundamentally altering its domestic practices.

Perhaps an argument can be made for the relative “easiness” of extracting demands to release one or two high profile prisoners, as opposed to demanding regime change, regime liberalization, or respecting the self-determination claims of regions such as Tibet. However, “ease” is not a good argument for why the US focuses on political prisoners and not on Tibet. After all, the Clinton administration allowed then-Taiwanese

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<sup>153</sup> Schiller, Bill. “Beijing Braces for ‘The Three T’s’: Human Rights Activists Vow to Keep Tiananmen, Taiwan, and Tibet Top of Mind as Olympics Near.” *Toronto Star* 4 January 2008: AA02; Walden, George. “Could Tibet be Another Tiananmen?” *The Sunday Telegraph* 16 March 2008: 20; Page, Jeremy. “Pressure Grows Around the World for Beijing to Avoid Another Tiananmen Square.” *The Times* 17 March 2008: 7; Yardley, Jim. “After Fury in Tibet, Firm Hand Trembles; Beijing’s Paternalistic Policy is Seen to have Brought Only Resentment.” *The International Herald Tribune* 18 March 2008: 1; Yardley, Jim. “Chinese Nationalism Fuels Crackdown on Tibet.” *The New York Times* 31 March 2008, late ed.: A1.

<sup>154</sup> French, Patrick. “He May be a God, but He’s No Politician.” *The New York Times* 22 March 2008, late ed.: A13; Ramesh, Randeep. “Inside the Court of the Tibetan God-King.” *The Observer* 23 March 2008: 43.

President Lee Teng-hui to visit in 1995, even after admonishments from Beijing (Vogel 1997). Clearly, the US is not remiss to send messages about democracy, or legitimizing separatist claims. However, the US does not base its current economic sanctions on Taiwan, or on Tibet, but rather in retaliation for Tiananmen, and in practice, for the release of political (and religious) prisoners. The fact that official US policy continues to focus on political prisoners, and not on demands for democratization of the regime, or increased autonomy for Tibet, testifies to the strength of Amnesty's rights as norms.

### *South Africa*

South Africa serves as a "hard" case for demonstrating the effect of Amnesty's rights on state behavior. Apartheid was not the focus of Amnesty's campaigns for human rights. In fact, racial equality, though one of the first articles of the UDHR, was not adopted by Amnesty as a norm until 2001. Amnesty did involve itself in South African issues, namely in documenting prisoner conditions, allegations of torture and police brutality, and of course, in deeming Nelson Mandela (briefly) as a Prisoner of Conscience. For the most part, however, Amnesty was reluctant to get involved in South Africa, claiming apartheid was ideological, rather than about human rights (Winston 2001: 33), putting it at odds with the rest of the human rights network. This case is therefore doubly "hard" in the sense that the fundamental human rights problem in South Africa was not an Amnesty right, and Amnesty itself was very inactive in advocating the toppling of Apartheid as a whole, choosing instead to support Prisoners of Conscience.

The clampdown on black movements in the 1970s led to the political imprisonment of at least 50 people, following the death of Steve Biko at the hands of South African authorities (Larsen 1979). A series of laws, beginning with the Sabotage

Act in 1962, and culminating with the Internal Security Act in 1976, gave Pretoria nearly unchecked powers to control political dissension. Amnesty's involvement in South Africa, therefore, was concerned with Amnesty rights, rather than a general advocacy of racial equality. Early on, international efforts to eliminate Apartheid did not incorporate Amnesty's concerns, focusing mostly on the notions of race and racial equality. As the political situation within South Africa deteriorated, and as the government increased the scope of its actions and granted the police more power, the relevance of Amnesty's concerns rose to the forefront of discussions, and led to the US' adoption of economic sanctions. In the beginning of the struggle to end Apartheid, Amnesty's rights were of very little concern; by the end, issues such as torture, arbitrary arrest, and denial of political dissent became reasons for states to sanction South Africa. The South African case is interesting, therefore, because of the changing frames of the debate, from one about racial equality and disenfranchisement, to fitting well within Amnesty's rights of free speech, political imprisonment and treatment of the incarcerated.

As sanctions campaigns go, the case of South Africa demonstrates both the longevity of unfavorable political practice in the face of international disapproval and the effectiveness of multiple types of sanctions in eliminating entrenched domestic institutions. Apartheid was not dismantled in a day, but in the end, it was surprisingly quick in its demise. Although the UN had begun a system of non-mandatory arms embargoes and diplomatic sanctions as early as 1962, it was not until the mid-1980s that the West (most notably, the US) finally implemented economic sanctions in 1985 that brought about the end of apartheid in the early 1990s. UN sanctions officially ended in 1994, but by the time of Nelson Mandela's release from prison in 1990 and the reforms

negotiated by the African National Congress (ANC) and the administration of F.W. de Klerk, it was clear that apartheid's durability earlier in the 20<sup>th</sup> century went out with a whimper, within five years of the passage of the US Comprehensive Anti-Apartheid Act (CAAA) of 1986.

At the forefront of the anti-apartheid movement, of course, was the call for racial equality. Audie Klotz (1995a, 1995b) emphasizes the creation of an international norm of racial equality through political activity of individual states, the UN General Assembly and Security Council, and through regional organizations such as the Organization for African Union and the Commonwealth. The end of apartheid, according to Klotz, was brought about by multiple causes, not least of all the transnational Pan-African activists and African-Americans who linked apartheid to the US Civil Rights Movement. These non-state actors pointed to the need to bring South Africa's practices in line with the evolving standards that traced their roots back to the abolitionists' campaigns of the mid-1800s (Klotz 1995a).

Klotz provides a deep and multi-dimensional account of the end of apartheid. She is correct to emphasize the fact that fundamentally, the campaign was about eradicating state-sanctioned racism, and the base norm was about racial equality. Because apartheid was such a pervasive practice, and in place for so many years, however, reducing the norm advocated in anti-apartheid campaigns to just racial equality is too reductive. The timing of the American sanctions in the mid-1980s, for example, is significant, as the treatment of blacks by the white minority government became increasingly repressive. Klotz is right to point out that without transnational activism, the actions of the apartheid government would have been perceived differently, and US may not have moved as

aggressively as it did in 1985 to curb the South African government. The focus here, however, will be on the types of issues brought up as specific grievances against South Africa, particularly those that led to the economic sanctions imposed by the US.

The first protest against apartheid came from India in 1946. South Africa and India had had a history of conflict over the treatment of Indian nationals in South Africa. International attention, however, did not focus on the effects of an official state policy of racial discrimination until the Sharpeville massacre in 1960. Seventy blacks were killed; Pretoria moved to quash all political dissent, arresting thousands of opposition party members and banning the two major nationalist parties, the ANC and the Pan African Congress. Although the US put the issue of apartheid permanently on the UN Security Council's agenda in 1960, which led to the passing of Security Council Resolution S/4300, calling for the end of apartheid, the practice persisted. Other African states worked to exclude South African participation in international organizations and UN agencies. On November 6, 1962, the UN General Assembly passed Resolution 1761, calling on member states to suspend diplomatic and trade relations with South Africa. General Assembly resolutions are non-binding; only Security Council resolutions can compel state action. It was not until 1977 that the Security Council outlawed arms trading with South Africa through Resolution 418. Previously, efforts by the Security Council, including Resolution 181, had been voluntary. None of these sanctions harmed South Africa very much, particularly the arms embargoes – it was simply too rich to be hurt by these types of policies (Doxey 1972).

The tone of the American position prior to the 1980s was coated in Cold War concerns. The now infamous National Security Study Memorandum 39 (1969) outlined

five options for US action, from preserving the status quo for the purpose of preserving American security interests and South Africa's role in the region to cooperating with black nationalist movements, to outright dissociation from the portending disaster in South Africa (Coker 1986). The US chose a strategy of "constructive engagement," opting to work with the existing minority government in order to promote change from within by Pretoria itself. Such a position would therefore allow South Africa to keep its defense that racially-discriminatory constitution was a domestic matter, not subject to scrutiny by outside influences.

What caused the US to move away from its policy of constructive engagement, and why was the final text of the CAAA and subsequent sanctions much more demanding of South African change? I summarize a number of factors here, described in detail elsewhere (Klotz 1995a, 1995b, Nesbitt 2004). The growing international solidarity of Pan-Africanist movements, which were tinged with communist ideology and rhetoric, gained momentum in the 1970s. Decolonization in Africa led to a re-evaluation of blackness in the United States, sparking the various organizations that would collectively become recognized as the Black Power movement. TransAfrica was founded in 1977 through collaboration between the National Association for the Advancement of Colored People (NAACP) and the Congressional Black Caucus, itself founded only six years earlier. TransAfrica was to serve as a Congressional lobby on African and Caribbean issues, and was at the forefront of the "Free South Africa" movement. The Congressional Black Caucus also gained influence in this period. One of its members, Ron Dellums, co-sponsored the first anti-apartheid legislation in 1971. Anti-apartheid activists also tried to affect market practices, putting responsibility on the shoulders of corporations. Black

workers tried their hand at affecting the practices of corporations with major investment in South Africa: Polaroid, Shell, Gulf Oil, General Motors, and Ford Motor Company (Nesbitt 2004: 90). They were most successful with Polaroid, initiating an international boycott of the cameras and photographic equipment, which the Pretoria government used to take photos to make pass cards for blacks in order to prevent them from moving around the country freely. Reverend Leon Sullivan, who served on the board of General Motors, articulated the Sullivan Principles, designed to better the working conditions for blacks in South Africa.

All of these actions eventually led to the CAAA, a piece of legislation that marked the beginning of a more aggressive US strategy against apartheid. The CAAA passed in 1986, right before the midterm elections in the US. It is often hailed as the beginning of a reformed Washington position, opening the door for more far more radical sanctions propositions, such as the Dellums bill, which passed the House in 1988 (Nesbitt 2004). The CAAA indeed marked a reversal of previous positions, passed both houses of Congress overwhelmingly, and overrode a Presidential veto. The CAAA implemented both “negative” and “positive” sanctions – it restricted investment and trade, and offered aid incentives for the removal of Apartheid. It also imposed a mandatory code of conduct, much like the earlier and highly regarded Sullivan Principles, which regulated the behavior of corporations, with respect to race and occupational advancement. The restrictions posed by the CAAA could be removed if South Africa met certain conditions. These were: freeing political prisoners, removal of the state of emergency that had been in place since 1985, allowing free political activity, repealing laws that restricted black residency and movement, and beginning negotiations with representatives of the South

African majority (Klotz 1995b: 109). Despite these advancements in US policy against Apartheid, Redden (1988) argues that the CAAA included sections that revealed an anti-ANC bias. The CAAA was passed with provisions that assumed that the ANC was a terrorist organization and an impediment to a future democratic South Africa. The inability of the Dellums bill to pass the Senate, as well as the Bush Administration's support of the minority government prior to the turnover, indicated that the US was not convinced it wanted a government led by the ANC, even as it passed sanctions against Apartheid.

However inconclusive the CAAA might have been in terms of revealing a "true" American position on the end of apartheid, it is remarkable that the terms of ending economic sanctions hinged on two of Amnesty's rights: free expression and political participation and freedom from political imprisonment. The CAAA also condemned "unprovoked violence." As the problems associated with maintaining apartheid from above resulted in massive political oppression and results, the terms of regaining non-pariah status focused increasingly on the political rights that Amnesty advocated, in addition to the end of forced relocation. Enfranchisement and forced relocation were foundational elements to the system of apartheid, and even as late as 1985, there were calls to end denials of South African blacks the vote and the ability to move about freely (Kennedy 1985). It is therefore surprising that reforms instituted by de Klerk did not include the right for the majority population to vote, even as the repressiveness of the former political system was changed. Thus, by the end of apartheid, or more correctly,



what qualified to the US as the end of apartheid in 1991,<sup>155</sup> many of the most egregiously repressive elements of apartheid had been removed, such as segregation in public facilities and detention without trial. Ending apartheid involved meeting some of Amnesty's central normative principles, while leaving enfranchisement as a matter of later concern.

The story of sanctions in South Africa is one of changing frames, and Klotz's work is right to point out that racial equality became an international norm as a result of the campaign to end apartheid. Domestic and transnational factors shifted the focus of American policymakers, highlighting continuing apartheid as a salient political issue in need of change. Democratic leaders in the US, in other words, responded to changing demands of constituents, who rallied other citizens in different countries to support sanctions against South Africa in the 1980s. There was also a change in the way that apartheid was characterized. Rather than a moral dilemma, by the mid-1980s, the hardships caused by race discrimination as official state policy were clear, with increasing need for the South African government to police its population and suppress dissension from the majority population. As Edward Kennedy writes: "As long as apartheid persists, South Africa will be shut off from fulfilling what might otherwise be a productive, progressive, and peaceful destiny" (Kennedy 1985: 10, see also Naude 1985, Walker 1985). Apartheid, rather than a stable equilibrium, was increasingly viewed as threatening to American and regional security interests, and it became increasingly clear

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<sup>155</sup> The European Community began ending sanctions in 1990. The UN would not lift its sanctions until 1994 (see Klotz 1995b).

that only through thorough policy change would the problems associated with state-instituted racism be mediated.

This shift in priorities from one about race writ large to one about political expression and state violence more specifically demonstrates two possible dynamics. Either achieving racial equality was too insurmountable of a task, and, in fact, was not truly overcome even with watershed legislation such as the CAAA, or Amnesty's rights had become so pervasive as to color the debate about racial equality in South Africa. Both analyses can be true in this case. The CAAA contained language that was unfavorable towards the ANC, as Redden (1985) argues, and blacks were not given the right to vote until after the first set of apartheid reforms. The political repression and violence of the South African government, moreover, was not new to the 1970s and 1980s, and violent resistance to the minority leadership was not a later development. The fact that this became an important concern to the outside world reflects the changes in human rights norms from the 1950s, or pre-Amnesty, versus norms after Amnesty, when it had had time to push for a limited conception of human rights in international politics.

#### **IV. Conclusion**

The normative power of NGOs in politics is something that is often spoken of in very specific contexts, in which analysts attempt to establish direct causality between non-state activity and state behavior. Studying norms, however, proves elusive. In this chapter, I have demonstrated that current approaches are not the only way to demonstrate the political and normative effects of non-state actors. By examining economic sanctions, we can delve deeper into why some rights are more normative – it may be that

a philosophical or ideological cognate was simply adopted prior. Using a measure that is not necessarily “human rights”-related also provides traction in the norms debate. Yes, states often shirk on human rights in their domestic and foreign policies, but they shirk on things they are committed to all of the time, such as free trade or socialism. By limiting norms analyses to human rights campaigns, when NGOs accuse states of breaking human rights, we run the risk of missing the bigger picture about norms. Whether states comply with or respect human rights all of the time, or even some of the time, is only one aspect of showing something is normative. When states decide to use human rights as a justification for action, which rights they choose tell us about the content of the norm, and consequently, the international importance of a particular right. I have attempted to capture the salience of Amnesty’s rights in international politics through the analysis of economic sanctions.

Norms change over time – they exhibit lifecycles (Finnemore and Sikkink 1998), and they are not impermeable to scrutiny. Amnesty’s effect on human rights norms in the 20<sup>th</sup> century is not that these norms came to be the only way human rights were thought of, but they are the dominant way in terms of pure quantity of states using Amnesty’s rights as justifications for economic sanctions. If these rights are normative, no state can address the issue of human rights without referencing Amnesty’s rights, either resubstantiating, expanding upon, or refuting their relative importance.

Are Amnesty’s rights the norms of human rights? The evidence presented here points in the right direction. On the aggregate over the last century, the pattern with economic sanctions is 1) increasing frequency of the use of human rights as justification for sanctions and 2) an increasing proportion of sanctions with human rights

justifications. Moreover, in the period between 1960 and 1990, the great majority of sanctions involved political dissidents and imprisonment. The case studies in this chapter examine the details in three cases in which human rights justifications were used to send sanctions. With any kind of small-n study, there are always problems with generalizability, and the cases presented here certainly are distinct in their own ways. The fact that in all three – the easy, middling, and hard cases – we find evidence of Amnesty’s rights forming part of the human rights dispute does reveal that even in the least-likely case, South Africa, the sender country demanded change in part based on political prisoners.

The sanctions data would point us quite definitively in supporting the idea that Amnesty’s rights are the norms of human rights, not because no other human rights exist, but because states more likely than not acted in the name of Amnesty’s rights in the period 1960-1990. With the end of the Cold War, the growth in the number of states, and the greater inclusion of the global South in human rights discourse, Amnesty’s rights have clearly been challenged, and activists have struggled for a greater set of human rights to be considered the norm. I would, however, expect that the human rights justifications for would remain similar, since the use of economic sanctions continues to be dominated by the US. This chapter demonstrates the resilience of Amnesty’s rights as central to our understanding of human rights.

## **Chapter 7**

### **Conclusion**

Although many have broached the topic of NGOs, TANs, and international human rights norms, the mechanism by which networks influence norms have not been clearly identified. This has been the motivating puzzle for the dissertation. If we are to think about transnational advocacy and NGOs as “the third sector” or “third force” in international politics, we need to think very seriously about how these political actors can initiate, change, and advance international discourse on human rights.

I have established three broad points. First, human rights norms, like human rights themselves, are political constructs. There are no “better” and “worse” ideas, but there are more and less normative rights in international politics. After World War II, many different normative options existed for the future human rights regime. The founders of the Universal Declaration of Human Rights incorporated nearly all of the possibilities into the text, in the hopes of beginning an inherently political conversation through compromise. From there, many other human rights conventions passed through the UN, but the inconsistency with which international treaties are applied and adhered, despite high rates state ratification, leaves us needing an alternative explanation beyond these agreements in determining the sources of human rights norms. The fact that states left human rights norms wide open allowed non-state actors to enter the debate.

This leads to the second point of the dissertation. In addition to state activities, TANs have influenced the content of human rights norms. The growth of the human rights regime since World War II has made the role of NGOs ever more significant in determining norms through advocacy. The idolatry with which human rights are treated,

to borrow Ignatieff's (2001a) phraseology, is no accident. One of the political revolutions of the 20<sup>th</sup> century was the rise of NGOs in international politics, and in particular, in the creation of human rights norms. States and state behavior remain the standard by which we mark "international norms," but control over the content of the norm no longer is exclusively the domain of states.

The third point is that not all NGOs have been equally effective in shaping human rights norms. A TAN's ability to affect norms is shaped by many factors: size, membership, countries of origin and effect, funding sources, and nature of advocacy issues. The most important variant, of course, is an NGO's network structure, determined by the number of nodes and distribution of links between those nodes. The network structure needs to be distinguished from formal structure. Centralized networks concentrate agenda-setting and rule-making power in one node, which has enormous consequences for how information travels in the network. Power influences both the way principles are conceived within the network, and the extent to which the network might alter human rights norms in the international debate. TANs vary in their organizational structure, from highly centralized to loosely affiliated nodes linked in principle and name. These structural constraints affect the way that they are able to consolidate efforts within the NGO, and the effectiveness with which they can articulate norms.

In Chapter 3, I demonstrated the variety of principles of human rights that existed in the post-World War II world on three different levels: the international, between the US and the UK, and within the UK itself. This investigation on multiple levels reveals that "human rights" was a contested concept with many competing principles that received recognition in various human rights instruments such as the UDHR. The

conversation about standards, or norms, however, did not end with the UDHR, and in many ways has not concluded today, although there are arguably human rights norms that states reflect in their behavior, discussed in Chapter 6.

In Chapter 4, I laid out the groundwork for understanding how important network theory is to the analysis of TANs. All NGOs can construct a formal flow chart and list off the central bodies in their charters, but this does not necessarily reveal how information flows in the network, or who actually sets the agenda and decides on the human rights principles that the TAN supports. Some NGOs successfully merge their formal structures to their actual decision-makers, but as I showed in the case of Amnesty this does not hold, particularly after the founder Peter Benenson's departure. Agenda-setting power increasingly belongs to the International Secretariat (IS) as the network grows in size and political prominence, and as the IS is called to make decisions on topics that are technically reserved for other parts of the network. The centrality of the IS in setting the principles and making decisions in line with such principles is the strength of Amnesty International.

In the case of human rights, Amnesty stood alone (and continues to do so today) in having the ideal structure for capitalizing upon the transnational advocacy game – highly centralized, one-way information flows coupled with rule-making power, controlled for the most part by the IS. The ability for the IS to exert power over the agenda of Amnesty has been noted as exceptional in the human rights NGO universe, and this structural exceptionalism translates into normative power. No other human rights TAN to date approximates Amnesty's ability to make use of the bountiful manpower needed to spread an international idea of human rights, while controlling the most

important part of that advocacy: what information gets disseminated, how it gets framed, and ensuring that the overall message does not deviate significantly from the overall objectives of the IS, and by extension, the movement as a whole. The centrality of the IS largely determines Amnesty's success as an advocator of specific human rights principles that have become part of international norms.

Chapter 5 moved on to extend the applicability of network analysis to other human rights NGOs: International Committee of the Red Cross (ICRC) and the greater Red Cross movement, Oxfam International, and Médecins Sans Frontières (MSF). Each of these organizations adopts a different formal structure, with ensuing variations in struggles between various sections, and diverging philosophies on centralizing power in one node. I explored the formal structures in detail to demonstrate how the TANs are "supposed" to work, and evaluate the centrality of the focal points in each respective NGO. I found that without the central node, networks struggle in finding common principles to advocate as norms. They participate in the international debate, but their principles fall short of standards of behavior, as in the case of MSF, and to some extent Oxfam. The Red Cross, and more specifically the ICRC, by contrast, have had greater success in creating international humanitarian norms because the network has some elements of centrality, under certain conditions.

Finally, in Chapter 6 I turned to the question of whether Amnesty's rights truly have international normative status. While Amnesty may articulate a definitive agenda when it comes to human rights, Amnesty is not the only purveyor of ideas. State decisions, interests, and behavior nonetheless mediate its normative power. Chapter 6 highlights the translation of human rights norms, as articulated by Amnesty, into policy



decisions made by states to punish other states for transgressive behavior. The fact that Amnesty's rights show up more often than non-Amnesty rights in the great majority of human rights-based economic sanctions is noteworthy. The question is not whether Amnesty "created" these rights, or "created" those rights as norms; states created human rights as a concept and a legal fact. The argument, rather, is how Amnesty articulated its own version of what human rights are, limited to four articles in the UDHR, and how through its advocacy since 1961, states have come to recognize Amnesty's rights as the norms of human rights. The fact that these four consistently appear in states' conceptions of human rights, at least when it comes to justifying economic sanctions, supports this argument. Amnesty has exerted a normative effect on international human rights that is different from, but not independent of, state conceptions of human rights. Amnesty, like other NGOs, may only articulate and advocate norms. States reify norms and make them work.

Other NGOs, perhaps not as well-structured for transnational advocacy, are still able to create support for their principles. These principles may not become norms in the sense that they are understood to be appropriate for a given identity, but they may garner political support that leads to further discussion among states, NGOs, and human rights advocates. The human rights TAN, in other words, is rife with different principles and arguments about human rights, but only some emerge from the fray as normative, implemented as policy by states. I investigate the various principles forwarded by different human rights NGOs, finding that the clarity with which Amnesty's rights have been stated over the years finds no parallel among other networks of its stature and caliber. From the very beginning, because of its centralization, Amnesty's norms were

always known to all in the network, and the importance of the IS was strengthened, rather than attenuated, as the NGO grew in reputation and size.

Contrary to very prominent conceptions of TANs (Bull 1977, Boli and Thomas 1999) the theory presented here is ultimately quite state-centric, even if the primary movers and shakers in the account are non-state actors. States are still the final arbiter in terms of what happens in international politics. This is an empirical observation, one which may change as more supranational human rights systems, such as the European Convention on Human Rights and the European Court of Human Rights, or the UN system with its various human rights instruments, gain influence and force states to change their internal policies to comply with international, or regional norms. TANs exercise influence, and to date, other accounts have not gone very far beyond successful cases of human rights advocacy and state compliance to that advocacy to demonstrate that NGOs affect human rights politics. Not all TANs can exercise the same influence, just as not all states can exert their political wills to dictate their own visions of human rights.

The implications of the theory presented here are two-fold. First, this dissertation extends the debate over the politics of human rights. The politicization of human rights is something that has been remarked upon by many scholars in the field, but the tension inherent in the literature on TANs is that all NGOs and other non-state actors have a similar shot at being politically effective. Looking at the aggregate trend, TANs do matter, but they do not matter equally. This is both a theoretical and policy implication. TANs look very different on paper in terms of formal rules, which means more than likely they vary in their network structures. Scholars should focus more on the factors

that differentiate NGOs from one another, rather than creating a catch-all category for TANs and non-state, non-corporate actors. Most people recognize the big names in human rights: Amnesty, Human Rights First!, Human Rights Watch. To date, TAN research has mainly focused on single organizations, or single country cases and discrete campaigns. This dissertation is a first cut at a more systematic and different way to approach the political effects of non-state actors. By focusing on structure, I simplify the way in which NGOs are compared. By separating network structure from formal structure, I give scholars a way to think about how organizations work in spite of the rules, so to speak.

Second, in terms of policy implications, structure matters. Besides having principled ideas and flashy marketing strategies, NGOs need to centralize agenda-setting and rule-making authority if they want to effectively change international norms. Although having a far-dispersed “network” of activists is important, it is not as central to the success of a TAN in diffusing its norms as having a clear central node. Examples from this dissertation that have had more or less a clearly-defined central actor, such as the Red Cross movement and Amnesty, have tended to be able to set the international normative agenda much more effectively than other organizations such as MSF or Oxfam. Articulating and diffusing norms requires a level of coordination that many NGOs to date do not have, or in many cases, want. Further investigation, however, is necessary to flesh out the current accounts of network structure versus formal rules.

One of the main hurdles in this dissertation has been the same one that analysts of norms have faced – how to actually operationalize what a norm is. Other work along this vein, discussed in the previous chapter, often looks at individual cases of NGO

campaigns, and examines state responses to activist's demands. I argue that analyses that only look at direct campaigns miss the importance of norms themselves: if something is a norm, it should be followed by states across different political contexts. To gauge the degree to which state behavior comports with international norms as articulated by the human rights TAN, I have used economic sanctions data, but there are, of course, many more options to pursue. Sanctions data is limited in the sense that, like war, economic punishments are costlier forms of state interaction. That Amnesty's rights form the bulk of human rights-based sanctions passes a "hard" test, particularly if one considers human rights "low" politics, as compared to security concerns. We should expect that looking closely at diplomatic sanctions might reveal an even more pervasive pattern in compliance with Amnesty's rights. Human rights may also serve as a greater proportion of justifications for the removal of ambassadors, for example. Another alternative may be to analyze discourse in UN votes on human rights, and study the way in which human rights are discussed at the international level. In this dissertation, I have retold the discussions about the UDHR negotiations, and the types of issues at stake for the West and the UK. The UDHR negotiations reveal the heterogeneity of the conversation about human rights in 1947 and 1948. A survey of other human rights documents and their respective negotiations might also reveal nuances in states' understandings of human rights that do not get reflected in the final convention or declaration.

There are also a number of questions this project raises that cannot be answered here. First, to what degree is the study of Amnesty in the context of human rights politics transferable? The argument and evidence provided here suggests that without Amnesty, the contours of international human rights norms could be very different.

Without a TAN with the mobilization and informational capacity of Amnesty, human rights norms may not have become as well-defined and focused on a few rights of the UDHR. International law may speak to the importance of some rights over others, such as the “non-derogable” rights<sup>156</sup> of the International Convention on Civil and Political Rights (ICCPR). The ICCPR allows within its text for states to suspend most rights for exigent reasons, such as state survival. Unlike the other rights enumerated in the ICCPR, such rights, which include the freedom from torture and the freedom of religion, cannot be derogated under any circumstance. The fact that some rights are non-derogable, however, may simply expose the difficulty of enforcing these rights, or the frequency and likelihood that such rights are violated in wartime or domestic turmoil. This argument is similar to democratic “lock-in” (Moravcsik 2000). The rights that are most difficult to enforce are the ones that states want to make the most fundamental, and the hardest to renege on. If the enforcement of these so-called non-derogable rights is also the most uncertain, states will likely try to lock them in by forcing all states that are party to the ICCPR to also accept their preeminent status among rights.

Second, and related to the first point, the line between norms and law demands further exploration. What is the intersection of law and norms, and when can we take law to indicate the presence of a norm? The UN adopted the Declaration on the Rights of Indigenous Peoples in 2007, bringing the total number of UN Human Rights agreements up to 11.<sup>157</sup> All but the UDHR, and the most recent declaration on indigenous rights are legally binding. Does the legality of so many rights, from the basic civil and political

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<sup>156</sup> Article 6 (life), 7 (torture), 8 (slavery), 11 (imprisonment based on contractual obligation), 15 (trial), 16, (person before the law) and 18 (conscience/religion).

<sup>157</sup> <http://www.hrweb.org/legal/undocs.html> (Accessed May 4, 2008). The official UN count on this webpage does not include the recent Indigenous People’s declaration.

versus economic, social, and cultural distinction, to group-specific conventions, such as the Convention on the Rights of the Child, indicate that all of the rights being protected currently under international law are indeed norms? Clearly, some of the conventions states have signed reflect norms. Many of the conventions to which states have signed indicate aspirations, or legal instruments in an attempt to create norms and compliance. The fact that so few states that have signed the ICCPR have signed the Optional Protocol, which allows for individuals to have standing before the Human Rights Committee to file complaints, means that states may fundamentally not buy into all of the articles within that convention, derogable or not. States may be reluctant to give up sovereignty in Committee investigations. They may want to deny individuals voice before an international body. Whatever the reason, looking to international conventions as a gauge of norms forms just part of the picture. The relationship between law and norms remains underexplored in political science, as so frequently laws are taken as indicators of norms.

Third, to what extent are human rights exceptional? That is, are the arguments and evidence presented here transferable in providing insight to understanding other types of advocacy? Certainly, the notion that organizational structure constricts information and rule-making power should not be different across issue area. I would expect that environmental, development, religious, and “dark” terror TANs to work similarly. Structural constraints affect all NGOs in their ability to articulate norms. The issue area may color other concerns, such as strategy, methodology, and principles, but having a more centralized network will lead to more clearly defined rules and norms, or in the case of violent groups, more effective campaigns (Heger, Jung, and Wong 2008). By focusing the debate on organizations, rather than issues, this dissertation is more

translatable to other issue areas than previous attempts, though by no means is this the only approach to understanding transnational advocacy. The hope, however, is to one day have a comprehensive and systematic understanding of TANs as a class of actors not contingent upon what principles they advocate or how they approach their advocacy, but instead, focused on the quantity and quality of inter-nodal links.

Clearly, the trajectory of TANs in international politics points toward expansion, not retraction. The growing number of mega-foundations with funding for philanthropy in development and humanitarian projects simply encourages at least the viability of NGOs, if not their political effect. States remain central in international politics. TANs, however, have successfully asserted their relevance in policy-making through norm creation and diffusion. Analyzing their continued and growing relevance to the critical concepts in international politics is necessary to understanding the sources of international norms, their political nature, and their effect on international relations.

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