

Human Rights in Cuba, El Salvador and Nicaragua

*A Sociological Perspective on
Human Rights Abuse*



Mayra Gómez

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Mayra Gómez

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For my family

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List of Abbreviations

AI	Amnesty International
USAID	U.S. Agency for International Development
ARENA	Nationalist Republican Alliance
AW	Americas Watch
BPR	Popular Revolutionary Block
CBI	Caribbean Basin Initiative
CCPR	United Nations Human Rights Committee
CDR	Committees for the Defense of the Revolution
CIA	Central Intelligence Agency
CIVS	Commission on International Verification and Support
CNPPDH	National Commission for the Protection and Promotion of Human Rights
COPAZ	National Commission for the Consolidation of Peace
DOS	U.S. Department of State
ECOSOC	United Nations Economic and Social Council
ERP	Revolutionary People's Army
FAPU	Front for Unified Popular Action
FARN	Armed Forces of National Resistance
FDN	Nicaraguan Democratic Force
FMLN	Farabundo Martí National Liberation Front
FPL	Popular Forces of Liberation
FSLN	Sandinista National Liberation Front
HRW	Human Rights Watch
IACHR	Inter-American Commission on Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESC	International Covenant on Economic, Social, and Cultural Rights
ICJ	International Commission of Jurists
ICRC	International Committee of the Red Cross

IDB	Inter-American Development Bank
LCHR	Lawyers Committee for Human Rights
LP-28	February 28 Popular Leagues
M-26	July 26 th Movement
OAS	Organization of American States
ONUSAL	United Nations Observer Mission in El Salvador
ORDEN	Nationalist Democratic Organization
PCN	National Conciliation Party
PDC	Christian Democratic Party
PLC	Constitutional Liberal Party
PPC	Cuban Communist Party
RGJ	Revolutionary Governing Junta
RRB	Rapid Response Brigade
SHRC	Salvadoran Human Rights Committee
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCHR	United Nations Commission on Human Rights
UNO	National Opposition Union

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HUMAN RIGHTS IN CUBA, EL
SALVADOR AND NICARAGUA

Chapter I

Introduction

Considerando que la libertad, la justicia y la paz en el mundo tienen por base el reconocimiento de la dignidad intrínseca y de los derechos iguales e inalienables de todos los miembros de la familia humana...

—Declaración Universal de Derechos Humanos

1.1 INTRODUCTION

Human rights abuses committed by state authorities continue to be widespread throughout the world.¹ Today, state violence has become more than a mere theoretical curiosity, and much more than a simple moral offense. Violations of human rights, once thought to be purely domestic matters, are now subject to international condemnation and monitoring. Human rights have become a focus for international institution building, the foundation of new legal and normative frameworks, and a central advocacy concern for social movements all across the world. As a consequence, human rights issues present themselves as fertile ground for social scientific inquiry and stand to benefit from sociological insight. This dissertation hopes to contribute to the study of human rights by broadening the theoretical lens through which state violence has been viewed within the social sciences, and hopes also to make meaningful connections between social scientific research and human rights advocacy. Placing human rights concerns at the center of inquiry is at once theoretically engaging, socially relevant, and empirically challenging. Human rights questions have tremendous relevance within the world, and it is this relevance which, first and foremost, motivates this research.

The concern with state violence, in conjunction with the rise of the modern notion of “inalienable” human rights, has altered the international political landscape, and has fundamentally altered the concept of the human person (Brugger 1996). Indeed, the very notion of human rights is itself built on a supra-national justification which roots the concept of rights within the intrinsic and essential qualities of the human individual (Nino 1991; Brugger 1996; Mutua 1996). Ideological justifications for human rights highlight themes of universal morality and the responsibility of the global community to protect individuals from abuse and injustice irrespective of national boundaries. At times, these themes are presented ahistorically, as if the moral framework of human rights were somehow timeless. But, in reality, social scientists have observed that the modern rights

discourse has emerged most strongly, especially in regards to its emphasis on individuality, in relationship to the historical processes implied in the rise of modern liberalism and capitalism (Bowles and Gintis 1987). From their construction to their implementation, human rights are created in relationship to the changing panorama of global relations, and are being continually shaped and transformed by processes of modernity and globalization (Gaete 1991; Turner 1993).²

This recognition is not meant to devalue or de-legitimize the rights discourse, but rather to understand how real historical processes influenced its development. As such, human rights should not be viewed as a static or merely hegemonic discourse. Human rights, their language, their construction, and their meaning are always in the process of transformation. At times, a catalyst for change has been the witnessing of historical events that have genuinely shocked international conscience. For example, it is often noted that the experience of the Holocaust and the atrocities that took place during the Second World War gave rise to what has now become the modern international human rights movement. Specific historical experiences such as the Holocaust have heavily shaped the ways in which human rights have been constructed and infused with symbolic meaning (Newman and Weissbrodt 1996a).³

While scholars have struggled over the philosophical, ethical, legal, political, and social structures supporting the notion of human rights, these ideas, as they have come to be articulated today, have nonetheless attained a protected space within the modern international arena (Nino 1991; Lillich 1991; Donnelley 1993; Turner 1993; Newman and Weissbrodt 1996a). Evidence of this international framework includes the codification of human rights norms into international law,⁴ the development of transnational human rights advocacy networks, and the rise of modern *jus cogens* human rights norms, including the rights to be free from slavery and torture (Newman and Weissbrodt 1996 and 1996b; Christenson 1997; Keck and Sikkink 1998).⁵ Notably, ideas of “rights,” because they imply certain social entitlements, have also become salient as political tools and rhetorical strategies. At the level of social agency, rights claims have become part of the standard language and strategy of many modern political and social movements. Rights claims have become so powerful in part because they serve to link modern day political and social struggle to a more abstract and idealistic philosophy about the “dignity” of the human person. Rights claims are at once inspirational, aspirational, and relevant. This fusion of meaning is part of their significance and prevalence within the world. Yet, we must also keep in mind that to some degree human rights are a powerful discourse simply because powerful nations invoke its language. Regardless of the origin of its legitimacy, rights language has helped to validate and construct, just as it is partially constructed by, social movements of all kinds. The powerful language of rights is invoked not only by movements from different parts of the world, but also by movements advocating a range of divergent, even conflicting, policies and objectives.⁶ Formal spaces for human rights movement, and forums for the practice of human rights law, have become increasingly legitimized and institutionalized within international organizations, and have been established within nearly every region of the world (Newman and Weissbrodt 1996a; Buergenthal 1997).⁷

As part of the modern discourse on rights and their violations, themes of international responsibility have arisen, advocating the need for multi-lateral, and politically neutral, interventions tailored to reform and transform the human rights situations within

individual nation-states. Human rights advocacy, as the principled and strategic voice of the modern international human rights movement, thereby frequently calls for the implementation of effective strategies centered around international cooperation and intervention (see generally Stein 1990; Downs et al. 1996; Wheeler 1997).⁸ The crafting of such strategies is seen as being critical to global consciousness relating to human rights abuse, and as contributing in a concrete way to the improvement of within nation-state human rights practices. Yet, while the push to address human rights abuse on an *international* level is one strategic focus for human rights advocacy (Keck and Sikkink 1998), much of the academic work on human rights abuse has focussed specifically on *national* level factors which are associated or correlated with human rights violations (see Mitchell and McCormick 1988; Poe and Tate 1994). Because human rights advocates often call for action from international actors to *remedy* human rights abuse, while at the same time social scientists have tried to *locate the causes* of abuse by looking primarily at internal factors, something of a divide has developed between the two.

This divergence may result, in part, because social scientists work for theoretical insight while advocates work for the refinement of tools which actually serve to change domestic policies and practices. But, theory and practice can go hand in hand. These discrepancies exist not out of a necessary incompatibility between social science research and human rights advocacy. Rather, human rights advocates and social scientists simply approach human rights issues with different types of questions. In fact, the questions raised are intimately related. The formulation of an effective strategy must be conscious of the root causes of human rights abuse, and must be aware of the complex web of factors—local, national, regional and international—which influence practices and in which human rights abuse and state violence must be situated more broadly. *From a sociological perspective, and an effective advocacy perspective, human rights violations can best be understood when placed simultaneously within their domestic, international, and historical context.*

I will argue throughout this book that local and national level variables relating to state violence must be placed within a more comprehensive framework that acknowledges international relations and historical process. This is a central theoretical contribution of my research. The *interaction* between the state and the international system must itself be problematized, as it is critical to any meaningful understanding of the potential for human rights policy effectiveness. This is both a sociological question in the sense that it develops theory in the area of the state and international relations, and an advocacy question because it deals with issues of strategy and effectiveness. Indeed, a fundamental contribution of this work is to challenge the artificial boundary between good social scientific research and well-informed human rights advocacy.

Furthermore, both the ideas of the “state,” and the “international system,” can conceptually be broken down into their substantive and inter-relational components. This effort can help develop an understanding of a divided state and a divided international system. Such a conceptualization may prove to be a fruitful way to think about questions of strategy effectiveness, and may be especially helpful when it comes to the very pragmatic objective of curtailing and ending human rights abuse.⁹ In and of themselves, neither the state nor the international systems are holistic organisms without internal contradiction, tension, or points of vulnerability. In reality, these internal divisions often result in fragmented policies and may serve to open up avenues for political contestation,

or may indicate potential pressure points. Understanding the value and the interdependence of these questions, it is important to merge national and international perspectives on human rights abuse together. By doing so, by combining the best of scholarship and the best of advocacy, there is greater hope that the social sciences may help contribute to human rights advocacy by presenting a picture of human rights abuse which is more complete, more precise, and most importantly, more useful.

1.2 THE STUDY OF PATTERNS OF HUMAN RIGHTS VIOLATIONS

A renewed sociological inquiry into human rights concerns can potentially be of great theoretical and practical value. Theoretically, a sociological analysis of human rights issues will illuminate the impact of international forces on local-level realities (and vice versa), and could contribute to an understanding of the interactions between international norms, state behavior, popular movement and state violence. In practical terms, this sociological investigation may well point to issues of policy making and strategy development. By understanding the relationships that create, and operate between, the state, the society and the international system, human rights advocates and policy makers are better equipped to design and implement effective strategies aimed at preventing or curtailing the incidence of human rights abuse world-wide.

In this way, a detailed sociological inquiry into *patterns* of human rights abuse can help both scholars and advocates alike learn what are some of the reasons why human rights violations occur; why rates of violations increase, decrease, or otherwise change over time; and finally, under what conditions human rights violations diminish, or even come to an end. In order to adequately answer these questions, it is necessary to address change in national and international variables, as such change may influence the way patterns of human rights abuse unfold over time.

Recently, social scientists have begun to make inroads into some important questions relating to human rights violations. For example, there have been a number of quantitative studies [to be discussed in more detail in the Chapter 2] that have looked quite extensively at national-level factors, a number of which are significantly correlated with the existence of human rights abuse. Yet, these studies are limited in that they do not present an analysis of abuse that is significantly oriented towards issues of change, either in terms of historical process or international context. While there is certainly a sense within the existing literature that historical and international factors matter and are important to understanding human rights abuse, these relationships remain vague and have not yet been empirically specified.

It is this ambiguity in the literature that the present research addresses. The primary goal of this book is thus to demonstrate that historical and international contexts are essential to understanding patterns of human rights abuse as they occur and change over time. In addressing the questions of why human rights abuse occurs, why abuse patterns change, and why abuses diminish when they do, this research integrates different levels of analyses so as to present an answer to these questions which is more comprehensive and sensitive to multiple influences. As mentioned, beyond being an academic exercise, I also believe that this line of inquiry would benefit human rights advocates concerned with the development of effective policy.

Much work remains. Another crucial piece of information that is currently lacking within the research literature is a clear understanding of how human rights violations themselves change over time. While changes in the sheer quantity of human rights violations, committed have been captured in quantitative analyses, more nuanced shifts in the types of violations, the pace of violations, or the perpetrators of violations committed can only be captured through a qualitative research methods. The second goal of this book, then, is to determine whether there are important changes in the character of human rights abuses over time. This question is important to address within the human rights literature because human rights violations differ in more ways than simple quantity. In fact, violations vary not only in terms of quantity or type, but also in terms of visibility, severity, level of international condemnation, intended objective and actual consequence.

In order to develop these lines of inquiry, this research centers on the explication of three separate, but related, historical case studies. Three countries have been selected, and their over-time patterns of human rights abuse studied in depth. Researching and summarizing the over-time human rights situation in Cuba, El Salvador, and Nicaragua serves as the empirical backbone of this work. These patterns of human rights abuse have been combined with secondary historical data regarding influential events that occurred at the national and international level. Such an analysis allows a better understanding of how these historical events are related to important human rights pattern shifts, or critical turning points [a more detailed explanation of the research methodology is found in Chapter 5]. My goal for this project is to broaden the empirical lens through which human rights abuse has previously been understood and analyzed within social science scholarship. Academic explanations of human rights abuse to date have generally neglected both the international dynamics of influence and the historical context of human rights abuse. They have also failed to notice variations in the qualitative character of abuse. As such, this book contributes to existing research in the area of human rights by addressing these concerns in a systematic, qualitative matter.

1.3 PROJECT OBJECTIVES: THE INTERSECTION OF THE STATE, CIVIL SOCIETY AND THE INTERNATIONAL SYSTEM

This research synthesizes material on the theoretical and empirical connections and interactions between the state, the international system, and society. It is necessary to investigate, using more sensitive methodological tools, the different influences of the international system [be they direct or indirect] and their consequent outcomes and impacts [be they intended or unintended] on domestic human rights policies and practices. Part of the work within the field of international relations has sought to understand why nation-states do or do not comply with international norms, laws and conventions, and different theoretical perspectives have given different answers to these questions. Realists focus on the relative costs of compliance, Liberals on mutual gains, and Constructivists on shared norms and value systems (see Chapter 4 for further discussion).

Yet, all of these perspectives agree that nation-states are embedded within economic, political and normative structures that both extend beyond the state and impact the internal functioning of the state.¹⁰ States may depend on the international system and on

transnational actors for economic sustainability, political legitimacy, military protection, and other forms of support. Understanding this, it is easy to recognize that states not only have important relationships to citizens and internal actors, they also have important relationships to other international and transnational actors and processes as well. These questions become yet more complicated if one maintains the view that the state is a divided and internally inconsistent structure. However, keeping a theoretical eye on both the internal and external processes affecting the nation-state may help illuminate the behavior of states when it comes to questions of political repression. It may also help to suggest strategies for changing the patterns of human rights abuse within a country.

If one is to talk about the effectiveness of international strategy on changing national human rights practices, one should not overlook the vulnerability or strength of a state within the international system. A question perhaps arises at this point, as to whether states are “rationally” motivated by international coercion [compliance] or are genuinely socialized into following international norms [deep co-operation]. This is a difficult question to answer, and one that will be addressed in greater detail in Chapter 4. Yet, it is most likely that both processes occur somewhat simultaneously, especially considering that the state as a multi-faceted structure. International placement may also influence questions of coercion and co-operation. States are, as world systems theorists have pointed out, unequal within the international system (Wallerstein 1987). In general, states with more access to resources (see Bourdieu 1986) within the international arena are more able to exert and withstand international pressure. Similarly, states with less access to resources are generally less able to do so, but certainly, other variables such as national identity may mediate these affects to some extent.

This comment on global inequality, however, is merely descriptive and not theoretical in and of itself in that it makes no claims about why nation-states behave as they do. It merely notes that states vary in terms of their level of vulnerability, which relates to their relative position vis-à-vis other actors within the international field. Similarly, states will also vary in terms of their own internal stability and division. Knowing this, strategies may be able to effectively target components of the state that are particularly vulnerable or responsive in order to achieve a desired outcome. On the whole, nation-states that are more vulnerable, that are economically and politically marginalized internationally, that lack military force, and that experience young and unstable regimes, are more easily pressured or threatened, either normatively [symbolic] or coercively [material]. Attaining the maximum leverage, or the maximum influence or potential to have international human rights policy attain its desired effect, suggests that international strategy must be aware of the different positions which states occupy. The point at which *leverage* is attained results in part because *pressure* creates a space for international compromise and national level reform.

However, this is not to suggest that increased pressure necessarily improves human rights practices. There are many ways in which “pressures” may differ from one another, and what constitutes pressure in one situation may not be pressure in another. Similarly, the affects of pressure may well become more complicated and difficult to predict when considering other variables which potentially mediate its influence. Pressure is a central theoretical concept within human rights research, as it has been conceptualized as a variable that significantly influences patterns of human rights violation. Yet, “pressure” as a concept needs to be further developed, as it has been argued to be both the cause of,

and solution to, situations of human rights abuse. In other words, scholars have argued that pressures on the state cause states to employ repressive tactics, while at the same time advocates argue that the international system must “pressure” states to comply human rights norms. There are several spaces for conceptual refinement in this area. In critically assessing the international context of human rights abuse, this research aims to establish a clearer understanding of what pressure is, from where it originates, and how different gradations and forms of pressure affect nation-states in different ways.

While certainly not the only actors to violate human rights, this dissertation research deals primarily with those human rights violations perpetrated by state actors. Furthermore, this research also tends to focus on violations of personal [or bodily] integrity rights, including political killing and political imprisonment, “disappearance,” and torture, among others. By narrowing the scope of the research in this way, the role of the state is a central question to consider. State “behavior” and “motivation” are, of course, variables that have given scholars a good bit of trouble both theoretically and in research, as they are conceptually slippery and difficult to grasp at the empirical level. There is an entire sub-set of literature that deals explicitly with issues of nation-state cooperation with the international system, which will be discussed in some detail in Chapter 4. Other issues relating to international legitimacy, decoupling, “deep” cooperation versus compliance, state resistance, national identity, and power will also be discussed at varying length. Introducing ideas of the state as actor, albeit a divided actor, helps to illuminate questions of state decision making, specifically as related to the question of why states engage in human rights abuse, and why their behaviors change over time.

1.4 CASE SUMMARIES

This research involves the comparison of three separate, yet inter-related, cases (see Tilly 1984; Ragin 1987; Inkeles and Sasaki 1996). The human rights situations within Cuba, El Salvador, and Nicaragua were chosen in part for their similarities, and in part for their differences. In terms of similarities, the historical periods to be analyzed is roughly the same for all three countries, spanning from about the 1960s to the present, and are therefore subject to some of the same global-political shifts and other international, regional, and historical processes which occurred throughout the period. All three cases are regionally and culturally related, therefore subject to some of the same internal social dynamics. All cases have become the focus of international discourse and intervention relating to human rights protection, and all cases have been the focus of human rights fact-finding initiatives, so that data on human rights abuse over time is generally available. All are also developing nations with somewhat similar positions within the international arena (Chalmers et al. 1997; Atkins 1999). In terms of differences, these countries manifest very different human rights situations over time, showing distinct types and levels of abuse during unique periods. Importantly, while they occupy a similar status as peripheral countries, they nevertheless have markedly different relationships to the international system [and to the United States of America, in particular], as well as having quite dissimilar political, economic and class structures (LaFeber 1993; see also Booth 1991).

The human rights situation in Cuba has often been described as “cyclical,” with periods of government repression followed by periods of relative calm followed by renewed efforts at repression (see HRW October 1995). As such, Cuba’s human rights situation since the 1960s has been characterized by fluctuating levels of political imprisonment, ill treatment, due process violations, threats, harassment, and forced exile. The variation in the human rights situation from 1959 to the present highlights the importance of incorporating international factors into the analysis of state violence and state repression. Cuba’s human rights record is an especially interesting case to study considering Cuba’s unique position within the international system over the past 40 some years. Yet, internally, Cuba’s domestic political and economic structures have proven to be quite durable and have not changed substantially over time. The case of Cuba highlights the importance of the concepts of external and internal threat as well as [real or perceived] state vulnerability.

El Salvador was engulfed in a 12-year civil war from 1980 to 1992, waged between State security forces and the Farabundo Martí National Liberation Front (FMLN). Between the years of 1978 and 1985, the peak years of mass execution and State repression, some 42,171 persons were killed in El Salvador. At the time, this number represented nearly 1% of the Salvadoran population. The total number of those killed during the entire length of the conflict has been estimated at 75,000 persons, the vast majority of whom were civilians killed by State security forces. An additional one million persons fled the country as refugees, or became internally displaced. Since the signing of the 1992 Peace Accords, there has been slow and steady progress towards peace in El Salvador, yet occasional killings and incidents of torture continue to be reported. El Salvador was, by far, the most extreme of my three cases. This case highlights several important themes, and perhaps most clearly illustrates the idea of a “fractured” or “fragmented” State. This case also illustrates how international and bi-lateral relationships are central to understanding the *timing* of the escalation of the conflict, and also the eventual end of the conflict.

Nicaragua, like El Salvador, was also engulfed in civil conflict throughout much of the 1970s and 1980s. According to statistics compiled by the International Committee of the Red Cross (ICRC), between the years 1974 and 1978 some 5,000 Nicaraguan civilians were killed in the heavy crossfire between the Nicaraguan National Guard and the opposition forces of the Sandinista National Liberation Front (FSLN) (AI Annual Report 1979). By the time the civil war ended on 19 July 1979 with the triumph of a Sandinista led coup d’état, as many as 50,000 persons had lost their lives to the conflict (AI Annual Report 1980). Yet, violence did not end there. Nicaragua, like both Cuba and El Salvador, was embedded in a Cold War global politic which would decide much of its fate, regardless of the efforts made by Sandinista leaders to avoid the fatal political entanglement. With the introduction of the U.S. backed Contra rebels in the 1980s, the human rights situation in Nicaragua again worsened as violence in the countryside re-ignited. All three cases well-illustrate the need to incorporate international relations and historical processes into explanations of human rights abuse.

The interaction between the international system, the society, and within-state human rights practices, however, represents only half of my empirical problem. It is also necessary to consider the complexities in the dependent variable, namely the variation in patterns of human rights abuse over time. The dependent variable must, then, also be

carefully defined. In this analysis, I have chosen to utilize a narrower conceptualization of human rights, and focus on violations of “personal integrity rights” (Fein 1995; McCormick and Mitchell 1997; Cingranelli 1988; see also Chapter 3). Violations of this kind are often associated with gross and persistent abuses such as mass killing, torture, political imprisonment, and “disappearance.” Also, because personal integrity rights deal primarily with the rights of the individual or group to life and physical integrity, they do not fall clearly within either the political/civil, or the economic/social/cultural domain of human rights.

From a research perspective, data on violations of personal integrity rights are simply more available and reliable, since they have become a central focus of large and well-known human rights monitoring and reporting organizations. From a theoretical perspective, focussing on abuses of this type is consistent with a focus on state violence and large-scale repression and abuse by political actors. Historical changes in human rights practices may not simply move from “better to worse” [or less abuse to more abuse] or from “worse to better,” but rather human rights abuse may move from overt to covert, slow to fast paced, or may shift from one kind of violation to another. *Quantity* is only one of the salient features in human rights abuse, *severity* is another, *visibility* is yet another. This is one reason why qualitative analysis is so important in the investigation of abuse. Unless it is well-informed, international pressure attempting to remedy the violations of human rights by a particular state may not necessarily result in a state reducing its level of violence, but rather becoming more secretive as to its abusive tactics, thereby allowing the state to maintain both its international legitimacy and its internal control.

1.5 OVERVIEW OF CHAPTERS

In the chapters that follow I present a detailed overview of the significant literatures that relate substantially to human rights issues. The following three chapters are meant to develop the theoretical foundation for the present research by providing a review of relevant theoretical paradigms, concepts, and past research. Chapter 2 begins by presenting an overview of some of the major contributions and debates within the human rights literature itself. This is done in a set of stages, as this literature is itself quite broad and develops several important themes that I will attempt to organize and elaborate. Definitions and domains of rights will be the starting point of this chapter. This review draws heavily upon international law and legal scholarship, and includes some conceptual and philosophical debates among scholars from other fields of study, as well.

The first half of Chapter 3 incorporates the social science literature on genocide, human rights abuse and state violence. By synthesizing the empirical research on issues of human rights abuse, this discussion begins to set the stage for subsequent discussions, attempting to contextualize state violence and patterns of abuse. The empirical literature on human rights abuse is itself quite diverse, drawing heavily upon the disciplines of psychology, sociology, and political science. Utilizing this existing research, I address some of the important developments relating to the theorized *causes* of human rights abuse. Yet, as mentioned, much of the existing research in this area has tended to focus almost exclusively on internal, or within-nation-state dynamics and causes. I turn my

attention in the second half of Chapter 3 to current theoretical perspectives on the state, including Realist, Marxist and Constructivist approaches. In addressing issues of national structure and pol-icy, I explore the argument that “the state” should not be seen as a seamless entity, but rather a series of embedded agencies, fields and networks which contradict, overlap, and are influenced by civil society and the international system to varying degrees. By developing a notion of the state that is more nuanced, I highlight issues of division *within* the state and discuss the ways in which this idea is relevant to issues of “pressure” and the formation of strategy.

Chapter 4 contextualizes the various factions of the state in terms of their relationships to civil society and to the international system. The first section of Chapter 4 discusses the state and the role of social movements in producing internal change. Here, I outline the major theoretical paradigms that have arisen within the social movements literature. This literature is perhaps one of the most expansive within the field of sociology, and as such I present a focussed overview of this literature with my own theoretical questions in mind. This literature is indispensable to this review because it helps to reveal some of the inner dynamics within societies and states. These writings develop theories of agency on several levels, and help to highlight the importance of social-psychological, material, and structural factors in the making of individual and collective action, and how this action can also impact and change state behavior. Movements and protests, insofar as they present a challenge to state legitimacy and authority, are one of the major potential sources of pressure that can be placed upon the state, or on parts of the state. As such, introducing concepts relating to the state and popular movement helps establish internal context.

Yet, understanding these internal political processes is not enough. Part of the problem with the existing human rights literature is that it does not help to address issues of external context. Therefore, a discussion of international relations completes Chapter 4 and the literature review portion of the dissertation. Several issues will be dealt with in this section, as international relations scholars have developed a rich literature on theories of the international system and its subsequent impact on state behavior. I examine the neoLiberal and neo-Realist traditions within international relations, elaborating on the ways in which these models of international relations have developed ideas about the motivations for state behavior as well as how the international system is itself fundamentally organized. These are two dominant discourses within the international relations field, yet they have been challenged by a new generation of scholars. I contrast these “Rationalist” perspectives with “Constructivist” perspectives, which places the study of international norms at the center of inquiry. The Constructivist paradigm is often partnered with a sociological account of world society and global institutional-ism. It is the combination of these interdisciplinary literatures that will make the interactions between different levels of analysis most explicit and relevant to human rights issues.

In making the transition from the chapters that attempt to establish a theoretical foundation, to the chapters that present the empirical research, I devote Chapter 5 to connecting many of the themes and questions that these sets of literatures bring to the fore. Chapter 5 presents both my own theoretical frame and methodological design, both of which take into account international relationships and internal politics. Because I see these levels of analysis as being linked in a very fundamental way, it is this synthesis that I hope will be most illuminating to empirical questions of human rights abuse. Chapter 5

explains the data sources used to complete the project and explicitly lays out my research questions and hypotheses. One of the central points of this dissertation is that the discipline of sociology stands to gain great insight from studying the long-term processes of social change involved in patterns of human rights abuse. As such, this research develops a historical-comparative case analysis through the construction of historical narratives and examines human rights abuse patterns as they have occurred over time. Historical case comparison is one of the more useful methods available to study patterns of abuse, because this method allows the researcher to address and integrate the multiple factors that may affect state violence.

Chapter 6 on the human rights situation in Cuba, Chapter 7 on the human rights situation in El Salvador, and Chapter 8 on the human rights situation in Nicaragua, present the empirical findings of this dissertation research in the form of historical narratives, supplemented with extensive quantitative and qualitative information on levels and types of human rights abuse. In order to develop these narratives in a way that incorporates the theoretical background provided earlier, each case is discussed separately, summarizing critical historical turning points both nationally and internationally. Perhaps most importantly, these chapters present an analysis of human rights abuse that will be as attentive as possible to the timing of the relationship between variables. Through a comparison of the patterns of abuse found in these three cases, this research concludes with a discussion of the insights gained into the national, international and transnational processes that seem to affect all cases in consistent ways. The goal of this research is not data generalizability in itself, but rather the refinement of a theoretical model which will remain sensitive to global relationships, internal change and historical play, and most importantly, which informs and illuminates real-world events.

The final chapter, Chapter 9, attempts to synthesize what has been learned through the empirical analysis, and relates these findings to the original theoretical discussion and research objectives. In so doing, this chapter revisits the fundamental questions raised throughout the project, and evaluates the progress made. Because this research attempts to break new ground in terms of understanding how and why patterns of human rights violations change over time, it is my hope that there are also practical lessons that can be taken away from this work. This research is fundamentally concerned with studying issues of change. There are at least two aspects of this question that are of importance here. First, there is the question of change as it occurs both at the national and international level and how these changes translate into fluctuating levels of “pressure,” as it originates both from within and outside the nation-state. Second, there is the question of change as it occurs in terms of shifting patterns of human rights violation over time. The central task of this work is to connect therein these two processes in new and illuminating ways. Doing so may help scholars think about issues of human rights violation in more relevant and accurate ways. Yet even more importantly, doing so may also help human rights advocates develop practical strategies that are strengthened by the kind of insight that can only be gained through empirical research.

Chapter II

The Idea of Rights

Definitions, Domains and Cornerstone Debates

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

—Article 1 of the United Nations Universal Declaration of Human Rights

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

—Article 19 of The African [Banjul] Charter on Human and Peoples' Rights

The dignity of the person must be respected and protected.

—Article 1 of the Draft Charter of Fundamental Rights of the European Union

All human beings form one family whose members are united by their subordination to Allah and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations. The true religion is the guarantee for enhancing such dignity along the path to human integrity.

—Article 1 (a) of The Cairo Declaration on Human Rights in Islam

Recognizing that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality, and that they therefore justify international protection in the form of a convention reinforcing or complementing the

protection provided by the domestic law of the American states.

—Preamble of the American Convention on Human Rights

2.1 FRAMING THE RIGHTS DISCOURSE

What was once perhaps a vague notion has become a powerful ideology. While the modern day human rights discourse reflects many of the historical experiences of the past century, some have argued that, in fact, various strains of human rights “philosophy” can in fact be traced back much further (Nino 1991). Some have suggested that “human rights” ideas, while perhaps not articulated as such, have been included within some of the most influential religious and political writings from centuries past (see generally Newman and Weissbrodt 1996a, chapter 1). This is in some ways true. For example, notions of human compassion and human duty have been elaborated within many religious texts, including Judaism’s Torah, Islam’s Qur’an, Christianity’s Bible, Hinduism’s Bhagavad Gita, and Buddhism’s Eight-Fold Path to Enlightenment. Rights notions have also developed through such political precursors as the Rights of Athenian Citizens, the Magna Carta, and the Declaration of the Rights of Man (Newman and Weissbrodt 1996a; Nino 1991). As Howard and Donnelley (1986) have suggested, all societies seem to have a notion of human dignity, or an idea of human worth, at least within certain contexts.¹

Today, one of the most profound divisions within the human rights discourse continues to be between those who stress the universality and timelessness of rights versus those who believe that rights are much more historically situated and contextually bound. It is a debate, then, between Universalists and Constructivists (Stammers 1995). These debates relate to this dissertation research insofar as the rights discourse has become a familiar language referenced at both the national and international level. This chapter enables a deeper understanding of the construction of the rights discourse, the debates surrounding ideas of rights, and the fractions that exist within the rights discourse itself.

The debate between Universalists and Constructivists is at times more of an ethical debate than a sociological one, as it is often couched in a moral disagreement revolving around issues of right and wrong. Constructivism, however, should not be confused with Relativism in this case. I deal with the Relativist challenge to human rights later on in this chapter. For now, it should be noted that while some of the ideas and criticisms presented by Constructivists and Relativists do in fact overlap, acknowledging the social construction of rights merely entails understanding the modern rights discourse in terms of the historical and global events which gave rise to a particular conceptualization of rights.² Relativism takes this argument one step further by challenging both the usefulness and fairness of rights ideals in practice. Constructivists simply point out that both enlightenment thinking and modern liberal notions about the individual and their relationship to the modern nation-state have heavily influenced today’s rights ideas. As Rolando Gaete (1991, p. 149) comments, “human rights are one of the monumental legacies left by the Enlightenment.” As such, human rights concepts have typically

focussed on the worth of the individual person, advocating their capacities of independence, self-will, and reason.³

2.2 THE SOCIAL CONSTRUCTION OF RIGHTS

Historical processes have been critical to the development of rights. While not denying the profound importance of specific historical moments and events, this discussion extends beyond the tragedy of World War II in analyzing the development of rights ideas. As noted, the modern notion of human rights, along with other “rights” claims, has developed most strongly within the context of liberalism and globalization, and has expanded also within the context of modern capitalism. In their discussion of the development of rights discourse and philosophy, Bowles and Gintis (1987, p. 37) observe:

Oppressed groups had a relatively limited menu from which to choose a political strategy. The consolidation of national states in early modern Europe involved the destruction of precapitalist forms of popular solidarity and rendered access to state power through political representation a critical element in enhancing the social position of all social groups. The control of the state thus became a prime object of social conflict.... With the rise of capitalism, rights-based political power emerged as the only serious contender to the power of capital as an instrument of social change.... [T]he demand for personal rights spoke to the real needs of oppressed groups, as couching political debates in terms of universal rights enhanced popular majorities’ power in opposition to traditional political and economic elites.

Human equality *and* human autonomy are two of the major themes within the human rights discourse. They are also central themes within modern political liberalism. As Makau Wa Mutua (1996, p. 601) has commented, liberalism, democracy, and human rights are presented as something of a “holy trinity” within modern political discourse. Jack Donnelly (1986 and 1993) has similarly argued that human rights can *only* be protected by liberal democratic institutions, a claim that may make sense if one understands that both of these discourses have historically developed together, and reflect each other to a large degree. It is because these ideas were already evolving within the context of early capitalism and liberalism, that specific historical events such as the Holocaust were able to serve as a catalyst, or “organizing moment” for normative change, conceptual refinement, and extension of rights ideas into the international arena. These events also clarified the salience of human rights discourse by giving it a particularly sense of urgency, energizing movements which further served to elaborate its ideals.

Scholars have debated the ontology of human rights using a number of different paradigms. While most social scientists accept the constructed nature of rights, some effort has been made to bridge the divide between Universalism and Constructivism. Pure Constructivism may lend itself easily to Relativism, a leap that many scholars sympathetic to the cause of human rights are wary of and unwilling to make. In his article

“Outline of a Theory of Human Rights,” Bryan Turner (1993) attempts to locate the construction of human rights within both universal human characteristics [the body] and modern social situations [globalization]. He notes that human rights ideas have arisen, in contrast to citizenship rights, within the modern globalized context.⁴ Turner argues further that human rights must take the place of citizenship rights because of the embedded and connected nature of modern social life. This theory explains part of the reason why human rights are articulated as being universal and unrestricted by national boundaries. Human rights ideology maintains as its central premise that every human person is entitled to the full enjoyment of their “human rights” irrespective of any other factor, characteristics or trait.⁵ While Turner accepts both the historical and social construction of rights, he also makes the argument that human rights ideas serve an important purpose within the modern world. That is, they serve to protect vulnerable groups and individuals within a world in which new risks to the person have been developed and in which other, more localized, protections have been rendered insufficient and inadequate. Ideas of human rights therefore constitute a developing moral and political framework within an increasingly globalized, inter-dependent, and precarious world. Turner argues that both the reality of human frailty and the reality of modernization have influenced this process.⁶

Sociology can ground the analysis of rights in the concept of human frailty, especially the vulnerability of the body, in the idea of the precariousness of social institutions, and in a theory of moral sympathy.... Embodied frailty is a human universal condition, which is compounded by the risky and precarious nature of social institutions. Human vulnerability can be contained or ameliorated by the institution of rights which protect human beings from this ontological uncertainty.

“Social precariousness” must also be understood as referring to forces both within and beyond the nation-state. Rights concerns, from Turner’s perspective, have come to the fore in part because of the universal capacity of human beings to suffer, but also because that suffering now occurs within a different context that is increasingly shaped by forces which transcend national boundaries. Because human beings need protection from modern institutions [and perhaps especially the state], and because citizenship rights are often inadequate to provide this security, the idea of international human rights fills this void. In a later article (1997, p. 567) Turner elaborates by writing, “[T]his sociological view of the historical growth of human rights can be associated with the modern development of risk society....” Giddens (1990, p. 125–126; see also Giddens 1987) echoes similar ideas when elaborating what he has described as the *globalization of risk*, and argues that risks to the individual are simply no longer contained within the boundaries of state. He notes:

What I have termed the intensity of risk is surely the basic element in the “menacing appearance” of the circumstances in which we live today. The possibility of nuclear war, ecological calamity, uncontainable population explosion, the collapse of global economic exchange, and other potential global catastrophes provide and unnerving horizon of dangers for

everyone.... The globalised intensity of certain kinds of risk transcend all social and economic differentials. Of course, this should not blind us to the fact that, in conditions of modernity, ...many risks are differentially distributed between the privileged and underprivileged.

Therefore, along with the rise of liberalism and capitalism, this globalization of risk helped set the backdrop for the construction of human rights norms. Social scientists have argued that it is the intersection of these different historical trajectories that gives human rights meaning and salience within much of the world. Having noted some of the historical processes involved in the creation of rights, a more thorough discussion of current definitions and debates will help to elaborate further the ways in which these concepts have come to be articulated, as well as how they have been deployed within modern politics.

2.3 DOMAINS OF RIGHTS: ISSUES OF DIVISION VERSUS INDIVISIBILITY

One of the first major developments within the modern human rights field was the adoption by the United Nations of the Universal Declaration of Human Rights (UDHR) in 1948. This declaration recently celebrated its fiftieth anniversary, and is widely regarded as one of the most important international statements on human rights. The UDHR establishes the full range of rights accorded to the person (see Newman and Weissbrodt 1996b), and as such the UDHR lays out the rights of individuals to personal security, equality, political autonomy, and social and economic well-being. While the UDHR began by establishing a framework by which to understand international human rights, the rights set forth in this document have been elaborated upon in other subsequent instruments and treaties. Along with the UDHR, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESR) complete what has come to be known as the “International Bill of Human Rights.”⁷ Both the ICCPR and the ICESR came into force in 1976 and are legally binding treaties with regard to State-Parties and are accompanied by formal treaty-monitoring mechanisms and reporting obligations (see Newman and Weissbrodt 1996a).

While the UDHR articulates a full spectrum of human rights, the subsequent Covenants take up the task of elaborating only a partial sub-set of rights. Following from this split, which reflects the geo-political fault lines that have historically polarized the human rights debate, human rights have traditionally been seen as falling into either one of two camps. The first of these includes what are known as “civil and political” rights, which coincide with those articulated in the ICCPR. These rights protect an individual’s personal security and allow individuals to participate within government and influence the decision-making apparatus of the state. These rights also guarantee civil liberties such as freedom of expression and speech that make political engagement meaningful. Specifically, these rights include, but are not limited to: the right to life; the right to be free from torture, ill-treatment, slavery, and compulsory labor; the right to liberty and security of person; the right to a fair and expedient trial; the right to equality before the

law; the right to freedom of thought, conscience, and religion; the right to hold opinion; the right to freedom of expression; the right of peaceful assembly and freedom of association; and the right to vote and hold public office. Economic, social and cultural rights has been seen as representing the second “sphere” of human rights, and address fundamental issues of economic inequality and other forms of social disparity. Specifically, these rights include, but again may not be limited to: the right to self-determination; the right to equality; the right to work, and additionally the right to work within just and favorable conditions; the right to leisure; the right to social security; the right to an adequate standard of living, including adequate food, clothing and housing; the right to water; the right to education; the right to take part in cultural life; and the right to health.

While most human rights advocates today argue that these domains of rights are indivisible and mutually reinforcing, there has historically been some debate as to the primacy of one or the other set.⁸ Whether one can achieve economic, social and cultural rights without first ensuring political freedoms and civil liberties [or vice versa] has been a question open to considerable debate (Sen 1994). The split between these two domains of rights has also been influenced and exacerbated historically by Cold War politics and rhetoric. During the Cold War, many Western nations advocated the need for civil and political freedoms, while many Eastern European and Communist nations argued that these rights were effectively hollow if individuals were not guaranteed basic social and economic security (Shue 1980; Pollis 1981; Donnelley 1986; see also Dworkin 1978). New frameworks, however, such as the right to development have highlighted the need for mutual and simultaneous progress within both fields, and have strengthened the ties between these two sets of rights (Forsythe 1997). While there is still reference to these domains of rights within policy making arenas, and while some of the work pursued by international organizations such as the United Nations is still organized in relation to each realm, as of late, a great deal of human rights work has revolved around ideas of inter-dependence between these domains of rights. As Mary Robinson, the former United Nations High Commissioner for Human Rights, stated in her address before the United Nations General Assembly on 10 December 1998 [the 50th anniversary of the UDHR], “Perhaps the most significant achievement in the human rights field over the past fifty years has been that legitimacy has been secured for the principle that rights are universal and indivisible. Many states which initially showed little enthusiasm, now accept this principle and increasing numbers have signed and ratified the two Covenants [ICCPR and ICESR]....”⁹

2.4 THE FORMAL ARTICULATION OF HUMAN RIGHTS: LEGALITY AND INSTITUTIONAL PRESENCE

Regardless of the particular historical trajectories and international events which have shaped and categorized human rights ideas, their language has become a central force within political arenas of all kinds, and has motivated the formation of an entire international institutional network of support (Buergeth 1997). The United Nations alone has developed an expansive internal structure relating to human rights concerns, and since the adoption of the UDHR in 1948 has presented several dozen more human

rights declarations and treaties.¹⁰ To name only a few, these have included: the International Convention on the Elimination of All Forms of Racial Discrimination (1969); the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981); the Convention on the Elimination of All Forms of Discrimination against Women (1981); the Declaration on the Elimination of Violence Against Women (1993); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987); the Declaration on the Protection of All Persons from Enforced Disappearances (1992); the Convention on the Rights of the Child (1990); the Declaration on Social Progress and Development (1969); the Declaration on the Right to Development (1986); and the Convention on the Prevention and Punishment of the Crime of Genocide (1951).¹¹

These are merely a few of the international instruments that have normative and legal implications.¹² For six of these Conventions,¹³ specific committees, otherwise known as the human rights treaty bodies, have been established to monitor compliance by those states that have ratified these agreements. The work of these committees has been instrumental in maintaining a formal monitoring mechanism through which pressure may be placed on state parties. In addition, the United Nations has established charter-based bodies which also deal with human rights issues as a central concern, and which can also place pressures on individual states.¹⁴

Beyond the network of Commissions and Committees at the United Nations, nearly every part of the world has developed its own institutional framework and now houses some type of regional human rights system, complete with legally binding treaties, as well as regional Commissions and Courts devoted solely to human rights. The institutionalization of these regional systems has represented an important development within the realm of human right monitoring and has helped to create other important mechanisms that also serve to place normative pressures on member states. The Council of Europe was the first to take up this project when it adopted the European Convention for the Protection of Human Rights and Fundamental Freedoms, which originally created both the European Commission and Court of Human Rights. Europe was quick to establish a regional human rights system after World War II and this Convention entered into force in 1953. The European system is perhaps the most well developed regional human rights system in the world, and has accumulated the most extensive jurisprudence. Yet, having been established in the early 1950s, it has also been active for the longest period of time. The modern legal foundation for the Inter-American System¹⁵ was established shortly thereafter with the adoption by the Organization of American States of the American Convention on Human Rights in 1969. The Inter-American region houses a Commission and a Court, which oversee complaints and monitor country situations.¹⁶ In 1981, the Organization of African Unity adopted the African Charter on Human and Peoples' Rights, which then created the African Commission on Human and Peoples' Rights. While Asia has an active human rights movement, and many Asian nations participate within other international human rights forums, Asia currently remains the only region of the world without its own formal regional human rights system.

2.5 DEBATES WITHIN THE FIELD: FEMINIST AND RELATIVIST CHALLENGES

Two of the major criticisms posited within the human rights discourse have included challenges presented by both cultural Relativists and Feminists, whose critical engagement with the field revolves around issues of biased construction and unequal power. Although Feminists and cultural Relativists are not “natural allies,” as Eva Brems has pointed out (1997, p. 163), they do raise similar types of concerns relating to the construction of the human individual and the inclusion of difference within the human rights framework. Because of the socially constructed nature of human rights, *who* influences the discourse has been a central concern for critics of all persuasions. In this regard, Feminists and Relativists have both made claims that certain groups have not been adequately represented within the dominant framework. On the one hand, Feminists have noted the exclusion of women’s voices and women’s experiences within these processes of norm construction and policy formation (Bunch 1990; Charlesworth et al. 1991).¹⁷ On the other, Relativists have argued that human rights articulate a particular view of human life that is saturated by dominant Western values and ideas (Pollis 1981; Myers 1992). As such, both sets of criticisms challenge the usefulness and universality of human rights concepts.

Feminists noted the marginalization of women within the traditional human rights framework and have raised at least two fundamental concerns.¹⁸ First, women’s issues were scarcely addressed within human rights norms and institutions, and further, the little space that was accorded to them is usually inadequate and represents a weaker version of the more “mainstream” policies and procedures. Second, human rights organizations and institutions failed in their capacity to address and investigate violations of women’s rights (Byrnes 1992, p. 205–206). This inability or unwillingness to address women’s suffering within the human rights institutional framework resulted, in part, from a variety of conceptual flaws. One of the problems with the human rights concept is the false division between the public and private sphere. Because human rights were originally constructed to protect individuals from state-actors [violations which correspond to the “public” sphere], many of the violations of women’s human rights, which occur within the context of the home and inter-personal relationships, were simply not addressed (see generally Peters and Wolper 1995).

Certainly, women are at times the targets of state-sponsored torture and political killing. Yet, they are much more likely to suffer gender-based violence perpetrated by non-state actors through abuses including domestic violence, rape, sexual harassment, sexual trafficking, sexual slavery, prostitution and other forms of sexual or economic exploitation, female genital mutilation, female infanticide, and other forms of gender-based persecution and discrimination (Bunch 1990; Charlesworth et al. 1991; Byrnes 1992; Binion 1995; Hollander 1996). Furthermore, Feminists argue that by not taking abuses that occur within the private realm seriously, rights discourse, in point of fact, reifies and entrenches patriarchal domination by rendering women’s realities invisible and by securing the man’s position as the unquestioned head of the household [and the community, thereby protecting the impenetrability of the private realm of life.

Human rights are not what they claim to be, Feminists say. They are a product of the dominant male half of the world, framed in their language, reflecting their needs and aspirations. Whereas the “rights of man” as originally conceived of by the great liberal thinkers were not intended to include women, today’s “universal human rights” still overlook them as a matter of fact. (Brems 1997, p. 137).

Feminists have been very successful in modifying the international framework of human rights so as to include a more Feminist view of gender and gendered relationships [and some have argued, *Western* Feminist view, highlighting the confrontation between the Feminist discourse and the Relativist discourse]. It is a view of rights that is increasingly more woman-centered and increasingly speaks to the realities of women’s lives. Within the past twenty years, women’s rights have been formally articulated within the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1981), the Declaration on the Elimination of Violence Against Women (1993), and the Beijing Declaration and Platform of Action (1995).

In terms of actual practice, however, many nations have failed to adequately protect women’s human rights. Some countries have openly rejected and fought against gender equality.¹⁹ Because of the overlap between the cultural “sphere” [defended by cultural Relativists] and the private “sphere,” [where many violations against women’s human rights occur] part of the tension relating to incorporating gender into the human rights construct cannot be understood without some reference to the discourse of Cultural Relativism.

Cultural Relativists have argued that the essentially Western idea of human rights is at best problematic, and at worst culturally imperialistic, when translated into other [non-Western] cultural contexts (Brems 1997; Pollis 1981; Myers 1992; Monshipouri 1995; see Weissbrodt and Newman 1996a; see also Perry 1997). In addition, some Relativist scholars have argued that the “human rights” discourse itself serves as an instrument of symbolic domination. These scholars at times combine Cultural Relativism with a Marxist critique of human rights, noting that human rights constructs serve to legitimate and protect the powers of international elites [the West] by obscuring the true [economic] issues of global inequality and injustice (Pollis 1981; for an overview of the Marxist critique of human rights, see Baxter 1989). Furthermore, by providing a rhetorical mechanism which justifies violations of national sovereignty by international actors, this discourse further develops the capacities of powerful countries to interfere in the internal affairs of those less powerful (Pollis 1981; for a discussion of problems associated with international intervention see also Caney 1997). These are, perhaps, some of the most extreme criticisms, as they serve to de-legitimize the concept of human rights in its entirety. More often, however, Relativists may challenge the cultural inclusivity of certain aspects of human rights, often having to do specifically with cultural issues pertaining to gender and family [calling into question women’s rights and children’s rights], or the construction of the individual in relationship to the broader community.

In an attempt to clarify these issues, Jack Donnelly (1993, p. 36) has divided the Relativist argument into two general positions ranging from strong to weak forms.

Strong Relativism holds that human rights (and other values) are principally, but not entirely, determined by culture or other circumstances. “Universal” human rights serve as a check on culturally specific values. The emphasis, however, is on variation and relativity. *Weak Relativism* reverses the emphasis. Human rights are held to be largely universal, subject only to secondary cultural modifications.

This distinction between strong and weak Relativism is useful to keep in mind, as there are many ways in which culture and human rights can either collide or reinforce each other.

The recognition of power relationships within the international system is one of the key contributions offered by the Relativist position. This is a theme that I will again address in Chapter 4. Power, as it operates internationally is an undeniable part of the global system, and human rights issues should not be seen as somehow separate from that reality. Nonetheless, Relativism suffers from its own conceptual flaw. As such, I would suggest that activists and scholars look carefully at the power dynamics operating at *both* international and national levels. In general, the arguments presented by Relativists look only at the power inequalities operating within the international system, but do not always look seriously at power inequalities *within* nation-states. In other words, Relativists *do not overcome* the problem of how power manipulates the definition of human rights, *but rather only refocus* the problem. Who gets to interpret and define *culture* and *national identity* at the national level is a critical question that Relativists often leave unanswered. As sociologists well know, cultures are internally contradictory, dynamic, and changing. Power within cultures is then an unavoidable question if one is to take issues of human rights at all seriously (Boyle and Preves 2000). It is as critical a question as who shapes the discourse and the policy and the agenda within the international arena. As human rights advocates and social scientists might both agree, allowing certain actors to determine what cultural norms and values are *important* and *essential* and *characteristic* of a society is highly problematic and should not necessarily be taken at face value.

2.6 CHAPTER SUMMARY

Human rights have become part of modern international discourse. While certainly not without controversy, these ideas have gained the ability to both influence and inspire. Human rights ideas have become one of the focal points of transnational movement and advocacy, international institution building, and increasingly, academic scholarship. Having laid out some of the important conceptual issues and debates relating to human rights, the next chapter begins by reviewing the social science literature that has attempted to explain the causes of human rights abuse. While it is true that some of this early work remained relatively weak theoretically speaking, at times representing an “everything but the kitchen sink” approach to human rights research, this research has nonetheless served to provide some interesting findings which helped pave the way for

later theorizing and conceptual development. Several factors have been tested, including the presence of a democratic regime, armed conflict, population size and growth, economic development, poverty, colonial history, and levels of U.S. aid. Further, in order to understand more clearly why it is that states employ strategies of violence, the next chapter also addresses different ways in which the “state” has been theorized within the social sciences.

Chapter III

Human Rights Abuse and the Nation-State

Perspectives from the Social Sciences

How then do we conceptualize the purposeful government killing of protesters and dissidents, the reprisal shooting of innocent villagers, the beating to death of peasants...or the indiscriminate bombing of civilians? How do we conceptualize torturing people to death in prison, working them to death in concentration camps, or letting them starve to death, when such killing is done out of revenge, for an ideology, or for reasons of state having nothing to do with the social groups to which these people belong?

—Rudolf J. Rummel
Death by Government (1994)

3.1 THE EMPIRICAL RESEARCH ON HUMAN RIGHTS VIOLATIONS

Social scientists know that international conflict such as war lead, not surprisingly, to a profound deterioration in human rights practices, and to violent abuses of personal integrity rights (Mitchell and McCormick 1988; Poe and Tate 1994b, Poe et al. 1999).¹ Yet, other factors, dealing with the particular political, economic and ideological traits of a nation-state or regime have also been successfully used to explain human rights abuse (Hibbs 1973; Kuper 1981; Mitchell and McCormick 1988; Poe and Tate 1994b; Muller 1995; Poe et al. 1997a; Poe et al. 1999; Paige 1998).² While these variables present only a partial account of why states use violence as a mechanism of social control, they do point to more comprehensive theoretical paradigms that I will summarize in the next section.

A. VARIABLES: POLITICAL FACTORS

In the most recent quantitative studies, the presence of a democratic government has been found to be one of the most significant factors in predicting the presence of human rights abuse, with non-democratic regimes perpetrating more abuses and taking more violent

actions against civilians (Poe and Tate 1994b; see also Poe et al. 1999). This is the case arguably because of the implicit institutionalized mechanisms for popular participation and the transparency of authority found within democratic regimes that protect individuals from government violence. Democratic political processes have long been thought to imply a certain degree of permeability to the state apparatus, which may facilitate more peaceful efforts towards the negotiation of conflict, allowing for more structured channels of compromise and civil participation. In their investigation of the factors correlated with human rights abuse, Poe and Tate (1994b; see also Poe et al. 1999) conducted one of the most expansive quantitative studies in the area of human rights, including some 153 countries over an eight-year period of time.

In their analysis of political factors, these researchers employed two separate scales to operationalize the construct of “democracy.” Countries were measured according to the Vanhanen index, which concentrates on the more technical aspects of a democracy by focussing on electoral procedures, and the Freedom House index of political rights, which addresses the broader protection of political rights and civil liberties within a democracy. Factors measuring democracy included voter participation, competitive elections and free choice among candidates, universal suffrage, the ability to hold office, the legitimacy of elections, the ability to organize collectively, and protection of minority rights. Both the scores on the Vanhanen index and on the Freedom House index were significantly correlated with violations of personal integrity rights [as measured through the coding of Amnesty International reports].³ Yet, a criticism can be raised that insofar as the right to participate in one’s own government is itself considered a human [political] right, there may be some question as to the confounding of the independent and dependent variables in this study. Arguably, the researchers dealt with this criticism to some extent by narrowly conceptualizing human rights abuse as the violation of personal integrity rights, which are not synonymous with political rights.

Another related hypothesis is that colonial history impacts trajectories of human rights abuse through the cultural and institutional legacies, democratic or authoritarian, left by the colonizers. As Mitchell and McCormick (1988, p. 480) note:

The political culture derived from the colonial experience may be a useful starting point for understanding variations in respect for human rights. British colonial rule, for instance, is commonly thought to be strongly associated with the postcolonial development of democracy. The British legacy may be a relatively greater respect for human rights. By contrast, other colonial experiences (Spanish, for instance) are generally assumed to have introduced a greater degree of hierarchy and authoritarianism. The legacy here may well involve higher levels of human rights violations.

This idea, however, has not been well supported by the research, as colonial history seems to have little predictive value for current human rights situations (Mitchell and McCormick 1988, p. 497; Poe and Tate 1994b, p. 866). “Political culture,” however, may also be related to the question of whether regimes of the left or the right will take hold within a particular country, and, researchers have explored a related question, namely, which has a better human right record? When all other factors are controlled, new evidence has shown that “leftist countries are actually less repressive of basic human

rights” (Poe et al. 1999, p. 310). The more important factor, however, remains the strength of democratic mechanisms, which allow for, and protect, civil engagement.

The impact of democracy on political violence may not always be linear. As Muller (1985) and Fein (1995) have pointed out, regime repressiveness and political violence seem to be related to each other in an inverted-U-function, with regimes that are either highly repressive [authoritarian] or not repressive [“free” states] perpetrating the least amount of violence. It is the regimes in the middle, in the process of democratization, that seem to be the most violent. It is the More Murder in the Middle (MMM) thesis, [a political offshoot of the “modernization thesis” which I will address shortly] which suggests that “an increase in freedom among unfree states arouses a greater expression of opposition and provokes greater state repression, leading to more intense and wide-ranging violations—i.e. massacres, calculated murders and torture” (Fein 1995, p. 184). Under this rubric, expanding state structures in the process of democratization cannot cope with the level of increased internal pressures placed upon them. Ironically, this increase in internal pressure results precisely because democratic opening has made new avenues for mobilization possible. I will take up these ideas in greater detail during my discussion of social movements and political opportunity structures in Chapter 4. The state, not yet fully democratized and lacking legitimate institutional strength, then responds to internal pressures with increasingly violent tactics.

B. VARIABLES: ECONOMIC AND DEMOGRAPHIC FACTORS

A second set of factors that have been shown to have at least a mild impact on human rights abuse include various economic and demographic trends. To begin, Mitchell and McCormick (1988) addressed three different types of economic factors, each with varying degrees of success. First, the level of absolute poverty within a nation is a modest predictor of level of human rights abuse, with absolutely poor countries experiencing slightly more abuse (Mitchell and McCormick 1988, p. 488; Muller 1985). In statistical tests, per capita income was negatively correlated with both the number of political prisoners (-.19) and the incidence of torture (-.21) within a country (Mitchell and McCormick 1988, p. 488–489). That is to say that on average, the higher the levels of per capita income, the lower the levels of political imprisonment and torture. This was a weak effect, statistically speaking, yet was nevertheless found to be statistically significant ($p < .005$ and $p < .03$, respectively). The most consistent finding in this study, perhaps, was not so much that poor countries regularly abused rights, but rather that very affluent countries regularly scored well and tended not to use political imprisonment and torture. Nonetheless, there does appear to be some pattern of political violence within the poorest of countries, and scholars have theorized that this is perhaps due to competition over scarce material resources and the resulting social discord, or perhaps due to a structural link between rapid economic modernization and political instability (Huntington 1968; Mitchell and McCormick 1988; Muller 1985).

Other scholars have suggested that there may be a curvilinear, rather than linear, relationship between level of economic development and amount of human rights violations, so that semi-peripheral countries experiencing economic growth are the most like to perpetrate abuses. The emphasis in this case is not on absolute poverty as such, but rather the changing capacities of the state vis-à-vis its stage in development. This

“modernization” thesis is in part based on the work of Samuel Huntington who challenges the absolute poverty thesis when he writes “people who are really poor are too poor for politics and too poor for protest” (quoted in Mitchell and McCormick 1988, p. 478; see Huntington 1968). Under this framework, countries with a bit more wealth will have not only the resources available to implement strategies of repression, but arguably, more to fight over. There has been some debate, then, in the ways researchers have articulated the relationship between economic development and political violence.

On the one hand, it is logical to assume that rapid economic growth, since it expands the resource base, should reduce the economic and social stresses that lead governments to use terrorism as a policy tool. But there has also been a strong argument that rapid economic growth is most likely to be a destabilizing force that will, in fact, increase instability and a regime’s temptation to resort to coercive means to maintain control. The destabilizing effect of rapid growth may occur because it can rarely be rapid enough to outstrip the growth in expectations that is simultaneously occurring; because it increases the number of déclassé individuals and groups most prone to promote instability; or because rapid growth inevitably occurs unevenly, possibly even creating growth by decreasing the well-being of the nonelite (Poe and Tate 1994b, p. 857–858).

Researchers have tested the two hypotheses by incorporating both economic growth rates and per capita GNP into their statistical models on abuse. The modernization thesis, while it has received considerable attention within the research literature, has yielded inconsistent results and generally has not been borne out through empirical investigation. While modest at best, the absolute poverty thesis seems to have more predictive value (Mitchell and McCormick 1988, p. 488). On a related note, demographic factors relating to population size have also been entered into the equation on human rights abuse. Similar to economic explanations, the theories that have been developed in this realm relate to issues of scarcity and material competition. Scholars have argued that high population growth rates will be associated with higher levels of abuse because of the stress this places on state institutions and on material resources. Conway Henderson has argued, “growing populations absorb any economic growth rate that may occur, thus frustrating governments’ efforts” (quoted in Poe and Tate 1994b, p. 857). When subject to empirical testing, however, there was little support found for this hypothesis (Poe and Tate 1994b, p. 862).

A few problems can be noted with the explanations posited thus far. Again, “poverty” runs into the same problem as “democracy” when it is used as a predictive variable, because as economic and social rights are considered to be human rights, this too confounds the independent and dependent variables.⁴ Yet, even if the use of personal integrity rights helps ameliorate this concern, both economic factors and political factors still suffer from a fundamental weakness in the proposed causal chains. That is, *what predicts the predictors* is not a question answered in the human rights research. In general, political and economic factors are taken as separate indicators with rather rigid conceptual boundaries, and are not linked to each other, or to either their historical or international contexts. In reality, economic and political factors cannot be cleanly severed

apart (Muller 1995), and are further impacted by both historical processes and international power relations (Meyer et al. 1997).

C. VARIABLES: IDEOLOGICAL AND PSYCHOLOGICAL FACTORS

Men never surrender themselves to evil with more joyous abandon than in the service of good conscience.

—Pascal

With numbing regularity good people were seen to knuckle under the demands of authority to perform actions that were callous and severe.

—Stanley Milgram, 1968

As a final factor, an extreme regime ideology that dehumanizes certain social groups and advocates violence as a method of retaliation or justice-making is also related to human rights violations. The psychological preconditions which enable human beings to act violently towards others has been the subject much social-psychological research. One key factor within all situations of abuse is the dehumanization of the victim. Whether in words or in images, history is full of examples of these degrading images and caricatures (see Goldhagen 1996; see also Rosenbaum 1996). Historically, some of the most horrific and gruesome abuses of human rights have occurred under regimes that systematically vilify, demonize, or otherwise degrade certain targeted social groups. This type of “us versus them” [in-grouping and out-grouping]⁵ thinking is often further bolstered by a glorification of violence⁶ that equates brutality with heroism, killing with cleansing, and social devastation with divine will.⁷ Leo Kuper (1981) has noted that these dehumanizing images take predictable paths, casting certain groups as demons, animals, objects, diseases, weeds, and insects. Victims are thereby not only outside the realm of social obligation, they are outside the realm of humanity itself (Fein 1993, p. 50). These are among the more common ideological components that make killing and abuse easier within the mind of the perpetrator.

It seems nevertheless certain that however narrow, materialistic, or downright criminal their own motives may be, such men cannot operate without an ideology behind them. At least, when operating collectively, they need an ideology to legitimate their behaviour, for without it they would have to see themselves and one another as what they really are—common thieves and murderers. And that apparently is something that even they cannot bear (Kuper 1981, p. 84).

However, ideological factors in and of themselves do not tell us what other variables contribute to the rise of extremist ideologies or political movements in the first place (Kuper 1981; see also Brustein 1996).

There are, of course, more mundane reasons why people kill and hurt others. Violence may be institutionalized, decreasing the individual's sense of responsibility or their feeling that they can in any way change their situation. Furthermore, violence may escalate and become more brutal over time, introducing the psychological factors of desensitization and habituation into the explanations of abuse (Staub 1989; see also Milgram 1968). Stanley Milgram (1968), in his now famous experiment on the role of authority in the perpetration of violence, found that ordinary people were all too commonly complicit in the injury of another human being when prompted to do so by an authority figure. This seems to be the case for at least two reasons. First, there is a diffusion of responsibility involved in the process of following the orders of an authority, so that individuals do not feel personally accountable for their own action. Second, there is also a special trust given to the authority, so that many participants assumed that the authority figure knew better than they themselves did, and because of this they were willing to defer their own judgement to that of another person. Placed under pressure from the researcher and assured that they would not be held accountable for their actions, participants in the study [even while many showed signs of psychological distress] tended to follow the instructions of the authority figure and knowingly inflicted harm, or at least so they thought, on another person. This was especially true in trials where the participant did not have to see or directly touch the victim.

Similarly, Zimbardo's (1971) Stanford Prison Experiment also highlighted the importance of situational factors on the behavior of individuals and on their willingness to hurt and abuse others. By randomly dividing average male college students into the role of prisoner or guard, Zimbardo and his colleagues observed marked differences between the psychological health and social interaction of the two groups, with the guards adopting more and more severe forms of discipline against the so-called "prisoners." Symbolic factors were critical within both experiments [the white lab coat and clipboard in the Milgram experiment, the prisoner numbers or guard uniforms in the Zimbardo study], and participants responded quite consistently to these role-identified cues. As Hannah Arendt (1963, p. 25) noted after her observation of the trial of German Nazi leader Adolf Eichmann, the greatest evil is often perpetrated by the most common of people.

Throughout the trial, Eichmann tried to clarify, mostly without success, the point in his plea of "not guilty in the sense of the indictment." The indictment implied not only that he had acted on purpose, which he did not deny, but out of base motives and in full knowledge of the criminal nature of his deeds. As for the base motives, he was perfectly sure that he was not what he called an *innerer Schweinehund*, a dirty little bastard in the depths of his heart; and as for his conscience, he remembered perfectly well that he would have had a bad conscience only if he had not done what he had been ordered to do—to ship millions of men, women and children to their death with great zeal and the most meticulous care. This, admittedly, was hard to take. Half a dozen psychiatrists had certified him as "normal"—"More normal, at any rate, than I am after having examined him," one of them was said to have exclaimed

It is perhaps this “banality of evil” that makes systematic and gross violations of human rights so difficult to comprehend.

3.2 CURRENT THEORETICAL PERSPECTIVES ON THE STATE

In an effort to fill in some of the gaps within human rights research, a more in-depth look at the ways in which social scientists have conceptualized the nation-state and its motivations for repression would be helpful. In general, theories in the area of state violence and human rights abuse have fallen under one of three rubrics, which I will broadly categorize as Realist, Marxist, or Constructivist approaches to the state. These are familiar themes within the social sciences, and which will again emerge within the literature on social movements and international relations discussed in the next chapter. Because understanding state behavior, its motivations, its inconsistencies, and its malleability is central to this work, this dissertation devotes considerable attention to questions of state behavior, specifically as it is related to human rights abuse.

A. ACCOUNTING FOR STATE BEHAVIOR: POLITICAL REALISM

The first paradigm for understanding state violence follows a Realist interpretation of state behavior. Political Realism views the state as a legitimate rational actor and explains human rights abuse within this framework by focussing on issues of state interest; namely, maximizing power and minimizing threat to authority (Brustein 1996). This view of the state is analogous to that of the individual under rational-choice theory. States *as unitary actors* are assumed to follow a rational-choice approach to political decision-making, weighing expected costs and benefits to particular actions and policy choices. By engaging in this calculus, states will, under Realist models, pursue their own hierarchical self-interests at the expense of other/others’ interests. State interests are largely taken for granted, and are thought to include national security, internal cohesion, economic growth, and increased power within the international arena, etc. In situations where these national objectives are threatened, the state will act to protect its central interests. For example, under a Realist interpretation of state violence, repression is likely to increase in situations of war, internal conflict, and economic deterioration. As we have seen from the empirical studies, this in fact has often been the case.

Realism also provides an account of why certain individuals and groups may be especially targeted with violence. Targeted groups, Realists would argue, are most likely those which pose the most danger to state authority and national security. State repression is thereby seen as a *rational and proportionate* response to political instability or challenge, with the state attempting to maintain or further its position of dominance through violent and repressive means (for a review of rationalist approaches see Stanley 1996, p. 11–40, see also Keohane 1986, p. 1–27; Baldwin 1993, p. 3–25). Indeed, the state’s very survival can only be insured by its own efforts. In many ways, there is almost a Machiavellian sense in rationalist approaches that the state’s first priority is to stay in power.⁸ The decision of whether or not to use violence as a strategy will depend *only* on the severity of the situation, which will make such violent action an attractive or “necessary” alternative or response.⁹ As Arthur Stein (1990, p. 5) has noted, Realists

believe that “irrespective of its domestic political system, its social and cultural traits, or the individual personalities of its leaders and citizens, a state is primarily and predominantly concerned with its own security.”

Several criticisms have been made of this perspective. First, questions of what “the state” is, how its interests are constructed, whose interests it represents, or why opposition arises, are not concerns which have been satisfactorily addressed under the Realist framework. These are questions that have been best dealt with by other sets of scholars. Second, Realists assume that states are knowledgeable as well as rational, that the state is aware of available options, is able to assess fully the costs and benefits of different alternatives, and is able to act in a way that maximizes benefits. These assumptions may be unsupported for a number of reasons. In terms of strategic assessment, states may or may not have access to all pertinent information at the time that a decision must be made, or may interpret or perceive information according to various schemata that may be premised on a particular ideology or identity. Issues of historical referencing may also play a strong role in the ways in which state actors analyze a given situation. Policies may therefore be constructed and implemented in times of confusion, situational ambiguity, or situational misinterpretation. Policies may also reflect the divided nature of state “interests,” and may be fragmented, inappropriate, or work at cross-purposes. Stanley (1996, p. 28) summarizes the major problems with the Realist model as follows:

To account for nonrational conduct by states, we have to make modifications to the Realist framework. One of the first steps is recognizing that policies can only be rational if policy makers have access to adequate information. Moreover, to act rationally, state policy makers must accurately perceive international conditions. Factors such as cultural and educational biases and leaders’ personal eccentricities can distort perceptions and lead to outcomes other than what Realist theory would predict. Another modification we need to make is to recognize that “state” decisions are often the result of the interplay of competing bureaucracies, producing outcomes that reflect the relative political clout of different state agencies, not a rational policy-making process (1996, p. 28).

States may also be unaware of the full range of effects that their actions will have, leading to further theoretical problems relating to the intended versus unintended consequences of state action (see Giddens 1979).

There has been an attempt within the social science literature to develop the notion of “bounded rationality,” which tries to remedy some of the problems identified above which weaken the more purist strains of political Realism. While the pursuit of interests remains the central theme, bounded rational actors [as opposed to purely rational actors] are constrained by situational contexts. In this way, bounded rationality attempts to present a more realistic account of state decision-making processes in practice. By understanding the state as a bounded-rational actor, this account of state behavior acknowledges that states must make choices within a restricted or partial framework in which not every situational detail is known or accurately assessed, and in which not all consequences can be adequately predicted. According to this view, states *do not* always

maximize their interests, as there inevitably will be situational factors that may prevent them from doing so. Instead, rather than meticulously assessing every option and tailoring an appropriate policy, states will often choose a satisfactory rather than “optimal” outcome (Stein 1990, p. 95).

B. ACCOUNTING FOR STATE BEHAVIOR: MARXISM

In a second perspective deriving from Marxism, state violence is seen as a mechanism developed within modern capitalism to enforce or impose social and class inequality (see generally Marshall 1965).¹⁰ As with the Realist perspective, under this rubric maintaining power is the primary objective of the modern [capitalist] state. However, the Marxist perspective presents a view of “interest” which is primarily economic and constructed according to class lines. Political conflicts are also class conflicts, and state violence is used to dismantle civil unrest and prevent a widening of social disengagement and class rebellion. In contrast to Realists, Marxists challenge the *legitimacy* of the state. Using this model, the political elite occupy the position of the ruling class, and due to this overlap in interests, the state becomes a tool for maintaining and legitimizing class oppression (Baxter 1989; Stanley 1996). Taking this analysis to the level of international relations, Marxists have theorized the links between the global capital system and local economic elites, noting the impact that this has on developing nations within the periphery. Stanley (1996, p. 21) notes:

In the long run, the growth of peripheral economies depends on increased exports rather than domestic demand. Under these circumstances, economic elites have incentives to suppress wages and neglect social policies that might increase the buying power of domestic workers. The net effect is to create highly stratified societies in which the elites have vested interests in keeping the society stratified, while the subordinate classes find themselves highly vulnerable to unemployment resulting either from unstable international prices or from modernization and mechanization. Thus repression often becomes a structural requirement of continued accumulation in peripheral exporting economies.

Stanley (1996) has also made the criticism that Marxist perspectives of state violence parallel Realist perspectives in that *they too sees the state [state actors] as pursuing rational interests*. Because the basic rationality of the state is not questioned, the Marxist approach to rights abuse therefore suffers from many of the same weaknesses as the Realist perspective. Empirically, state violence is often grossly disproportionate to any real challenge posed by destabilizing political, social, or economic forces, and this reality draws into serious question the assumption made by both sets of theorists that states operate on a purely “rational” plane.

In moving forward from rationalist approaches, William Stanley (1996) has done groundbreaking work in the area of state violence, and has offered several criticisms of the standard rationalist explanations [both Realist and Marxist] of human rights abuse. By arguing that these views make an unfounded assumption that states must use violence as a means of maintaining power in the face of resistance, Stanley points out that states have

choices when deciding how to react to internal opposition, and, in fact, often times grossly “over-react.” There are also several other weaknesses that can be found upon closer inspection of the two models. *First*, rationalist approaches generally suffer from a lack of historical contextualization, and do not note the ways in which states and social actors are impacted by events of the past. History impacts interpretation, and insofar as interpretation is a key issue in state decision-making processes, rational interests are not the only motivations of state behavior. *Second*, rationalism does not help to address how interests are hierarchically organized, or why different actors [even within the same state] give different levels of priority to different interests. Indeed, actors may not always agree on “interests,” or what constitutes “rationality,” on issues of appropriate strategy, for that matter. This logical problem goes underdeveloped within rationalist thinking because of the implicit assumption that if states do it, it *must* further their interests and therefore must be rational. This assumption does not get us very far in terms of explaining divergent behaviors. *Third*, in addition to the problems posed by being generally ahistorical and potentially ad hoc, while rationalism makes an explicit link between repression and opposition [more opposition will cause more repression], it does not help to illuminate the causes of opposition in the first place. Social injustice, as experienced by internal actors, goes largely unproblematized. While Marxists do look at these tensions along class lines, other social and historical cleavages relating to ethnicity, race, religion, gender, or other social category, are not well addressed. *Fourth*, this model does not complete the loop between repression and opposition; or said another way, more repression will cause more opposition, or as Stanley (1996, p. 16) writes “state repression turns protesters into guerrillas.” It would be helpful to link not only opposition to repression, but also to reverse the causal chain so that the relationship becomes more recursive, recognizing that opposition may increase as repression increases. *Fifth*, understanding the recursive relationship between repression and opposition may entail a need to more thoughtfully consider the role of emotionality in situations of abuse. In so far as part of the objective of state terrorism is to incite fear into the population, the role of emotion should not be left out of the discussion of human rights violation.¹¹ Repression may have several emotional outcomes. Part of the mechanism of repression [especially when it comes to killing, imprisonment, disappearance and torture] is to literally “take out” the opposition, and it is true that part of this can be accomplished by making participation in resistance activities highly risky. Nonetheless, as Mara Loveman (1998) has pointed out, individuals will risk their lives to resist a repressive state. While repression will no doubt cause many people to be afraid, it will also cause some people to intensify their political commitments, becoming more determined and more convinced of the justness of their cause. Violence on both sides may cause political polarization and emotional callousness, as violence may contribute to a downward spiral of decreased trust and increased resentment.

In filling in the gaps of rationalist approaches, it would be useful to integrate some other factors into the equation and thereby include a more thoughtful account of: 1) how interests are themselves constructed; 2) what contributes to the formation of social opposition, as well as what sustains it over time; 3) the international and historical context for both repression and opposition; and 4) the possible mixed motivations for state action.

As Marxists have alluded to, economic inequality may serve as a type of antecedent variable to both repression and opposition. However, even though declining economic prosperity may place pressure on the state, it may not *directly* link to increased repression. Rather, declining economic indicators may alert us to one possible cause of political opposition and civil unrest, and it is this opposition to the state that is more directly linked with increased repression. Economic variables may show up as predictor variables within the empirical research because these factors are in fact later translated into forms of political resistance. In his discussion of the socioeconomic and political roots of national revolts in Central America, John Booth (1991, p. 60) supports this idea and writes:

The evidence strongly suggests that Central America's rapid growth of export agriculture after 1950 and industrialization after 1960 markedly reduced the relative and absolute living standards of many members of the working class, who then mobilized to demand redress of their grievances. Where the state responded accommodatingly and with limited repression (in Costa Rica and Honduras), opposition mobilization stagnated or subsided. Where the state did not ameliorate growing inequality and employed heavy repression (in Nicaragua, El Salvador, and Guatemala), opposition mobilization and unity increased and led to a broad rebellious challenge to regime sovereignty.

Similarly, openings in the domestic political opportunity structure [i.e. divisions among elites, state fragmentation, or increased democratization] could result in more vocal opposition to regime power (Kriesi 1995). Eventually all these factors, whether they be economic or political, whether they originate internally or externally, whether they are perceived or real, may get translated into either supporting, pressuring, or threatening action vis-à-vis state authority. It is these broader conceptual categories that may be most directly linked to patterns of human rights abuse. Supports, pressures and threats should also be viewed within their historical and international contexts, with the understanding that these factors will be subjectively interpreted by state actors and will not simply be entered into a standardized cost-benefit equation.

Finally, the rationalist models are also compromised by their tendency to assume that the "state" is internally consistent, centralized, and operates as one unit. It would be more useful, as Stanley (1996, p. 29) argues, to view the state as an internally divided series of bureaucratic agencies which may be structured according to different policy objectives, and which may have more or less influence within the realms of policy making and implementation. States will vary according to their level of internal fragmentation, and this will then impact the ways in which supports, pressures, and threats are felt and interpreted by different parts of the state apparatus. Similarly, fragmentation will also impact the reactive capacity of the state, restricting or enabling different types of responses by different actors.

This new conceptualization of state behavior that emphasizes the "divided" rather than "unitary" nature of the state, may also be of greater strategic value. This idea seeks to address spaces of internal contradiction and tension within the state itself. The emergence of systemic vulnerabilities, or structural weaknesses, may therefore indicate moments of

strategic opportunity for both internal mobilization and external intervention seeking to pressure the nation-state and affect a change in human rights practices. One of the key issues to address in the human rights literature is the different ways in which “pressures” can affect the state, or part of the state. Pressures [and threats] are discussed as being both the cause of, and solution to, human rights abuse. This is a serious theoretical problem. New theories of abuse must work to more rigorously define and pull apart the many different kinds and levels of “pressures,” which can affect the nation-state and which can change human rights practices, for the better *or* for the worse.

C. ACCOUNTING FOR STATE BEHAVIOR: CONSTRUCTIVIST PERSPECTIVES

A final perspective on state violence presents a Constructivist account of state action, and distinguishes itself as a theoretical paradigm by questioning not only the basic rationality of the state, but also the very construction of “rationality” itself. Under this rubric, state interests are constructed, con-tested, and may reflect competing national interests or values. Rather than dividing motivations into either “non-rational” or “rational” categories, Constructivists argue that these labels are themselves artificial. In that way, Constructivists argue that “rationality” as a concept is *itself* socially constructed. What is “rational” in one place and time may not be “rational” in another. But because it is the rationalist view of the world that is privileged above other views, states attempt to frame their actions as being “rational.” In reality, however, Constructivists argue that the actions performed by nation-states, and the decision-making processes involved in the formulation of such action are heavily influenced by the types of ideologies, or subjective worldviews, to which nation-states, or actors acting in the capacity of “states,” subscribe. The interpretivist nature of the state, therefore, influences the ways in which actors and institutions *subjectively or inter-subjectively perceive* their goals and political situations. Making this assumption regarding the basic nature of state behavior, actions taken by states are profoundly impacted by macro-social factors including ideology, identity, and culture, which have been largely neglected under the other paradigms. Here the importance of both history and human emotion can also be highlighted and problematized. Furthermore, this view recognizes that states may hold divergent or even conflicting interests at any one point in time. Violence is thereby seen, not as a rational response to “x” variable, but rather a manifestation of the complex ways in which actors perceive situations and the ways in which these perceptions have been shaped by historical contingencies, normative frames, cultural meanings, and socio-emotional reactions. Violence may be calculated under this frame, but this should not be confused with rational behavior as Realists would tend to define it.

In an attempt to reconcile the Realist and Constructivist perspectives of the state, Poe et al. (1997a) have developed a bounded-rational theoretical model which attempts to explain patterns of human rights abuse over time, specifically elaborating, as many Realists would applaud, the notion of internal threat. This is not per se a new development. Yet, as a contribution to the existing literature, these authors also discuss the role of *perceived* internal threat in the decisions made by state actors to include violence in their domestic policy repertoires. In addition, there is a suggestion that the concepts of “willingness” and “opportunities” also figure into the repressive calculus.

These are, I would argue, significant additions to the literature and fruitful avenues for future theorizing and research. Poe et al. (1997a) have attempted to lay out the key components of regime decision-making processes by elaborating a model which can be used to predict under what circumstances states choose to implement strategies of repression against their own populations. As these authors note (1997a, p. 1), “Human rights abuses are so common worldwide that it is accurate to say that successfully modeling the thought processes underlying decision maker’s choice to use repression would yield a theoretical understanding of one policy tool used by many, if not most, of the world’s governments on a daily basis.” Poe et al. (1997a, p. 3, emphasis added) suggest that there are three key conceptual variables that help explain these decision-making processes. These variables include “threat,” “strength,” and “alarm.”

The Most and Starr Model assumes that decision makers can be represented as “unified and value-maximizing actors” (Most and Starr 1989, 126). In their domestic governmental models, which relate most closely to repression, the main foci of leaders who make domestic policy decisions are their perceptions of their regimes’ political *Strength* in the domestic domain (S), and their perception of the probability that a movement posing a domestic *Threat* (T) will topple the regime. Leaders of particular states are hypothesized to be willing to take action to increase their Strength, or decrease the Threat posed to their regime by their political opponents, in periods of *Alarm* when they perceive that the Threat is increasing relative to Strength, i.e., “[S_{t1}/T_{t1}] < [S_{t0}/T_{t0}]” (Most and Starr 1989, 126–8). They will be moved to take an action to try to increase the Strength/Threat ratio in times of alarm, if *they are willing* and are *presented with the opportunity* to do so. Repression may be conceptualized as one of the items on leaders’ decision menus that can be used toward this end.

There are several lines of thought developed in this paragraph. In general terms, by using this formula, repression is again seen as a response by the state to destabilization or challenges to political power or national security. As such, there is a very strong Realist assumption implied within the above calculus. In general, the idea argued here is consistent with the standard “State Response to Opposition” model of state repression, *but* with at least two important elaborations: 1) the idea of *state perception*, which implies that threat can be misinterpreted, exaggerated or underestimated by actors who occupy positions of power within the state, and 2) the idea that *opportunities* must be present in order for repression to occur.

Although I am somewhat skeptical by the assumptions that go into this formula, and particularly that changes in the threat/strength ratio so clearly and so linearly explain changes in the level of state repression—I nevertheless do think that there several important ideas which can be developed from this model. While “threat” is a useful concept, there is a conceptual distinction between internal “pressures” versus “threats.” The concepts are qualitatively different from each other and may imply very different affects on the regime or the state. Pressures, as such, may challenge the legitimacy of a

regime or of certain governmental policies, while threats may challenge the continued survival of the regime.

How different *types* and *gradations* of pressures and threats affect the nation-state is an important strategic question to address. Poe et al. (1997a; see also Poe et al. 1999) do try to get at this question through their discussion of threats posed by different kinds of internal actors and events. A distinction is then made between four forms of internal threat. First, organized non-violent protest involves a sustained confrontation with an unarmed opposition who express their dissent and political grievances through demonstrations, riots and other “unconventional” forms of political engagement (1997a, p. 7). It seems that much social movement activity would fall under this rubric. Next, organized nonviolent rebellion involves a more threatening form of dissent which seeks in some way to alter fundamentally the political and structural organization of the state. In contrast to non-violent protest, rebellion strategies are not focussed on narrow policy changes, but rather on systemic changes that will transform the very foundations of the state. Third, organized violent rebellion seeks to achieve the same goals as non-violent rebellion, but employs strategies which include armed attacks, terrorism, guerrilla movements and the occasional attempted coup d’état. The use of violence as a strategy of resistance may be a key factor in whether or not states will view protests as threats. Lastly, civil wars present the most extreme form of internal threat, fostering a state of emergency by creating a situation of intense and prolonged armed conflict, which ultimately may result in the collapse of the state.

3.3 THEORIES OF HUMAN RIGHTS ABUSE: PATHS TOWARD FURTHER DEVELOPMENT

There are several points to be clarified. *First, while these categories of internal threat appear to fall on something of a continuum, it should not be inferred that the affects of pressures and threats operate on a similar continuum.* That is to say, social scientists should not conclude that slight pressures on the state will result in slight repression simply because there is some evidence that severe “threat” may be related to more heavy-handed forms of repression. There may be a less linear relationship. Indeed, internal pressure strategies often serve to change, modify, or even reverse existing policies, and may serve to open up additional space for political engagement. Internal pressure as a source of positive social and political change is a theme that will be dealt with at greater length in the next chapter. Yet, I would argue here that the application of certain forms of pressure might well serve to improve the human rights situation by creating spaces for civil discourse and democratic participation, and by increasing the transparency of the state. This conceptual difference between pressures and threats seems to be a worthwhile avenue of inquiry. Yet, we cannot escape the interpretivist challenge. As Leo Kuper (1981, p. 92–93) has pointed out, threat is [at least in part] a subjective experience. How pressures and threats are interpreted by states is a difficult question to answer without greater attention to issues of situational and historical context. Yet, even if we were able to accomplish this successfully as interpretive social scientists, it may be that there are times when severe repression continues in the absence of real, or even perceived, threat. In this regard, Kuper (1981, p. 92–93) notes:

The distinction seems a useful one, between situations in which there is some threat, however slight, to the interests of those who perpetrate or plan to incite massacres, and situations devoid of such threat. Certainly there are difficulties in applying the distinction. Where the outside observer may see no threat whatsoever, objectively considered, the actor themselves may feel threatened.... Still, one can distinguish between massacres of a weak defenseless hostage group used as a scapegoat, and massacres arising in the course of a conflict in which there is some realistic threat or challenge to the interests of the dominant group in the host society (Kuper 1981, p. 92–93).

Second, while Poe et al. (1997a; see also Poe et al. 1999) conceptualize threat as originating specifically from within a nation-state, there is no reason to limit this discussion to internal conflicts. Nation-states, as part of an international system, are affected by events that take place beyond their national boundaries. International war is one of the most obvious examples of external “threat,” and it is also one of the best predictors of human rights abuse (Poe and Tate 1994b; Poe et al. 1999; Fein 1995). As such, states can be pressured, and conceivably even have their survival threatened, from the outside. Pressures on states may originate as the result of bi-lateral tensions, unfavorable multi-lateral policies, or merely due to broader global patterns and historical shifts that fundamentally alter the relationship of the state vis-à-vis other international actors. For example, national-level economic variables relating to prosperity and growth [which some have linked to patterns of human rights abuse] are arguably very influenced by international processes relating to expanding global markets, transnational corporate investments, or other fluctuations within the world economy. Similarly, monumental changes in the international political landscape, such as the end of the Cold War, may profoundly affect individual states by realigning economic and political allies. External events and contingencies may therefore serve to destabilize vulnerable states. Conversely, depending on the nature of the interaction, change at the international level may also serve to support and stabilize states. Some thematic types of external pressures may include: *foreign aid pressure*, which may include restrictions on economic aid or military aid, or both; *symbolic pressure* which may include international “shaming,” and the use of reporting mechanisms which attempt to expose a country’s human rights record; or even *sanctioning*, which may include both symbolic and material components to varying degrees. If these pressure strategies are severe enough, focussed enough, and unified enough, international pressures could perhaps rise to the level of international threats.

In situations of human rights abuse, the absence of pressure from the international community may also be regarded as a kind of complicity or silent acquiescence. At the most extreme, uncritical forms of international support, whether material or symbolic, may serve to maintain the state and legitimate its violence. *How internal and external pressures, threats, and supports influence and counter-balance each other is another useful question for empirical research.* Because states can have their authority and legitimacy challenged either internally or externally, the presence of both internal and external pressures may have reinforcing and mutually sensitizing effects. The fragmentation of pressure strategies, a disjointed international effort, or a conflicting mix of pressures and supports, may also influence the behavior of states and may help to

account for issues of “decoupling” in the realm of human rights policy versus practice. These are important relationships to address, and I will attempt to elaborate on some of these issues in the discussion to follow. For now, however, let me note that one cannot adequately assess national vulnerability to [internal or external] pressures without some reference to international relationships.

Third, the idea of “willingness” as put forth by Poe et al. (1997a; see also Poe et al. 1999) seems to address some of the interpretivist concerns raised earlier, and allows a space within the theory to incorporate issues of subjectivity. Willingness seems quite tied in with issues of perception, namely both the perception of the situation and the perception of the likely outcome of action. While “willingness” may involve a cost-benefit analysis on some level, it should not be thought of as separate from socially constructed “interests,” values, and identities. Of course, there may be “symbolic” costs involved in action, such as the loss of group identity or shame, and this may raise the question of whether or not all action, whether motivated by symbolic or material interest, is not somehow “rational” *in the sense that* all action seeks to minimize costs vis-à-vis benefits. As an example, rather than attempting to minimize the “cost” of destabilized national security through repressive tactics, states may attempt to minimize the “cost” of shame or embarrassment implicit in losing to the opposition or conceding to some of its demands. But, even Realists would not label these behaviors as rational in the original sense. Rational motivations, Realists argue, are clearly defined as being material and based on power interests. As Constructivists argue, it is the concept of rationality itself that is deceptive. Rather than being somehow intrinsic to behavior, Constructivists argue that “rationality” is itself socially constructed. As such, rationality shapes the behavior of states *to the extent* that states are socialized into accepting the logic and etiquette of rationality. It is because *appearing* rational is *normative*, not intrinsic, that states attempt to present all of their actions as rational, regardless of the characteristic of that action or its motivation. What makes a state “willing,” or have the *desire* to use repression may well depend on a mix of motivations. But, using a rationalist paradigm may do more to obscure than to reveal these mixed motivations.

Forth, “opportunities” suggest that while states may be willing to implement strategies of violence, there must first be structural supports or situational contingencies in place which will facilitate the state [or parts of the state] in carrying out its desire. There are perhaps two useful ways to think about opportunity. First, structural opportunity may again be thought of in relation to both internal and external factors. The concept of “opportunity” entails that states must have in place, or must be able to develop, the actual *apparatus* of repression. Therefore, part of the “seizing” of opportunities may relate to the availability of resources, both material and symbolic which facilitate repression. In that sense, *opportunities will depend on state capacities.* In the most basic way, this may imply certain institutional capacities and structures at the national level that will allow repression as calculated action to occur. This may include, for example, a reliance on institutions such as the judiciary or army that serve as the active links between state policy and actual practice. If a state has a repressive agenda, yet no way to implement its strategies through organized channels—policy intentions remain effectively paralyzed. At the international level, structural supports such as foreign economic aid, military aid and, in some cases, the training of military or police personnel may serve to strengthen these institutionalized channels of repression. Again,

this relates to the earlier discussion of international pressures, threats and supports, insofar as these are translated into a changing international context of opportunity. Second, opportunities imply not only material and symbolic “supports,” but also *situational contingencies*, where opportunities may arise due to certain historical changes in international or national circumstances. This is a more abstract and difficult idea to elaborate. Yet, my sense is that there are historical moments that can be seized by state actors, perhaps as something analogous to movement mobilization during openings in the domestic “political opportunity structure.” While not capacitating in the same concrete way as military aid, situations of confusion or international inattention may lend themselves to the implementation of policies of repression. As one example, conflicts or competing values within the international system may make it easier for the state to seize upon a sense of ambiguity or inattention, allowing the state to feel more secure in its decision to engage in certain kinds of repression. Furthermore, symbolic reifications of a state’s legitimacy, perhaps for political reasons such as preserving international alliances, may provide a situational opportunity where states have greater license to act in repressive ways.

3.5 CHAPTER SUMMARY

Weaknesses and contradictions have arisen within the social scientific research literature on human rights abuse. While previous studies have provided some insight into the structural and psychological preconditions for violence, they have not been able to yield a completely satisfactory answer to the most fundamental question of *why* it is that nation-states take extreme and violent actions against their own populations. This inadequacy results in part because the research has tended to divide, rather than integrate, different levels of analysis. As such, much of the research on human right abuse necessarily provides at best a partial account of the different variables impacting the state. Nonetheless, the human rights research agenda is critically important, and would be strengthened by addressing in a more systematic way, the *interactions between different levels of analysis*.

Scholars can build upon this literature in at least two ways. First, a more systematic categorization of variables is central to the development of human rights scholarship. That is, in order to avoid logical tautologies, social scientists must work to understand in a much more concrete way *why* it is that certain factors are associated with violence, and how predictive variables come to develop within societies (Fein 1993). This literature points to a need for continued theoretical development, which does more than tell us which variables are correlated with abuse. By abstracting how all these factors similarly affect the state, and under what conditions, future research could significantly improve and refine theory in this area. Second, a more complete theory would address the relationship between the state and civil society, as well as between the state and the international system. This is a significant gap within the literature. Individual, national, and international factors are often empirically dealt with in isolation, an approach that does not reflect the reality of the situations in which human rights violations occur.

Different levels of analysis are not insulated from each other and must be thought to connect and influence each other in meaningful ways. The empirical literature on human

rights abuse therefore suffers from a lack of theoretical contextualization, a theme that could be further elaborated with the inclusion of more in-depth qualitative research. Having spent some time laying a foundation for this research, both conceptually and empirically, it is useful to think about how to broaden the theoretical lens through which social scientists view state violence. The presentation of different theoretical accounts of state behavior has been meant both, 1) to provide a framework in which to understand the state as actor, and 2) to inform the upcoming chapter on the relationship of the state to civil society and to the international system. I come out of the discussions presented in this chapter with a series of observations and suggestions on how theories on human rights abuse can be developed from here:

1. *Better understandings of human rights abuse should attempt to incorporate and balance multiple motivations for state behavior.* The work of William Stanley (1996) has been particularly instructive on this question. While explanations of abuse should entail a theoretical cognizance of cost-benefit analysis, this must also be tempered with attention to history, identity, and subjective perception. Certainly, rationalist perspectives do a good job of explaining certain kinds of social behaviors. Yet, there is a rich context in which to situate both the perceptions and the behaviors of state actors. All of these factors should be thought about and critically analyzed if one is to gain more meaningful insight into the manifestation and maintenance of human rights abuse. Furthermore, history as a framework which influences state perception is an issue that can also be more thoughtfully elaborated upon within the research (see Zolberg 1998).¹² Attempting to integrate multiple motivations for state behavior will no doubt make theories of state violence more nuanced and complex. There are drawbacks as well as advantages to all theories, as broad notions of generalized causality and explanation must, in the social sciences, be counter-balanced against localized social contingencies and specific con-texts. Understanding the importance of context can inform and compliment, rather than confuse and obscure, this kind of goal. Theories of human rights abuse should maintain a balance between being generalizable, and being contextually grounded.
2. *These discussions have developed a framework in which to formulate ideas about intra-national as well as international events and relationships, and their potential affects on the nation-state.* In this regard, both international and national level pressures and opportunities must be theorized. This is part of the larger project of contextualization, and elaborating these two themes will take up much of the discussion presented in Chapter 4. Understanding the relationship of the state to civil society and the relationship of the state to the international system will help to develop new ways by which to understand human rights abuse.
3. *When considering internal and external factors influencing the state, it is critical to develop a more rigorous conceptualization of “pressure” as a variable that can be empirically studied.* There are several ways in which to think about the concept of pressure, including the origin of pressure, the gradation or type of pressure, the interpretation of pressure, the context of pressure, and ultimately, the effect of pressure. Each of these questions must be meaningfully addressed in order to understand how different internal and external factors influence the state and its behaviors with regards to human rights abuse. This also fits in with the earlier point raised that states are themselves divided actors. Theories of human rights abuse must

be aware that pressures may affect different segments of the state in different ways. Therefore, the outcome of pressure strategies may not be consistent across the board, and may depend in large part on the individual state institutions and agencies that are most directly affected by those pressures. Theories of human rights abuse must therefore seek to not only to integrate civil society, the divided state, and the international system, it must also illuminate the pressure relationships that exist between them. How these pressures affect the state, or parts of the state, is critical to understanding why patterns of human rights abuse change over time. Certainly, change may originate from within the state itself, especially if the state is deeply fragmented. Yet, the question of pressure seems especially relevant to questions of human rights abuse as there are often multiple pressures placed upon the state, from within and without, which may make repression more or less likely.¹³ The task of this research is to help understand what changes in context, in this case internal and external pressure, influence actual levels of human rights abuse. These are issues which will resurface in the next chapter, and which will continue to frame the central research questions for this project.

In order to facilitate a deeper understanding of the relationships discussed above, in the next chapter I will be drawing upon the contributions of two major literatures. The first, on social movements, addresses issues of political contention and challenge as launched from within the nation-state. This section connects to, and moves forward from, the ideas put forth by Poe et al. (1997a) on internal threat. In so far as many social movements are directly engaged with the state, and act with the intent to modify or shape the actions of the state, the relationship between social movements and the state becomes an important aspect to consider when unpacking questions of state behavior. In considering these questions, I will discuss issues of why movements mobilize, why they adopt particular strategies, and how effective they can be in achieving their goals. In specific reference to human rights movements, I will dedicate some time at the end of this section to discuss transnational movement mobilization and what this can mean in terms of increasing strategic effectiveness by placing multiple pressures on the nation-state.

International relationships are perhaps the other half of this coin, as states are influenced both internally and externally. In the next chapter, I also summarize the work of international relations scholars as they have addressed why it is that states act as they do within the international system. International relations scholars have also developed a rich set of literature on the various ways in which states are impacted by international forces. As such, using the international relations literature facilitates an understanding of questions related to state compliance with international human rights norms, how state behavior is shaped by different kinds of international pressures, and highlights the importance of both international power relationships and normative structures. Keeping both internal and external influences in perspective, I hope to view the state in a more realistic and grounded way. In the end, these discussions should be integrated; acknowledging that there are, in fact, multiple ways in which internal and external factors interact to influence the state.

Chapter IV

The Intersection of the State, Civil Society and the International System

The age of narrow-minded nationalism has ended. Today, we must accept the fact that the evils of environmental destruction and human deprivation, of disease and malnutrition, of conspicuous consumption and military build-up are global problems—problems which affect us all.... Do not be overwhelmed by the problems we face. Instead, be determined to make your mark against poverty and inequality, for it is this determination that builds hope, and it is hope that allows people to join together in the movements that change the world.

—Oscar Arias Sanchez
Former President of Costa Rica and 1987
Recipient of the Nobel Peace Prize

The hugely increased normative ambitions of international society are nowhere more visible than in the field of human rights and democracy—in the idea that the relationship between ruler and ruled, state and citizen, should be the subject of legitimate international concern; that the ill-treatment of citizens and the absence of democratic governance should trigger international action; and that the external legitimacy of a state should depend increasingly on how domestic societies are ordered politically.

—Andrew Hurrell
Lecturer in International Relations, University of Oxford

4.1 CIVIL SOCIETY AND THE NATION-STATE: CONTRIBUTIONS FROM THE SOCIAL MOVEMENTS LITERATURE

A Steven Poe and his colleagues (1997a; see also Poe et al. 1999) have noted, shifting internal political tensions are important factors to consider when attempting to explain patterns of human rights abuse. Insofar as social movements bring these broader political tensions to the fore of public engagement, they are an important social phenomenon to address in human rights research. An analysis of different kinds of social movements also illuminates the question of internal pressure by highlighting the severity of the social fault lines and conflicts that exist within societies and states. Because internal pressure is often a critical factor within situations of human rights abuse, a more careful and complete consideration of social and revolutionary movements is necessary. Doing so helps not only to explain different forms of internal pressures and their potential effects on the state, but also helps scholars and advocates understand how and why “internal pressures,” in the form of movements, come to exist in the first place. This chapter begins with a review of the social movements literature in order to help enrich emerging theories on the links between internal pressure and state repression. The second half of this chapter looks at the state and its relationship to the international system, so as to similarly address the question of external pressure and its affect on the nation-state.

In understanding the historical development of social movements, social scientists have noted that it was the emergence of the modern nation-state that gave rise to the formation of social movements and collective political action, as we now know them. As Sydney Tarrow (1998, p. 63) has pointed out, “[a]s the activities of national states expanded and penetrated society, the targets of contention shifted from private and local actors to national centers of decision making. The national state not only centralized the targets of collective action; it involuntarily produced a fulcrum on which claims could be mounted against *non*-state antagonists through the mediation of the state” (see also Eisenstadt 1980; and Godelie 1980). In its engagement with the state, collective behavior can be one of the most important mechanisms for social change, and can produce both deep cultural shifts and institutional reforms. This change can occur in a variety of ways, and certainly social change also occurs through the interaction of non-state actors. Yet, this discussion on movements is meant to elaborate the ways in which states can be pressured, transformed, or even brought down, from the inside. The following section can be read with reference to several kinds of social movements, including revolutionary movements and human rights movements, both of which attempt to pressure the state, albeit by employing different [although at times overlapping] strategies.

Many scholars have recognized the important role played by social movements within large-scale and long-term processes of change. Many contributions have been made within the sociological literature toward understanding and illuminating the making of movements and their relationship to the broader political structure and culture. Here, I will highlight some of the key theoretical issues involved in social movement processes with specific reference to contesting state power. As noted by J.Craig Jenkins (1995, chapter 2) there are at least three reasons to connect social movements to the state: 1) social movements are inherently political, 2) the state organizes the political environment

within which social movements operate, and 3) social movements constitute a claim for political representation (see also Poulantzas 1980; Bright and Harding 1984). Understanding this, I will tailor my analysis around three general questions. The first question, *why do social movements form?* relates to both structural and agentic factors. There have been several paradigms developed within the broader literature that try to answer this basic question and I will summarize two of the dominant approaches, focussing on resource-mobilization and identity-oriented perspectives. These are not, as I will argue, necessarily conflicting paradigms. Second, *what strategies can social movements take to achieve their goals?* This will depend in part on the nature of collective action repertoires and changes within the state and the domestic political opportunity structure. I will elaborate upon these themes, as they are related to both violent and non-violent forms of protest. Third, *when are movements successful?* Success as an outcome can be conceptualized in a number of different ways, ranging from more superficial forms of “acceptance” or “integration,” to deeper cultural and institutional transformation. These questions relate to the study of human rights abuse because they help us to understand the internal dynamics of nation-states through the concept of internal pressure. Thinking about social movements as one manifestation of internal pressure, or as a specific kind of internal pressure, helps to connect the insights of the social movements literature with the questions of why internal pressure develops and how different forms of internal pressure affect the state. Having dealt in the previous chapter with some of the ways in which the state has been theorized, especially in terms of its decision-making processes, I now turn my attention to part of the context in which states frame their decisions, that is, their inter-*n*-al political condition.

A. CONTESTING THE STATE: SOCIAL MOVEMENT MOBILIZATION

Social movements have been defined as “collective challenges, based on common purposes and social solidarities, in sustained interaction with elites, opponents, and authorities” (Tarrow 1998, p. 4). Yet, how and why do social movements arise? These are perhaps more complicated questions than they seem. In answer to these questions, sociologists have developed at least two major paradigms within the social movement literature that address issues of mobilization.¹ To some extent, these theories follow along similar lines as many of the larger debates within the social sciences as a whole, for example between micro-versus macro-level causality,² rationality versus subjectivity, or even more abstractly, positivism versus interpretivism. While there have been several more nuanced or hybrid frameworks used to study social movements, I focus here on the two which have dominated the study of collective action most recently, the “resource-mobilization”³ paradigm and the “identity-oriented” paradigm (Cohen 1985; see also della Porta and Diani 1999).

First, the resource mobilization paradigm, in contrast to earlier theories that emphasized individual psychological factors and isolated incidents of rioting and civil disobedience, developed an understanding of mobilization that addressed issues of *formal* organization [rather than spontaneous outbursts of passion] around the themes of interests, resources, opportunities and strategies (McCarthy and Zald 1977). Rather than seeing political contention as a haphazard phenomenon driven by spontaneous or

sporadic moments of heightened disorder and discontent, these scholars focussed on the sustained collective action of individuals based on rational interests, durable organizational forms, and the access to, and use of, social resources. Resource-mobilization theorists argued that discontent is, in fact, a social constant that alone does not explain when or why movements form. Rather, it is the changing patterns in the *access* to resources which best explains mobilization.⁴ One common example is the empirical finding that workers generally strike during periods of economic boom rather than during depressions (see Tarrow 1998, p. 72–73). While some strains of this theory have emphasized individualist “rational-actor” models of movement mobilization, there has also been substantial theoretical development around understanding collective interests as constructed by solidarity groups. However, resource-mobilization theorists still maintain a primary focus on strategic action as influenced by cost-benefit analyses (Cohen 1985, p. 675). As such, resource-mobilization theorists share a set of common assumptions about the nature of social movement, which have been summarized by Cohen and Arato (1992, p. 498). These include:

- Social movements must be understood in terms of a conflict theory of collective action.
- There is no fundamental difference between institutional and non-institutional collective action.
- Both entail conflicts of interest built into institutionalized power relations.
- Collective action involves the rational pursuit of interests by groups.
- Goals and grievances are permanent products of power relations and cannot account for the formation of movements.
- Movements form because of changes in resources, organization, and opportunities for collective action.
- Success involves the recognition of the group as a political actor or increased material benefits.
- Mobilization involves large-scale, special-purpose, bureaucratic, formal organizations.

Resource-mobilization theorists therefore see social movements as an organized and rational type of collective action that attempts to alter the configuration of power within the broader society.

The work of Charles Tilly (1978; 1984b; 1984c; 1994; 1995; 1998) has been especially influential. Tilly considers large-scale political processes and social structures in their relationship to movements. In one of his earlier works, Tilly (1978) elaborated on the social and structural contingencies that go into the making of a movement and resulting in collective action (see figure 4.1 below). In this regard, “interests” are seen as *a starting point* for facilitating collective action, yet, there is not a direct connection between interest and collective action. Rather, movement mobilization will depend on the availability of resources and opportunities for formal organization. One of the most important structural factors that will impede or facilitate the formation of social movements is the configuration of political power within the state, or what has been coined by political-process theorists as the “political opportunity structure.”

Political opportunities have been conceptualized along four dimensions and include, 1) the degree of openness or closure of formal political access, 2) the degree of stability or instability of political alignments, 3) the availability and strategic posture of potential

allies, and 4) political conflicts among elites (as summarized by Kriesi 1995, p. 167; Tarrow 1989, p. 34; see also Hannan and Carroll 1981).⁵ States that are most permeable to democratic influences, or decentralized “weak states,” present a more favorable

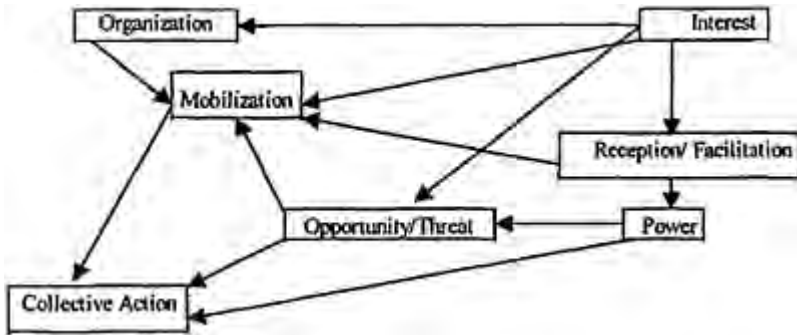


Figure 4.1 Outline of Collective Mobilization Model

From: Tilly, C., 1978. *From Mobilization to Revolution*. Reading, Massachusetts: Addison Wesley, p. 56. Used with permission.

environment for movement mobilization (Kriesi 1995, p. 172; see also Boyle 1998; 2000). Yet, weak states may also have more difficulty implementing desired policies. “Strong states,” which do not facilitate popular participation, may conversely have a greater capacity to act unitarily, albeit in undemocratic ways. However, the lack of access to avenues of political recourse in strong states has *itself* been argued to be a potential factor leading to mobilization. This has been called the “repression paradox” by some scholars (Tarrow 1998, p. 84; for a discussion on how to resolve this paradox, see Brockett 1993). As Jenkins and Klandermans (1992, p. 4) have noted, social movements may arise out of a “linkage failure” between the state and civil society. In other words, if there are no institutionalized and adequate channels of participation, actors may mobilize outside the political system and pressure from the outside for their inclusion in the political process. Furthermore, the lack of legitimate recourse can produce a “radicalization of collective action, and a more effective organization of opponents, as moderate dissenters defect into private life and more militant ones take center stage” (Tarrow 1998, p. 84–85).

The notion of “political opportunity structure” also helps to elaborate the idea of the divided state. Division within the state may also occur because of divergent priorities amongst autonomous branches of government. Fault lines within the structure of the state itself, or division among political elites, allow movements the strategic opportunity to seize and exploit intra-state conflicts and points of weakness in order to advance their own political agendas. As McAdam, McCarthy, and Zald (1988, p. 721) have argued, “...different branches of government may be at odds with one another or may afford

movements better or worse opportunities to pursue their goals. In a system of divided power, the legislative, executive, and judicial branches operate under different procedural and substantive norms and have different constituencies." Whatever the source, division within the state allows movements to narrow in on the vulnerabilities within the state, and use these disjointed spaces as pressure points to further political goals.⁶

Resource mobilization theories have been criticized for their reliance on rational-choice assumptions and for their silence on issues of identity formation, political culture, personal commitment, and the construction of collective values. While not necessarily opposed to the insights provided by the resource-mobilization paradigm, "identity-oriented" approaches to the study of social movements helps to fill in some of the gaps of resource mobilization by beginning to problematize the starting point of "interests." Under this view, "interests" are not taken for granted, but rather are seen as being shaped by existing identities, cultural meanings, and cognitive frames (see generally Berger and Luckmann 1966). Furthermore, the idea of group solidarity helps to bridge the gap between membership in a group and collective action (Rochon 1998, chapter 2). In order to facilitate solidarity, groups must also have a shared way of viewing the world, which in turn makes collective action meaningful.

In an influential article, Snow, Rochford, Worden, and Benford (1986) elaborate on the idea of "frame alignment" and its importance in both facilitating movement participation and mobilization. This idea helps to connect collective perception [as opposed to "rational" self-interest] with collective movement. Frame alignment entails a process by which political issues are infused with meaning through, in part, their connection with existing cultural identities or other sets of shared values. Snow et al. (1986) propose four frame alignment processes, 1) frame bridging, 2) frame amplification, 3) frame extension, and 4) frame transformation.⁷ Framing as process entails a reliance on both reproduction and transformation, in that it draws upon existing collective identities [through frame bridging and frame amplification], yet also serves to shape new ones [through frame extension and frame transformation].

To illustrate, human rights issues when translated into different cultural contexts, may require a process of frame alignment. That is to say, human rights movements may be successful to the extent that they are able to connect with other *established* shared sets of beliefs, which may be cultural, religious, political, or other.⁸ Similarly, struggles *against* human rights ideas may gain force through their association with existing cultural, nationalist, anti-colonial and anti-imperialist frames. Frame alignment entails the merging or extension of meaningful discourses to cover new areas. In situations where a new frame is connected to one previously established, this process helps to give the new "frame" a deeper resonance (Gamson 1998, p. 74–77).⁹ The construction of interests, therefore, rests on these processes of meanings and identities that shape the ways in which actors think about, and choose to pursue, their objectives. However, it should be noted that "framing" is not always accidental or coincidental. Framing strategies may be quite purposeful. Indeed, part of the work of social movements is to make their issues salient within a society so that collective action can be encouraged and sustained. Framing therefore shapes the collective interests which give rise to movements, yet is also part of the continuing and self-conscious strategy of movements once formed.

Part of the salience of framing is the ability to connect political issues with actors' sense of justice and existing personal commitments. The process of making movements

personal [although not necessarily self-interested] by sparking outrage, creating anxiety, or boosting confidence can be very valuable and very effective as part of a broader collective action strategy. Part of the work of successful framing is therefore emotive. The most successful frames will be able to link the political and the personal in a way that makes participation in a movement *politically compelling* and *personally relevant*. In his work on “Constructing Social Protest,” William Gamson (1995 p. 90–91; see also Gamson 1975 and 1998) notes the connection between framing, injustice, and emotion:

Hardships and inequalities can be presented in ways that stimulate many different emotions: compassion, cynicism, bemused irony, and resignation, for example. Injustice focuses on the kind of righteous anger that puts fire in the belly and iron in the soul. Injustice, as I argued earlier, is a hot cognition, not merely an abstract intellectual judgement about what is equitable. The heat of moral judgement is intimately related to beliefs about what acts or conditions have caused people to suffer undeserved hardship or loss. The critical dimension is the abstractness of the target. Vague and abstract sources of unfairness diffuse indignation and make it seem foolish. We may think it dreadfully unfair when it rains on our parade, but bad luck and nature are poor targets for an injustice frame.... At the other extreme, if one attributes undeserved suffering to malicious or selfish acts by clearly identifiable persons or groups, the emotional component of an injustice frame is almost certainly there. Concreteness in the target, even when it is misplaced and directed away from the real causes of hardship, is a necessary condition for an injustice frame.

Continuing the theme of the role of emotion in making and maintaining collective action, Aminzade and McAdam (1998, p. 3–4; see also Barbalet 1998, chapters 2 and 6) note:

At the aggregate level, we think the onset of an episode of contention is associated with, and particularly dependent on, the collective mobilization of heightened emotion. This is not to say that the mobilization of strong emotions “causes” movements or revolution, but that otherwise favorable environmental circumstances (e.g. the presence of established organizations, expanding political opportunities, population pressures, etc.) will not produce a movement in the absence of heightened emotion.

This emphasis on individual- and collective-level commitments, beliefs, identities, and emotions, helps to address some of the reasons why people take part in movements, even if they do not directly “benefit” from doing so in any “rational” or material way. Furthermore, understanding the complexity of motivational factors helps to address the “free-rider” problem in social movement theory—that is, why would rational individuals take part in movements if they could receive the same benefits without doing so? Clean air and clean water, for example, are collective goods that would [perhaps] be made available to everyone regardless of whether you protested on Capitol Hill, donated money to an environmental organization or even wrote a letter to your State representative. So

why bother? As Bert Klandermans (1997, p. 28) has noted, motivating an individual to participate in a movement usually entails the combination of both collective and selective incentives. "In other words, in order to motivate participants an activity must be rewarding in and of itself and help to achieve valued collective goals, and neither can be taken for granted" (Klandermans 1997, p. 28). Identity-oriented paradigms can help provide part of the answer to questions of movement mobilization by addressing what makes participation in a movement rewarding and meaningful to its members. In addition to salient "issue" frames [such as the injustice frame] which are able to connect politics and emotion, Bert Klandermans (1997, p. 21; see also 1984) has also pointed out that it is the connection of these "issue" frames to "identity" frames which motivates and sustains action. Action is possible because individuals themselves become identified with and personally invested in social movements.

B. SOCIAL REVOLUTIONS AND CYCLES OF MOVEMENT VIOLENCE

Because human rights abuses frequently take place within the context of heightened conflict between the state and opposition groups within civil society, a separate discussion of revolutionary movements may be of special relevance. This is not to suggest that human rights abuses take place only within the context of radicalized conflict, nor is it to suggest that social movements and revolutions are entirely distinct. Rather, revolutionary movements have their own unique characteristics that make their relationship to the state more urgent, more contentious, calling for more systemic and radicalized forms of political change. Theda Skocpol (1979, p. 4) has defined revolutions as "...rapid, basic transformations of a society's state and class structures; and they are accompanied and in part carried through by class-based revolts from below." Class revolt is also compounded in many instances by issues of ethnicity, race, religion, and political ideology, to name a few. While class relationships and tensions are certainly one of the dominant factors that motivate revolutionary movements, it is erroneous to subsume all social inequalities under the singular paradigm of class.

Just as the earliest theories of movement mobilization focussed on rising discontent, so too did the earliest theories of revolution build upon the notion that "misery breeds revolt" (for a review see Goldstone 1982, p. 192–194). In his article, "Toward a Theory of Revolution," J.C.Davies (1962) attempted to move away from this simple model by introducing ideas relating to the changing perceptions of misery and injustice. In so doing, Davies synthesized the classic Marxian view that revolutions occur when economic prosperity for the working class does not keep up with the growing enrichment of the capitalist class, and the counter-hypothesis from de Tocqueville, which held that revolutions occur when circumstances improve slightly for the working class (see figure 4.2 below).

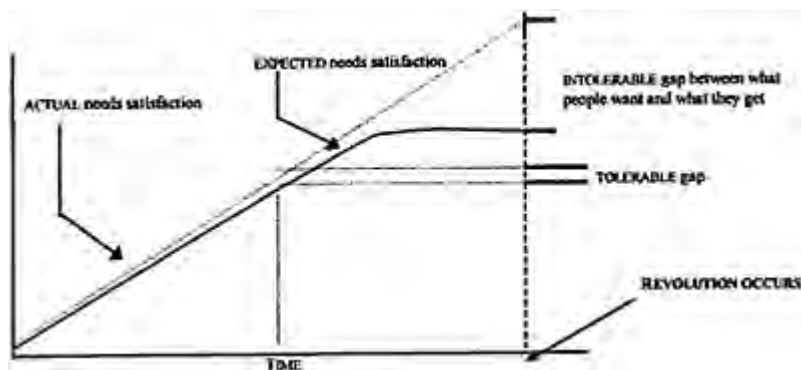


Figure 4.2 A Theory of Revolution

From: Davies, J.C. 1962. "Toward a Theory of Revolution," *American Sociological Review* 27(1), 5–19.

Davies argued that these two perspectives were not at odds with one another and that, in fact, both processes were involved in the making of a revolution. By resting his argument on both structural and psychological factors, Davies argued that rising levels of "needs satisfaction" produce rising expectations which may be frustrated in periods of increasing prosperity (see figure 4.2 above). The perception of the working class was, then, a key factor in determining when a revolution would occur.

More recently, several sociologists and political scientists have again taken on the problem of social revolution, as it is perhaps one of the more dramatic forms of social and political change (see Skocpol 1979 and 1998; see also Goldstone 1982). As Jenkins and Klandermans (1992) have noted, social movements [broadly conceptualized to include revolutionary movements] can contest the state, the regime, or the government. These different levels of struggle help to lay out the distinction between participation in a movement geared at policy change and a movement geared at changing very structure of the state itself (Goldstone 1998, p. 128). This idea relates to the notion of "threat" as articulated by Poe et al. (1997a), as movements seeking to overthrow regimes pose a more severe threat than do those who work within the given political structure, or advance only a narrow policy change. As pointed out by Goldstone (1982, p. 187), revolt is only one of several protest strategies that can be used by the oppressed. In an attempt to address the question of why revolutions occur, as opposed to standard protest movements, theories that start with the characteristics of the state itself suggest that there are structural reasons why people choose rebellion as a strategy. Rather than being a mere reflection of oppression, poverty, or injustice,¹⁰ revolutionary movements, as noted by Jeff Goodwin and Theda Skocpol (1989, p. 505; on peasant rebellions see also Jenkins, 1983; Paige, 1993; and Coatsworth, 1994), are most likely to occur when *states themselves* are weak, corrupt and disorganized and when there is mounting opposition from social elites.¹¹ In this state-centered analysis, revolutions are most likely to arise and

succeed when there are, as Tarrow describes (1998, p. 157), “deep fragmentation in state power.”

We can think back to our earlier discussion of political factors relating to human rights abuse, and the “More Murder in the Middle” theory offered by Helen Fein (1995), which paradoxically connects emerging democratization to heightened levels of human rights abuse. Here we can link emerging democratization, which implies a process of opening the political opportunity structure, and contentious movement. The heightened levels of social movement activity fostered by more favorable political opportunity structures may lead to state retaliation within semi-democratic regimes. Yet, if the state is sufficiently weakened, fragmented, or its corruption exposed by the democratization process, it is possible for movements to escalate and continue pushing for reform. This increased internal pressure can thereby create a severe crisis within the state, as democratization cannot continue without political order, and the political order is in serious question during these periods of transition and increased participation/contestation.¹² These issues become even more complicated if the new regime must also address the human rights violations committed by previous regime, attempting to bring to justice former political and military authorities (see Walsh 1996). As such, severe crisis may lead to “deep fragmentation” within the state apparatus itself. Consequently, this fragmentation within the state may help account for increasing radicalized forms of contention. In this way, there may be a recursive relationship involved in these processes. Further, these tensions *within* the state and *between* the state and civil society may help account for why states, or parts of the state, resort to repression during these vulnerable periods. It becomes “a state of emergency” wherein different rules and expectations apply. However, we must remember that this is only one possible scenario. States may just as well engage in negotiations and make concessions to their opponents (see Booth 1991). However, in situations of extreme ideological polarization where no moderating forces exist, peaceful resolution may be less likely to occur.

Increased violence and repression on the part of the state also tends to escalate movement violence—and vice versa—raising question as to the utility of violent strategies as employed by both states and opposition movements (for a discussion of social movement cycles see Tarrow 1989; 1992; 1993; and 1998). As William Stanley (1996, p. 1) has noted on the case of El Salvador, after two years of heightened levels of repression by state authorities, leftist guerilla forces responded with an intensified counter-offensive and began to rely more and more on assassinations and kidnappings as resistance strategies. The rebels did not go unpunished. Neither did those individuals [teachers, the rural poor, union activists, clergy members, and students, to name a few] targeted by the state as being potentially sympathetic with the political Left. According to Stanley (1996, p. 1) “The state struck back, leading to an spiral of eye-for-an-eye retaliation by both sides.” By hardening emotions and polarizing political alignments, violence escalates. This may raise the question of why violence is so often used in the first place? There are perhaps several answers to this question (see Eckstein 1965; David 1997). At the macro-sociological level, there may already exist standard repertoires of contentious political engagement, or a “political culture,” which justifies the use force as a legitimate strategy. There may exist other supporting cultural, historical or ideological factors which also advocate violence as a means to an end. Perhaps the most simple answer, however, is that while perhaps most costly in the long term, violence is “easy”

compared to other strategies of resistance and engagement. When tempers flare and frustrations are high, violence may also be emotionally satisfying, immediate, and a stark way to demonstrate one's power. As Sidney Tarrow (1998, p. 94) has noted:

Violence is the easiest kind of collective action for small groups to initiate without encountering major costs of coordination and control. Whereas organizers of a protest demonstration need to work hard to bring together a following, fomenters of violence need no more than bricks, bats, or chains, the sound of breaking windows, or the crunch of batons on victims' heads.... Traditional forms of collective action centered on violence or the threat of violence because it was the easiest form of collective action for isolated, illiterate, and enraged people to initiate. But violence is also used deliberately by larger movements to weld supporters together, dehumanize opponents, and demonstrate a movement's prowess.

There are also unique ideologies and identities created in situations of violent repression and through counter-radical and/or violent political action. In this way, repressive states help foster their own legitimacy crisis, and create "martyrs and myths" which in turn serve to propel radical movements (della Porta 1995, p. 191). While perhaps not all revolutions are bloody ones, there is enough historical evidence to link radical revolt and violence. In her discussion of movement violence, Donatella della Porta (1995, p. 50–52) remarks that movements that are more "instrumental" and radical [as opposed to "symbolic" and reformist] are the most likely to use violence as a dominant strategy. However, while revolutionary or "radical" movements may spark violent action, this will only occur if there are already existing ideologies and repertoires of contention which can justify that violence. Further, ideological commitments are again related to the formation of individual and group identities. Revolutions create salient identity frames revolving around the image of "freedom fighter," which help to maintain people's participation in potentially risky, perhaps deadly, interactions with the state (della Porta 1995, p. 170–171).

Yet, Tarrow (1998, p. 95) has also noted the often times counter-effective outcomes of violent protest strategies:

Violence has a polarizing effect on conflict and alliance systems. It transforms the relations between challengers and authorities from a confused, many-sided game of allies, enemies and bystanders into a bipolar one in which people are forced to choose sides, allies defect, and the state's repressive apparatus swings into gear. The threat of violence is a major power in movements but it turns into a liability when potential allies become frightened, elites regroup in the name of social peace, and the forces of order learn to respond to it. The main reason why the organizers of the nightly marches in Belgrade begged their supporters not to engage in violence was to limit this polarization and to give the authorities no pretext for repression.

Violent engagement is often not the best strategy. It is, nevertheless, one of the more common forms of social conflict. This leaves rational-choice explanations at a loss. We can remedy this disjuncture, however, by evolving an understanding that at least part of the motivation for violence is not “rational.” Certainly the ideas of internal threats and pressures are important components in any situation of human right abuse. But, explanations of human rights abuse must be aware of other dynamics that mediate or precipitate these variables. Even if it is difficult to grasp at the macro-theoretical level, emotion and identity are very real social phenomena, which cannot be set aside from our understandings of political processes. They are also connected to the themes of culture and history, through which reality is interpreted, and in which identity rests.

C. A NOTE ON MOVEMENT SUCCESS

This discussion on violence as a resistance strategy may raise the question of what successful movements can do and seek to do. As sociologists have noted, movements may be successful on certain levels, yet unsuccessful on others. Violent strategies, for example, may succeed at getting the attention of authorities, but may not help in getting desired policy changes implemented. Some of the goals of movements may include institutional change (Clemens 1998), political democratization (Przeworski 1995; Markoff 1996; Tyler 1996; Domínguez and Lindenberg 1997; Guigni 1998; Melucci and Lyyra 1998), and cultural transformation (Meyer and Tarrow 1998). The success of movements will depend not only on the characteristics of movements themselves, but also on the nature of that which they seek to change. Certain social institutions and cultural practices are more entrenched and durable than are others (Clemens 1998). Burstein, Einwohner and Hollander (1995) elaborate on the concept of “movement success,” by conceptualizing “success” as falling into six distinct domains. These domains range from superficial, or “token,” changes at the level of discourse, to deeper changes in practices and cultural meanings. They include:

1. *Access Responsiveness*, which includes the ability of social movements to get their ideas out and expressed within public arenas.
2. *Agenda Responsiveness*, which implies that social movements are successful at getting their issues heard within relevant social or political decision making bodies.
3. *Policy Responsiveness*, which addresses the success of social movements at getting their position translated into actual social policy.
4. *Output Responsiveness*, meaning that there is actual enforcement and implementation of the policy.
5. *Impact Responsiveness*, meaning that the policy as actually complied with by the general public in the way originally intended.
6. *Structural Responsiveness*, which is seen as the final stage in the process, where actual social structures are changed and modified so as to better accommodate the new social policy and the normative principles it protects.¹³

These levels of movement success are also useful when thinking about the success of pressure strategies more generally. Whether pressure originates internally or externally, it may have similar effects on the state. In the same way that it would be useful to think about “pressure” as operating on a continuum, we can also envision the *potential*

outcomes of these strategies as also operating along a continuum. These gradations of “success” help to illuminate the different impacts that various kinds of strategies may have.¹⁴

D. SECTION SUMMARY

So far we have dealt with the literature on human rights, theories of the state and state violence, and now the social movements literature. Several themes have emerged during these discussions. First, the existing literature on abuse generally lacks meaningful context both in terms of history and international relations. History is an important factor to consider when addressing the reasons why certain political institutions emerge, why protest movements arise, and how individuals interpret current situations. In addition, international relations also influence the state, as states exist not only in relationship to internal actors, but also global ones. Third, macro-level explanations of abuse have not dealt meaningfully with the influence of identity, ideology, and emotion. There may well be multiple reasons why states choose violent strategies as a means of repression. Similarly, there may well be multiple reasons why resistance movements develop and continue to strike at the state. History, international relations, and identity may mediate how state actors perceive their situations, and as such, issues of subjective perception should be better incorporated into the explanations of human rights abuse. While these may be difficult concepts to tap into methodologically, human rights scholars may be able to seek a balance between rationalist and interpretive approaches in order to understand fully the multiple causes of abuse. Past approaches have helped to lay out some of the correlative variables associated with human rights abuse. This helps to illuminate the tangible factors that are most likely to affect state behavior. Yet, interpretive accounts are better equipped to abstract *meaning* from these variables, understanding the ways in which these variables affect state perception and state decision-making. This is an area of study where methodological pluralism could be very quite fruitful.

The issue of “pressure” is also one that emerges and re-emerges throughout these discussions. As mentioned earlier, the notion of pressure remains ambiguous in that it is described as being both the cause of, and solution to, situations of political violence and human rights abuse. This points to a need for significant conceptual refinement. Pressures may originate from different sources, may involve different points of leverage by targeting different parts of the state, and may employ very different means. These differences in pressures must be theorized in a more rigorous way, recognizing that pressure is a concept with multiple manifestations and multiple effects. The affects of pressure are potentially various, ranging from heightened levels of violence, to the adoption of more covert forms of oppression, to the implementation of political reform. Therefore, the *concept* of “pressure” (see Poe et al. 1997a), the *origin* of pressure (see Griffin 1983), the *timing* of pressure (see Aminzade 1992), the *fragmentation or unity* of pressure (see Haas 1992a and 1992b), the *interpretation* of pressure (see Stanley 1996), and the *effect* of pressure (see Cohen 1996; Landsman 1996; Roht-Arriaza 1996; Salinas 1996), must become primary within the study of human rights abuse.

In an effort to help develop this discussion, I have incorporated an analysis of internal pressures by bringing in contributions from the social movements literature. This

literature has developed an idea of the nation-state as a divided actor, and has contributed to our broader discussion by pointing out the various effects that successful pressure strategies may have. Yet, pressure can also be applied by international actors. The following section addresses this issue.

4.2 THE GLOBAL SYSTEM AND THE NATION-STATE: CONTRIBUTIONS FROM THE INTERNATIONAL RELATIONS LITERATURE

As was discussed in Chapter 2, international institutions such as the United Nations have taken up issues of human rights and work to ensure state cooperation with international norms, and have sought to change state behavior by setting forth clear obligations under multi-lateral treaties. In fact, there are many ways that states are potentially influenced by events and actors beyond their borders. International normative pressures, fluctuations in global markets, and shifting political alliances can all affect the behaviors and objectives of individual nation-states (Kazancigil 1986; Kis 1995; Neufeld 1995; Sklair 1995; Holton 1998). These global patterns and relationships can be incorporated into our earlier discussion of pressures and threats placed on the state. As such, a more thorough discussion of international relations also helps to illuminate questions of state behavior and, more specifically, state violence. This review discusses the major theoretical paradigms within the field of international relations (IR) that have attempted to theorize the behavior of states. This section will also explore the idea of external pressure by elaborating the importance of transnational social movements and international institutions in the creation of normative frameworks.

A. THE NEO-REALIST/NEO-LIBERAL DEBATE: INTERNATIONAL ANARCHY VERSUS COOPERATION

There have been several ways that scholars have conceptualized international relations and the global system (see generally Ferguson and Mansbach 1989; Holsti 1991; Booth and Smith 1995; Ku and Weiss 1998). Two of the dominant perspectives within the field are neo-Realism and neo-Liberalism, although many variations on these themes have emerged within the recent literature. Many of the general debates will be quite familiar to social scientists by this point. There are several important ideas to take away from this discussion, including the contrasting ways in which the state is theorized, and the different ways in which state behavior is itself understood. Consistent with the general rational-action paradigm within the social sciences, political Realists [and neo-Realists] have thought about the rational and purposeful behavior of nation-states within the global system (Verba 1961; see also Keohane 1986). Taking this view, states are seen as being the primary actors within the international system, and are thought to act in ways which will maximize benefits, and minimize costs. Robert Keohane (1986, p. 11) describes the Realist perspective, and writes “to say that governments act rationally in this sense means that they have consistent, ordered preferences, and that they calculate the costs and benefits of alternative policies in order to maximize their utility in light of both those preferences and of their perceptions of the nature of reality.” In this way, the

international field is viewed as being fundamentally anarchic, as states are driven not by a shared set of norms or values, but rather by their own narrow set of self-interests, particularly economic and security interests (for a critique see Lake 1996; see also Katzenstein 1996). Robert Keohane (1986, p. 9) has also noted that, up until very recently, political Realism has been not only been the dominant paradigm for understanding international relations within the social sciences, it has also become part of the standard way policy makers themselves have come to think about issues of international politics.

For the most part, discussions of foreign policy have been carried on, since 1945, in the language of Realism—that is, the language of power and interests rather than ideals and norms. In public discourse in the United States today, foreign policy prescriptions are rarely justified directly by reference to universal principles or utopian aspirations. When commentators wish to justify prescriptions on ethical grounds, they smuggle their ethics into the ambiguous and elastic concept of “the national interest.”

“Interest” is, therefore, one of the central ideas developed within the neo-Realist perspective. “Power” is another. According to the neo-Realist view, power hierarchies and unequal relationships characterize the international system. In this regard, power is specifically conceptualized with reference to military and economic power, which both serve to organize and stratify the international system. State actors work to maximize their power in these domains relative to other actors within the international arena. Powerful states are able to set the rules of the international game, and are able to impose their will on other states through coercion or the monopolization of incentives. While neo-Realists believe that international cooperation is possible, they also argue that it is difficult to achieve, maintain, and ultimately depends on the configuration of international power (Baldwin 1993, p. 5). In situations where states choose international cooperation over international competition, neo-Realists focus on the importance of relative gains [relative to other states] and note that maintaining a competitive edge is more important than any shared good which could be brought about through cooperative efforts and which would benefit multiple states. Likewise, decision-making processes are seen as being largely independent rather than joint.

Further, in cases where international cooperation does occur, Realists also draw a distinction between compliance and “deep” cooperation (Downs et al. 1996). On the one hand, neo-Liberals [who will be discussed in greater detail shortly] have noted the frequency of cooperative relationships between states, and have argued that lack of cooperation among states is often the result of administrative breakdowns or lack of state capacity. Neo-Realists, on the other hand, argue that while states may comply with international laws or norms, they will do so only to the extent that this action helps secure their own power and legitimacy. For example, because international law lacks adequate enforcement mechanisms, states will only comply when doing so maximizes their gains. Ratifying a treaty may increase the legitimacy of the state, but this does not mean that the state has an intention to really carry through on its promises. As a result, “deep” cooperation does not occur. Rather, states often refuse to cooperate in a meaningful way

with international commitments due to their own compelling self-interests, and due to a lack of enforcement mechanisms that would force states to change their actual practices by shifting the cost-benefit ratio.

The logical connection between the depth of cooperation represented by a given treaty and the amount of enforcement that is needed in mixed-motive games suggests that evaluating the importance of enforcement by examining how high compliance is when it is low or absent might be misleading. We need to worry about the possibility that both the high rate of compliance and relative absence of enforcement threats are due not so much to the irrelevance of enforcement as to the fact that states are avoiding deep cooperation (Downs et al. 1996, p. 387).

In sum, the neo-Realist position on international relations holds that states are competitive, self-interested, “rational,” and when this is abstracted to the international level, such behavior results in anarchy.

World systems theory has been described as a kind of “macro-Realist” perspective on the international system, sharing many of the assumptions of the standard Realist model (Meyer et al. 1997, p. 145; Wallerstein 1984 and 1987; So 1990). The division between neo-Realism and world systems theory is perhaps somewhat analogous to the distinction raised in Chapter 3 between Realist and Marxist accounts of state violence. While world systems theory does not challenge the rational action of states per se, it does seek to place global economic relationships at the center of inquiry. As such, world systems theory attempts to problematize international economic relationships and power hierarchies within modern global capitalism. The world’s nation-states are therein divided according to their relative economic positions, namely “core,” “semi-periphery” and “periphery.” Core states [global economic elites] may impose their desires on other less powerful states through cultural hegemony and the creation of global markets which make peripheral and semi-peripheral nation-states effectively dependent on the core (see Maynes 1997). It is the placement of the state within the capitalist global economy that will determine its interests as well as its strategic options (Atkins 1999; see also McMichael 1996).

Liberals differ from Realists in their understanding of international cooperation. Rather than seeing the international system as an anarchic field, neo-Liberals see the international system as characterized by mutual interdependence and cooperative ties. Neo-Liberals and “regime theorists,” in contrast to the Realists, argue that states are motivated to cooperate with other international actors because of the potential for mutual gain, and because of a shared set of norms and principles (Krasner 1983; Haggard and Simmons 1987; Hasenclever et al. 1997).¹⁵ However, nation-states are motivated to cooperate with one another for their own benefit, an idea that maintains the rational-choice assumption made by political Realists. While neo-Liberals do not challenge these rationalist assumptions, they do challenge the view that states cannot maximize their own interests through relationships of mutual gain (see Fearon 1998).

B. WORLD SOCIETY AND THE CONSTRUCTION OF STATE INTEREST

Since the collapse of the former Soviet Union, international relations scholars have become increasingly interested in the creation of international norms and the social construction of “the national interest” as an ideology reflective of historical processes. Critics of neo-Realism and neo-Liberalism note that both of these perspectives take “the national interest” for granted and do not problematize this idea by addressing issues of social construction, subjective meaning, and normative change over time. These scholars, whom I will broadly categorize as “Constructivist,”¹⁶ challenge the ontological preferences implicit in the neo-Realist and neo-Liberal theories.¹⁷ Both neo-Realism and neo-Liberalism view the *international system as the effect* of nation-state interaction. Constructivists counter this point by noting that the arrow of causality is not quite so clear: that is, not only do nation-states affect and construct the international system, but nation-states are also in turn affected by, and indeed constructed by, the international system (see Scholte 1993).¹⁸ In her attempt to illuminate the black box of state interests, Martha Finnemore (1996a, p. 2; see also 1993 and 1996b; see also Ruggie 1998) places international norms at the center of the international relations debate and argues:

State interests are defined in the context of internationally held norms and understandings about what is good and appropriate. That normative context influences the behavior of decision-makers and of mass publics who may choose to constrain those decision-makers. The normative context also changes over time, and as internationally held norms and values change, they create coordinated shifts in state interests and behavior across the system.

To summarize, in contrast to rationalist perspectives, Constructivist scholars note the importance of norms (Nadelmann 1990; Best 1995; Koltz 1995; Cortell and Davis 1996; Turner 1998), identities (Lapid and Kratochwil 1996), global culture (Meyer et al. 1997), and historical process (Erisman and Kirk 1991; Buzan and Little 1994; Dark 1998).

Sociological institutionalism has also contributed to this discussion by introducing the idea of “global culture” and its affects on the nation-state (Meyer et al. 1997; Ramirez et al. 1997; Boli and Thomas 1997). According to these scholars, nation-states are exogenously constructed and rather than being rational/purposeful actors, nation-states are really acting out sanctioned scripts. Global culture has normative aspects resulting in part from simple convention and states mirroring the behavior of other states. Global culture then has the potential to “socialize” individual states by defining *what they are* and *how they should behave* (see Whitehead 1996; Lutz and Sikkink 2000; Risse and Sikkink 1999; see also Farkas 1998).¹⁹ According to Meyer, Boli, Thomas, and Ramirez (1997), contemporary nation-states are remarkably similar, with similar governmental structures, capacities, and stated objectives. Realists would have difficulty explaining the prevalence of homogeneity among states because Realists take the ideas of autonomy and selfinterest for granted and have no theoretical mechanism with which to understand global culture apart from power relationships. However, Meyer et al. (1997, p. 151–152)

problematize global culture as a force in and of itself, and make the following observations:

As we develop our argument we want to keep in the forefront a number of empirical observations about contemporary nation-states. First, nation-states exhibit a great deal of isomorphism in their structures and policies. Second, they make valiant attempt to live up to the model of rational actorhood. Third, and partly as a result of the second observation, they are marked by considerable, and sometimes extraordinary, decoupling between purposes and structures, intentions and results. Fourth, they undergo expansive structuration in largely standardized ways.

The issue of decoupling has special relevance to human rights in that it helps to explain why states may have divergent policies and practices. Policymaking may actually be more reflective of global culture and normative expectations rather than an individual state's political ideology or commitment. Decoupling may also occur because generic global-cultural systems, policies, and practices, cannot be imported wholesale into the domestic setting (Meyer et al. 1997, p. 154). Further, because global culture consists of multiple normative demands, nation-states may not be willing or able to comply with all of these, and may end up adopting a set of conflicting principles. When human rights policies and practices diverge, this may also reflect the broader tensions that the state experiences between the objective of international legitimacy, and maintaining domestic authority (Weber 1947; Franck 1990; Barnett 1997; see also Savelsberg 1997). Decoupling in the realm of human rights protection may highlight when the state is balancing two sets of objectives, one external the other internal (see also Christenson 1997).²⁰

C. TRANSNATIONAL SOURCES OF PRESSURE AND INTERNATIONAL INSTITUTIONS

Having now spent some time on the nation-state and on the international system, it is useful to elaborate some of the network ties that connect the two. Advocacy networks are especially important to consider when studying state behavior, international "pressure," and human rights. Keck and Sikkink (1998, p. 12–14; see also Sikkink 1993), in their discussion of transnational advocacy networks, describe what they term the "boomerang effect," which serves to link national level human rights practices to pressure from international actors. Transnational networks, such as human rights networks,²¹ can be activated when access to domestic avenues of political recourse is blocked or otherwise ineffective for local actors. When internal agents cannot achieve social, political or legal reforms by acting within domestic political structures, they appeal to the international system to place pressure on the nation-state from the outside. In many ways this model is similar to the work put forth by Jenkins and Klandermans (1992), where they discuss the possibility that social movements are a consequence of "linkage failures" whereby local actors cannot attain their goals through their participation within existing state structures. As such, Keck and Sikkink (1998) take into consideration the international possibility of advocacy (see also McAdam 1998; Tarrow 1998). While it is not entirely known what

leads to the activation of a transnational network, it is plausible to argue that these networks are most likely to become active when domestic social movements are ineffective, dangerous, or repressed. Advocacy networks also emerge most strongly when there are salient cross-cultural frames, as with issues relating to bodily harm such as killing, torture, mutilation, hunger, etc. Well-established networks, such as the human rights network, may also simply be easily accessible and strategically useful to local actors (see also Weissbrodt 1987; Smith et al. 1997; Clark et al. 1998; Smith et al. 1998).

International and transnational actors, by helping to attain leverage, can serve to open up legitimate political space for internal actors (see also Risse-Kappen 1995). These dynamics may help to create an internal space by: 1) encouraging nation-states to comply with international norms; 2) ensuring the transparency of human rights practices through the implementation of monitoring and reporting mechanisms; and 3) strengthening the relationships which are implied in the boomerang effect. Keck and Sikkink (1998, p. 18–25) develop a typology of network tactics that is related to the idea of leverage. They propose four different levels of tactics, varying in relationship to the capacity of the networks and the salience of the issue. These tactical strategies include: 1) *information politics* which involves the simple collection and dissemination of factual information aimed at consciousness raising and getting issues before the relevant audience(s); 2) *symbolic politics* which entails the use of symbols, actions or stories to make issues resonate more meaningfully within certain fields or social settings; 3) *leverage politics* which allows activists to call upon powerful actors to exert influence over a situation; and 4) *accountability politics* which actually entails holding states and regime actors responsible for their conduct, policies, and stated commitments.

These authors discuss the different strategies available to transnational and international actors which serve to pressure nation-states. Maximizing leverage may include multiple strategies of information, symbolism, and accountability, so that in maximizing tactical effectiveness, several or all of these strategies may be employed at once. There will be some differences, perhaps, as to the availability of *opportunities* in which different forms of pressure strategies may be developed and utilized. For example, symbolic and normative forms of pressure, as evidenced through various rhetorical and discursive mechanisms at the international level [United Nations resolutions, official statements and appeals], are more easily accessible than are accountability forms of pressure. Yet, accountability pressure will always have symbolic [and informational] aspects incorporated within it. Understanding how various internal and external pressures interact remains one of the key questions that social science research in the area of human rights can address. A clearer view of the interplay of these relationships could also have very practical value in the realm of human rights advocacy.

4.3 CHAPTER SUMMARY AND THOUGHTS ON THE WAY FORWARD

There have been several themes that have continued to re-surface throughout these discussions. First, the idea of pressure on the nation-state is perhaps one of the most important, and under-theorized, concepts available with which to understand patterns of human rights abuse. When attempting to address this issue, it is important to balance both

internal and external forms of pressure. States are affected not only by internal actors, but also by international and transnational actors. This suggests that it is important to deal with the issues of internal and external pressures in more precise ways. How the fragmentation of pressure, the severity of pressure, the origin and type of pressure, impact the state [or parts of the state] are all questions that should be addressed more systematically within social science research.

Second, and in relation to the first observation, when thinking about questions of pressure, it is useful to think of the “state” as a divided structure. Recognizing this fact strengthens the research on human rights by enabling a more specific analysis of the different actors, agencies, and bureaucracies involved in virtually any governmental apparatus. Deconstructing the “black box” of the state helps to illuminate questions of strategy by highlighting potential pressure points and systemic vulnerabilities within the state itself. Not only is “the divided state” more theoretically accurate, as the above discussion of social movements indicates, it also has important relevance within the realm of human right advocacy.

Third, future research could fruitfully address questions of motivations for state violence. This is another major step forward for human rights research. There are several ways in which scholars have attempted to answer the question of what motivates abuse. Realists argue that abuse is the result of a cost-benefit analysis where violence is viewed as a useful strategy to power. Constructivists note the importance of the shared norms and identities, which shape situational interpretation and establish expectations. These approaches suggest quite different strategies to use when attempting to end human rights abuse. Realists would suggest either raising the “costs” associated with abusive policies, or decreasing the “benefits.” Constructivists challenge that notion by arguing that costs and benefits are not objective factors. Rather, what is important is changing the ways in which organizations and individuals perceive and interpret their situations. Because of the divergent policy implications, empirical human rights research should more systematically address issues of state motivation.

Finally, these discussions raise several methodological requirements for the current research. First, as McCormick and Mitchell (1997) have noted, human rights violations should not be dealt with as a one-dimensional variable (see also Cingranelli 1988.). Human rights violations differ not only in type and amount, but also with regards to the severity of normative prohibition, the visibility of abuse, and the societal effects of abuse. In order to understand the affects of different pressure strategies, it is important to keep in mind that human rights situations do not just get “better” or “worse” along a single dimension [for example, less killing or more killing], rather, they also change in qualitative ways. Second, historical patterns and long-term processes of change could be dealt with more effectively through historical-comparative approaches (Scokpol 1984; Banks 1986; Goldstein 1986; Burke 1992). This methodological preference could help to incorporate both “objective” and “perceived” factors, and could similarly address the patterns domestic and international interaction that affect the state over time. Through the construction of historical narratives, many of the theoretical concerns raised throughout these first four chapters could be more thoughtfully addresses and theorized. Historical analysis is sensitive to periods of critical change or “turning points,” as well as issues of *timing* relating to independent variables. Historical approaches could discuss—in much greater depth—the relationships between international events, internal political change,

and fluctuating patterns of human rights abuse over time (Banks 1986; Aminzade 1992; Griffin 1992; Abbott 1997). As argued by Rueschemeyer and Stephens (1997, p. 57) "...macro-social phenomenon are shaped by constellations of factors rather than just one in isolation. This means that the sequencing of major causal conditions matters." Historical approaches could also address issues of subjective meaning, by looking at long-term [global and local] processes of change. Third, coupling historical approaches with a comparative component could help to generate some thought about generalizable patterns that are associated with situations of abuse (see generally Inkeles and Masamichi 1996). As Jack Goldstone (1997, p. 107) has pointed out, "Comparative case methods are a combination of deductive and inductive reasoning more comparable to detective work than to true experiments." Comparative approaches could be very helpful in generating new theoretical paradigms, which more appropriately capture the causal or correlative relationships associated with patterns of abuse (see also Ragin 1987 and 1997; Tilly 1984c and 1997). These issues will be addressed in the next chapter, which lays out my own theoretical framework and methodological design.

Before closing this chapter, let me note that attempting to explain human rights abuse is never an easy task. Yet, it is of significant relevance within the real world. More accurate theories of human rights abuse may alert social scientists and human right advocates to problematic situations, and may suggest strategies which can be implemented nationally and internationally to curtail political and social violence. Theorizing abuse as social scientists should not, however, imply a social determinism which denies agency to social and political actors. The power and importance of individuals cannot be left out of the scholarship on human rights abuse. As Daniel Jonah Goldhagen (1997, p. 20–21) reminds us, structural conditions may give us clues as to the potential for abuse, yet ultimately, actions will always be mediated by beliefs and will always be carried out by individuals.

Instances of this sort have tempted many to conclude, erroneously, that "structures" cause action. The structures, however, are always interpreted by the actors, who, if they share similar cognitions and values...will respond to them in a like manner. Not every person will place his own wellbeing over principle; not every person will violate deeply held moral beliefs because his comrades do not share them. If people do, then the values—which are not universal values and certainly not universal social psychological dispositions—that lead them to do so must be seen as a crucial part of the explanation. Some people will risk their lives for others, renounce the advancement of their careers, dissent in word and deed from their comrades. Inanimate objects do not independently produce cognition and values; all new cognition and values depend upon a preexisting framework of cognition and value that lends meaning to the material circumstance's of people's lives. And it is cognition and values, and only cognition and values, that in the last instant move someone willfully to pick up his hand and strike another.

As part of our commitment to insisting that social agency matters, sociologists must remember that human rights abuse is not unavoidable. Although widespread, abuse

should not be viewed as being necessarily intrinsic and essential to human relations. There is a broader context to be studied. Ultimately, it is individuals acting in context, either acting in the interests of “nation-states,” or in the interest of other social collectives, who choose repression, choose violence, and choose brutality as strategies of power or as strategies of retaliation. Structure and agency must be given equal respect, especially within new human rights research. Scholars and advocates alike can certainly agree, theorizing human rights abuse can never justify those abuses.

Chapter V

Theoretical Frame and Methodology

I think that we have reached a critical moment for human rights. The progress made over the last half century has been remarkable and should not be underestimated. The comprehensive set of laws and norms in place, starting from the Universal Declaration of Human Rights, are a tribute to the development of modern thinking on human rights. The challenge is to enforce these norms effectively so that a real culture of human rights takes root throughout the world. That is a formidable challenge... Success will require the participation of all actors—governments, international and regional institutions, development agencies, non-governmental organisations—and the forging of new alliances, for example with the business community and the Bretton Woods institutions. It will require imaginative strategies too. Foremost among these I would emphasise the importance of regional cooperation. Solid progress has already been made around the globe in developing practical cooperation at the regional level.

—Mary Robinson,
Former United Nations High Commissioner for Human
Rights
Accepting the Joaquin Garrigues Walker Award, 11
January 2000

5.1 SYNTHESIZING INSIGHTS: ESTABLISHING THE THEORETICAL FRAME FOR THE RESEARCH

New sociological research in the area of human rights should elaborate the themes of international relations and historical process, and explore the multiple ways in which national-level politics and patterns of human rights abuse are influenced by factors both within and beyond the nation-state. This research makes inroads into these questions by presenting a theoretical account of abuse that highlights the multiple intersections between international pressure and national-level politics, and explores potential affects,

both quantitative and qualitative, on patterns of human rights abuse. In addition, this dissertation research attempts to take historical context and historical processes seriously and is attentive to changing rates of human rights abuses as they occur *over time*, explicitly linking national histories to changing global dynamics. Such an over time analysis enables the identification of notable shifts within “abuse trajectories” themselves. Because national-level historical processes of change are themselves embedded in, and affected by, international historical events and processes, explaining these relationships is central to understanding the phenomenon of human rights abuse itself.

Having already discussed in previous chapters the literature on which this dissertation research builds, this chapter sets forth my methodological design, delineates the major concepts and variables to be utilized in the research, and explains my case selection. This chapter also identifies the central research questions that frame the dissertation, and develops a core set of research hypotheses. Being explicit about my research objectives at the outset better allows me to ground my research conceptually, and better allows me to evaluate its outcomes in the end. Let me make clear that this research is not intended strictly as a “theory testing” exercise. Instead, I hope that this research will be more adept at concept formation, elaboration, and refinement, which may inform the process of theory building within the social sciences, and the process of strategy development within the arena of human rights advocacy (see Ragin 1997, p. 31).

The present research contrasts much of the existing literature on human rights violations by drawing primarily upon qualitative research methodologies.¹ While quantitative research has made important contributions to our knowledge in the area of human rights, it has also left significant gaps in our understanding. As Robert J. Goldstein (1986) notes in his article “The Limitations of Using Quantitative Data in Studying Human Rights Abuses,” quantitative methodologies do not do well at capturing issues related to social process and are limited in their ability to reflect the subjective experience of human rights abuse. Rather, it is qualitative methodologies are most able to tap into these kinds of questions. Historical sociology, for example, is particularly adept at exploring issues of social process and subjective experience. As a methodology, historical sociology moves from the merely descriptive and retrospective to the explanatory through its analysis of temporality and historical process as *causal* factors.

5.2 HISTORICAL APPROACHES TO HUMAN RIGHTS RESEARCH

This dissertation research seeks to make the interactions between the state, the society, and the international system clearly visible within human rights scholarship. In order to highlight these relationships, I have chosen to implement a historical-comparative methodology designed to: 1) optimize the depth and detail of the research; 2) examine historical trajectories and historical processes of change; 3) facilitate an analysis of both external and internal factors influencing state behavior in the area of human rights 4) provide a full and contextualized understanding of human rights abuse patterns over time. The historical-comparative approach provides considerable methodological flexibility, and provides the opportunity to analyze human rights abuse in an in-depth way. This method allows the sensitivity needed to address complex and intersecting variables,

including long term patterns of human rights abuse, “critical turning points,” the relationships between the international system and the nation-state, as well as the divisions that exist within the international system and the nation-state themselves.

One approach to comparative-historical sociology involves the construction and analysis of case narratives. The use of analytic historical narrative provides an opportunity for the sequencing and ordering of historical events, which can be studied for their causal significance. Historical narratives present historical data chronologically—as events actually occurred—in the form of “stories.” Larry J.Griffin (1992, p. 405) describes the narrative form, and notes, “[n]arrative, ...is not about words versus numbers or complexity versus formalization. It is, instead, the portrayal of social phenomenon as temporally ordered, sequential, unfolding, and open-ended ‘stories’ fraught with conjecture and contingency.”

There is a certain affinity between the use of narrative and the analysis of patterns of human rights abuse over time, as narrative provides a unique and proficient way to organize and analyze complicated and long-term patterns of events. Narrative facilitates an ordered, contextual, and detailed analysis of multiple historical factors, and through temporal sequencing enables a study of causal relationships. This is a much-needed perspective to bring into human rights research within the social sciences. Jack Goldstone (1997, p. 112) describes the unique methodological value of historical narrative, noting:

The key to comparative case-studies in macrosociology is *the unraveling of historical narratives*. I have called this procedure “process-tracking.” What it means is the decomposition of a complex narrative into stages, episodes, or events which can be connected by causal sequences that are simpler and easier to explain than the narrative as a whole. The explanation of these particular stages, episodes, or events is mainly deductive, although some inductive reasoning may be employed, depending on the existing state of theory and knowledge.

In this research, the over-time patterns of human rights abuse as occurred in Cuba, El Salvador and Nicaragua are carefully studied using human rights data, and are presented in the form of narrative timelines. In the course of the narrative presentations, the human rights abuse patterns are themselves situated within their broader contexts, as each narrative incorporates data on the changing nature of national politics and international relations at any given point in time. As is essential to the integrity of this research, I pay close attention to the *timing* of events so as best to discern the complicated interplay between international and national level variables. The qualitative nature of the research makes such an intricate and multi-layered analysis possible.

These case narratives trace the human rights situations in Cuba, El Salvador, and Nicaragua, spanning as many as forty years of history, and examine patterns of human rights abuse as they have developed to the present-day. As Goldstone suggests above, (1997, p. 112), the narratives presented are broken down into shorter segments according to their logical end points, or turning points. As such, much longer histories are broken down into smaller sub-stages of anywhere from two to ten years, depending on the unique or notable characteristics of the period. Such an approach enables an analysis of “critical turning points” in human rights abuse patterns and allows for a rich discussion of

the context in which these turning points occurred. Examining corresponding shifts in national and international politics can help show how, when, and why human rights abuse patterns change.

Capturing the “critical turning points” in over-time patterns of human rights abuse, and explaining them as they occurred in context, is a major theoretical and empirical contribution of this research. “Critical turning points” have been described as serving to separate extended historical trajectories and break stabilized patterns (Abbott 1997). In other words, a critical turning point is a specific occurrence or moment *in time* after which the pattern of events to follow changes in a meaningful and notable way; they are fractures or detours or deviations from the way things had been, and they alter the pattern of events to come. Questioning how, when, and why abuse patterns change—or more specifically, how, when, why, and *in what context* “critical turning points” occur in abuse patterns—is essential to theory development within the social sciences and to the development and implementation of effective strategy aimed at curtailing and preventing such abuse.

The narratives presented in this dissertation are themselves designed to capture the internal political climate within a country at a given point in time, as well as to convey the changes in international policy and politics which were also affecting the case country. As such, the narrative describes *both* internal and external change, independently and as related to one another. Such a sequencing of national and international events is designed to illuminate, contextualize, and explain changing patterns of human rights abuse over time. The use of these parallel sequences affords the overall narrative presentation with a particular sensitivity to timing, which allows for a refined interpretation of long-term patterns of change relating to human rights abuse. By noting those times when human rights abuse patterns shift [either in qualitative or quantitative terms] enables one also note changes in national politics and/or international relations which preceded the shift, accompanied it, and/or arguably helped to cause it (see generally Aminzade 1992; Griffin 1992; Banks 1986). As such, this approach provides potentially valuable insight into those factors that precipitate, facilitate, or impede human rights abuse. This contribution is especially important when attempting to analyze changing patterns of human rights abuse, which can often seem chaotic and random, exploding without warning and seemingly beyond scientific explanation. Such an investigation also prepares the ground for concept formation, elaboration, and refinement, which are necessary to further the process of formal theory building within sociology as well as other disciplines.

Elaborating on the relationship between sequencing and causal explanation, sociologist Larry Griffin (1992, p. 416) notes:

The importance attributed to an action’s particular temporal order in a sequence, for example, suggests that when action occurs is as important as the *fact* of its occurrence (Tilly 1981, 1984; Aminzade (1992)). Cause and consequence are partly contingent on the position or order of an entire sequence of temporally related actions: The very same action may have different antecedents and effects if the order of its occurrence differs from one sequence to another. One obvious implication of this is that explanations of action must entail the particular narrative contexts of

action. Likewise, as Aminzade also demonstrates in his discussion of the pace of events, the consequences of action are often contingent on whether action is accompanied by many rather than fewer similar actions. Again, then, recourse to the particular narrative context of action is necessary for causal assessment.

Attention to timing allows one to address the question of why changes in human rights abuse patterns occur *when* they do. Uncovering the variables that influence *when* human rights abuse occurs may ultimately enable a fuller understanding of *why* such abuse occurs. Establishing the *context* in which to interpret critical turning points in human rights abuse patterns is the key to the success of historical research in this area. In order to remain causally relevant, historical research must remain sensitive to timing.

Finally, the comparative aspect of the research provides additional methodological rigor through the analysis of three country cases (Tilly 1984; Ragin 1987; Inkeles and Sasaki 1996). While these cases are discussed separately in the form of individual chapters, using a comparative approach provides a foundation on which to distill general findings and observations that hold true across cases. Antal, Dierkes, and Weiler (1996, p. 9–10) elaborate on the two main goals of comparative research, namely 1) defining the limits of theory generalization and, 2) establishing an empirical basis for policy-making:

Comparison—be it intertemporal, interregional, or intersectoral—permits the stepwise and controlled falsification of hypotheses generated within a specific sectoral, regional or national context. It defines the limits of generalization by specifying the conditions under which hypotheses are valid.... Comparative research can fill in important gaps in knowledge about how other countries deal with similar situations, about the background and effects of alternative strategies for solving common problems (or avoiding their emergence in the first place). Structured comparison provides a framework for determining those aspects of a situation which are due to unique circumstances, and those which are more generally applicable—and therefore possibly appropriate to consider transferring to other contexts.

As has been noted earlier, the human rights situations within Cuba, El Salvador, and Nicaragua have been chosen in part for their similarities, and in part for their differences. In terms of similarities, the historical period to be analyzed is roughly the same for all three countries, spanning from the 1960s and 1970s to the present, and are therefore subject to some of the same international, geo-political, and historical processes. Second, all cases are regionally and culturally related, therefore subject to some of the same internal social dynamics. Third, all cases have become the focus of international attention and intervention relating to human rights, and all cases have been the focus of human rights fact-finding initiatives, so that data on human rights abuse over time is available for these countries. Fourth, all are developing nations with somewhat similar positions vis-à-vis other international actors (Chalmers et al. 1997; Atkins 1999). In terms of differences, these countries have historically manifested very different human rights situations over time, showing distinct types and levels of abuse during unique periods.

Importantly, while they occupy a similar status as peripheral countries, they nevertheless have different relationships to the international system [and to the United States, in particular], as well as having quite dissimilar political, economic and class structures (LaFeber 1993; see also Booth 1991).

While the goal of this research is not generalizability per se, consideration of the three cases may help to spark a discussion regarding the kinds of factors that seem to regularly influence patterns of human rights abuse. Such a discussion could be very useful in helping to further the process of theory development on issues of state repression, as well as to further the process of strategy development. This would be especially true if it were possible to discern thematic *types* of action, or *categories* of intervention, that seem to have real consequence in the area of human rights.

5.3 ESTABLISHING TIMELINES: WORKING WITH HUMAN RIGHTS DATA

In order to satisfy the methodological requirements of the historical-comparative approach, the data collection and data synthesis components of the project are comprised of three main tasks. The first task entails developing a detailed timeline of abuse for each case country. In this regard, I construct a narrative timeline of human rights abuse for each country, which specifically shows: 1) change in the reported level of abuse; 2) change in abuse tactics, for example, the use of torture as opposed to extrajudicial killing; 3) change in the pace, or rate of abuse, and 4) change in the visibility of abuse tactics. Because I am focusing specifically on violations of “personal integrity rights,” over-time data related to the level, type, and severity of human rights abuse is available for all of my case countries (please see discussion of data sources below). The second task is to establish a national historical trajectory highlighting changes in the internal or domestic situation within a case country. Such changes may include regime changes, levels of popular movement mobilization, increasing state centralization or fragmentation, and in some cases the onset of civil war. As I am dealing with a fairly recent historical period, the historical information I need for my research can be collected rather readily from a variety of secondary sources and primary historical materials. The third task will parallel these national trajectories, but will instead focus on changing patterns of international action vis-à-vis the case country in question.

Much of the human rights data to be analyzed in this research was gathered originally by large international human rights organizations that collect and disseminate information on within-state human rights practices. In this regard, Amnesty International² and Human Rights Watch are especially important data sources. Amnesty International is an international human rights non-governmental organization that was established in 1961, and describes itself as working “to promote all the human rights enshrined in the Universal Declaration of Human Rights and other international standards.” In particular, Amnesty International campaigns to free all prisoners of conscience; ensure fair and prompt trials for political prisoners; abolish the death penalty, torture and other cruel treatment of prisoners; end political killings and “disappearances”; and oppose human rights abuses by opposition groups. While Amnesty International’s mandate has been restructured over the years, its essential human rights monitoring capacity has remain

unchanged. Similarly, Human Rights Watch³ is an international human rights non-governmental organization, which also compiles reports on human rights practices within countries. Human Rights Watch is currently the largest U.S.-based human rights organization, and works to end a broad range of abuses, including summary executions; torture; arbitrary detention; restrictions on the freedom of expression, association, assembly and religion; violations of due process; and discrimination on racial, gender, ethnic and religious grounds. While what was originally known as “Americas Watch” was established in 1981, several years after Amnesty International, these reports remain a valuable data resource.⁴

Because working with human rights data can be problematic in several ways, some precautions must be taken when collecting and analyzing data. First, the question of data bias undoubtedly surfaces, and I hope to have alleviated this concern as much as possible by limiting my data sources to internationally well-known and well-respected human rights organizations. Amnesty International and Human Rights Watch, for example, maintain positions of political neutrality. By doing so consistently, both of these organizations have gained recognition for their accurate reporting, and I am comfortable relying on these two organizations as my principal human rights data sources. Second, the question of data accuracy may be problematic. It is certainly true that it is often extremely difficult to precisely measure incidents of human rights abuse, because abuse is often carefully hidden and access to victims or witnesses is often denied. However, because I am more interested in long-term patterns of change, I am not necessarily interested in the *absolute levels* of human rights abuse as much as I am in the *relative levels* of human rights abuse over time and the *qualitative shifts* in abuse practices. Concern over data accuracy may become less problematic if one accepts that even if these data sources are not entirely accurate in terms of absolute numbers, they more than likely do reflect accurate changes in patterns of abuse over time as related to relative levels of abuse, as well as the pace, type, severity and visibility of abuse.

Whenever possible, other resources are used in order to triangulate and check for data reliability. Information from the United Nations,⁵ the Organization of American States, and the United States—as it, too, is a key player in many of the events that took place within Central America and Cuba, are also included. Much of this information was accessed through the University of Minnesota Human Rights Library, which maintains one of the nation’s largest collections of human rights reports, books, monographs, periodicals and other historical materials from around the world. Additional information was accessed through a variety of other academic resources, and including on-line document collections and research libraries.⁶

5.4 DELINEATING KEY CONCEPTS

There are roughly three clusters of variables to be examined through this research. Independent variables include national-level factors and international-level factors, which are each comprised of political, economic, normative, and historical components. For each case country, the dependent variable to be analyzed is the pattern of human rights abuse over time, which is, implicitly, what this research ultimately attempts to explain.

Human rights abuse patterns are discussed in either qualitative or quantitative terms, or both, depending on the nature and availability of data.

Embarking upon the process of “contextualization” entails developing a theoretical paradigm of human rights abuse that is multi-layered. As has been noted, in theorizing “the international system” or “the state,” it is most useful to conceptualize both as relational *and* internally divided structures. Viewing the state and the international system as divided and internally contradictory [as opposed to unitary and internally harmonious] enables me not only to reflect social processes more accurately, but also to address issues of fragmented policies, divergent pressures, and the decoupling of rhetoric and action. These issues are especially relevant because they help orient scholars and advocates to important strategic questions, such as which kinds of pressure strategies are most effective at curtailing human rights abuse, from where effective pressure strategies originate, and where pressure strategies should be targeted in order to obtain their most desired effect.

Yet, before these questions can be answered, a more rigorous conceptualization of the notion of “pressure” itself must be advanced. Elaborating the different kinds of pressures that affect nation-states is an important contribution of this project, particularly with respect to addressing the potentially divergent outcomes that different kinds of pressures can have in the realm of human rights. “Pressure” as a theoretical concept has been posited as being both the cause of, and solution to, situations of state violence and human rights abuse. As it currently stands, the idea of “pressure” lacks specificity and is of limited usefulness as a theoretical tool. While I do think that pressure is a salvageable and useful concept to include in scholarship on human rights abuse, “pressure” must be dealt with in a more systematic way, addressing issues of origin, fragmentation, gradation, and interpretation.

In order to be clear about what is meant here by my principal variables, “international system,” “state,” “pressure,” and “human rights abuse,” specific definitions are provided below:

- For the purposes of this research, the *international system* is defined as the network of states, international organizations [including regional organizations] *and* transnational organizations [including international non-governmental organizations] which operate beyond the borders of any particular nation-state.⁷ In this regard, I also classify bilateral interactions as international action in the broadest sense.
- The *state* entails the structure of political institutions that serve as the administrative and decision-making components of national and local-level governments, and also includes military and police structures. The state defined as such can be analyzed in terms of its centralization or fragmentation (see Risse-Kappen 1995, p. 20–22).
- In this research, *pressure* is conceptualized as operating on a continuum which ranges from “threat” to “support.” In addition, certain forms of pressure may be external as well as internal. Specific forms may include:

Internal Threat: Sustained actions or events originating within a country, which challenge the continued survival of a regime or government. Examples may include the presence of an active armed resistance movement, internal terrorism, and political or economic crisis, or both.

External Threat: Sustained actions or events originating outside of a country, which challenge the continued survival of a regime or government. Examples include attempts by foreign states to overthrow, or otherwise severely destabilize, national governments or regimes, through strategies including foreign invasion or very severe economic sanctions.

Internal Pressure: Sustained actions or events originating within a country including: (1) non-violent confrontation with the state on the part of citizens or others within the state who express their dissent and political grievances through demonstrations, riots and other “unconventional” forms of political engagement; and/or (2) economic recessions or other economic instability.⁸

External Pressure: Sustained actions or events originating outside of a country including: (1) “foreign aid pressure” defined as restrictions on economic aid or military aid, or both; and/or (2) “symbolic pressure” in which discursive tactics are used as the primary pressure strategy, examples of which include international “shaming,” and country reporting mechanisms attempting to make human rights abuse more transparent.

No Pressure: Silence or no action with regards to human rights abuses within a nation-state.

External Symbolic Supports: Approval of government policies and practices through words or other symbolic action.

External Material Supports: Granting of economic or military aid, or other forms of financial support given to a government.

- For the purposes of this dissertation research, *human rights abuse* is conceptualized as violations of personal integrity rights⁹ and includes extrajudicial killing, political imprisonment and detention, “disappearance,” torture, ill-treatment or harassment, and forced exile. Variation in human rights abuse can thereby be addressed both quantitatively [in terms of number] and qualitatively [in terms of type].

The empirical challenge of this dissertation research is to analyze the consequences of changing international and national-level variables on the human rights situations in Cuba, El Salvador, and Nicaragua as they developed over time. As such, this research must maintain a multi-level focus in its analysis of human rights abuse over time. *For each country, this “layered” focus will: 1) highlight important changes at the level of the international system; 2) concentrate on periods of social and political transition within the state; 3) identify forms of internal and external pressures [or supports] on the state; 4) address the fragmented or unitary nature of these pressures; and 5) note shifts in the quantity, type, severity, pace and visibility of human rights abuse.*

5.5 RESEARCH QUESTIONS AND HYPOTHESES

I would like to be explicit about the research questions and the hypotheses guiding my research. The relationships that exist between the “international system,” the “state,” “pressure,” and “human rights abuse,” as defined above, are the central theoretical

concerns behind this research. As such, it is these relationships that are reflected in the research questions guiding this dissertation project. My primary research questions, which I will return to in the final chapter, are as follows:

- What kinds of changes in national politics or international pressure seem to affect patterns in human rights abuse? How do national-level variables interact with international-level variables to influence patterns of human rights abuse? Which international actors seem to intervene most effectively in situations of human rights abuse? Under what circumstances? How do changing international norms regarding human rights affect the violation of human rights within individual nation-states?
- In what ways do human rights abuse patterns change over time and how does this seem to be related to other variables?
- How can “pressure” be more rigorously conceptualized to underscore difference according to origin, the severity or quality of pressure, the confluence or fragmentation of multiple pressures, and the strategic target of pressure? How does a nation-state’s placement within the international system determine its sensitivity to external pressures? How does the level of state fragmentation influence the effects that pressure may have? Is internal pressure more or less consequential than external pressure in terms of affecting patterns of human rights abuse? How are multiple pressures related and are there interactive effects?

Based on established research and my own theoretical assumptions, I expect to find the following relationships between variables.

- International pressure will influence state behavior and affect patterns of human rights abuse.
- International pressure will affect both the rate and type of human rights abuse committed within a state.
- There will be a threshold at which international pressure will maximize its effectiveness, after which time increased international pressure will not affect abuse patterns, or will have limited impact.
- International pressure that is more unified will be more effective than fragmented pressure at curtailing human rights abuse.
- The existence and interpretation of internal pressure will mediate the effects of international pressure.
- The effects of international pressure may be limited if the state is deeply divided.
- Nation-states that are strong within the international system, or whom have strong allies, will be less sensitive to international pressure, thereby causing less change in patterns of abuse over time.
- International pressure will vary in terms of severity, and levels of severity will have differential affects.
- If severe, and if a state is vulnerable due to its own internal instability, international pressure may rise to the level of external threat. External threat will have some of the same affects as internal threat.
- When patterns of human rights abuse shift, human rights abuses will change not only quantitatively, in terms of number, but also qualitatively, in terms of the characteristics

of abuse. These changes will depend on state resources, the strength of international norms, the level of international criticism, and the fragmentation of international pressures.

The construction of an event-centered analytic narrative of the history of human rights abuse for all case counties allows considerable analytic depth. By highlighting very specific events that constitute key turning points in the trajectories of relevant long-term processes of change relating to human rights abuse, these changes can be analyzed and connected to broad-er theoretical explanations. This research hopes to make a unique contribution to the human rights literature not only by illuminating the interplay between the national and the international, but also by introducing issues of historical process, internal and external “pressures,” the divided state, and strategic leverage. I hope that this work will be able to offer a more comprehensive understanding of the affects of international policy, and its varying outcomes in the realm of human rights.

After having completed the data collection and analysis, I will be able to make some preliminary conclusions as to the important relationships—local, national, and international—which are associated with changes in the level or type of human rights abuse. This research allows me to draw important comparisons between cases, which are aimed at the refinement of theoretical perspectives on human rights abuse within the social sciences. In the final chapter of this dissertation, I return to the initial research questions and hypotheses that have been laid out here. In that discussion, I move into an in-depth analysis of the internal and external processes impacting state violence, generalizing finding across cases where appropriate and formulating new questions based upon the insights gained.

My goal for this project is to illustrate potentially valuable avenues of inquiry and broaden the empirical lens through which human rights abuse has previously been understood and analyzed within social science scholarship. Because traditional scholarship on human rights abuse has by in large neglected both the international dynamics of power and influence, as well as the historical context of human rights abuse, my methodological design attempts to contribute to the existing research by addressing these concerns in an empirical and qualitative matter. Grasping the reflexive relationship between the international system and the nation-state is perhaps a slippery theoretical slope, but qualitative methodologies are adept at exploring these kinds of complex relationships. Learning more about the realities that give rise to, and shape, human rights abuse, does have the potential for real-world relevance. It is in this spirit that the present research is offered.

Chapter VI*

Patterns of Human Rights Violations in Cuba

We have not heard such a phrase since the time of Adolf Hitler, the phrase that socialism must be erased from the face of the earth. This is very dangerous; this is the philosophy that accompanied the new administration which came to power during the electoral campaign; when the new administration came to power. It began to make threats of total blockage against the country, punishment of the country, aggressions against the country and even threats of invading the country. This put our party in a situation of having to take exceptional measures to strengthen our defense.

—Fidel Castro Ruz, President of the Republic of Cuba
Address to the People of Cuba, 11 December 1982

Obviously, many of the regime's drastic measures came in response to national crisis. In the early 1960s, Cuba was clearly a country under siege, and there were a number of active organizations that were attempting to overthrow the government by violent means. Some of these groups received funding and support from the CIA, while others were splinters of Castro's own movement, driven out by the regime's intolerance for dissent, ideological disputes, and, in some cases, personality conflicts. But the categories were confused. Over the next decade, the regime began to imprison more and more non-violent political dissidents and persons considered to be social

* Parts of this Chapter have been reprinted in an article version (see Gómez 2000).

misfits, applying the labels of terrorist and CIA infiltrator with less and less discrimination.

—Human Rights Watch

Foreword to *Twenty Years and Forty Days: Life in a Cuban Prison* (1986)

6.1 THE STATE AND CIVIL SOCIETY IN CUBA

Amnesty International (AI) and Human Rights Watch (HRW) have both noted that repression in Cuba tends to occur in cyclical waves, with periods of relative calm followed by periods of harsh governmental crackdown on political dissent.¹ This chapter analyzes the different waves of repression that have occurred within Cuba since the 1959 Revolution. As this chapter shows, the variation in the human rights situation after 1959 highlights the special importance of incorporating international factors into the analysis of state violence and state repression. Cuba's varying human rights record is an especially interesting case to study considering Cuba's unique and changing position within the international system over the past 40 some years. Yet, internally, Cuba's domestic political and economic structures have proven to be quite durable and have not changed substantially over time. The case of Cuba highlights the importance of the concepts of external and internal threat as well as the importance of, real or perceived, state vulnerability. Cuba also further illustrates the need to think about human rights abuse along the dual continuums of severity and visibility, as the types of abuses committed within the country have changed markedly over time.

The initial "wave" of repression analyzed here coincides with the very early stages of state building and consolidation immediately following the Cuban Revolution.² Prior to the 1959 Revolution, all accounts indicate wide-spread violations of human rights in Cuba. The regime of Fulgencio Batista, who held the reins of power in the country before Fidel Castro, was indeed a corrupt and brutal one. Conditions in Cuba during the 1950s were characterized by rampant poverty, illiteracy, police brutality and organized crime (Bengelsdorf 1994, p.70–71; See also Padula 1993). Political repression and corruption were also characteristic of the Batista regime, as state authorities at the time were responsible for killing, imprisoning and torturing many of the government's political detractors (Paterson 1994, p. 30–31). Because of data availability, however, this analysis deals primarily with human rights abuses, such as political imprisonment and harassment, which occurred after history closed the door on Batista's rule. While Cuba's record on political and civil rights remains problematic after 1959, the revolutionary government arguably does a far better job at protecting social and economic rights. The Communist government of Cuba has provided high-quality and universal education, health care, employment and housing for decades to the vast majority of its citizens. Because of its significant achievements in increasing literacy rates, life expectancy, and other development indicators, Cuba has been regarded by many as a model for other developing countries in the South.³ These advances in economic and social rights are significant. However, because of the questions that I am interested in addressing through

this research, this chapter deals primarily with fluctuating levels of political imprisonment and other forms of political repression within Cuba.

The first few years immediately following the 1959 Revolution were characterized by a massive restructuring of the Cuban political and economic system, leading to a sustained period of internal instability. This period of instability was coupled with rather severe, and widespread, political violence. In fact, during the entire forty plus years that have passed between the 1959 Revolution and the time that this research was conducted, it is the *immediate* post-revolutionary period in Cuba that is characterized by the *most* extreme and widespread forms of repression. This reality, however, is not well reflected in the often times politically heated debate surrounding Cuba's human rights record, a debate which often assumes little change over time.

This chapter summarizes the pattern of human rights abuse in Cuba from the 1959 to the present day. In order to facilitate an analysis that incorporates both national and international factors, this history is presented as a series of stages, based upon the unique characteristics of a given period. Once having outlined the major events that occurred during each period, along with the consequent shift in the pattern of human rights abuse, the conclusion section of this chapter offers general observations about the trends and lessons suggested by the Cuban case.

1959–1970 THE TRIUMPH OF THE REVOLUTION: STABILIZING THE STATE

The data suggests that the revolutionary government in Cuba at its earliest point in history was, perhaps due to perceived or real vulnerability on the part of elites, increasingly sensitive to both internal and external pressures. Early on, Cuba took extreme measures to eliminate any trace of internal threat, or what the government termed “counter-revolutionary” activity. While many of the imprisoned “counter-revolutionaries” of the 1960s had been members of the state security forces during the Batista regime, others were political dissidents who had simply voiced criticism of the new government. As human rights organizations have noted, the Cuban government was often unable or unwilling to distinguish between domestic or foreign-supported counter-revolutionaries and legitimate political dissidents, and treated both as criminals against the state.⁴ In this regard, there is evidence that external threat served to increase sensitivity to internal pressure and dissent, thereby exaggerating both its severity and its potential for disrupting the state. Not only is the level of abuse increased immediately after the new revolutionary government comes into power in 1959, but external events are also directly associated with very specific periods of crackdown on dissent. In this regard, specific events, such as the Bay of Pigs Invasion, were associated with security forces rounding up individuals within the country suspected of counter-revolutionary activities and charging them, in mass, with political crimes (Valls 1986). To the outside observer, the levels of internal pressure, civil unrest, or political dissent during this period alone do not explain this increase in repression. Rather, *external crises* were met with internal repression as the Cuban State attempted to neutralize the possibility of destabilization from within. This pattern is perhaps what best characterizes the human rights pattern in Cuba, as this pattern repeats itself over time, creating “waves” or “cycles” of repression.

The period immediately following the 1959 Revolution was the bleakest period in terms of human rights abuse. This heightened repression is, in fact, typical of revolutions and post-revolutionary periods (see Goldstone 1982). *During the time between 1959 and the mid-1960s, rates of political imprisonment in Cuba were uncharacteristically high.* While the official figure provided by the Cuban government estimated 15,000 political prisoners, Americas Watch was reluctant to accept this number and commented that during this period, “Cuba held more political prisoners compared to population, for longer periods, than any other country in the world” (Valls 1986, p. iii; see Table 6.1 below). It is difficult, however, to verify this claim satisfactorily with other sources.

1959–1965		1975	1976	1977	1978	1979	1980	1981	1982	1983
20,000–25,000		4,500	N/A	2,500	3,200	4,300	200	250	240	220
1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	
210	140	200	450	350	600	450	400	400	400	
1994		1995	1996		1997	1998		1999	2000	
500		500	600		300	350		300	300	

Table 6.1 Estimated Number of Political Prisoners in Cuba, 1959–2000*

**Data Compiled from Amnesty International and Human Rights Watch Annual and Country Reports*

Yet, evidence based upon the number of political prisoners who would be later released suggests that that the actual number was closer to 20,000–25,000 political prisoners. Not only was the number of political prisoners elevated during this time period, so to was the length of the sentence that political prisoners received, which for many was twenty years or more. At times, political prisoners were also re-sentenced without cause once their original sentence had been completed (see generally AI Annual Reports 1975–1985). While there are some gaps within the data, it does seem that one can reasonably conclude that the 1960s were particularly harsh in terms of political repression, with reports of mass jailing and severe mistreatment of political dissidents (Valls 1986). According to an Americas Watch (Valls 1986, p. v) report released in 1986:

All available evidence indicates that the lowest point for Cuba’s political prisoners, both in terms of severity of sentences and living conditions, occurred in the mid-1960s. Many other prisoners’ testimonies corroborate Valls’ accounts of frequent beatings and bayonetings, subhuman nourishment and medical care, and agonizing isolation.... According to historian Hugh Thomas, “the total number of executions by the Revolution probably reached 2,000 by early 1961, perhaps 5,000 by 1970.”

Extreme Cold War hostilities flared into episodes of heightened threat during such key historical events as the Bay of Pigs Invasion in April 1961, and the Cuban Missile Crisis in October 1962.⁵ These events further served to compound the vulnerability of the new government. Perhaps because both the Bay of Pigs Invasion and the Missile Crisis occurred so early in terms of the Cuban government's own political development, these external threats were seen as being even more dangerous, challenging the very existence of the new government. The increased levels of abuse indicate that external threat, *when perceived to jeopardize the viability of the state itself*, can have negative internal consequences. Believing that internal stability is absolutely necessary during periods of external crisis is perhaps the implicit logic behind implementing a "state of siege," during which time states may suspend civil and political liberties. States of siege occur because governments perceive a threat to power, whether internal or external. This phenomenon, while not official policy, was effectively what occurred within Cuba during the years immediately following the revolution. In a speech given before the Eighth Congress of the Bulgarian Communist Party in 1962, Fidel Castro summarized the threats posed to Cuba by the United States:⁶

The North American millionaires and their servants have encircled our country with a scandalous campaign of lies, they have resorted to diplomatic pressure and blackmail, they have organized conspiracies, sent weapons and money to the counter-revolutionary gangs so that they might rise and start all sorts of criminal acts, they have stopped sending oil, put an end to the importing of sugar into the United States, prohibited any imports and exports with Cuba, imposed an economic blockade on us to force us to capitulate out of hunger; by means of coups d'état, all sorts of pressure, blackmail, and bribery, they have forced the majority of Latin American governments to break diplomatic relations with Cuba, to isolate us from the continent; in the port of Havana they organized the explosion of the ship *La Coubre* and caused the death of over 80 workers to prevent us from getting arms from Belgium; day after day and month after month they have sent airplanes which have thrown incendiary bombs on our sugar plantations; their airplanes have bombed us, their spies and agents have set fire to our food shops, to large commercial shops, tobacco stores, schools, farms, people's shops, and so forth. They have killed our teachers, workers, peasants, and militiamen. They have sabotaged our production by blowing up our trains and destroying our transport.

Perceiving a crisis, Cuba took steps to maximize internal stability and increased *internal* repression, relying more heavily on public security measures, especially the use of arbitrary detention and political imprisonment (see Valls 1986, preface & chapter 1). It was also during this period that Cuba developed its "Revolutionary Tribunals," which operated independently of the judiciary, and which were responsible for processing and sentencing all political crimes.⁷

It is important that the Bay of Pigs Invasion and the Cuban Missile Crisis as historical events be situated more broadly within the context of Cuba's rapidly changing political and economic allegiances. While prior to the revolution, Cuba and the United States had

maintained an amicable bilateral relationship, after 1959 this relationship deteriorated rapidly (Paterson 1994). To the dismay of many United States policy makers, post-revolutionary Cuba nationalized large amounts of property owned by American businesses in 1960 and 1961, and even more shockingly began to align itself both politically and economically with the Soviet Union (Paterson 1994). Almost immediately, the relationship plummeted in a downward spiral. International relations scholar W. Raymond Duncan (1993, p. 221) described this rapid deterioration in bi-lateral relations:

Washington charged Cuba with creating hostility in late 1959, and in 1960 protested Cuban slanders against the United States and eliminated the sugar quota following Cuba's nationalization of the oil refineries. In his own quid pro quo, Castro followed the United States elimination of the sugar quota by nationalizing hundreds of U.S. companies. These actions, in turn, led the United States in January 1961 to break relations with Cuba and to support the ill-fated invasion of Cuba by Cuban exiles in April. By April 1961, Castro had declared Cuba socialist, and in December 1961 he announced his allegiance to Marxism-Leninism. All this resulted in U.S. efforts to expel Cuba from the Organization of American States (OAS) in 1962, and, in 1964, to impose economic and diplomatic sanctions against the Cuban government.

It is a point of controversy as to whether or not the early Cuban Revolution was itself deeply committed to the ideals of Marxism and Leninism. Only a few months after having come into power, in April 1959, a young Fidel Castro traveled to the United States to meet with then U.S. President Eisenhower in order to request monetary aid for the development of Cuba and Latin America. Eisenhower, however, refused the visit and opted instead to spend the afternoon golfing (U.S. Department of State 6 October 1983). Many have wondered what might have become of U.S.-Cuban relations had the United States taken the new Cuban leader more seriously—a lapse in diplomatic judgement, perhaps. Yet, only three years later, by 1962, relations had deteriorated to such an extent that the United States would begin putting into place what would become one of the longest running, most severe, and politically contentious bilateral economic embargoes against Cuba (Baloyra and Morris 1993).⁸

To intensify Cuba's isolation within the hemisphere, the United States also encouraged other countries within Latin America to join the blockade. By 1964 the Organization of American States (OAS) had expelled Cuba, and had suspended both trade and diplomatic relations.⁹ Perhaps in part a product of broader Cold War tensions, during the 1960s a more sophisticated revolutionary ideology began to emerge within Cuba. It is during this period, and not before, that historians note the development of the philosophy of Marxism within official state doctrine (Padula 1993). In the eyes of U.S. policy makers, the revolution was radicalized. It was in 1961, only one day before the Bay of Pigs Invasion, that Castro for the first time declared the socialist character of the revolution and urged the Cuban people to rise up against a class enemy, namely the United States (Baloyra and Morris 1993). As such, it was only *after* bilateral relations with the U.S. began to collapse that the Cuban government explicitly incorporated

Marxist and Leninist tenants as part of its stated ideology (Padula 1993; Baloyra 1993). Perhaps it was because global politics at the time were so consumed by the Cold War that the Cuban government found it strategically useful, and perhaps ideologically congruent, to ally itself with the world's other great superpower, the Soviet Union.

1971–1977 “INSTITUTIONALIZATION” OF THE REVOLUTION

Despite its tumultuous beginnings, by 1970 the revolutionary government in Cuba had begun the task of normalizing day-to-day political life. Most notably in terms of human rights abuses, by all accounts the 1970s were characterized by declining rates of political imprisonment and political repression within Cuba. During this period, there was a notable stabilization of the economic situation within the country, and while the United States embargo remained in effect, the Cuban State was much less vulnerable to its potential impact because of steady economic relations with the Soviet Union and other trade partners. By the end of 1975 Cuba was also, for the most part, reintegrated back into the regional economy. While Cuba remained excluded from the OAS system, the countries of Peru, Argentina, Venezuela, Panama, Colombia, Jamaica, Barbados, Guyana, Trinidad-Tobago, and the Bahamas had all resumed political and economic relations with Cuba (Center for International Policy 1977). Chile had also re-established ties in 1970, but broke them off again after the coup of 1973.

By 1972 Cuba had also officially become a full member of the Soviet bloc's common market, and began to receive large shipments of Soviet petroleum (Baloyra and Lozano 1993). In 1974, world sugar prices hit an all time high (Padula 1993). Because Cuba found itself in a much better economic position during this period, it was better able to purchase many industrial and consumer goods which were inaccessible during the 1960s (Padula 1993). This relative economic prosperity also coincided with the major political institutionalization of the revolution, another factor that increased the stability of the Cuban State. Cuban historian Alfred Padula (1993, p. 24) wrote that during the early and mid-1970s, “good times returned to Cuba.” The 1970s were a time of decreased threat and increased stability, as manifest both internally and externally.

The institutionalization of the revolution took shape in part through the creation of the organs of People's Power (Padula 1993). These organizations were meant to regularize political life within Cuba, and to serve as a link between the government and citizenry. People's Power organizations had the tasks of overseeing the supervised elections for local officials which began to emerge during the mid-1970s, holding community meetings, and also reporting counter-revolutionary activities to the government (Padula 1993). The Cuban Communist Party (*PPC: Partido Comunista de Cuba*) also held its very first congress in 1975, and the following year a new national constitution entered into force (Padula 1993; Domínguez 1994). By 1979, a new criminal code had also been adopted (Americas Watch 1989).¹⁰

In terms of decreasing external threat, there was a notable decrease in the antagonisms between the United States and Cuba during the 1970s. As early as 1973, the United States and Cuba began to improve their bi-lateral relationship with the signing of an anti-hijacking agreement which established the understanding that the two nations would return hijackers and captured equipment, and would also prevent the use of their territories as bases for armed attack against each other (Center for International Policy

1977).¹¹ According to a report from the Center for International Policy (1977, p. 4), this was the beginning of a period in which the United States and Cuba would explore new avenues toward rapprochement.

Members of the Senate Foreign Relations Committee visited Cuba in 1973 and 1974. Chairman of the Committee John Sparkman (D-Alabama) declared the policy of isolating Cuba a failure and in a major address in 1975 urged Congress to consider “ending the futile economic boycott and restoring normal relations.” The House took up the debate on reestablishing trade relations in lengthy and comprehensive hearings by the Sub-Committees on International Trade and Commerce and International Organizations. These hearings, chaired by Jonathan Bingham, ran from May to September, 1975. Meanwhile committee members Charles Whalen (R-Ohio), John Breaux (D-Louisiana), and Stephen Solarz (D-New York) visited Cuba. Subsequent visits by Senator McGovern and James Abouresk (D-South Dakota) and representatives Bingham, Les Aspin (D-Wisconsin), and Ron Dellums (D-California) kept alive congressional interest in Cuba and permitted a measure of U.S.-Cuban dialogue on important issues.

Further, from the spring of 1975 to the fall of 1976, Assistant Secretary of State William Rogers carried on “exploratory conversations” with Cuban officials (Center for International Policy 1977, p. 4). In a major address in March 1975, Henry Kissinger declared that he saw “no virtue in perpetual antagonism” between the United States and Cuba (Center for International Policy 1977, p. 4). By September, Assistant Secretary of State Rogers expressed that the United States was willing to “enter into a dialogue with Cuba...on the basis of reciprocity” (Center for International Policy 1977, p. 4). This spirit of reconciliation was cut short, however, with the news later that year that Cuba had sent troops to support the pro-Soviet Popular Movement for the Liberation of Angola (MPLA). This event, along with the bombing of a Cubana Airlines jet in Barbados on 6 October 1976, served once again to chill relations between the two nations.

With the election of Jimmy Carter as President of the United States there was a resumed interest on the part of the U.S. in improving relations with Cuba (Padula 1993). Most notably, in 1977 the United States and Cuba agreed to establish “interests sections” in each other’s capitals.¹² While the interests sections did not represent full diplomatic ties between the two countries, they nonetheless were seen as a symbolic improvement in relations. During this period, the confluence of decreasing external threat and increasing internal stability led to unprecedented developments with respect to human rights within post-revolutionary Cuba. For example, for the first time since 1959, Cuba agreed to a modest dialogue between its government and Cuban exile community, which was aimed to negotiate the release of many of Cuba’s political prisoners (Padula 1993). It was also during this period of relaxed international tensions that Cuba agreed for the first time to allow a small delegation from Amnesty International to visit the country. This visit occurred between late November and early December 1977.¹³

Looking back at the period as a whole, there were markedly declining rates of political imprisonment throughout the 1970s. By 1975 Amnesty International reported that the

number of political prisoners had shrunk to somewhere between 4,000–5,000. By 1977 this number dropped again to approximately 3,200 (AI Annual Reports 1976 and 1978). It turns out that Amnesty International somewhat underestimated the actual figures. In 1978, the Cuban government admitted to having 4,500 political prisoners, and stated that it was prepared to negotiate the release of many of them. Amnesty International reported that *by 1977, some 20,691 former political prisoners had been released by the Cuban government* (AI Annual Report 1978). In its 1975–76 Annual Report, Amnesty International (p. 54, emphasis added) noted that, “[t]he persistence of fear, real or imagined of counterrevolutionary conspiracies was primarily responsible for the early excesses in the treatment of political prisoners. By the same token, *the removal of that fear has been largely responsible for the improvement in conditions*”

1978–1981 THE MARIEL EXODUS AND THE SECOND WAVE OF REPRESSION

The year 1978 was critical in terms of two key openings in Cuba’s internal policy. First, according to the 1979 Amnesty International Annual Report (1979, p. 60):

Following an agreement with Cuba exiles in November 1978, President Fidel Castro announced in a press conference that the Cuban government would free 3,000 prisoners convicted for offenses against the security of the state and a further 600 prisoners held for trying to leave the country illegally, at the rate of 400 a month beginning in December 1978.

Americas Watch (1983, p.13) applauded this development and called it “...a high water mark in relations between [Cuba and the United States] and a significant human rights achievement by the Carter Administration.” Second, Fidel Castro also granted permission for “family visits,” allowing for the first time the return of Cuban exiles to Cuba (Padula 1993). In 1978 and 1979 thousands of exiles returned to visit their families on the island, their bags packed with gifts, and bringing with them stories of their lives outside of Cuba (Padula 1993). During the following year, hundreds upon hundreds of Cubans attempted to flee Cuba illegally and immigrate to the United States (Padula 1993). The sheer number of people seeking to leave the country took both Cuba and the United States by surprise. Adding to the strain, there was tremendous difficulty in obtaining passports and entry visas into the United States (AI Annual Report 1980).

In April 1980, a small number of Cubans drove a bus through the gates of the Peruvian Embassy in an effort to obtain political asylum (AI Annual Report 1980). Similar attempts were also made to force entry into the Venezuelan Embassy, the Ecuadorian Embassy, as well as the Vatican Legation (AI Annual Report 1981). After one Cuban guard was killed in the attempt to gain access to the Peruvian Embassy, the Cuban government decided that all guards would be removed from the premises (AI Annual Report 1981). Within the span of a few days, over 10,000 Cubans had gathered at the Embassy of Peru seeking asylum. Conditions were reportedly so crowded that many waited in the trees and perched on the rooftop (AI Annual Report 1981).

Fidel Castro, chiding those who were seeking exit as “worms,” announced that everyone who wanted to leave the island could leave and temporarily lifted Cuba’s

“Illegal Exit Law” for the first time since the 1959 Revolution (AI Annual Report 1981).¹⁴ In the few weeks that followed, some 125,000 Cubans left (or were forced to leave) the island in the Mariel boatlift (Baloyra 1993). The Cuban government further estimated that another 25% of the population were ready to emigrate (Baloyra 1993). According to political scientist Enrique Baloyra (1993, p. 50), “Arguably, the so-called Mariel boatlift of April-November 1980 was the most destabilizing event confronting the revolution since the Bay of Pigs Invasion.”

Intimidation and harassment of dissidents again intensified during the period associated with the boatlift, as evidenced by an increase in pro-government demonstrations that on several occasions became violent (OAS 1983). These demonstrations were, in fact, rather similar to the Rapid Response Brigades that would later emerge in the early 1990s. While rates of long-term political imprisonment did not increase significantly, those seeking exit were publicly denounced and harassed. In several instances they were beaten with boards, stoned, and allowed by security officials to be attacked by mobs (OAS 1983).

This intermediate stage in the Cuban human rights situation again illustrates the interplay between international and national level variables. During the 1970s, a period of increasing internal stability and decreasing pressure from the United States, the human rights situation in Cuba seemed by all accounts to be improving. Yet, when the Cuban State experienced a rapid increase in the level of internal unrest, as evidenced by increasing conflict during the time just prior to the Mariel boatlift, the state again resorted to tactics of social repression. In addition, Cuba for the first time invoked the strategy of allowing dissatisfied persons to leave the island. One can only speculate as to why the Cuban government opted to suspend national law in order to allow individuals to leave the island. It was an interesting change in tactic, and in official policy. Cuba did not opt to arrest individuals attempting to exit the country illegally, as it had done in the past, but rather facilitated a mass migration.¹⁵

The explanation is perhaps two-fold. First, by allowing dissatisfied Cubans to leave the country, Cuba effectively diffused internal unrest, and did so in both the short and long term. Second, Cuba took advantage of President Jimmy Carter’s promise to provide an “open heart and open arms” to Cubans fleeing the country. The Cuban government responded by placing many of its criminals¹⁶ and mentally ill¹⁷ on boats headed for the United States, a move that both embarrassed and frustrated the Carter Administration (Americas Watch 1983). Ironically perhaps, Cuba may have also been attempting to enhance its image [or at least decrease criticism] within an international context in which human rights concerns were increasingly coming to the fore, and in which Cuba’s record on political imprisonment was held as considerably less than favorable. In this way, Cuba seized on an opportunity and formulated a strategy that allowed the state to maintain a relatively positive image while also alleviating the very real problems posed by mounting internal pressures. Yet, international image may not have been the only motivation. Considering the thousands upon thousands of people who wanted to leave the country, it may simply have been more practical to let unhappy Cubans leave rather than to spend the resources necessary to force them to stay.

1981–1988 RE-EMERGENCE OF COLD WAR TENSIONS

While some of the Cold War rhetoric during the 1980s made Cuba out to be one of the most draconian and violent nation-states within the hemisphere, the factual evidence shows that during the 1980s Cuba maintained a fairly positive and consistent human rights record. There was even a relative decrease in the rate and severity of human rights violations (AI Annual Reports 1981–1989).¹⁸ During the Presidency of Ronald Reagan the bilateral relationship between the United States and Cuba again resumed a more hostile and antagonistic quality. Historian Louis Pérez later commented that “[t]he Reagan administration increasingly adopted a hard line against Cuba, charging Havana with subversion and mischief in Central America, threatening to ‘take it to the source’ to end conditions of instability in the region” (Pérez 1990, p. 260). In 1985 the United States began its Radio Martí broadcast to Cuba. Also, with the conflict in Angola during the 1980s there was increased political hostility, and indirect military confrontation, between the United States and Cuba. Pérez (1990, p. 261–262) goes on to note that, “[t]hrough the 1980s relations between the [United States and Cuba] were reminiscent of the worst times of the early 1960s.”

This is perhaps curious when juxtaposed against the general lack of change in Cuba’s human rights situation throughout this period. Why the difference between the levels of repression in the early 1960s and the 1980s? The answer, it seems, may be the difference in the degree of internal stability.¹⁹ In this respect, there are crucial differences between the two periods. While the levels of antagonism between the United States and Cuba were in many ways similar during the 1960s and the 1980s, Cuba was in a much different place in terms of its own internal political and economic stability. In this case, internal stability seems to be an important concept for understanding the pattern of human rights abuse in Cuba as it developed over time. Economically, Cuba was stabilized because of its relationship with the Soviet Union and other trading partners within Latin America and Eastern Europe. This economic strength perhaps points to the argument that internal stability effectively decreases the perceived vulnerability of states and enables states to resist external pressures. Politically, the revolution had undergone a period of institutionalization the decade before, granting a degree of internal political stability and creating regularized mechanisms to deal with internal political dissent.

While repression did not vanish in the 1980s, it remained at relatively low levels and remained relatively stable. Internal stability, both economically and politically, may have served to insulate Cuba from the potential threats posed by the United States in the 1980s, leading to a decreased sense of vulnerability. This level of internal stability had simply not existed some 20 years before. Further, pressure during the Reagan years may have been more symbolic than at earlier times when the potential threats posed had been arguably much more tangible and extreme. The United States may have also, because of severing *all* economic and diplomatic ties with the country, inadvertently placed itself in a position where it had little opportunity for influence in terms of direct leverage over the Cuban State.

By the late 1980s, however, the picture would again change. While prior to the collapse of the Soviet Union, the Cuban government had been critical of the reforms put in place under Gorbachev in the Soviet Union, and resisted their implementation on the

island, Cuba's relationship with the Soviet Union remained close. Up until the crisis of 1989, Cuba continued to receive economic aid from the Soviet Union, allowing modest economic growth to proceed (Planas 1993; United Nations Statistical Yearbook 1990). After the 1989 crisis, however, Cuba was forced once again to realign itself within a rapidly changing world.

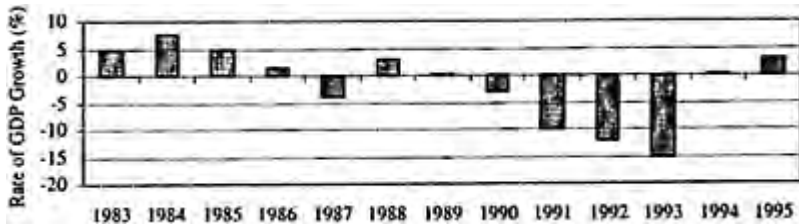


Fig. 6.2. Cuba: Annual Growth Rate of Total Domestic Product, 1983–1995

Data compiled from the 1990 and 1995 *United Nations Statistical Yearbooks* for Latin America and the Carribean.

1989–1997 THE COLLAPSE OF THE SOVIET UNION AND THE FINAL WAVE OF REPRESSION

It was only after another momentous change, sparked again by international events, that Cuba's human rights situation would again take an abrupt turn. Cuba suffered a tremendous loss after the 1989 collapse of its main economic lifeline, the Soviet Union. Economic indicators reflected the growing financial crisis in Cuba. Both the GNP and GDP growth rates dropped significantly and suddenly during the early 1990s (United Nations Statistical Yearbook 1990 and 1995; see Figure 6.2 above). While the cumulative variation in the GDP growth rate from 1980–1990 was a positive (+) 44.2%, the variation from 1991 to 1995 was a negative (–) 30.6% (United Nations Statistical Yearbook 1990 and 1995). Unemployment also climbed to 10%, a rate unheard of in post-revolutionary Cuba (Walden Country Reports 1995). The 1995 sugar harvest was devastatingly poor, the worst since 1959, due in great part to a lack of fuel to run farm machinery, as well as a lack of fertilizers and pesticides (Walden Country Reports 1995).²⁰ According to Economist Sergio Roca (1993, p. 96):

The conditions prevailing in the Cuban economy at the start of the 1990s are unequivocally grim. For several years the record of economic growth was extremely negative, with per-capita output probably dropping to the level of 1980. The secure markets and significant subsidies provided by the Soviets disappeared. In the words of one Cuban economist, “We bet on the wrong horse.” After thirty years of attempted structural

transformation, foreign trade and sugar specialization continue to be the defining characteristics and remain key determinants of economic activity. The global economy in which Cuba must now fully participate, and to which it must adapt, is both unfamiliar and demanding.

Despite moderately successful measures taken by the Cuban government to stimulate the economy through tourism, biotechnology and agriculture, the economy remained depressed (Walden Country Reports 1995). In fact, total economic output in 1994 was only about half what it had been in 1989 (Walden Country Reports 1995). It was not until the mid 1990s when Cuba re-opened itself to foreign investment and the use of U.S. dollars within its domestic economy that its economic outlook began once again to improve.

AFTER THE BREAK-UP OF THE SOVIET UNION: ADOPTING NEW SOCIAL-CONTROL STRATEGIES

Amnesty International has noted that the period after the collapse of the Soviet Union has been associated with one of the most recent waves of repression in Cuba.²¹ During the economic crisis, human rights violations on the island took on a much more systematic, and at times, violent character. Early on, Amnesty International (December 1992, p. 11) noticed that human rights abuses in Cuba were undergoing a change and reported that, “[w]hereas in the past [prisoners of conscience] would probably have been charged with state security offenses, such as enemy propaganda, a new pattern seems to be emerging whereby they are being charged with public order offenses.” In other words, dissidents were increasingly charged with non-political crimes. Furthermore, while the economic crisis was considered by many on the island as an opportunity for collective organizing, the government quickly thwarted these attempts. According to one Americas Watch report released on 24 February 1992 (p. 1):

The Cuban government intensified its campaign of repression against human rights advocates and political dissidents in 1991, as rights-monitoring and pro-democracy associations strove to maintain a small political space for their peaceful activities. An increase in limited forms of political activity in 1991 was met with increasingly brazen and violent responses by internal security forces. The emergence of a variety of independent—and therefore illegal—democracy advocacy groups was spurred by frustration with the government’s political intransigence and concern about the effects of heightened economic hardship caused by the loss of Cuba’s traditional international trading partners.

Perhaps the most violent acts of repression committed during this period were the efforts of the Cuban Coast Guard to prevent the illegal departure of Cubans from the island. These efforts led to dozens of deaths in 1993 and 1994 (HRW 17 November 1994).²²

Because of extreme shortages of oil on the island, 12 to 20 hour blackouts in most parts of Havana were common during the early 1990s (HRW October 1994). On 5 August 1994, during one of these prolonged blackouts, the most extensive anti-

government rioting in years took place with hundreds of Cubans protesting in the streets of the capital (HRW October 1994). This rioting resulted, in part, in another temporary lifting of the “Illegal Exit Law,” after which some 30,000 to 40,000 Cubans attempted to flee the country by raft. A large proportion of these rafters were retrieved by the United States Coast Guard along the 96-mile stretch of dangerous waters that separate Havana and Miami. Approximately 32,000 persons were later returned to Cuba by the United States government and detained at the Guantanamo Naval Base (HRW October 1994; see also AI October 1994).

In addition to lifting the “Illegal Exit Law,” another strategy adopted during this period was the organization in 1991 of the “Rapid Response Brigades” or “Acts of Repudiation” which were state-sponsored protests used to intimidate and harass dissidents (HRW 25 February 1991; 11 August 1991; 24 February 1992; AI July 1996). According to the Cuban Ministry of the Interior, these brigades were set up to “...defend the country, the Revolution and socialism in all circumstances, by confronting and liquidating any sign of counter-revolution or crime” (as quoted in AI December 1992, p. 6). These protests were most often assembled outside the homes of dissidents and at times lasted all day, effectively trapping persons within their homes. Demonstrators chanted pro-government slogans and at times spray-painted homes. Sometimes participants would escalate the intimidation to beatings and other forms of violence, and at times these incidents of public harassment would be accompanied by political imprisonment or short-term detention (HRW 11 August 1991; AI July 1996).

One example of an “act of repudiation” that became typical of this period, was documented in detail by Amnesty International (December 1992, p. 13–14):

Trade union leader Rafael Gutiérrez Santos was arrested on 10 January 1992 after a group of civilians believed to be members of a Rapid Response Brigade went to his home in Luyanó, Havana. He later described what happened: He was at home when a crowd of people came and banged on the door. Fearing what was about to happen, he left the house by another exit but the crowd caught up to him outside and surrounded him. One of them took a piece of paper from Rafael’s pocket, which happened to be a document related to human rights, and displayed it like a trophy saying “Look what we have here.” The person then asked Rafael if he had ever eaten paper and proceeded to try to force the crumpled paper into his mouth while others held on to him. However, they were unable to make him swallow it. Some eyewitnesses began to protest at what was happening. The attackers continued to insult him and to accuse him of various things which he denied. Then a person in authority (believed to be a member of the security forces) grabbed him in an arm lock and took him to a building nearby and searched him. The person who had tried to force the paper into his mouth then ordered him to be taken away in a police car. He was handcuffed very tightly and pushed into the car. The policeman sitting next him started to hit Rafael. He hit him in the face and chest and also twisted his nose... He was then taken inside the police station where he was kept in an office for a while before being taken to the 10th Police Unit in Avenida de Acosta. He said that at

no time was he told why he was being detained or where they were taking him, although one policeman asked him questions about his trade union. He was left incommunicado in a cell with ten other people for three days. Then on the morning of 14 January he was removed from the cell and told that he was to be released. His belongings were returned to him and he was allowed to go. He was released without charge or official warning and was at no time given any official explanation for what had happened to him.

The attempts by governments to deflect responsibility for its repressive action by organizing “civilian” groups is a relatively common theme in many human rights abuse situations.²³ It is a theme that will be confronted again in the next two chapters. For now, however, it is interesting to note this as another shift in the tactics used by the Cuban government to deal with the potential problems posed by political dissidents in a time of instability. Again, Cuba did not resort to political imprisonment as it had done in the past, and in cases where arrests took place political dissidents were often charged with common, rather than political, crimes. In large part, Cuba adopted strategies of intimidation which reverberated across society, but which also obscured state responsibility for orchestrating repressive action. Human rights organizations were quick to criticize Cuba’s Rapid Response Brigades and, according to Amnesty International, by the mid to late 1990s these acts of repudiation occurred with far less frequency (AI July 1996).

As in the case of Rafael Gutiérrez Santos, during the early 1990s the Cuban government began to employ systematically the strategy of detaining political dissidents and human rights activists with increased regularity, but for shorter durations (AI April and July 1996). Amnesty International and Human Rights Watch also reported that there was an increased tendency for Cuban authorities to exert pressure on dissidents who were already imprisoned, or who faced imprisonment, to flee the country and go into exile. Amnesty International received reports that in August 1994, during the brief suspension of the “Illegal Exit Law,” some government opponents and human rights advocates were forcibly placed on rafts (AI July 1996; 10 May 1996; HRW October 1995).

U.S.-CUBA RELATIONS: MOMENTS OF HIGH TENSION

In 1996, increased tensions between the governments of Cuba and the United States followed the shooting down of two Cuban exile planes by Cuban fighter planes, resulting in the loss of four lives. At the time, Amnesty International (1 March 1996, p. 1) raised concern that this incident “could lead to a further escalation of repression inside the country,” and that “[t]his incident should not be used to obscure what is happening inside Cuba—arrests of opposition members over the past two weeks still continue.... *Judging from past experience at similar moments of high tension, the possibility of violent reprisals against known government opponents by pro-government mobs cannot be ruled out*” [emphasis added]. Amnesty International (1 March 1996, p. 1) also noted that ten days before the incident:

Cuban authorities began to round up members of *Concilio Cubano*, Cuban Concilium, a coalition of some 140 non-governmental groups including political opposition groups, human rights groups, journalists, lawyers, trade unionists, women and others, which was set up in October 1995. Over the weekend of 24 to 25 February [1996], when a national conference of *Concilio Cubano* would have started, police guards were posted outside the homes of many members of the coalition to prevent them from going out and receiving visitors. Others were taken into detention, some for the second or third time in a period of days.²⁴

All of these strategies, exile, short-term detention, intimidation and harassment, demonstrate an increase in the level of repression within the country following the dissolution of the relationship to the former Soviet Union. Yet, these abuses remained largely outside of the spectrum of traditional human rights abuse. Long term political imprisonment was generally no longer practiced, perhaps because the state no longer felt it needed to employ such severe tactics in order to maintain internal stability, but also perhaps because the international position of Cuba changed in such a way that its international human rights image was becoming more relevant. Adopting the tactics of exile, short-term detention, intimidation and harassment allowed for something of a *functional equivalent* to more repressive strategies. But, these strategies somewhat preserved Cuba's international legitimacy, as levels of political imprisonment remained low. This is especially relevant considering that the post-1989 period was a time when diversifying international economic and political alliances became increasingly necessary for Cuba (see Halebsky and Kirk 1990; Erisman and Kirk 1991; Kaplowitz 1993; del Aguila 1994; Hernández 1994; Schulz 1994).

1998–2003 THE CURRENT HUMAN RIGHTS SITUATION IN CUBA

Since the mid-1990s Cuba's economic situation has, generally speaking, improved. There have also been some positive developments in the area of human rights. For example, after the visit of Pope John Paul II in January 1998, the Cuban government took another positive step towards improving its human rights practices and announced its decision to free 300 political prisoners, of which 112 were later in fact released (AI 16 February 1998). However, Amnesty International estimated that there were still about 350 political prisoners, including some 100 prisoners of conscience, who remained in confinement (AI 15 February 1999; AI Annual Report 2000). In addition, short-term detentions and harassment of dissidents continued to be frequently reported (AI 16 July 1998; AI Annual Report 2000–2002). In September 1999 Amnesty International summarized:

In Cuba freedom of expression, association and assembly are severely limited in law and in practice. Those who attempt to express views or organize meetings or form organizations that conflict with government policy and/or the aims of the socialist state are likely to be subjected to punitive measures including short term detentions, interrogations, harassment, loss of employment, eviction, restrictions on travel, house

searches, threats, intimidation, phone bugging and sometimes imprisonment (AI 14 September 1999, p. 1).

In November 1999, around the time that the Ibero-American Summit was held in Havana, Cuban authorities detained some 260 dissidents, including human rights advocates, political opponents, and journalists (AI 31 January 2000). This act was arguably an attempt to minimize the media coverage of the activities of political dissidents on the island who may have taken the opportunity to draw international attention to their cause. One month after the detentions, all had been released without charges except for eleven people, all of who were reportedly peaceful opponents of the government (AI 31 January 2000). As fate would have it, also in November 1999, the arrival of 6-year-old Elian Gonzalez to the United States once again brought U.S.-Cuban relations to the forefront of international attention. Hard-line anti-Castro members of the Cuban-American community in Miami went against the tide of international opinion and insisted that Elian remain in the United States rather than return home to Cuba with his father. The declining public perception of the Cuban-American community as a whole created some political space for punching a small, but significant hole in the decades old embargo. Shortly after the Elian Gonzalez case was resolved, some members of Congress began openly discussing the possibility of ending the U.S. ban on food and medicine to Cuba. Indeed, with the first food shipment from the United States to Cuba, which arrived in Havana Bay in December 2001, the airtight embargo already appears to be loosening. This was, in my view, a very encouraging step in US-Cuba relations, and one which began to move us away from a seemingly blind commitment to a deeply flawed policy which has done nothing positive to promote and protect human rights on the island.

More recently, in early April 2003, the Cuban government was again condemned by international human rights organizations for severe prison sentences, some as long as twenty to twenty-five years, imposed on political dissidents. In this crackdown, approximately 80 people were arrested and detained, including prominent dissidents, human rights activists, independent journalists, and directors of independent libraries. Human Rights Watch noted that these prosecutions and mass detentions represented the most severe crackdown in Cuba in nearly a decade (HRW 3 April 2003). Amnesty International called the situation a "giant step backwards for human rights" (AI 8 April 2003). Indeed, these kinds of long-term prison sentences for political opponents of the Cuban government is a phenomenon which has generally not been seen since the early days of the Revolution, raising the question of why this tactic is now again being used.

In terms of the timing of these events, I would argue that, following the theoretical frame of this research, it is no surprise that these human rights violations have occurred at exactly the same moment that US-Cuba relations are again rapidly deteriorating and internal pressure is on the rise. In terms of internal pressures, coinciding almost exactly with mass detentions on the island, Cuba experienced three hijackings over the course of only a few weeks, all occurring during March-April 2003. In two cases, persons attempted to take over small airplanes and fly to the United States. In a third case, a hijacking attempt was made on small ferry in Havana Bay. Several of the hijackers were subsequently given the death penalty and executed by the Cuban State after extremely rapid, and closed, trials.

In terms of US-Cuba relations, divisions and hostilities between the two governments have again come to the fore during the Presidency of George W. Bush, recently culminating in the recent expulsion of 14 Cuban diplomats from the United States for “inappropriate activities,” (even though the FBI could point to no specific espionage or unlawful activity). In the context of the so-called “war on terrorism,” a dominant geopolitical theme after 11 September 2001, the US government has criticised that “Castro and his government are actually impeding our efforts to defeat the threat of terrorism” (DOS 17 September 2002). In a world which has been distorted along the lines of “you’re either with us or against us,” the US government has observed “[Castro] knows what side he is on, and it is not ours” (DOS 17 September 2002). These kinds of implied threats and allegations have led the Cuban government to counter that hard-liners in the Bush administration are attempting to precipitate a crisis on the island as a pretext for an American invasion. In terms of the timing of these particular events, José Miguel Vivanco, Executive Director of the Americas Division at Human Rights Watch, has also observed that Cuba’s most recent internal crackdown came at a time when international attention was focused elsewhere. “The fact that this wave of repression coincides with the war in Iraq is surely no accident” (HRW 3 April 2003).

6.2 CUBA IN THE INTERNATIONAL SYSTEM

After having examined the evidence, the Cuban example alerts us to several key international actors who influenced the pattern of human rights abuse within the country. This phenomenon is never a one-directional determinative relationship. Rather, international pressures and events seem in this case to have had an interactive affect when combined with national-level factors, so as to influence, but not to determine, outcomes relating to human rights abuse. The examination of human rights abuse patterns in Cuba suggests several important findings and trends.

One exercise that may help in condensing these findings is to address some of the key actors within this story. First, the United States of America has played a significant role in shaping Cuba’s internal policies over the years. Perhaps without intention, the United States has served as a point of reference from which Cuba contrasts its own identity. In the early 1960s Cuba’s hostile relationship with the United States served to intensify its perception of internal vulnerabilities, and this heightened sense of danger apparently contributed to the unusually repressive tactics adopted by the government during that period. Internal threat alone does not explain the rapid rise in the rate of political imprisonment. The 1960s can be contrasted to the 1970s in a very telling way. While the decade immediately following the Cuban Revolution was characterized by increasing levels of repression and political imprisonment, during the 1970s these trends almost completely reverse themselves as thousands of political prisoners are released. This shift can perhaps best be explained through notions of increasing versus decreasing vulnerability. During the 1960s, a period of radically readjusting trade partnerships, foreign-supported invasion, and elevated Cold War tensions, regime vulnerability was greater than at any other period, and certainly much higher relative to the 1970s. The 1970s, in turn, were characterized by increased economic and political stability, as well as decreasing animosity with the United States. This decrease in external threats and the

increase in internal stability led to positive developments for human rights in Cuba. We see this reflected, for example, in the dropping rates of political imprisonment throughout the 1970s and the increased access provided to Cuban exiles and human rights monitoring organizations.

One may ask why, during the 1980s, which was a period of renewed antagonisms with the United States, there was not a similar increase in repression. The explanation may well lie in the fact that, by this point, Cuba was much more secure both in terms of domestic political institutions and its place within the larger international system. By the 1980s the revolutionary government had been in power for well over two decades and had by that time successfully developed an internal institutional structure that regularized domestic political life. Cuba was also heavily involved economically with the Soviet bloc, and had successfully renewed relations with many of its neighboring Latin American countries. As such, its vulnerability to United States pressure was greatly diminished.

Once the Soviet Union collapsed, Cuba was forced into a time of restructuring. It was this loss of external support that was associated with yet another wave of repression within the country. The most remarkable developments this time, however, were not only an increase in the level of abuse, but also a change in repressive tactics and strategies. It can be argued that this change in tactics—from a reliance on political imprisonment to a reliance on intimidation and harassment—was a response to human rights norms that had taken on a more central place within international politics. After the break up of the Soviet Union, Cuba underwent a severe political and economic trauma, the effects of which should not be underestimated. Cuba was stripped of much of its support, both economic and symbolic, which had been provided for years virtually without question by one of the world's dominant superpowers. Lacking this sense of security, the country had to become more adept at maximizing international public relations, if it were to survive. In turn, what developed was a balancing of objectives. Cuba adopted alternative strategies, which were not judged to be as harsh as long-term political imprisonment, at times even obscuring the responsibility of state authorities in committing acts of repression. Yet, these new strategies served the same purpose of maintaining regime authority and discouraging political dissent. This change allowed Cuba to create a less severe human rights image while seeking new alliances within the global community. Contrasted with earlier periods of vulnerability, the abuses that occurred during the early 1990s were neither as severe nor as widespread as they had been before, yet they served to silence dissent in much the same way.

There are other international actors that are important to this story. As has already been mentioned, human rights groups such as Amnesty International and Human Rights Watch, publicized human rights abuses within the country, even when direct monitoring was prohibited. Their activism may have provided some safety for dissidents within the country who attempted to organize, if only minimally. Human rights organizations also raised the level of importance of human rights concerns within international discourse, and held accountable governments who violated the human rights of their citizens. While norm advocacy may fall short of obtaining its intended goal, it does seem to change behavior. This is not always necessarily positive, since a move from imprisonment to harassment and detention should not necessarily be seen as a move towards increasing

respect for human rights. But nonetheless, it does suggest that governments are listening and responding, albeit not always in the ways that one might hope.

It deserves mention that the United Nations Commission on Human Rights, at the prompting of the United States delegation, has also repeatedly addressed the situation of human rights within Cuba. In 1988, the Cuban government agreed to host an observer Mission from the United Nations Commission on Human Rights. Following the visit, the Mission presented a “serious and comprehensive” report on the human rights situation in Cuba to the Commission at its forty-fourth session in 1989 (ECOSOC 3 March 1989).²⁵ Almost every year since, the Commission has adopted a resolution addressing the human rights situation in Cuba. It is unclear what the impact of this report and the subsequent resolutions has been, that is, short of serving as a point of further bickering between the delegations from the United States and Cuba. Increased international attention, whether from human rights non-governmental organizations or political bodies such as the Commission on Human Rights, may have served to sensitize Cuban authorities to human rights concerns. Regardless of the political rhetoric on both sides, it is evident that the Cuban government has tried to present a less negative human rights image, and over time has changed its strategies for dealing with internal dissent.

6.3 SUMMARY AND CONCLUSIONS ON THE CUBAN CASE

An examination of the human rights situation in Cuba, both past and present, highlights the importance of understanding the interactive affects of internal and external pressures and their consequent impact on state repression. Cuba is perhaps one of the clearest examples that what happens domestically in terms of human rights violations, can be influenced by international events and external actors. This is not to say that states do not make choices with regards to repression—they most certainly do. But rather, it is to say that international events may color the ways in which state actors and government elites perceive their situations and alternatives. A long-term analysis of human rights patterns in Cuba shows that the Cuban government made different choices vis-à-vis repression depending on a variety of internal and external factors. The factors that seem to have influenced *levels of abuse* most directly include factors related to internal stability, such as 1) the level of economic stability, 2) the presence of established domestic institutional structures, and 3) the level of internal pressure or civil unrest. International variables interacted with these variables such that levels of abuse tended to rise when internal stability was low and external threat was high. *Perceived regime vulnerability should then be seen as being impacted by external factors.* In addition, internal stability seemed in this case to diffuse, at least partially, the effects of external pressure, as in the period of the early to mid-1980s. Other factors that seem to influence the *kinds of abuse* strategies implemented include 1) the strength of international human rights norms, 2) reliance on diverse international relationships, and 3) the extent of international scrutiny or negative attention. These findings may transfer their explanatory value across other cases.

Cuba’s significance within Latin America extends far beyond its own domestic situation. As we shall see in upcoming chapters, the Cold War hostilities that the Cuban Revolution ignited in this hemisphere were felt throughout the Americas. One cannot understand the human rights situations that were to develop in El Salvador and Nicaragua

without first referencing the communist revolution in Cuba, and the larger conflict that it represented. The role of the United States was certainly critical in all of these countries, and U.S. polices influenced human rights practices abroad. For example, in 1983, Elliot Abrams, then U.S. Assistant Secretary for Human Rights and Humanitarian Affairs, justified U.S. involvement in Nicaragua and warned (United States Department of State 6 October 1983):

What is most striking about the unfolding of the Nicaraguan Revolution is the degree to which it parallels the development of the Cuban Revolution.... In one significant respect, however, the Cuban and Nicaraguan Revolutions differ from one another. In the case of the Cuban Revolution, Castro succeeded in establishing a totalitarian dictatorship. In the case of the Nicaraguan Revolution, while the totalitarian mold is clearly in place, it has yet to harden: the Sandanistas have not yet succeeded in destroying the prospects for Nicaraguan democracy altogether. But, if anyone wonders what human rights conditions will be like in Nicaragua if the Sandanistas do succeed, he [sic] has only to look at Cuba today.

In Central America, rabid anti-communism characterized many of the oppressive regimes and movements of the right that were to become some of the most heinous and violent human rights abusers within the world. In a recent report published by the American Association for the Advancement of Science (AAAS) on *State Violence in Guatemala*, the authors note (Ball et al. 1999, pp. 13–14):

In 1959, revolution in Cuba heightened the intensity of political conflict throughout Latin America. In Guatemala, the installation of an independent socialist government in Cuba gave hope to the nationalist opposition defeated in 1954. At the same time, these events worried Guatemala's upper class and the regime's U.S. sponsors. Worried about a return of an independent and populist government, the U.S. made Guatemala a pilot program for both military and covert political intervention in the Caribbean basin. The single-minded insistence of "no more Cubas" would soon destroy Guatemala's political system.

It is against this backdrop of extreme anti-communism and fear of spreading revolution that the next two chapters must be situated. While ideological considerations are only a few of the many factors involved the human rights situations in El Salvador and Nicaragua, the reality of the Cuban Revolution forever change the dynamics of rebellion and state repression within Central America.

Chapter VII*

Patterns of Human Rights Violations in El Salvador

Between 1980 and 1991, the Republic of El Salvador in Central America was engulfed in a war which plunged Salvadorian society into violence, left it with thousands and thousands of people dead and exposed it to appalling crimes, until the day—16 January 1992—when the parties, reconciled, signed the Peace Agreement in the Castle of Chapultepec, Mexico, and brought back the light and the chance to re-emerge from madness to hope.

—Report of the United Nations Truth Commission on El Salvador

From Madness to Hope: The 12-year War in El Salvador
(1993)

Peace is not the product of terror or fear. Peace is not the silence of cemeteries. Peace is not the silent result of violent repression. Peace is the generous, tranquil contribution of all to the good of all. Peace is dynamism. Peace is generosity. It is right and it is duty.

—Archbishop Oscar Romero

7.1 THE STATE AND CIVIL SOCIETY IN EL SALVADOR

With the possible exception of Guatemala, the abuses committed in El Salvador¹ during its 12-year civil war were unparalleled within war-torn Central America in terms of the sheer scope of state violence and the social devastation that took place.² Between the years of 1978 and 1985, the peak years of mass killing and state repression, some 42,171 persons were killed, a

* Parts of this Chapter have been reprinted in an article version (see Gómez 2001).

number which at the time constituted nearly 1% of the total Salvadoran population (Stanley 1996, p. 3). The total number of those killed during the entire length of the conflict has been estimated at 75,000 persons, the vast majority of whom were civilians killed by state forces (United Nations 1995, p. 7). An additional one million persons fled El Salvador as refugees, or became internally displaced during the conflict (United Nations 1995, p. 7). While the extent and character of state brutality in El Salvador seems to defy explanation, there are valuable lessons to be learned through an analysis of the national and international factors that served to support, or impede, the violence which occurred. As this chapter shows, international actors and events helped to *shape* the pattern of human rights abuse which developed in El Salvador, at times facilitating abuse, at other times working to restore peace. I would like to note at the outset of this chapter that there are many scholars who have done excellent work on the history of political violence in El Salvador, and I would certainly refer interested readers to consult these other sources for additional details.³ Due to the scope and focus of this research, the following chapter is meant to offer a summary of the major changes in international relations, national policy, and human rights abuses between the years 1977 and 2000. These years cover the 12-year civil war, which was one of the most violent and repressive periods in El Salvador. Yet, repression is by no means limited to these years. El Salvador has indeed had a long pattern of social inequality, civil unrest, and political violence that extends far back into the country's history (see Paige 1997).

It is important to acknowledge the long-term context of conflict in El Salvador, in order to understand that the civil war that occurred during the 1970s and 80s did not emerge suddenly or without warning. One of the most egregious examples of early state repression occurred in 1932, against the backdrop of a collapsing coffee market, which was itself driven by a wider global economic depression. The economic hardships brought on by the depression were felt hardest among El Salvador's poor, whose wages had dropped markedly. Economic hardship resulted in increasing frustration among the peasantry who saw that they were losing their lands and only means of livelihood. A three-day peasant uprising ensued in the western regions of the country, but the rebellion was brutally crushed by then President General Maximiliano Hernandez Martinez and the armed forces under his control. Military authorities in El Salvador believed that the leader at the time of the small Salvadoran Communist party, Agustín Farabundo Martí, had in fact inspired the uprising. Martí was himself later arrested and executed.

The violence that ensued during the few weeks following the peasant uprising would later come to be known as "la Matanza," or the massacre. Government terrorism in the countryside combined with a "scorched earth" policy of retaliation claimed the lives of up to 30,000 peasants, a number which represented nearly 3% of El Salvador's total population at the time (HRW 1982). The Salvadoran government's policy of retaliation was genocidal in both its method and its intent. Individuals who so much as looked as if they belonged to the indigenous Indian community, who were found carrying machetes, or who were wearing *campesino* dress, were in many cases killed on the spot (HRW 1982, p. 52). In one specific case, government firing squads shot dead all of the persons who had Indian features, or who were wearing peasant clothes, living in or around the western town of Izalco (HRW 1982, p. 52).

The 1932 uprising was also significant because it prompted Salvadoran elites to implement drastic changes in domestic policy. No longer would peasants be able to

organize collectively to form labor unions. All organizations of agricultural laborers were banned, and none would form again until the late 1960s. “La Matanza” was an event that would live on in the memory of the Salvadoran peasantry. It is important to understand the longer history of the conflict in order to appreciate the ways in which many Salvadorans in the 1970s and 1980s framed their political and economic situation, as well as how they viewed their on-going struggles against state repression. In a 1980 interview with reporter Raymond Banner, José Napoleón Duarte, who would later become the President of El Salvador, was asked why he thought the rebels were fighting in El Salvador. Duarte responded, “Fifty years of lies, fifty years of injustice, fifty years of frustration. This is a history of people starving to death, living in misery. For fifty years the same people had all the power, all the money, all the jobs, all the education, all the opportunities” (as quoted in National Security Archive 1989, p. 38). With this history in mind, I move on to the years just prior to the outbreak of civil war in El Salvador. The years in between 1932 and 1977 were neither peaceful nor free for the vast majority of El Salvador’s poor. But, it is not until the late 1970s that state violence would again approach the level it had in 1932, and it is not until the late 1970s that a potent armed opposition movement began to coalesce in El Salvador.

1977–1979 STATE REPRESSION DURING THE PRESIDENCY OF GENERAL ROMERO

On 1 July 1977, General Carlos Humberto Romero was inaugurated as President of El Salvador amidst widespread allegations of fraud and political corruption. Like most other Salvadoran presidents before him, Romero came into power with the full support of the Salvadoran military.⁴ In order to get a sense for Salvadoran domestic political alliances at the time, it is critical to note the relationship between the state military and the Salvadoran economic elite. A 1980 United States State Department country report (U.S. State Department 1980) on human rights practices in El Salvador provided an apt characterization of Salvadoran politics at the time, and summarized:

Authoritarian military governments allied with a wealthy elite have been the trademarks of Salvadoran politics. A democratic façade has been maintained over the years through regularly scheduled elections resulting in the periodic changing of Presidents, Legislative Assembly members, and municipal administrations. Since the early 1970s, the results of the elections inevitably have been challenged as fraudulent, and although personnel have been changed, the character of the governing coalition and its *modus operandi* have not.

Immediately after the election of President Romero all seats in the Salvadoran Legislative Assembly were filled with members of the National Conciliation Party (*PCN: Partido de Conciliación Nacional*), the party headed by Romero and supported by the military regime. These events were seen as effectively shutting the door on any meaningful prospects toward democratic reform within the country.

The short time between the presidential elections and the inauguration of President Romero proved to be a dangerous one for members of the political opposition. The

fraudulent election of President Romero was itself met with massive political protest and civil disturbance. This display of social unrest ushered in a wave of state violence, and the few months between the election and inauguration were characterized by increases in the most severe human rights abuses, including massacre, killing, torture, and “disappearance” (see Stanley 1996, in particular chapters 3 & 4). Those simply speaking out against government corruption were targeted with repression and violence. In its 1978 Annual Report, Amnesty International was able to document some 62 cases of detention and 30 cases of execution, many accompanied by evidence of torture. Forty-two of these cases were reported after Romero’s inauguration, and 77 occurred after the presidential elections. Evidence would surface later indicating that the levels of violence during the period between the elections and the inauguration were in fact much higher and that violence was in fact much more severe.

In one incident, only eight days after the election, security forces opened fire into a crowd of political demonstrators in the downtown area of San Salvador, resulting in the deaths of several hundred persons, possibly as many as 1,500 persons (Stanley 1996, p. 109–110). Some accounts report that this particular massacre lasted for several hours as security forces spread out and shot people indiscriminately. The following day, the government declared a renewable 30-day state of siege revoking all constitutional rights (National Security Archive 1989, p. 26). “Disappearances” and outright killings, particularly in the countryside and against members of the clergy, were increasingly reported.⁵ By April 1977, political, diplomatic, and church sources estimated that 300 government opponents, including trade union and opposition officials, teachers and university professors, had been arrested since the February presidential elections and that an additional 130 had been reported missing in a possible “purge” of opposition members (National Security Archive 1989, p. 26).

BETWEEN THE ELECTION AND THE INAUGURATION: INCREASING U.S. PRESSURE ON ROMERO

During the five months between the presidential elections and the inauguration, the government of the United States, then under the Carter Administration, applied more pressure to the Salvadoran government and voiced with increasing frequency its concerns regarding the human rights situation in El Salvador. The pressure became so acute, in fact, that in March 1977 the Salvadoran government renounced, “for the sake of national dignity,” all U.S. military aid in a move to protest against U.S. expressions of concern over the human rights situation there (National Security Archive 1989, p. 26). Nonetheless, the Carter Administration continued to press the government of El Salvador, and increasingly expressed its displeasure with the Salvadoran government’s security policies. Further, in addition to raising general human rights concerns, the United States also noted that the Salvadoran authorities had never properly investigated the 1976 killing of U.S. citizen Ronald Richardson (National Security Archive 1989, p. 26). In May 1977, Department of State officials voiced the intention of the United States to postpone a vote on a \$90 million Inter-American Development Bank (IDB) hydropower loan to El Salvador citing human rights concerns (National Security Archive 1989, p. 26). In mid-July, the Carter Administration also agreed to block temporarily over \$1 million in

private U.S. sales of sidearms and other police weapons to El Salvador, Argentina, Uruguay and Nicaragua.

Soon after Romero was inaugurated, the kinds of tactics used by state security forces against the Salvadoran population changed markedly, with lower levels of violence at the hands of state security forces. William Stanley (1996, p. 111–112, emphasis added) writes of this period:

Once Romero was inaugurated on 1 July 1977, the intensity and kind of violence changed abruptly. The most blatant forms of state violence in urban areas diminished and remained at lower levels for about four months, despite an increase in guerilla assassinations, kidnappings, attacks on government posts, and propaganda activity in September. Shortly after taking office... Romero announced [on 18 July 1977] his opposition to terrorism of the right and the left.... No one seriously claims that this reduction in violence reflected a commitment on Romero's part to less repressive state conduct. On the contrary, it appears to have been imposed by *international pressures*, and the *types of violence* that were suppressed—high profile urban assassinations, disappearances, and attacks on demonstrations—were precisely the kind that could be expected to attract international attention.

It appears that in this case, international criticism both helped to curb the rate of abuse, and changed the kinds of abuse tactics implemented by state security forces. Yet, this relative repose in violence did not last long. There were extreme confrontations with labor organizations throughout this period. In one specific incident, from 10–12 November 1977, workers demanding more pay for farm laborers seized the Labor Ministry, and held some 150–250 hostages at gunpoint (National Security Archive 1989, p. 27). Perhaps in an attempt to create a mechanism of social control which would appear legitimate [both internally and externally], the Salvadoran government on 24 November 1977 adopted a “Public Order Law” (*Ley de Defensa y Garantía del Orden Público*).

The Public Order Law would become another mechanism for government repression, and only served to grant even greater power and discretion to the Salvadoran military. The Public Order Law allowed the government of El Salvador to censor opposition communiques; to ban public assemblies, political meetings and strikes; and to jail government critics without jury trial (National Security Archive 1989, p. 27). While the Public Order Law was defended by the government as a measure which would defend democratic processes and counter terrorist activities, in effect, this law served to curtail severely, and make illegal, the work of trade unionists, political opponents, human rights defenders, and many members of the clergy (AI Annual Report 1978).

The Public Order Law, however, only served to increase international criticism of the Salvadoran government. In October 1978, for example, the International Commission of Jurists (ICJ) published a report that was very critical of the Public Order Law (see AI 18 August 1978). Amnesty International during this same year also launched an intensive letter writing campaign centered on the repression of trade unionists within the country (AI September 1978a; 1978b; 1978c; 5 July 1978; 18 August 1978; 22 August 1978; 30 August 1978; 1 September 1978; 5 September 1978; 19 September 1978; 20 September

1978; 1 October 1978; AI Annual Report 1979). Two months after the release of the ICJ's report, in December 1978, a British Parliamentary delegation claimed that it had seen clear evidence of systematic torture during an earlier visit (see AI 29 March 1979; AI Annual Report 1979).⁶ A few months later, after a visit to El Salvador in January 1979, the Inter-American Commission on Human Rights published a report in May 1979, listing the names of 99 "disappeared" persons and drawing attention to the problem of political opponents exiled from El Salvador (AI Annual Report 1980).

Apparently influenced by all this negative international attention, the Public Order Law was repealed in February 1979 and President Romero publicly promised the unconditional release of all persons imprisoned under that law.⁷ International pressures may have been especially instrumental in the repeal of the Public Order Law because international pressure during these few months was remarkably unified between different international actors. Further, maintaining a positive international image during this period may have been especially desirable for the government of El Salvador, because El Salvador was in the process of applying for substantial loans from the Inter-American Development Bank during 1978 and 1979 (Stanley 1996, p. 122; see also National Security Archive 1989).

THE ORGANIZATION OF CIVIL SOCIETY THROUGHOUT THE 1970s

In terms of internal pressures and divisions, the 1970s in El Salvador were associated with the increasing mobilization of leftist popular movements which were able to recruit large numbers of new members during this period (Stanley 1996; Menéndez Rodríguez 1980). Between 1974 and 1978 three important mass organizations appeared: 1) the Front for Unified Popular Action (FAPU), based on urban workers, emerged in 1974; 2) the Popular Revolutionary Block (BPR), based mainly within the Salvadoran peasantry, formed in 1975; and 3) the February 28 Popular Leagues (LP-28), based within the slums of San Salvador, formed in 1977 (HRW 1982, p. 3). Around this same time, three guerilla organizations also formed and began to operate within El Salvador: 1) the Popular Forces of Liberation (FPL), formed in 1970 from a radical faction of the Salvadoran Communist Party; 2) the Revolutionary People's Army (ERP), formed in 1971 and employed strategies of sabotage and individual acts of terrorism; and 3) the Armed Forces of National Resistance (FARN), which formed in 1975 from a splinter group of the ERP (HRW 1982, p. 3). Later on, the mass organizations and the guerrilla organizations became more closely affiliated—the FAPU with the FARN, the BPR with the FPL, and the LP-28 with the ERP (HRW 1982, p. 3).

It seems that for a short period of time mounting internal tension was not met with increased state violence. It appears that in the case of El Salvador, between the years 1977–1979, international pressures do in fact mediate the state's response to internal threats. Yet, these effects were not enduring, and were subject to fluctuations in the level of internal threat. The opposition within El Salvador took advantage of the state's attempt to curb violent repression and intensified its own campaign. In mid-1979, in an effort to force the government to release prominent opposition leaders, guerrilla organizations stepped up their campaign by increasingly adopting violent strategies that included assassination and kidnapping. In the words of William Stanley (1996, p. 1) after a few

months of escalating conflict, “[t]he State struck back, leading to a spiral of eye-for-an-eye retaliation on both sides.”

1979–1981 THE TERRORIZING OF A NATION

According to Amnesty International (1980, p. 133), “[b]y October 1979, after months of street demonstrations and increasingly militant protest actions by the opposition, including bloody actions by guerilla groups, polarization between the government and opposition was extreme.” Adding to the crisis, the triumph in July 1979 of the Sandinista Revolution in Nicaragua sent shock waves through the Salvadoran elite. In a secret cable to Washington D.C., then U.S. Ambassador to El Salvador Frank Devine wrote, “the fall of the Somoza regime is widely viewed in El Salvador as opening the way for a Sandinista-assisted upswing in this country’s terrorism and violence of the extreme left” (as quoted in National Security Archive 1989, p. 28). Sensing the potential for a similar revolutionary scenario in El Salvador,⁸ the military prepared to take over the reins of government in a coup d’état that would remove President Romero.

Social violence and labor unrest escalated in 1979 as it became more and more clear that the Romero government was unable to stem the tide of the opposition movements. The military responded to the situation by instigating a coup d’état on 15 October 1979, overthrowing Romero and forcing him into exile in Guatemala (National Security Archive 1989, p. 28–29). A group of elite military leaders headed the coup and promised the Salvadoran people a just and peaceful future. But, coup leaders were deeply divided amongst themselves. At one end of the political spectrum were the younger and more progressive officers, such as Colonel Adolfo Arnoldo Majano who supported reforming El Salvador’s repressive political and economic systems (HRW 1982, p. 4). Majano and his supporters headed up the “reformist” wing of the military, and were not involved in the kinds of violence perpetrated by the rest of the armed forces. At the other end of the spectrum were more conservative members of the military, including Colonels Jose Guillermo Garcia and Jaime Abdul Gutierrez, who defended the interests of the landed elite, but nonetheless recognized the need for the military to cultivate a more positive public image (HRW 1982, p. 4).⁹ The officers invited prominent civilian politicians to join the first Revolutionary Governing Junta (RGJ), and it appeared for the moment that a democratic future was once again possible for El Salvador.

The “Proclamation of the Armed Forces,” the first decree made by the RGJ was issued on the day of the coup, and accused the Romero government of “violating human rights, fostering corruption, causing economic and social disaster, and disgracing the country and the armed forces” (HRW 1982, p. 9). The RGJ, in turn, promised to: 1) dissolve ORDEN in order to assure freedom for political parties of all ideologies; 2) grant amnesty to all political exiles and prisoners; 3) permit labor unions to organize; 4) end violence and corruption; 5) guarantee the observance of human rights; 6) increase the national wealth and distribute it more equitably; and 7) improve El Salvador’s foreign relations (HRW 1982, p. 9).¹⁰ On 30 November 1979, El Salvador ratified the United Nations International Covenant on Civil and Political Rights, as well as the United Nations International Covenant on Economic, Social and Cultural Rights. In addition, the armed forces also committed themselves to agrarian reform, and to ensure housing, food,

education, and health care for all Salvadorans. Despite some initial movement in the direction of reform, none of these promises were in fact kept.

While violence before the overthrow of Romero was considerable, after the 1979 coup, El Salvador would enter into its bleakest period of mass killing, "disappearance," and death squad terrorism. Despite the new junta's proposals to grant amnesty to all political prisoners, restore respect for human rights, and implement agrarian reforms, during the junta's first week in power the security forces were already responsible for over 100 killings of political demonstrators and striking workers (AI Annual Report 1980). In the few weeks after the coup, popular pressure for reform intensified and was met with a wave a stern repression from the armed forces. A Human Rights Watch Report (1982, p. 4) released during this period summarized the events that were to follow:

The Majano-led wing soon found that its influence over the army was limited or, in the case of the National Guard and Treasury Police, virtually non-existent. Members of the latter two branches of the security forces also belonged to various paramilitary groups that played an ever-more violent role in the last months of 1979. By year-end, the civilian members of the government made executive control over the armed forces the central condition for their continued participation and when the military rejected their demands, most resigned. With the fall of this "First Junta," the centrist alternative was effectively closed, and the conservatives in the military were back in unquestioned control.

THE JANUARY CRISIS: COLLAPSE OF THE FIRST REVOLUTIONARY GOVERNING JUNTA

By 4 January 1980, all of the civilian members of the first junta had resigned, citing the junta's failure to stop the violence perpetrated by the armed forces and its unwillingness to allow civilian leadership any real power within the government. These resignations left only the two military officers, Colonels Majano and Gutierrez. It was at this point in time that Christian Democratic Party (PDC) leader José Napoleón Duarte seized the opportunity presented by the fall of the first junta, and announced the conditions under which the PDC would join the new government (National Security Archive 1989, p. 31).¹¹ The resignations, followed by the announcement of the PDC, left conservatives within the military in a very difficult position. While appealing to moderates through the inclusion of the PDC was one way for the junta government to redeem itself after being discredited by the civilian resignations, it would no doubt create more tension within the extreme right as the PDC was largely considered by conservatives as being too far to the left.¹² The United States supported the inclusion of the PDC in the second revolutionary governing junta on the theory that the PDC would help to balance out the extremism of the armed forces. However, as former Salvadoran Education Minister Salvador Samayoa told one U.S. political officer at the time, the U.S. was "trying to support the center when there is nothing there to support" (as quoted in National Security Archive 1989, p. 31).

In the end, the decision was made to include the PDC within the junta leadership. On 10 January 1980 the second RGJ was formed, which included Colonels Majano and

Gutierrez along with PDC members Hector Dada Hirezi and Morales Ehrlich and independent member José Ramón Avalos Navarrete. This move, however, did little to avert social unrest. Indeed, after the civilian resignations of January 1980, and after the subsequent appointment by the remaining junta members of an entirely new cabinet, there was a marked increase in protests by opposition groups.¹³ These protests were met with swift and severe retaliation from the state. At the time, the Salvadoran military leadership was also beginning to show its own internal divisions, as reformists and conservatives increasingly battled for control.

By the beginning of 1980, the opposition had partially consolidated under the umbrella of the *Coordinadora Revolucionaria de Masas (CRM)*, which called for a mass public demonstration to be held in San Salvador on 22 January 1980 to mark the anniversary of the 1932 peasant uprising (HRW 1982, p. 4). It was the largest demonstration ever held in the country's history, with nearly 100,000 protestors marching to the National Palace. National Guard and National Police troops opened fire on protestors, resulting in at least 22 dead and another 135 wounded (National Security Archive 1989, p. 31). Victims were either shot or were trampled to death by the panicked crowd. As Human Rights Watch was to remark afterwards, it was "the end of peaceful protest in El Salvador" (HRW 1982, p. 5).

DIVISIONS WITHIN THE MILITARY: REFORMERS MOVE TO PROTECT CIVILIAN LIVES

The events that followed were truly remarkable and perhaps best illustrate the deep fragmentation of Salvadoran military leadership at the time. As the protestors dispersed, 25,000 people took refuge on the campus of the National University. The reformist commander of San Salvador's First Brigade, Major José Francisco Samayoa, acting with the approval of junta leader Colonel Majano, sent troops to surround the University and *protect the demonstrators* from other factions of the security forces (Stanley 1996, p. 186-188). In the midst of the stand off, the Salvadoran leadership split in two (Montgomery 1989, p. 162).

At 8:30 the next morning the junta met with the army high command, including the directors and other officers of the security forces. The latter wanted to invade the university. When the junta refused to give its permission, Major Roberto Staben from the National Police and Captain Arnoldo Pozo of the Treasury Police announced they would invade the university with or without orders. Héctor Dada demanded that Minister of Defense García discipline these officers for insulting the junta and for insubordination. García responded that he did not have the power or authority to control the security forces.

In the end, the presence of the First Brigade was able to deter an invasion and possible second massacre. But, it was the beginning of the end of the reformist movement within the military as hard-line right-wing members of the military began to push for Majano's resignation, or, failing that, assassination.¹⁴ In the months that were to come, Majano would attempt to take a more confrontational strategy with the extreme right, yet this

confrontation only led conservatives to strengthen their efforts to disband reformist collectives within the military. In early May 1980, amidst rumors of an immanent right-wing coup, Majano directly confronted the leadership of the extreme right (Stanley 1996, p. 201):

Majano got wind of a meeting of right-wing civilians and officers at the Finca San Luis near Santa Tecla, a few miles west of the capital. Acting unilaterally, Majano sent troops from the Signal Corps and the First Brigade to surround the farm and arrest the conspirators. When Majano's men arrived, the dozen heavily armed men guarding the ranch house did not resist, though the conspirators inside quickly tried to destroy evidence. D'Aubuisson tried to eat an incriminating document before being taken into custody. Majano's troops arrested a dozen other officers and a dozen civilians.... The prisoners were taken to the First Brigade head-quarters, where at least some of the reformist officers wanted to have them shot for treason. The arrests triggered a dangerous crisis for the junta and within the military.

These arrests brought the confrontation between the rightist and reformist factions of the military to a head. The morning following the arrests, the Third Brigade in San Miguel and the Sixth Military Detachment in Sonsonate declared that if the prisoners were not released by noon the same day, they were prepared to attack the Presidential Palace and the First Brigade. The First Brigade responded that they would kill the prisoners if they received such an attack. The reformist officers in the First Brigade notified Majano that they were ready to go forward with a coup of their own upon his orders. Those orders never came, and the prisoners were in fact later released (Stanley 1996, p. 202–203).

CHANGING COMPOSITION OF THE JUNTA LEADERSHIP

Several changes of leadership occurred within the junta, as the second governing junta fell only a few months after the first. After joining the RGJ in January, Hector Dada Hirezi, a junta member representing the PDC and hence one of the moderate members of the second RGJ, resigned from his position on 4 March 1980. Upon his resignation, Hirezi noted that the PDC had little real power within the RGJ and charged that the military was preventing passage of reform measures and increasing repression of popular organizations (National Security Archive 1989, p. 33). Only a few days after the resignation of Hirezi, on 9 March 1980, after months of popular protest and government retaliation, the RGJ declared a state of siege. The state of siege suspended the rights to freedom of assembly, movement, thought, expression and residence, and gave military courts jurisdiction over civilian crimes (AI Annual Report 1986). José Napoleón Duarte, also of the PDC, later filled Hirezi's seat on the RGJ.

The extreme right attempted a coup on 1–2 May 1980, led by Major Roberto D'Aubuisson. The attempt was unsuccessful and coup leaders were later arrested by troops loyal to Colonel Majano (National Security Archive 1989, p. 34).¹⁵ In December 1980, a vote from the Officer Corps voted Colonel Majano out of his position on the RGJ. It was the final straw in an ongoing effort to strip power away from the reformist

faction within the military, which Majano had himself represented. Shortly after that vote, José Napoleón Duarte assumed the Presidency on the RGJ, a position that he held from 1980 to 1982. Duarte would later note that the Presidency afforded little real power to either himself or the PDC in terms of stemming abuses, but nonetheless he remained as a moderate voice within the Salvadoran government.

VIOLENCE AND IMPUNITY: HIGHLY VISIBLE MURDERS IN 1980

El Salvador was to suffer several significant and highly symbolic losses during this period. During the month of March 1980, the Salvadoran Human Rights Commission was severely damaged by bombings, and all members of the organization were threatened with murder (AI Annual Report 1981).¹⁶ The Salvadoran Human Rights Commission estimated that 312 political killings occurred between the months of January and July 1979, and that between January and August 1979, there had been 267 political arrests (AI Annual Report 1981). On 23 March 1980, the most influential human rights advocate and defender of the poor within the country, the Archbishop of San Salvador Oscar Romero, called upon soldiers within the Salvadoran military to defy direct orders and to refuse to participate in any killings (National Security Archive 1989, p. 33).¹⁷ Military officials, outraged at the statement, publicly condemned Romero as a criminal (AI Annual Report 1981). The following day, Archbishop Oscar Romero was shot dead in front of a full congregation as he was delivering mass (AI Annual Report 1981; National Security Archive 1989, p. 33).¹⁸ At his funeral, security forces made clear to those sympathetic to Archbishop Romero would be punished. Some 50,000 people attended Romero's funeral, only to be sprayed with pesticides and chemicals from crop-dusting aircraft during the procession (Stanley 1996, p. 198). As the result of indiscriminate gunfire and bombing which erupted during the funeral, between 26 and 40 mourners were themselves killed and another 70 wounded (National Security Archive 1989, p. 33–34). Later the same day thousands of Salvadorans gathered at the Metropolitan Cathedral plaza to pay tribute to Archbishop Romero, when another bomb exploded and more gunfire erupted. Ten more people were killed by gunshots at the plaza and another 2 trampled to death as the crowd frantically scattered (National Security Archive 1989, p. 34).

On 2 December 1980, U.S. Maryknoll nuns Ita Ford and Maura Clarke, Ursuline nun Dorothy Kazel and Catholic lay worker Jean Donovan were abducted in route to San Salvador from the airport. They were tortured and murdered by five National Guardsmen and their bodies were discovered in a shallow grave the next day. All of the women had been raped, three had been shot twice in the head by high caliber rifles, and the other shot once in the chest with a pistol (National Security Archive 1989, p. 36–37). On 4 December 1980, the outgoing Carter Administration suspended all economic and military aid to El Salvador, demanding an immediate investigation. While there was considerable outrage in the United States about the rape and killing of these women, and while several Congresspersons attempted to condition future aid on an adequate investigation of their deaths, in the end, there was little change in actual United States policy towards El Salvador (National Security Archive 1989, p. 36–72).¹⁹ By 14 January 1981, military assistance to El Salvador was resumed, with \$5 million in foreign military sales credits and \$420,000 in training funds (Gettleman et al., 1986, p. 57).

State repression, death squad killings, and rural massacres reached a feverish pitch in the early 1980s.²⁰ All told, some 12,000 persons were killed during the year of 1980 alone (AI Annual Report 1981; AI December 1998). While agrarian reforms were in fact implemented during this period, they were violently imposed, and all confiscated lands were handed over to the state's paramilitary organization, ORDEN, and its supporters (AI Annual Report 1981).²¹ Teachers, teachers unions, and academics²² joined the long list of state targets, and as a result of killings and intimidation, 85% of schools in the Western rural area of the country were shut down (AI Annual Report 1981; National Security Archive 1989, p. 25–72). In some ways, the campaign of terrorism launched by the state succeeded in its goals; demonstrations by the opposition and strikes from workers grew smaller and smaller, and people were much less likely to affiliate themselves publicly with the political left. The increase in state terrorism, however, also caused a further hardening of the left's political strategy, which during this period became increasingly ever more covert, focussed, and steadfast.

STRIKES AND COUNTERSTRIKES: THE EMERGENCE OF THE FMLN

In May 1980, leftist opposition began to move supporters into the rural areas of El Salvador and began organizing within the Salvadoran countryside. By November 1980, the opposition, united for the first time as the Farabundo Martí National Liberation Front (FMLN) had refined its internal structure as a resistance movement, and had started the process of amassing the weapons necessary to launch an armed rebellion (Stanley 1996; Prisk 1991; Landau 1993; Moroni Bracamonte and Spencer 1995). While the FMLN was certainly responsible for perpetrating violence, and were notorious for their kidnappings of high level officials and their family members, the FMLN tended not kill people as indiscriminately or as excessively as did the Salvadoran State (see AI Annual Reports 1980–1989).²³ Rather, the FMLN focussed on more strategic targets, attacking military outposts and destroying infrastructure. In January 1981, the FMLN launched its “final offensive,” which aimed to attack military targets throughout the country and spark a mass insurrection in the cities. The final offensive did not ignite a revolution as the FMLN had hoped, and the FMLN continued to strike at El Salvador's infrastructural capacity, a strategy that left no corner of the country untouched and which in the end caused El Salvador hundreds of millions of dollars in damage and lost production.²⁴

FRACTURED INTERNATIONAL PRESSURES ON THE SALVADORAN STATE

In terms of El Salvador's international relationships during this period, there were many contradictions between international and bi-lateral policy. The assassination of Archbishop Romero provoked an international outcry from human rights groups and international organizations. In December 1980, the United Nations took its first official action with regards to the human rights situation in El Salvador when the United Nations General Assembly adopted resolution 35/192, in which the General Assembly stated that it deplored the “murders, disappearances and other violations of human rights reported in El Salvador,” and asked all member-states to refrain from providing any military aid to El

Salvador (AI Annual Report 1981; United Nations 1995, p. 6; National Security Archive 1989, p. 25–72).

During the Carter Administration the United States did grant substantial economic and military aid to El Salvador, but after the inauguration of President Reagan the level of aid increased dramatically. In 1980, the final year of Carter's Presidency and the year when the most aid had been given to El Salvador up until that time, the total amount of aid equaled approximately \$64.5 million. Shortly after Ronald Reagan was inaugurated, however, the new administration announced plans to increase aid to El Salvador from \$64 million to \$126.5 million in fiscal year 1981 (FY81). This number was later increased to \$149.5 million. In fiscal year 1982, the amount of aid again rose to \$277.5 million, and aid levels continued to rise every year until 1985. Additionally, President Reagan announced during this period, on 24 February 1982, the formation of the Caribbean Basin Initiative (CBI), which was a development program designed to provide investment incentives and large sums of aid to countries within the region (\$410 million in FY82 and \$770 million in FY83). Much of the CBI funding was earmarked especially for El Salvador (Uclés 1990; National Security Archive 1989, p. 38–72; see Table 7.2 below).

	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
<i>I</i>	5.9	35.0	82.0	81.3	196.5	137.7	123.1	112.3	96.5	96.5
II	12.4	68.8	140.3	197.4	216.0	201.2	192.3	211.8	223.9	187.9
III	43.2	19.1	28.1	61.2	72.7	85.2	91.1	104.5	65.8	67.7
IV	3.0	26.6	27.2	39.0	46.0	49.0	48.0	49.9	35.0	9.0
V								129.2		
Total	64.5	149.5	277.5	378.9	531.2	473.1	454.5	607.7	421.2	361.1

Table 7.1 Composition of U.S. aid to El Salvador, 1980–1989

Presented in millions of U.S. dollars*

I Direct aid for the war; II Indirect aid for the war;
 III Aid for reforms and development; IV
 Commercial and food aid; V Aid given for
 earthquake damage.

*Source: Uclés, M.L., 1996. *El Salvador in the Eighties: Counterinsurgency and Revolution*. Philadelphia: Temple University Press. Used with permission.

Human rights organizations argued that this increase in aid ensured the invulnerability of the Salvadoran State and served to facilitate the widespread abuse of human rights that was seen in the early 1980s (AI Annual Reports 1980–1985). On a symbolic level, fractured international pressure may have made it easier for rightist elements within the Salvadoran military to continue to violate human rights on a massive scale. The Salvadoran right, with the support of the U.S. government, hid behind a polarizing Cold

War rhetoric and the image of protecting El Salvador against a communist insurrection, all the while continuing to slaughter the rural poor. High amounts of U.S. military and economic aid ensured that repressive strategies were convenient and accessible, and bolstered the military's own internal sense of impunity.

This sense of impunity ran deep. After the 1982 elections in El Salvador which brought the extreme right party ARENA to power, members of the U.S. Congress critical of military aid to El Salvador renewed their efforts and drafted a resolution attempting to tie military aid to a negotiated settlement to the civil war. Upon hearing of these actions, one ARENA official stated that the United States "...has never cut off aid anywhere for very long or even entirely. Reagan will never let the communists win here. It's just a complete bluff" (as quoted in National Security Archive 1989, p. 50). The political right in El Salvador was virtually guaranteed United States support under the Reagan Administration—and they knew it. According to former U.S. Ambassador to El Salvador, Robert White, soon after Reagan was elected a group representing themselves as members of his "transition team" visited El Salvador and Guatemala conveying the message that human rights concerns would soon be secondary to the primary task of defeating the left (Stanley 1996, p. 215).

While the United States went against the tide of international consensus and continued to strengthen Salvador's repressive machinery, other actors continued to condemn the violence that was igniting all over the country. There was considerable international attention given to El Salvador during the early 1980s, including the presentation in October 1981 of an unfavorable report by the United Nations Commission on Human Rights Special Rapporteur on El Salvador to the United Nations General Assembly. In 1981, a report was presented to the General Assembly of the Organization of American States (OAS), in which the Inter-American Commission on Human Rights gave evidence singling out El Salvador as one of the two countries in the hemisphere which were considered by the Commission to be the most serious violators of the right to life through the use of summary executions (AI Annual Report 1981). On 9 April 1981, the Presidents of Venezuela and Mexico, in a joint communiqué, called for a political resolution to the conflict in El Salvador and urged the government to open talks with the rebels (National Security Archive 1989, p. 41). This was the first of many regional efforts made to bring the war in El Salvador to an end, but it would be 10 more years until a negotiated peace settlement was finally achieved.²⁵ The fact that military aid from the United States was only increasing may have made El Salvador less sensitive to these forms of international pressures. This "heightened immunity," so to speak, allowed the Salvadoran State to continue its internal campaign of murder in a protective climate of external complicity and internal impunity, and may have ultimately served to draw out the conflict.

THE IMPOSITION OF MARTIAL LAW AND CONTINUING VIOLENCE

In January 1981, the Salvadoran junta government strengthened the state of siege by declaring martial law and imposing a new curfew law (AI Annual Report 1982; National Security Archive 1989, p. 25–72). Between 12 January and 19 February 1981, 168 persons were killed for breaking the curfew law (AI Annual Report 1982). During the year 1981, state killing hit its peak (see Figure 7.2 below).

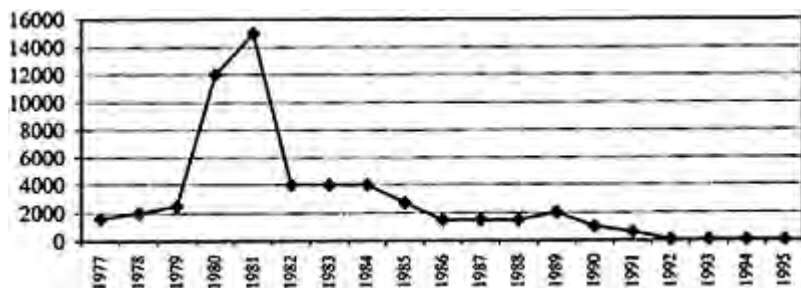


Figure 7.2. Estimated Number of Reported Extrajudicial Killing and "Disappearance" in El Salvador, 1977–1996.

Data compiled from Amnesty International and Human Rights Watch annual and country reports.

Indiscriminate killings and massacre in the countryside were rampant, and the murdering of civilians by state security forces took on a methodically gruesome quality with the implementation of killing strategies, which included use of a meat packing plant to decapitate and dismember victims (AI Annual Report 1982). Between just *20 August* and *25 August* 1981, eighty-three decapitations were reported. These murders apparently occurred at the hands of one death squad using a "guillotine" (National Security Archive 1989, p. 43). In total, 1981 saw the killing of an estimated 16,000 Salvadoran civilians, the vast majority of whom were murdered at the hands of the state (AI Annual Report 1984).²⁶

Salvadoran refugees were also increasingly targeted with killing as they desperately attempted to cross the rivers into neighboring Honduras. Several hundred persons, including children, were shot at by helicopters during the 1981 massacres at the Sampul and Lampa rivers (National Security Archive 1989, p. 38–45; AI Annual Report 1982). While the United Nations High Commissioner for Refugees stated that all persons fleeing El Salvador should be considered *prima facie* refugees, the Honduran government cooperated with the Salvadoran government in the killing of refugees (AI Annual Reports 1982 and 1983). Further, the United States also refused refugee status to virtually all Salvadorans refugees seeking safety within the United States, and regularly deported them back to El Salvador, often forcing many into dangerous situations which eventually led to their murders at the hands of death squads.²⁷

1982–1986 POWER STRUGGLES IN THE ATTEMPT TO ESTABLISH A PERMANENT GOVERNMENT

In El Salvador, national elections were held in March 1982 that would restructure the highest levels of government. While Salvadorans turned out in high numbers to vote [as

voting in the elections was compulsory], many international observers questioned the democratic legitimacy of the process in light of the amount of instability and violence still taking place within the country. The 1982 elections were important for several reasons, perhaps the most pressing being that this election determined the membership of a 60 person Constituent Assembly that was to write a new Constitution and choose an interim government. In the 1982 election, the PDC won a 40.3% plurality of the vote. Yet, together the parties of the right won almost 60% of the vote. The far right party, ARENA, took 29.3% of the vote, and the National Conciliation Party (PCN), another rightist party, took another 19% of the vote.²⁸ In terms of how this vote was reflected in the number of Constituent Assembly seats, 24 seats went to the PDC, 19 seats went to ARENA, 14 seats went to the PCN, and the rest went to smaller political parties on the right.

ARENA and PCN officials later offered four cabinet positions to the Christian Democrats (PDC). This proposal was refused outright by the PDC because it provided only three minor Cabinet posts plus the Foreign Ministry (National Security Archive 1989, p. 49). The PDC, in turn, demanded the Presidency or the Vice Presidency. The leadership of ARENA ignored the demands of the PDC and moved ahead to appoint Alvaro Magaña as the Provisional President, and further appointed the heads of the Defense, Finance, Interior, Central Bank, Immigration, Civil Aviation and Postal Ministries (National Security Archive 1989, p. 50). A few days later, Roberto D'Aubuisson, the head of the ARENA party, was elected Constituent Assembly President during the body's first full session (National Security Archive 1989, p. 50). In protest of the new government, PDC members abstained from the rest of the voting and all remaining elective posts within the Assembly subsequently went to the parties of the right (National Security Archive 1989, p. 50).²⁹

In March 1984, presidential elections were held against a backdrop of guerrilla attacks which knocked out a major San Salvador power station the day of the vote. When the polls opened in the capital, the city was running on emergency generators. Nonetheless, according to U.S. Embassy cables, voter turnout was "heavy to massive" (National Security Archive 1989, p. 69). After several problems tabulating the votes, the election results were released showing no candidate with a clear majority. Duarte (49%) and D'Aubuisson (29%) were then scheduled to go head to head in a presidential runoff the following month (National Security Archive 1989, p. 70). Duarte claimed victory after the runoff election, although D'Aubuisson never officially conceded the vote (National Security Archive 1989, p. 69-71).

FLUCTUATING LEVELS OF ABUSE AND CHANGING REPRESSIVE STRATEGIES

The years 1982 and 1983 saw a relative decrease in the extent of state killing within El Salvador, amounting to about half the levels of killing that were experienced during the two previous years of 1980 and 1981 (AI Annual Report 1983 and 1984; Stanley 1996). Many human rights reports also indicated a change in state tactics, from massacre and killing to incommunicado detention and systematic torture. Amnesty International reported that there were several hundred political prisoners within El Salvador in 1983, and expressed mounting concern over the conditions of torture under which many

detainees and prisoners were kept (AI Annual Report 1984). The rate of killing, however, did not continue to drop throughout the decade.³⁰ In 1984, Amnesty International noted no new improvements within the human rights situation in El Salvador, and the following year maintained that “massive human rights abuses,” including “disappearance,” torture, and execution, were still the order of the day (AI Annual Report 1984).³¹

While the closing months of 1983 evidenced increasing rates of death squad activity, by 1985 these activities were more explicitly focussed against members of the opposition (AI Annual Report 1994). During 1985, after a period of increasing union activity, street demonstrations, and strikes, the state adopted a new pattern of short-term arbitrary detention as opposed to more violent, and visible, strategies of repression (AI Annual Report 1994). In March 1985, the United Nations Human Rights Commission’s Special Representative to the human right situation in El Salvador reported that political imprisonment and abductions were increasing in El Salvador, while in 1986 markedly fewer “disappearances” and death squad killings were reported (AI Annual Report 1986). It should be noted, however, that 1986 also marked a wave of arrests of human rights activists and journalists, hampering the collection of accurate human rights data (AI Annual Reports 1986–1988). Amnesty International reported in 1987 that some new torture methods began to surface around the mid-1980s, methods which included prolonged sleep deprivation, psychological torture, and the use of hallucinogenic drugs (AI Annual Report 1987).

In part, *what appears to be happening throughout the mid-1980s is a further refinement and narrowing of repressive tactics*. These changes in tactics occurred against the backdrop of ever increasing international attention to, and criticism of, the human rights situation in El Salvador. These changes suggest, in part, that El Salvador’s reliance on indiscriminate death squad terrorism was no longer deemed desirable as it became more and more visible to the world. It should be noted that increasingly, this attention not only drew into question the legitimacy of the Salvadoran State, but also that of its principle supporter, the United States government. United States policy, due to the committed efforts of a group of progressive U.S. Congressional Representatives, was moving away from blind support of the Salvadoran regime and was becoming increasingly conditional. What is seen during this period, then, is a shift in tactics, namely from outright killing to torture and detention. These tactics are similar in terms of repressing and terrorizing the population, yet they are not the same in terms of visibility.

THE INCREASINGLY IMPORTANT ROLE OF INTERNATIONAL ACTORS: ENCOURAGING A PEACE PROCESS

The United Nations attempted in 1981 to take more concrete action with respect to the human rights situation in El Salvador through the appointment of a Special Representative from the Commission on Human Rights to the human rights situation in El Salvador (United Nations 1995, p. 8). The mandate of the Special Representative was later extended in 1983 (United Nations 1995, p. 8). Three months after the renewal of the mandate, the United Nations General Assembly adopted another resolution expressing its “deep concern” over reports of human rights abuse within El Salvador, and took up a new agenda item entitled “The situation in Central America: threats to international peace and security and peace initiatives” (United Nations 1995, p. 8). This new agenda item

facilitated a series of annual resolutions that were adopted on the situation of human rights in El Salvador. Also in 1983, the United Nations Security Council adopted resolution 530, which supported the peacemaking efforts of the “Contadora Group” [Colombia, Mexico, Panama, and Venezuela].

The Contadora Group had initiated a series of meetings and consultations with Central American government representatives in order to facilitate a regional peace process. In 1985, a “Support Group” was created to broaden and strengthen the original Contadora Group, adding the cooperation of the countries of Argentina, Peru and Uruguay (United Nations 1995, p. 8). In 1986, the United Nations General Assembly again adopted a resolution on El Salvador, expressing concern over allegations of serious and numerous violations of human rights, as well as over the “notoriously” unsatisfactory mechanisms of justice and investigation within the country (United Nations 1995). Then Secretary-General of the United Nations, Mr. Javier Pérez de Cuéllar, became himself personally very involved in the peace efforts that were taking place all throughout Central America. Indeed, he would become an important player within the Salvadoran peace process.

Subsequent United Nations Secretary General Boutros Boutros-Ghali summarized the early peace negotiations (United Nations 1995, p. 9):

A new initiative to help break the Salvadorian impasse was taken in 1986 by my predecessor [United Nations Secretary-General Javier Pérez de Cuéllar] and the Secretary-General of the Organization of American States (OAS), João Clemente Baena Soares. Together, on 18 November 1986, they extended a joint offer of services to the five Central American countries as well as to the eight Contadora and Support Group nations. Two months later, in a concerted attempt to formulate a joint approach to the region’s many problems, the two Secretaries-General, accompanied by the eight countries’ Ministers for Foreign Affairs, visited each of the Central American Nations. Earlier the Contadora Group had circulated a draft regional agreement. Within seven months, a negotiated breakthrough occurred.

The breakthrough referred to above was the Esquipulas II Agreement, which will be addressed shortly in greater detail. For now, let me only note that it is the Esquipulas II Agreement that has come to be regarded as the official beginning of the Salvadoran peace process.

Throughout the 1980s, the human rights situation in El Salvador received increasing attention from the United Nations Special Representative, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on Summary or Arbitrary Executions and Torture, as well as the Inter-American Commission on Human Rights and the Organization of American States (AI Annual Reports 1985–1988). In an effort to placate the widening circle of international criticism, President Duarte in 1986 promised official inquiries into all past human rights abuses, however little progress was to be made at that time (AI Annual Report 1987).

Continuing to go against the tide of international concern and criticism, the United States government repeatedly expressed its support for El Salvador throughout this period, and even voiced its approval for the human rights practices of the Salvadoran

government.³² Certainly, there were deep divisions with regard to the policy of U.S. intervention in El Salvador within the United States government itself. In 1982, twenty-nine members of the United States Congress filed suit against President Ronald Reagan and his administration for violating the War Powers Act and Foreign Assistance Act of 1961. The suit was later dismissed by a U.S. District Court Judge (National Security Archive 1989, p. 55). As news of human rights atrocities in El Salvador became public, debates on aid became increasingly heated as many members within the U.S. Congress expressed their unwillingness to fund the war in El Salvador. By 1983, the House Appropriations Committee allowed \$30 million dollars in added military aid to El Salvador, only half of the original request put in by the Reagan Administration (National Security Archive 1989, p. 61).

United States foreign policy in Central America was also the focus of international and domestic protests. In May 1981, over 100,000 people rallied at the Pentagon to protest U.S. involvement in El Salvador (Gettleman et al. 1986, p. 58). In late March 1982, a series of international protests also condemned U.S. policy in El Salvador. The National Security Archive, having compiled information from *The New York Times* articles published during March 1982, summarized those protests as follows (National Security Archive 1989, p. 49):

In Amsterdam, security is tightened around the U.S. Consulate and in Bremen, West Germany, the U.S. Consulate and an American-owned bank are damaged by stones and paint thrown by some of the 4,000 protesters. At Tempelhof Airbase in West Berlin, riot police use tear gas to quell a 10,000-person protest. Nearly 50,000 join a Washington march sponsored by more than 40 labor, civil rights and religious groups. In New York, 23,000 protest. Similar events are held in Dallas, Los Angeles, Denver and Oakland.

Despite growing domestic and international condemnations, large sums of aid continued to flow to El Salvador from the United States. While it is true that in May of 1981 the U.S. Congress passed strictures on U.S. aid to El Salvador which required President Reagan to certify that the Salvadoran government was dedicated to protecting human rights and was prepared to negotiate, this requirement did little to stop the actual flow of money and arms. The Reagan Administration simply continued to certify. Amnesty International reported in 1984, another violent year with little hope for resolution in sight, that “U.S. President Ronald Reagan certified that El Salvador had satisfied the criteria related to human rights required by the U.S. Congress in order that U.S. military assistance to that country could be continued” (AI Annual Report 1984, p. 152).

1987–1991 A WAVE OF INCREASING STATE VIOLENCE

The year 1987 began another period of deterioration for the human rights situation in El Salvador. During this time there was a notable re-emergence of death squad activity, as death squad members became more and more out-spoken, publicly threatening individuals by publishing the names of persons who were to be targeted with killing. The death squads also publicly began to claim responsibility for the “disappearance” and

murders of influential government opponents and FMLN leaders. The FMLN also participated in the escalation of violence, and during the year 1988 was itself responsible for hundreds of “disappearances” and killings (AI Annual Report 1989). Throughout the period, however, Amnesty International continued to note an increasing reliance by state security forces on methods such as psychological torture, and especially on prolonged sleep deprivation, as opposed to outright killings (AI Annual Reports 1989–1990). As the war entered its eighth year, it was becoming more and more clear that there was little chance of the conflict ending with one side or the other claiming a military victory.

THE ESQUIPULAS II AGREEMENT: HOPES FOR PEACE IN THE MIDST OF CONTINUING VIOLENCE

While there seemed to be no end to violence during the middle to late 1980s, there was a notable shift in the political rhetoric within El Salvador. After initial consultations in 1986, Costa Rican President Oscar Arias Sanchez presented a comprehensive regional peace plan to the Presidents of El Salvador, Guatemala, Honduras and Nicaragua in the hopes of solving the interrelated problems of violence and civil war which destabilized the region as a whole.³³ In August 1987, President Duarte signed on to the Esquipulas II Agreement, also known as the Central American Peace Agreement.³⁴ Under Esquipulas II, the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua “undertook to launch a process of democratization within their countries, promote a national dialogue, decree a general amnesty, bring about a genuine cease-fire and promote the holding of free, pluralistic and fair elections” (United Nations 1995, p. 9).³⁵ Most significant in the case of El Salvador, this Agreement ushered in the first substantive negotiations between the Salvadoran government and the FMLN. Even the far-right party ARENA began to hint about the possibility of negotiating with the rebels (Stanley 1996, p. 242).

Internally, however, human rights violations in El Salvador continued. While the state of siege was temporarily lifted during the early part 1987, by the month of March these restrictions were again reinstated, and between the years 1987 and 1989, death squad assassinations and arrests of trade union leaders, academics, and church workers were again on the rise (AI Annual Report 1990). The Coordinator of the Salvadoran Human Rights Commission was also shot and killed during this time (AI Annual Report 1988). In 1989, six Jesuit priests at the Central American University in San Salvador were killed along with their housekeeper and her daughter. This was a particularly visible atrocity within the international community and served to reinforce what human rights advocates already knew, that El Salvador was still immersed in violence a decade after the conflict began. According to a petition which was later filed with the Inter-American Commission on Human Rights:

[T]hree lieutenants and the troops under their command proceeded towards the priests’ dormitory where they awakened the priests and ordered them outside. The five priests who came out of the dormitory were ordered to lie face down on the ground while soldiers went inside to search for others. The lieutenant in charge, Espinoza, then gave the order to murder the priests. Oscar Mariano Amaya Grimaldi shot to death

Father Ellacuría, Father Martín-Baró and Father Montes with an AK-47 specially-assigned to him for this mission. Sub-Sgt. Antonio Ramiro Avalos Vargas shot to death the other two priests, Fathers López Quintana and Ramón Moreno, with a standard military issue M-16 rifle. Immediately thereafter, although another soldier had shot Father López y López, when Cpl. Angel Pérez Vásquez went into the room where the priest had fallen, the dying man grabbed at his leg and Pérez Vásquez shot him to death. Sub-Sgt. Tomás Zarpate Castillo shot Mrs. Julia Elba Ramos, who worked as a cook in a nearby Jesuit household, and her 15 year-old daughter, Celina Mariceth Ramos. The soldier José Alberto Sierra Ascencio shot them again, this time killing them.³⁶

These killings, similar to the assassination of Archbishop Romero almost a decade before, brought in a new wave of international condemnation and once again thrust the human rights situation in El Salvador into the international spotlight.

THE 1989 ELECTIONS AND THE SUPPRESSION OF FMLN PARTICIPATION

In 1989, the Salvadoran government would again hold general elections, this time bringing into power the right-wing ARENA party. President Alfredo Cristiani of the ARENA party took office in June 1989, initiating a new wave of FMLN guerilla activity. The FMLN was not allowed to participate in the elections as a legal political party and responded violently to its exclusion with an outbreak of killings targeted against high level governmental and military officials. Amnesty International reported that “[o]n November 11 [1989], after the breakdown of talks between the government and the FMLN initiated in September under the terms of the 1987 Central American Peace Agreement, the rebels launched a major military offensive” (AI Annual Report 1990, p. 87). These killings infuriated the military leadership, who in turn responded with heavy aerial bombings and indiscriminate attacks against the civilian populations of San Salvador and San Miguel, leading to the death, injury, or displacement of thousands of persons (AI Annual Report 1990). The first eight months of 1990 showed a sharp increase in death squad killings. Between the months of January and August, 51 death squad murders had been documented, representing a two-fold increase in killings compared to the same period during the year prior (AI Annual Report 1991).

After the failure of the negotiations initiated by the Central American Peace Agreement, the United Nations Secretary-General stepped in to resume talks between government leadership and the FMLN. After heated negotiations, in July 1990, a tentative human rights agreement was signed in San José, Costa Rica by both sides of the conflict (AI Annual Report 1991; United Nations 1995, p. 13). This agreement, although met with another outbreak of violence within El Salvador, marked the beginning of the process of cease-fire negotiations, and would eventually produce concrete plans for military, judicial, and socio-economic reforms (United Nations 1995).

1992–1998 ENSURING PEACE IN EL SALVADOR

Several key internal political openings occurred in the early 1990s. In an important symbolic development, 1991 marked the first time when any senior member of the Salvadoran military was brought to justice for involvement in death squad activity. Amnesty International (AI Annual Report 1992, p. 110, emphasis added) concluded:

Only in rare cases *where international pressure was brought to bear* were steps taken to hold the military accountable for its actions. In September, a jury found an army colonel guilty of murdering six Jesuit priests, their cook, and her daughter in November, 1989. It was the first time that a senior ranking army officer had been convicted of human rights violations.

In 1993, however, the Colonel was granted amnesty and set free (AI Annual Report 1995). Yet, perhaps most notably, after the March 1991 elections, ARENA lost its absolute majority in the Legislative Assembly and the left-wing coalition (*Convergencia Democrática*) won 8 legislative seats and entered the Assembly as a political force for the very first time (AI Annual Report 1992).

The following year, after intense negotiations led by United Nations Secretary-General Javier Pérez de Cuéllar, the landmark Act of New York was signed.³⁷ It was a watershed event in the peace process (United Nations 1995, p. 22).

[T]he Act of New York completed the negotiations on all substantive issues of the peace process and represented a formidable display of political will. To rounds of applause, representatives of the Government and the FMLN embraced and declared that they had reached agreement on all outstanding issues, that the final Peace Accord would be signed at Mexico City on 16 January 1992, that a cease fire would take effect on 1 February 1992 and that the armed conflict would end formally on 31 October 1992. “This signing,” as said President Cristiani, “constitutes the beginning of a new era of rebuilding towards democracy and freedom.” Salvador Sánchez Cerén, the leader of one of the constituent groups of the FMLN, stated, “The war in El Salvador is over...our 10 years of struggle are expressed in these accords.”

Several important international factors precipitated the adoption of the Act of New York. First among these were *pro-active intervention* and *pressure* from a range of international actors on the Salvadoran government to reach a peace with the rebels, without which the likelihood of negotiations with the FMLN would have been remote. Further, the break up of the Soviet Union was, again, a critical event. The loss of this potentially powerful ally to the FMLN made the threat of an imminent communist revolution appear to be less and less of a real menace to conservatives within the military and to the Salvadoran upper classes, and therefore made the legalization of the FMLN as a political party seem more benign.

Negotiations were further hastened by the impending departure of United Nations Secretary-General Pérez de Cuéllar, whose term was set to end on New Year's Eve 1991. Secretary-General Pérez de Cuéllar had been heavily involved in the Salvadoran peace process for several years and had gained the trust of individuals on both sides of the conflict. After what was described as a "marathon series of negotiations," the Act itself was signed just four minutes before midnight on 31 December 1991 (Stanley 1996, p. 253). Through the Act of New York, the government of El Salvador and the leadership of the FMLN jointly proposed dates for the implementation of a cease-fire, which would involve a progressive separation of state forces, followed by the gradual but complete demobilization of the FMLN. The Act of New York also established a National Commission for the Consolidation of Peace (COPAZ) and made provisions for the signing of a final peace accord (AI Annual Report 1993; United Nations 1995).

After 21 months of United Nations mediated negotiations, 16 January 1992 marked the long-awaited signing of the Mexico City Peace Accords which officially brought to an end 12 years of armed conflict within El Salvador. The Final Peace Accords incorporated many of the provisions set forth in the Act of New York, and included a proposed timetable for the implementation of a cease-fire, plans for the gradual demobilization of the FMLN, and included propositions for democratic reform, including specific measures aimed at the preservation and protection of human rights. After three months of setbacks related to difficulties implementing agreements on land-tenure, military and police reform, on 15 December 1992, armed conflict formally came to an end. By the end of the same year, the FMLN had demobilized as a guerilla operation and reorganized as a legitimate and legally recognized political party. Two years later, in August 1994, United Nations monitors certified that the FMLN's internal military structure had been fully dismantled, however, a few pockets of organized resistance remained in some parts of El Salvador, Honduras and Nicaragua (United Nations 1995). Also during this time, two of the three former state police agencies were dissolved, as were many state military and paramilitary units, and a new National Civil Police was created.

In February 1993, a National Counsel for the Defense of Human Rights was established, and by July the Salvadoran Truth Commission began the massive work of collecting information and receiving the testimony of hundreds of individuals. As was originally set forth in the San José Agreement, the United Nations established the United Nations Observer mission in El Salvador (ONUSAL) in 1991, a special human rights division of the U.N. Observer Mission in Central America, which remained active in El Salvador until 1995.³⁸ As agreed, with the adoption of a Law of National Reconciliation, no person would be prosecuted for their involvement in human rights violations committed during the conflict. This Law effectively granted a blanket amnesty to all state security personnel responsible for human rights abuses during the civil war, with the notable exception of those responsible for the killing of Archbishop Romero in 1980 (United Nations 1995). The Amnesty Law continues to be one of the leading human rights concerns with respect to El Salvador for human rights advocates who argue that this law is an obstacle to obtaining justice, and forbids victims from bringing perpetrators of human rights crimes to trial (AI March 2001).³⁹

While there was an increase in the number of reported deaths throughout 1991, there were no new reported cases of "disappearance" anywhere within the country, and by

1993, Amnesty International observed that the use of torture, widespread in the past, was no longer reported (AI Annual Report 1993). Despite these positive improvements, civil conflict and political violence were not completely eradicated, but remained at much lower levels relative to prior years. Between the years 1992 and 1994, a total of 75 political killings were reported. In 1994, there were several killings of members of the former armed opposition, and dozens of other killings were carried out by death squads (AI Annual Report 1995). Throughout the period there was slow progress toward the implementation of the provisions of the final 1992 Peace Accords.⁴⁰ A recent Amnesty International Annual Report cites that prominent human rights defenders continue to be threatened and harassed and that members of the police continue to be responsible for human rights violations, including torture and ill-treatment of detainees, reportedly contributing to deaths in custody in some cases (AI Annual Report 2000–2002). Additionally, there have been reports of new clandestine vigilante groups, somewhat reminiscent of the “death squads,” which have appointed themselves responsible for implementing a policy of “social cleansing” (AI Annual Reports 1994–1999). These vigilante groups have targeted alleged criminals and street children, and in some cases have been connected to the security forces (AI Annual Reports 1994–1999).

7.2 EL SALVADOR IN THE INTERNATIONAL SYSTEM

There are several important international actors who helped to shape the pattern of human rights abuse in El Salvador. Perhaps the most obvious of these international actors is the United States, and the role of its foreign policy toward El Salvador during the 1980s. On the whole, United States policy was complicit with the human rights abuses perpetrated in El Salvador. This is especially true during the early 1980s, when levels of economic and military aid to El Salvador were increased significantly, coinciding with the rapid escalation of violence in the country. This increase occurred most markedly during the Reagan Administration, and contributed to strengthening the apparatus of state repression. Yet, it should also be noted that under the leadership of President Carter, aid was also given to the Salvadoran government, and that aid increased significantly during Carter’s final year as President (Uclés 1990; National Security Archive 1989, p. 25–40). Yet, unlike with Reagan, under the Carter Administration aid to El Salvador was at times suspended due to human rights concerns, and normative pressures were placed upon the Salvadoran State to curtail repressive violence. Under the Carter Administration, human rights concerns were meaningfully reflected in bi-lateral discussions, especially during moments when the human rights situation was deteriorating. There were nonetheless inconsistencies in U.S. policy toward El Salvador under Carter. Similarly, the human rights record in El Salvador during this period is inconsistent, with periods of violence interspersed with periods of relative calm. It appears that when *economic forms of pressure* were brought to bear, such as the move by the United States to postpone a large development loan to El Salvador, and when *pressure from multiple actors was unified*, as with the actions of the ICJ, Amnesty International, the British Parliament, and the Inter-American Commission in the late 1970s, the Salvadoran government *did* in fact curtail its most violent and visible abuses, albeit momentarily.

The reasons behind the elevation in rates of human rights abuses during the early 1980s are complicated, and should not be subsumed under one or two variables. Certainly internal threats to military authority were mounting with the mobilization of the FMLN, and while U.S. aid was dramatically increased throughout the early 1980s, it is also true that these years represent the height of the insurgency. Nonetheless, the material and symbolic supports extended by the United States, it could easily be argued, made it less “costly” [both in material and symbolic terms] for the Salvadoran government to escalate its use of violence against its own people, again harkening back to our earlier discussion of “opportunities.” The support of the United States was made clear to the Salvadoran military early on, when Reagan’s transition team conveyed the message that human rights concerns would soon be secondary to the primary task of defeating the left (Stanley 1996, p. 215). However, clearing the path to violence does not address the question of political will, that is, the willingness of the state, in whole or in part, to employ the tactics of political violence on a massive scale. But, as the pattern of abuse before 1980 indicates, the will was certainly there.

Both the escalation of state sponsored killing and the increased levels of financial and military support given by the United States government were designed, at least ostensibly, to prevent further leftist revolutions within the Central American region. This suggests that there were wider historical and political phenomena at play. The Cold War is a theme that runs throughout each of the cases addressed in this dissertation research. It is critical to place the events analyzed here within this broader regional and global history. In particular, the war in El Salvador was related in real ways to both the Cuban and Nicaraguan Revolutions that preceded it. Both of these events shaped regional political relations and influenced the construction of U.S. interests in Latin America, which again illustrates the importance of understanding international context when addressing questions of human rights abuse. Theories of human rights abuse which focus solely on internal or national-level predictors would overlook the significance of both the Cuban and Nicaraguan Revolutions and how these events shaped the unfolding of Salvadoran history. The Salvadoran government’s heavy-handed repression of the FMLN, and its general hostility towards the Salvadoran political left, must be analyzed as part of broader Cold War tensions revolving around polarized geo-political, ideological, and economic relations (Hahn 1987).

Similarly, the break up of the Soviet Union was a critical event that helped foster a democratic opening within El Salvador. The loss of the Soviet Union as a potential ally to the FMLN made the threat of an imminent communist revolution appear to be less of a real menace to conservatives within the military and within the Salvadoran upper classes. This global shift made negotiations with the rebels less risky and similarly made the legalization of the FMLN as a political party much more benign. Perhaps one of the most important factors shaping El Salvadoran politics internally, however, was the creation of the right-wing ARENA party, which ironically has been credited for helping to stem the tide of human rights abuse within El Salvador. With the holding of democratic elections in El Salvador, the political right became increasingly aware that their party, ARENA, could consistently win elections, and this in turn made reliance on the military less necessary. According to Stanley, these developments served to break the “protection racket state” in El Salvador (1996, p. 220):

The other key development was the emergence of a successful political party that directly represented the interests of the social elite. With the creation of ARENA, and its evolution into a successful electoral competitor, the upper classes and their political allies no longer needed the military to act as a political guarantor and interlocutor. Despite its military origins, ARENA came to reflect above all the interests of an increasingly diverse private sector. As a result of economic, generational, and institutional changes, the politically organized business elite became more moderate in its views and less interested in continued state repression. The failure to prevent the FMLN sabotage to the economy contributed to a gradual distancing from the military, which was widened when elements of the military returned to the practice of kidnapping members of the social elite for ransom. This literal protection racket, combined with the failure to provide protection at the national level, made the military seem less and less useful to the upper classes. As ARENA developed confidence in its abilities to garner and maintain mass political support, and as international events made the left seem less threatening, it became less important to preserve the military institution in its current form.

The case of El Salvador also well-illustrates the idea of a “fractured” or “fragmented” state. There were, at least as long as Colonel Adolfo Arnoldo Majano remained on the junta, effectively three parties to the conflict; namely, the FMLN, the conservative right-wing faction of the military, and the reformist faction of the military. Generally speaking, the international community and the Carter Administration placed their hopes in the Christian Democratic Party (PDC) of José Napoleón Duarte. While the PDC was a much-needed moderate voice within Salvadoran politics at a time when the political center was fast becoming extinct, the PDC had no real power within the government. The PDC may have been used to give the junta a certain degree of credibility internally and internationally, but as even José Napoleón Duarte noted, the PDC was given extremely little power within the junta, and could not effectively exercise control over the abusive actions of the military. Contrast this with the real power that the young reformist movement had, at least for a brief time, within the military and within the junta itself. Once the reformist movement was dissipated, the effects were almost immediate (Stanley 1996, p. 224).

The extreme levels of violence in 1981 reflected, in part, the dissipation of the reformist movement after Majano’s expulsion. According to former Defense Minister García, 40 percent of the officers were forced out or had resigned by the beginning of 1981. A U.S. military commission sent to evaluate the Salvadoran military in late 1981 observed, “The reassignment of Colonel Majano’s followers to non-command positions and non-influential roles scattered their numbers and their ability to exercise further significant influence within the Armed Force institution. As a consequence, no countervailing force presently exists within the Armed Force to oppose the propensity of the more conservative officers to tolerate the use of excessive force and violence.”

History may have been changed had Colonel Majano and the reformist faction of the military, instead of the PDC, received more vocal support from the United States and the international community. These divisions within the Salvadoran State speak to the need for human rights advocates and organizations to apply strategic thinking as they craft their policies. Strategies pressuring those parts of the state that are repressive, while supporting the efforts of other parts of the state which resist implementing abusive policies, may be more effective than simply targeting the state as a whole.

In the end, it was international pressure, specifically originating from the United Nations, the Organization of American States, numerous Latin American governments, and non-governmental human rights organizations, coupled with geo-political events and changing domestic political structures in El Salvador, that led to the advancement of the Salvadoran peace process. Yet, the case of El Salvador also illustrates another important point, that is, that the *fragmentation or unity* of external pressure is a critical factor in shaping patterns of human rights abuse. In part, it appears that in the case of El Salvador, the effectiveness of normative pressure from the international community was undercut to a large extent when contradictory symbolic and material supports from the United States remained in place, upholding the repressive state. This points to the need for effective strategies to simultaneously target those external supports that uphold or legitimize repressive regimes.

International actors working to end human rights abuses in El Salvador did have at least a moderate impact during the mid to late 1980s. In terms of the visibility of abuses in El Salvador, international condemnation of human rights practices, coupled with a reliance on international relationships, may have served to change the types of abuse perpetrated by the state. In El Salvador, killings and “disappearances” were to some extent substituted with strategies of torture. As was the case in Cuba, this suggests that international scrutiny *can* shift repressive domestic policies in real and tangible ways. However, it also suggests that international influence, especially when fragmented, has its limits, and is counter balanced against the state’s domestic objectives and perception of internal threat. International influence does not necessarily change the “roots” of conflict, whether structural, ideological, cultural, or some combination therein. Yet, by helping to encourage the protection of human rights, by clearly stating international norms and principles, and by shining a spotlight on state abuses, the international community can help foster a situation in which positive reforms may be more likely to take effect. This pressure must be maintained in order for meaningful change to occur, otherwise there is a risk that any changes that occur represent only a superficial shift in strategy, or that more calculated attempts will be made to hide abuses, or to obscure responsibility for those abuses.

The role of international organizations in brokering the final peace agreement cannot be underestimated. As early as 1980, actions taken by the United Nations and the Organization of American States helped pave the way for later progress. The peacemaking efforts of the “Contadora Group,” made up of the governments of Colombia, Mexico, Panama, and Venezuela, and the “Support Group,” made up of the governments of Argentina, Peru, and Uruguay, similarly helped to pave the way towards a negotiated settlement and a lasting peace. These efforts were the earliest precursors to the Esquipulas II Agreement, the San José Agreement, the Act of New York, and finally the signing of the final Peace Accords in Mexico City in 1992. At all of these steps along

the way, international and regional actors took leadership in helping to ensure peace in El Salvador.

7.3 SUMMARY AND CONCLUSIONS ON THE SALVADORAN CASE

There are several important themes that have been highlighted. Most notably, this chapter again demonstrates that a detailed consideration of international relationships aids in the understanding of patterns of human rights abuse. This is very true in the case of El Salvador, where international and bi-lateral relationships are central to understanding the *timing* of, not only the escalation of the conflict, but also the eventual end of the conflict. Keeping an eye towards international factors helps scholars answer questions related to the timing of critical turning points and helps to explain long-term patterns of change. In the case of El Salvador, and indeed in all cases dealt with in this research, *changing rates and types* of human rights abuse cannot be fully understood without reference to the *changes in pressures and supports* from the international community. As mentioned at the outset of this chapter, the extent and character of brutality in El Salvador seems to defy explanation. Of the three cases analyzed here, this was by far the most extreme in terms of the heinous character of the abuses committed and the sheer scope of political violence. Yet, there are undeniable patterns that have emerged, and valuable lessons which can be gained.

Chapter VIII

Patterns of Human Rights Violations in Nicaragua

They are our brothers, these freedom fighters, and we owe them our help. I've spoken recently of the freedom fighters of Nicaragua. You know the truth about them. You know who they're fighting and why. They are the moral equal of our Founding Fathers and the brave men and women of the French Resistance. We cannot turn away from them for the struggle here is not right versus left; it is right versus wrong.

—United States President Ronald Reagan
Statement on the Contra Rebels in Nicaragua, 1985

We grew up in a situation where we didn't know what freedom or justice were, and therefore we didn't know what democracy was.... The people of Nicaragua were suffering oppression. This made us develop an awareness which eventually led us to commit ourselves to the struggle against the domination of the capitalists of our country in collusion with the U.S. government, i.e. imperialism. And that's why our struggle took on an anti-imperialist character.

—Nicaraguan President Daniel Ortega
CNN interview, 1997

8.1 THE STATE AND CIVIL SOCIETY IN NICARAGUA

Like El Salvador, Nicaragua was engulfed in civil conflict throughout much of the 1970s and 1980s. According to statistics compiled by the International Committee of the Red Cross (ICRC), between the years 1974 and 1978 some 5,000 Nicaraguan civilians were killed in the heavy crossfire between the Nicaraguan National Guard and the opposition forces of the Sandinista National Liberation Front (FSLN: *Frente Sandinista de Liberación Nacional*) (AI Annual Report 1979). By the time the civil war ended on 19

July 1979 with the triumph of a Sandinista led coup d'état, as many as 50,000 persons had lost their lives to the conflict (AI Annual Report 1980). Yet, violence did not end there. Nicaragua, like both Cuba and El Salvador, was embedded in a Cold War global politic which would decide much of its fate, regardless of the efforts made by Sandinista leaders to avoid the fatal political entanglement. With the introduction of the U.S. backed Contra rebels in the 1980s, the human rights situation in Nicaragua again worsened as violence in the countryside shook the political foundations of the country.

In many ways, the human rights situation in Nicaragua cannot be understood without reference to the cases of Cuba and El Salvador. As with Cuba, the triumph of a leftist revolution in Nicaragua shocked many within the United States government, which had itself supported the corrupt Somoza dynasty in Nicaragua for decades. As with Cuba some twenty years earlier, the nature of Nicaragua's relationship with the United States would also change markedly, especially after the inauguration of President Ronald Reagan. The coming to power of a leftist government in Nicaragua resulted in the Reagan Administration adopting a hostile foreign policy towards the country. Nicaragua, like El Salvador, would not escape the outbreak of political unrest during the 1970s and 1980s that engulfed much of the Central American region. Yet, unlike El Salvador, the ultimate triumph of the Sandinistas meant that the United States would support the rebel forces in Nicaragua rather than the government, and would redouble its efforts within the region to prevent "another Cuba" or "another Nicaragua" from happening again. Rising levels of internal threat, facilitated by U.S. intervention, in turn increased abuses by Nicaraguan state security forces. Similarly, international normative pressures and regional peace initiatives helped bring political violence to an end.

There are certainly many parallels to be made across cases both in terms of human rights patterns and historical circumstances. It is perhaps of interest to note that under the leadership of Anastasio Somoza Debayle, the human rights situation in Nicaragua¹ during the mid- to late 1970s was very much like that of El Salvador, with commonly reported torture and killings of political opponents. Yet, with the ousting of the Somoza regime and the installation of the new Sandinista government in 1979, the types of human rights violations reported in Nicaragua became more and more similar to those found within Cuba during the same period, as human rights organizations expressed new concerns over political imprisonment and prisoner mistreatment.

Like El Salvador, the story of human rights abuse in Nicaragua is replete with themes of political corruption, grinding poverty, and civil conflict. The Somozas were well known for their corrupt policies designed to facilitate their own self-enrichment. There are several examples in this regard.² In one instance, after the 23 December 1972 earthquake all but flattened the Nicaraguan capital of Managua, the government of then President Anastasio Somoza Debayle was given over \$32 million in emergency assistance from the United States. Only half this amount, however, was recorded in the books of the Nicaraguan Treasury (Gilbert 1988, p. 2). The other half went directly into the private banks accounts of the Somozas (Cardenal 1976). In one of the most notorious examples of political venality, blood donated to aid victims of the earthquake was in turn sold to markets in the United States for a tidy profit which was also kept by the Somoza family (Gilbert 1988, p. 37). The operation [deemed "operation vampire" by one of Somoza's critics] was so successful that a more permanent scheme was devised to export the blood of poor Nicaraguan to sell in the United States (Gilbert 1988, p. 2).

During the 1970s Nicaragua was also, in the words of one scholar, a “maldistribution champion,” even by Latin American standards (Gilbert 1988. p. 3). During this time, some thirty percent of all income generated went to only 5% of the population, while just 15 percent of all income went to the poorest 50 percent (Gilbert 1988. p. 3). Land distribution was even more severely skewed, with only 5 percent of the population controlling 85 percent of the land, while nearly 40 percent of the population owned no land at all (Gilbert 1988, p. 3). According to Dennis Gilbert (1988 p. 3), while economic growth lined the pockets of the upper classes in Nicaragua, most of the population, especially the rural poor, lived in ever worsening conditions.

True, the Nicaraguan economy, driven by farm exports, was growing in the 1970s. In fact, over the entire period from 1950 to 1977, the economy expanded at a remarkable 6 percent per year. But, the country’s pattern of development was fundamentally flawed. While the GNP climbed, distribution of land and income were becoming more unequal. By force, fraud, or economic might, the big producers of export crops were pushing peasant families off the land. These dispossessed families became seasonal farm workers and urban slum dwellers or fled to marginal lands on the agricultural frontier. Between 1965 and 1975, the GNP and the number of children under five suffering from malnutrition both doubled. Clearly, many Nicaraguans were getting poorer as their country grew richer.

Political corruption coupled with severe economic inequality set the stage for revolutionary struggle and armed opposition. Yet, like both El Salvador and Cuba, Nicaragua would be caught in a shifting global politic which delineated the rules of international engagement, and which would increasingly affect the situation at home.

Like so many other Latin American countries, Nicaragua’s story of political conflict and government corruption really begins back in the early half of the last century. This story is also rooted within the broader struggle against U.S. imperialism and the resulting death of Augusto Cesar Sandino, the slain nationalist hero in honor of whom the Sandinistas would take their name decades later.

1934 SANDINO’S STRUGGLE AGAINST IMPERIALISM AND THE BEGINNING OF THE SOMOZA DYNASTY³

Nicaragua’s history is deeply intertwined with United States intervention. In 1909 the United States intervened to resolve a civil conflict within the country, deposing Nicaraguan President José Santos Zelaya. Thereafter, United States Marine forces occupied Nicaragua for most of the period between 1912–1932. When the U.S. Marines finally departed, they left behind a National Guard (*la Guardia Nacional*), created to serve as both a military and police force, and trained by the Marines. The Nicaraguan National Guard was intended to replace the Marine presence, and was left under the leadership of Anastasio Somoza García, whom the United States government supported. From that time, until the institution was dissolved after the Sandinista Revolution of

1979, a member of the Somoza family always led the National Guard (Gilbert 1988, p. 2).

Augusto Cesar Sandino, for whom the FSLN would later take its name, had led an army of peasants against the United States Marines and the National Guard in a civil war that lasted from 1927 to 1933. Sandino became perhaps best known throughout the Americas for his nationalistic sentiment, populist identification, and his persistent struggle against American imperialism. "The Yankees," Sandino once wrote, "are the worst enemies of our people" (Paige 1997, p. 170). Shortly after the U.S. Marines withdrew in 1933, Sandino was assassinated by the National Guard on the orders of then-President Anastasio Somoza García. His assassination led to his ultimate martyrdom and an association that would, in the minds of many Nicaraguans, symbolize through one man the struggle of an entire nation against political corruption, and for a genuine Nicaraguan independence.

Anastasio Somoza García was himself assassinated in 1956 by a young Nicaraguan poet by the name of Rigoberto López. In what was to become the first change in leadership within the 40 year long family dynasty, Somoza's son, Luis Somoza Debayle, assumed the reins of power. By 1961, the left wing insurgency, already calling itself the Sandinista National Liberation Front (FSLN: *Frente Sandinista de Liberación Nacional*) had officially mobilized and was beginning to conduct guerilla strikes throughout the country. The guerrillas suffered severe setbacks throughout the 1960s, and more often than not, were on the losing end of an increasingly violent civil war (Gilbert 1988, p. xiii). Yet, during the 1970s the FSLN significantly built up its military strength, experience, and resources. By the mid-1970s the FSLN began to regularly challenge the strength and cunning of Nicaraguan National Guard, and the FSLN was proving to be a formidable opponent.

1975–1979 THE FINAL DAYS OF THE SOMOZA REGIME

Human rights violations during the Somoza dictatorship were severe and included killings, "disappearances," and torture⁴ carried out largely against rural peasants by the National Guard (OAS 1979). In December 1974, a state of siege was declared by Somoza, after a guerrilla assault on the private home of a high-ranking government official, José María Castillo. Thirteen FSLN commandos invaded Castillo's Managua home just as the annual Christmas party was in full swing. Among the guests were several Nicaraguan political leaders and businesspersons, all of whom were subsequently taken hostage by the guerrillas. In exchange for the freedom of their hostages, the FSLN demanded one million U.S. dollars and the immediate release of 14 prominent political prisoners. After several days of tense negotiations, Somoza agreed to the release of the prisoners, among them prominent Sandinista leader Daniel Ortega, and to pay the one million-dollar ransom. In addition, the FSLN would be allowed for the first time to officially broadcast the manifesto of the Sandinistas on Nicaraguan radio waves (Gilbert 1988, p. 7). As the 13 FSLN commandos boarded a plane headed for exile in Cuba, crowds of Nicaraguans cheered on their victory (Gilbert 1988, p.7).

The incident proved to Somoza and those in his government that the FSLN was highly mobilized and gathering military strength as well as public support (AI Annual Report 1975/76; Vanden and Prevost 1993). After the guerrilla attack, Martial Law was imposed

on 28 December 1974, neutralizing all Constitutional freedoms and guarantees,⁵ and ushering in a wave of severe repression aimed especially at the Nicaraguan countryside. The National Guard intensified its own violent efforts, at times slaughtering the inhabitants of entire villages within the rural areas (AI Annual Report 1977; OAS 1979). As was the case in El Salvador, clergy members, independent journalists, trade unionists, political opponents and academics were especial-ly targeted with killing, repeated imprisonment, rape and other forms of torture (AI Annual Report 1979; OAS 1979).⁶

The FSLN continued to struggle in the countryside and within urban centers, but was far short of winning a military victory. The tide would not turn until, on 10 January 1978, Dr. Pedro Joaquín Chamorro Cardenal, the director of Nicaragua's most prominent independent newspaper *La Prensa* and Chairman of the Coalition of Opposition Parties (*Union Democratica de Liberacion*) was killed by clandestine death squads. The news of Dr. Chamorro's death was met around the country with mass protests (AI Annual Report 1978). The protests sparked off several spontaneous popular uprisings in major cities across the country, which were neither coordinated by the FSLN nor controlled by them. The events that followed would mark the beginning of the end for the Somoza dynasty.

By January 1978, three years had passed during which time an estimated 3,000 persons had been killed by the National Guard. The death of Chamorro ignited a series of demonstrations and riots in which thousands of Nicaraguans demanded the resignation of President Somoza (AI Annual Report 1979). In a joint effort of "unprecedented cooperation between trade unions and private business," a twenty-day general strike exploded political tensions within the country (AI Annual Report 1979, p. 96).⁷ The increase in strikes, riots and demonstrations which resulted were answered with ever more harsh repression from the National Guard. During the months of September and October 1978, the Nicaraguan National Guard concentrated its efforts and began to retake the cities, one by one (AI Annual Report 1979).

While the early months of 1978 marked a time of escalating violence from both the National Guard and the FSLN, by October 1978 the opposition was nearly crushed after the Nicaraguan government heavily bombed civilian population centers, and overtook the cities with severe force (AI Annual Report 1979). Atrocities, including summary execution, rape, torture, random destruction of property and attacks on public facilities such as schools, hospitals and public clinics, as well as Red Cross stations, were commonly committed by National Guardsmen as part of their campaign to destroy the guerrillas as well as any popular support for them (AI Annual Report 1979; Gilbert 1988, p. 10). According to the ICRC, several thousand civilians were killed during these bombings, and tens of thousands more were injured (AI Annual Report 1979). These bombing attacks also resulted in substantial problems of internal displacement, leaving some 25,000 persons homeless (AI Annual Report 1979).

In the wake of the violence, international criticism mounted against the Somoza regime. In March 1978 the United Nations Commission on Human Rights adopted a resolution on the human rights situation in Nicaragua (AI Annual Report 1979). The United States government, then under the Carter Administration, urged Somoza to leave his office voluntarily, but Somoza refused. In the meanwhile, the FSLN, while originally all but destroyed by government attacks, was eventually able to recuperate and bring new membership into its ranks. During the violent months that passed between October 1978 and the FSLN's final offensive in May-June 1979, the opposition would benefit from a

heavy influx of aid from countries such as Cuba and Venezuela. The aid allowed the FSLN to train and arm thousands of guerilla fighters (Gilbert 1988, p. 11). Its resolve strengthened, the FSLN would soon mount an offensive that would end 40 years of Somoza family rule.

1979–1981 THE EARLY YEARS UNDER THE NEW SANDINISTA GOVERNMENT

The final offensive launched by the FSLN in May 1979 culminated on 17 July 1979 with the overthrow of President Somoza after a successfully completed coup d'état.⁸ The subsequent implementation of reforms by the new junta government would dramatically alter the landscape of human rights within the country. Three days after the coup, the new "Government of National Reconstruction" replaced the 1974 Nicaraguan Constitution by declaring a "Fundamental Statute" (*Estatuto Fundamental*). The Fundamental Statute elaborated the structure of the new government, dissolved and replaced the existing legislative and judicial branches of government, and disbanded permanently the National Guard, the Office of National Security (secret police), and the Military Intelligence Service (AI Annual Report 1980). Article 6 of the Fundamental Statute also guaranteed the full recognition of human rights (AI Annual Report 1980). The new coalition government adopted an ambitious agenda to reform the situation of corruption, poverty and human rights within Nicaragua, and adopted three of the central principles championed by the FSLN: 1) creating a mixed economy, 2) ensuring political pluralism, and 3) pursuing a strategy of political non-alignment (Paige 1997, p. 40). But, the work ahead was certain to be an uphill battle. Internally, the country was in a state of disarray. Dennis Gilbert (1988 p. 12) summarized the bleak domestic situation that confronted the Sandinistas after the coup.

Somoza's legacy was a country destroyed, with 30,000 to 50,000 people dead; several hundred thousand maimed or wounded; a quarter of the country's population homeless; heavy damage to the economy, including the destruction by bombing of a good part of Managua's modern industrial district; [and] a foreign debt equal to nearly one year's GNP—much of it generated by irrecoverable loans to [the] Somozas and their friends

The Sandinistas began first by piecing together a national unity government. The new government was headed by a three-person junta, later expanded to five persons, which was comprised of individuals representing various social sectors. The original junta leadership consisted of Daniel Ortega Saavedra, President of the junta and the official representative of the FSLN, Sergio Ramírez Mercado of "los Doce" [a group of twelve professional and business men who supported a "patriotic alliance" with the FSLN], and Moisés Hassán of the FSLN's popular coalition. Later, Industrialist Alfonso Robelo, and Violeta de Chamorro, widow of Pedro Joaquín Chamorro Cardenal, the slain editor of Nicaragua's leading newspaper *La Prensa*, would also join the junta (Paige 1997, p. 40). The new junta spearheaded the revolutionary government and was supplemented by a Council of State which was designed to carry out some legislative functions. While some

executive positions in the new government were filled by members of traditional opposition parties and by Roman Catholic and Protestant clergy, key positions, such as Minister of the Interior and Minister of Defense, were assumed by the leadership of the FSLN (AI 1986, p. 2). This basic governmental structure persisted until a new elected government took office in January 1985.

Immediately after the fall of Somoza, the Constitution previously in force was abrogated. It was replaced, pending the drafting of a new Constitution, by two statutes. The first among these was the "Fundamental Statute" (*Estatuto Fundamental*) of 4 February 1980, which set forth the basic institutional structure of the new government, and in which the government committed itself publicly to ratify international human rights instruments. The second statute was the Statute of the Rights and Guarantees of Nicaraguans (*Estatuto Sobre Derechos y Garantías de los Nicaragüenses*) which outlined the civil, economic, political, and social rights of Nicaraguan citizens under the new government, and set forth specific conditions under which these rights could be suspended.⁹

Making good on its promises, in an effort to demonstrate the new government's commitment to human rights, on 25 September 1979, the Sandinista government ratified the American Convention on Human Rights, and on 12 March 1980 also ratified the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, along with its first Optional Protocol (AI Annual Report 1980). Further, in April 1985 the new Nicaraguan government also signed on to the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which had been opened for signature on 10 December 1984 (AI 1986, p. 2-3).

During most of the 1970s, international human rights monitoring organizations voiced their concerns over torture, killings and "disappearances." Yet, after the 1979 coup the emphasis largely shifted to issues relating to the right to a fair trial (AI Annual Report 1980-1986). Within the first few weeks after the coup, large-scale arrests, detentions, and delays in trial proceedings resulted in the detainment of some 7,000-9,000 persons, most of whom were former members of the National Guard (AI Annual Report 1980). While many of these detainees were subsequently released after preliminary investigations, many stood trial before Special Justice Tribunals (*Tribunales Especiales de Justicia*) set up to try individuals accused of crimes committed under the former government (AI 1986, p. 3). In fact, the Special Tribunals were established in December 1979 specifically in order to bring to justice those individuals serving under Somoza who were responsible for perpetrating human rights abuse (AI Annual Report 1980; Vanden and Prevost 1993). While human rights organizations raised concerns over the fairness of these proceedings, Amnesty International was allowed to observe the trials (AI Annual Report 1980).¹⁰ At that time, the Special Tribunals were repeatedly criticized by Amnesty International for their "serious procedural irregularities impeding the right to fair trial," as the Tribunals operated outside the normal court system, with no provision for appeals beyond the Special Tribunals' own appeals court (AI 1986, p. 3).

Amnesty International's monitoring of the human rights situation in Nicaragua in the wake of the Sandinista Revolution was facilitated by three fact-finding missions to the country in 1979 and 1980. The first Amnesty International mission was dispatched in August 1979, only a few weeks after the revolution, and *upon an invitation extended by*

the new government. At that time, AI expressed concern over the treatment of the former National Guardsmen as well as the establishment of the Special Tribunals, but also noted that in many cases the government of Nicaragua took steps to follow Amnesty International's recommendations (AI 1986, p. 3–4). On 19 February 1981 the special courts were dissolved. On 2 November 1981 the government enacted a Law of Pardon (*Ley de Gracia*), which established a procedure through which the rulings of the special tribunals could be independently reviewed and through which prisoners convicted of crimes under the Somoza regime could be pardoned or have their sentences reduced or commuted (AI 1986, p. 4).¹¹

In response to early reports of extrajudicial executions of former National Guardsmen, on 28 July 1979 the new Nicaraguan Interior Minister Tomas Borge, a long-time Sandinista leader, announced that immediate steps would be taken to ensure that there would be no mistreatment of prisoners by the Sandinista forces (AI Annual Report 1980). A few months later, in November 1979, Borge announced to the media the result of investigations which had revealed that hundreds of former National Guardsmen had in fact been extrajudicially executed, and soon thereafter, strict measures to curtail these abuses led to the arrest of several hundred Sandinista supporters for their involvement in these killings (AI Annual Reports 1980 and 1981).¹²

Overall, while there were serious problems with the Special Tribunals and the treatment of prisoners accused of crimes under the Somoza dictatorship, the human rights situation in Nicaragua improved significantly with the introduction of the Sandinistas. While concerns over lack of fair trial and appeal proceedings, political imprisonment, and prolonged detentions were raised,¹³ these concerns were generally responded to favorably by the government and there were no longer any reports of torture or extrajudicial killing (Americas Watch 1982; AI Annual Reports 1984–1986).¹⁴

1982–1983 THE CONTRA WAR BEGINS

Human Rights are a complex subject in Nicaragua. The nation has emerged, its economy shattered, from a period of prolonged despotism, despotism actively supported by the United States and almost universally detested by the Nicaraguan people. An inexperienced Government has sought to effect major economic and social changes at the same time as the Central American region of which it is a part is convulsed by violence and the major power in the hemisphere, the United States, has adopted a hostile attitude toward it.

—Americas Watch 1982, p. 5–6

In the end, collapse of the national unity alliance depended in part on events outside Nicaragua's borders and outside Sandinista control.

—Jeffery Paige 1997, p. 309

The first major blow to the new government occurred in April 1980, when Violeta Chamorro and Alfonso Robelo resigned from the junta government, marking the beginning of the end for the unitary government alliance (Americas Watch 1982, p. 25–26; see also Paige 1997, p. 40). Chamorro and Robelo resigned over Sandinista plans to create an FSLN majority within the Council of State (Paige 1997, p. 40). But, the hardest blow would come from the United States. The political history of the Sandinista government in Nicaragua can be divided into two phases—before and after the Contras (Gilbert 1988, p. 13). The Carter Administration had approached the Sandinistas “convinced that American hostility has driven the young Cuban revolution into the Soviet camp, and determined to avoid a repeat performance with Nicaragua” (Gilbert 1988, p. 163). Under the Carter Administration the United States committed some \$100 million to support relief and reconstruction efforts in the country (Gilbert 1988, p. 163). During this time, the Sandinistas were generally tolerant of their political opponents, freedom of the press was respected, and a mixed economy was built around the established private sector (Gilbert 1988, p. 163). Under the Reagan Administration, however, the policy of the United States toward Nicaragua changed dramatically. Even though the Sandinistas pursued a policy of non-alignment designed to protect them from just such an entanglement, the Sandinista revolution was nevertheless framed by the Reagan Administration according to Cold War dichotomies. Even before the inauguration of President Reagan relations between the United States and Nicaragua deteriorated with one event seeming to aggravate the next. During the Carter Administration the Sandinistas refused supplying the FMLN rebels in El Salvador with arms out of fear that doing so would sour U.S.-Nicaraguan relations. Yet, the heightened hostility of the incoming Reagan Administration caused the Sandinistas to re-evaluate that decision and by late 1980 arms were being shipped by way of Nicaragua to the FMLN rebels in El Salvador (Gilbert 1988, p. 164).

When intelligence on large-scale shipments reached Washington, the outgoing Carter administration froze aid to Nicaragua, as required by law. The Reagan administration subsequently informed Managua that aid would be definitively cut off if the movement of arms continued. In reply, Daniel Ortega assured U.S. Ambassador Pezzullo that Nicaragua would respond to American concerns, and intelligence reports soon indicated that the shipments had, in fact, ceased. In spite of these positive responses from Nicaragua, the United States announced on April 1 that assistance would not be resumed. By doing so, the administration was sacrificing its remaining leverage with the Sandinistas. “You’re throwing away your chips,” Pezzullo warned Secretary of State Alexander Haig.

Soon thereafter the United States government¹⁵ began to fund the mobilization of a right-wing Contra rebel force within Nicaragua (Hahn 1987; Gilbert 1988; Landau 1993; Vanden and Prevost 1993). As early as May 1981, the United States Central Intelligence Agency (CIA) channeled funds to the counterrevolutionary movement in Nicaragua. That same year, Amnesty International and other human rights groups began to express concern over reports of torture, mutilation, and execution-style killing committed by irregular military forces opposing the Nicaraguan government (AI Annual Report 1982;

OAS 1981). The first victims of the rebels were participants in the national literacy campaign, as many individuals who had been sent to rural villages to assist with the literacy program were captured and murdered by the rebels.

By November 1981, U.S. President Ronald Reagan signed a formal “presidential finding” which gave the CIA official authorization to create an anti-Sandinista paramilitary force, and earmarked \$19 million in special funding for that purpose (AI 1986, p. 34; Gilbert 1988, p. 164). The result was the creation of the Contra (short for the Spanish word *contra-revolucionarios*, or counter-revolutionaries) rebel force. The Contras were, at least ostensibly, originally created as a small paramilitary group of about 500 persons designed to infiltrate arms shipments to El Salvador (Gilbert 1988, p. 165). Yet, the Contras would soon become notorious for their particularly violent methods, attacking civilian co-operatives and targeting the rural poor (AI Annual Report 1986–1991; OAS 1981).

Occupation	Dead	Injured	Kidnapped	Total
Soldiers	2,344	6,091	939	9,374
Peasants	1,649	749	5,048	7,446
Workers	229	77	175	481
Students	512	19	40	571
Professionals	289	94	114	497
Other	163	87	44	294
Total	5,186	7,117	6,360	18,663

Table 8.1 Estimated Number of Nicaraguans Killed, Injured, or Kidnapped by the Contra Rebels 1980–1987

**Source: Second Periodic Report of Nicaragua to the United Nations Human Rights Committee, 1989*

Between 1979 and 1985, the Contras were responsible for the killings of several hundred civilians within rural Nicaragua. According to statistics compiled by the Nicaraguan government, between 1980 and March 1987, the Contra rebels were responsible for approximately 5,000 killings (see Table 8.1 above). According to a report from Americas Watch (1982, p. 7), “Although the United States has complained repeatedly of Nicaragua’s abuses, it has aggravated the conditions contributing to such abuses by its support for guerrilla activities against the Nicaraguan Government.”

In fact, the brutal tactics of the Contras were systematic and integral to the Contra’s strategy for perpetuating the war. Evidence would surface directly linking the United States to the violent tactics employed by the rebels. In a 1986 report, Amnesty International (p. 34) commented:

Amnesty International has analyzed a copy of a field manual issued to FDN [Contra] forces, which proposes the public “neutralization” of civilians believed to collaborate with the Nicaraguan Government as a model “use of violence for propagandistic effects.” The manual, which received widespread publicity in late 1984, also proposes the selective assassination of civilian local government officials, police, and military personnel. US government representatives acknowledged that a US agency has issued the manual—“Psychological Operations in Guerilla Warfare”—to FDN [Contra] forces, and maintained it has been issued as a means of exerting greater control over irregular forces receiving US assistance in combatting [sic] the Nicaraguan Government. US government representatives denied that the manual could be construed as US support for assassinations or executions, but said that it would be recalled and reissued without reference to “neutralizations.”¹⁶

Yet, by 1982, repression as carried out by the Nicaraguan authorities also began to escalate as armed conflict within the countryside became more severe.¹⁷ After the Contras blew up two bridges in northern Nicaragua, a State of Emergency was imposed on 15 March 1982. The State of Emergency suspended many civil liberties within the country for the first time since the fall of the Somoza dictatorship, and effectively paved the way for a marked increase in pretrial detentions (Americas Watch 1982, p. 11). According to Americas Watch (1982, p. 11), the number of persons detained on security related charges increased sharply after the State of Emergency was declared. By 1984, reports began to surface implicating the Nicaraguan state police in such abuses as ill-treatment, torture, “disappearance,” and killing. The Contra rebels also employed similar tactics. As early as December 1981, after a series of attacks along the Atlantic coast region by the Contras, government forces were reported to have murdered some 20 Miskito Indians suspected of rebel activity,¹⁸ and were reported to have “disappeared” an additional 70. Hundreds of others were arbitrarily arrested, and thousands upon thousands of Miskito Indians were subsequently forced to relocate from their villages along the Atlantic coast (Gilbert 1988, p. 166; OAS 1984).

By 1984, the major Contra rebel group, the Nicaraguan Democratic Force (FDN: *Fuerza Democratica Nicaragüense*) had swelled to a 12,000 person army of well-equipped fighters. Most of the aid officially spent by the U.S. to finance the Contra war had gone to finance the FDN directly (Gilbert 1988, p. 165).¹⁹ In areas where the rebels were most heavily concentrated, the Nicaraguan State imposed several restrictions on individual rights, and increased its own level of violence, resulting in more and more deaths reported each year (AI Annual Reports 1987–1991). Looking at the Contra rebels as a manifestation of internal threat perhaps helps to explain the increased abuses perpetrated by the Nicaraguan police and security forces. Yet, the Contras were also externally trained and funded, which introduces themes of external threat. As the government of Nicaragua explained to the United Nations Human Rights Committee in 1988 (CCPR 1989, p. 12):

Against this disturbing background of aggression in all fields by a Power that scoffs at international and humanitarian law and every rule and

custom of peaceful co-existence among peoples, Nicaragua has been forced to look to the defence of its own sovereignty, its popular Revolution and its inhabitants using essentially its own resources, and sacrificing its own sons. One could hardly deny Nicaragua the right to defend itself with weapons against such profoundly illegal and immoral aggression, and/or to procure all suitable means of defence, wherever they might be found.

By 1988 there were several reports that government forces were often involved in “disappearing” and executing opposition members, as well as innocent civilians (AI Annual Report 1989).²⁰ These developments eroded the legitimacy of the Sandinista government, and the increased military spending by the Nicaraguan government meant that many of the progressive social programs it had pioneered were left without adequate funding. In the early years of the revolution, expenditures on education and health alone accounted for approximately 50 percent of the annual budget, while defense spending was kept under 20 percent. By 1987, these numbers were reversed (Gilbert 1988, p. 169). The eventual breakdown of the revolutionary alliance, the reports of abuses committed by the Nicaraguan authorities, and the under-financing of social programs served to disillusion many and compromised popular support for the Sandinistas.

The costs of the Contra war were substantial. According to statistics compiled by the Nicaraguan government, by 1987 the war’s direct costs in destruction of capital and lost production had reached \$638.8 million (CCPR 1989, p. 9). This was further exacerbated by the United States trade embargo and the persistent blocking of Nicaragua’s access to international development loans from sources such as the World Bank and the Inter-American Development Bank. In 1988, government economists calculated the total cost of the war, compounded by the cost of U.S. hostility, to equal a sum of \$3.7 billion (Gilbert 1988, p. 168). Yet, the costs were also high in terms of human lives. Between 1982–1988, some 20,000 civilians had been killed in the conflict, leaving behind thousands of orphaned children, and several thousands more had been maimed or crippled due to the fighting (Gilbert 1988, p. 168; Americas Watch 1991, p. 1).

As with El Salvador, the United States came under increasing international criticism for its policy toward Nicaragua. As reports of abuses committed by the Contras became more and more public, some members in Congress became increasingly critical about the role of the United States in funding the rebels (see OAS 1981). By 1984, the United States Congress defied the Reagan Administration and refused to continue to fund the Contra rebels. By this time, international criticism had reached a level that even the United States could not ignore.

In early 1984, a Congress already uneasy about the direction of American policy was stunned to learn that CIA commandos had mined three Nicaraguan ports in the name of the FDN. The mines sank several Nicaraguan boats, damaged at least five foreign vessels, and brought an avalanche of international condemnation down on the United States. But from the administration’s point of view, the mines did their worst damage on Capitol Hill. Congress rejected administration requests to fund the contras. It was not restored for over a year, and then only in the form of a

modest appropriation for “non-lethal” aid, excluding munitions.²¹ Not until mid 1986 did Congress vote \$100 million in unrestricted military aid (Gilbert, 1988, p. 167).²²

While human rights groups were very critical of United States support for the Contras, they were also careful to note that despite the provocation from the U.S., the government of Nicaragua was ultimately responsible for its own actions. Americas Watch (1982, p. 4) warned:

Though others, notably the United States and Honduras, undoubtedly bear some responsibility for continuing disorder along Nicaragua’s northern boarder, this cannot, in our judgement, justify the increasing number of pretrial political detentions, the newly-established prior censorship of the press, the continued involuntary relocation of more than 8,000 Miskito Indians in the Tasba Pri camps and the increasingly harsh actions—including prolonged pre-trial detentions—against Miskito villagers outside the camps. Unless these actions, and the pattern of governance which they reflect, are promptly reversed, we believe that human rights in Nicaragua may deteriorate still further and that many of the human rights advances of the July, 1979 revolution may be lost.

1984–1988 ELECTIONS IN NICARAGUA AND THE BEGINNING OF NEGOTIATIONS WITH THE REBELS

National elections for president, vice-president and a new 96-member National Assembly were held on 4 November 1984.²³ The Assembly was to draft a new national Constitution and replaced the Council of State as the nation’s legislature. Daniel Ortega Saavedra and Sergio Ramirez Mercado, both FSLN leaders and member of the original junta, were elected to six years terms of office as president and vice-president, respectively (AI 1986, p. 6). In the National Assembly, the FSLN won 61 of the 96 available seats, with the remaining seats divided among six opposition parties.²⁴ In January 1987, a new Constitution was promulgated, stipulating that Nicaraguan citizens were to enjoy the rights defined in several international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. However, many of these rights remained effectively suspended until the State of Emergency was ultimately lifted in 1988.

As with El Salvador, Nicaragua was also positively influenced by international actors who worked to facilitate negotiations and further peace within the Central American region. In August 1987 Esquipulas II, the Central American Peace Agreement, was signed by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. The Peace Agreement had a significant impact on the situation of human rights in Nicaragua, and was heralded as a diplomatic breakthrough by international human rights organizations (Americas Watch 1988, p. 1; AI 1989, p. 2).

One tangible result of the Peace Agreement was a reduction in the scale and intensity of the fighting in Nicaragua. A formal cease-fire was declared in March 1988 (AI 1989,

p. 2). Amnesty International (1989, p. 2–3) noted other positive developments following the Peace Agreement:

In accordance with the cease-fire agreement signed at Sapoá in March, 1988, the government undertook to release, in stages, all prisoners serving sentences for “counter-revolutionary” crimes committed in the course of the armed conflict. It also agreed to release all those convicted for crimes committed by the National Guard under the former government, on the signing of a permanent cease-fire.... [I]n February 1989, 1,894 “National Guard prisoners” were given an unconditional pardon, and 1,649 of them—all but 39 of those still in prison—were released the following month. During the February talks the government also committed itself to municipal and presidential elections in 1990, and to reform its electoral legislation. It also proposed that regional and international human rights bodies, including the Inter-American Commission on Human Rights, Americas Watch, and Amnesty International, should be given a role in monitoring progress on human rights under the term of the Peace Agreement. This proposal, however, was not agreed to by the other governments.²⁵

The cease-fire, although temporary, was extended by the government of Nicaragua and the opposition forces and effectively brought an end to eight year of protracted armed conflict in the country (AI 1989, p. 2). The Peace Agreement also led to the lifting of the State of Emergency in January 1988, under which many civil and political rights had been suspended almost without interruption since 1982 (AI 1989, p. 2). The government of Nicaragua also announced its intent to enter into negotiations with the rebels (AI 1989, p. 2).

1989–1990 REBELS DEMOBILIZE AFTER NEW GOVERNMENT INSTALLED

In March 1989, during a regional meeting of Heads of State, the Presidents of Nicaragua and Honduras agreed to begin to demobilize contra forces based in Honduras (AI Annual Report 1990). During August of the same year, a “Commission on International Verification and Support” (CIVS) was established as provided for under the Central American Peace Agreement, and was organized in cooperation with the UN and OAS (AI Annual Report 1990; Landau 1993). By November, however, President Daniel Ortega announced that the cease-fire between the Sandinistas and Contras would not be renewed unless the United States government stopped all funding of the Contra rebels, and the subsequent refusal by the United States to do so ushered in a new wave of violence from both sides (AI Annual Report 1990).

Nicaraguan President Daniel Ortega agreed to hold general elections no later than February 1990, and invited the United Nations (UN) and the Organization of American States (OAS) to join as observers (AI Annual Report 1990; Vanden and Prevost 1993). As promised, on 25 February 1990 general elections were held in Nicaragua through which Daniel Ortega was removed from the Presidency, and Violeta Chamorro,

representing the fourteen party Nacional Opposition Union (*UNO: Union Nacional Opositora*) was elected by a wide margin (Americas Watch 1991, p. 1).²⁶ The Sandinistas, however, retained control of the National Assembly (Americas Watch 1991, p. 2). Shortly after the election, in the name of national reconciliation, the National Assembly decreed an unconditional amnesty for all individuals who had “committed crimes against the public order and the interior and exterior security of the state” (Americas Watch 1991, p. 2). Shortly thereafter, the Contra rebels agreed to a full demobilization of their armed forces. Between the time that the elections were held and when President Chamorro took office in April 1990, the Sandinistas, the incoming Chamorro Administration, the Contra rebels, and members of the Nicaraguan Catholic Church were able to negotiate a final peace settlement through which some 22,413 rebel combatants agreed to disarm and disband (Americas Watch 1991, p. 1). The demobilization agreement called for the Contra rebels to turn in their weapons to United Nations observers in five special security zones. In return, the rebels were promised an allotment of land and short-term food and agricultural assistance to facilitate their transition back into civilian life (Americas Watch 1991, p. 1). In order to facilitate this transition, the CIVS, working by that time under the auspices of the Organization of American States (OAS), took up the task of assisting thousands of ex-Contra rebels and their families.²⁷ By late 1990, the CIVS was in the process of assisting some 94,953 Nicaraguans (Americas Watch 1991, p. 1).

Yet, when the ex-Contras and their families attempted to settle into the Nicaraguan countryside, their relocation sparked sporadic outbreaks of violence. By the end of 1990, some thirty-four ex-Contra rebels had been murdered (Americas Watch 1994, p. 3). While the war was officially over, political tensions remained high as the country was once again thrust into a period of rapid transformation. Not only did the Chamorro Administration oversee the demobilization and reintegration of thousands of ex-Contra rebels, it also oversaw sweeping economic reforms which dismantled much of the semi-Socialist economy put in place a decade earlier by the Sandinistas. The violence that ensued during the ex-Contras’ reintegration into the countryside was compounded by the attempts of former property owners to reclaim land holdings previously confiscated by the Sandinistas. Severe budgetary shortages, along with deep political divisions, meant that such security problems were often not adequately addressed by the Nicaraguan authorities. By the end of 1990, a rash of civil unrest ensued, including political murders, national strikes, land seizures, hostage taking, attacks on police stations, churches, government and public buildings as well as other violent clashes (AI Annual Report 1991; Americas Watch 1991 and 1994). Following demobilization, Americas Watch (1991, p. 2) observed:

It is an understatement to say that the end of the war brought about an immediate improvement in the human rights situation, by removing the pretext that had given rise to the violations; moreover, the very way in which the war was fought involved violations of international humanitarian law, such as summary executions and indiscriminate attacks on cooperatives. The task of national reconciliation—of overcoming bitter and often violent political divisions—and of establishing the rule of law remains, however, difficult and sometimes treacherous.

1991–1995 CIVIL UNREST CONTINUES THROUGHOUT THE POLITICAL ADJUSTMENT

Levels of violence in Nicaragua continued to escalate until dropping off in 1994. By that time, the number of former Contra rebels who had been killed under a variety of suspicious circumstances had grown to 245 (Americas Watch 1994, p. 3).²⁸ As early as 1992, in the midst of increasing poverty and unemployment within Nicaragua, and after a series of conflicts between campesinos and ex-Contra rebels over land, violence the countryside escalated with the introduction of the “re-Contra” rebel force (AI Annual Reports 1993–1998; Landau 1993; AI 1994). The re-Contras adopted the violent tactics of the original Contras and, indeed, many of the re-Contras were suspected to be ex-Contra fighters (AI Annual Report 1998). Civil violence and political instability continued throughout the period, while torture and political killings committed by Nicaraguan police authorities also increased (AI Annual Reports 1993–1998).

1996–2003 NORMALIZING DOMESTIC POLITICS

The human rights situation in Nicaragua has settled considerably over the past several years, although some serious human rights abuses continued to be reported. On 20 October 1996, elections were again held in Nicaragua, giving Arnaldo Alemán Lacayo of the Constitutionalist Liberal Party (PLC: *Partido Liberal Constitucionalista*) the Presidency. Nicaragua remains one of the hemisphere’s poorest countries, with a low per capita income, failing socio-economic indicators, and a mounting external debt. While violence and state repression have not been completely eliminated, they remain at low levels and have more or less stabilized themselves over the past few years. According to one Amnesty International Annual Report (2000), corruption at all levels of government has continued and those who have denounced it as such have often been threatened.

Following Hurricane Mitch in 1998 the economic situation in Nicaragua deteriorated still further. Like many other countries in Central America, Nicaragua faces a mounting crime problem and government measures to combat crime have often been associated with police abuse and misconduct. Recent human rights reports have raised concerns regarding police abuse and ill-treatment, including the use of rubber bullets leading to at least one death in 1999, and have noted the sub-standard conditions of Nicaraguan detention facilities (AI Annual Report 2000; HRW World Report 2000). Detainees have reportedly been beaten, handcuffed to objects in overcrowded cells and locked up for long periods of time without access to food, water, or sanitary facilities.

8.2 NICARAGUA IN THE INTERNATIONAL SYSTEM

As with Cuba and El Salvador, understanding Nicaragua’s changing relationship to the international system helps to illuminate long-term human rights abuse patterns as they unfolded within the country. Like both Cuba and El Salvador, international events and international actors significantly influenced the pattern of human rights abuse in Nicaragua from the 1970s to the present, at times contributing to escalating violence, at other times helping to ensure peace. Again, notable among these has been the role played by the United States through its policies of intervention, which have affected Nicaragua’s

domestic political affairs since the time of Sandino. As with Cuba and El Salvador, the pattern of human rights abuse in Nicaragua cannot be adequately understood by looking at internal factors alone, as many theories of human rights abuse have suggested. The case of Nicaragua clearly illustrates that human rights abuse must be contextualized, both in its long-term historical context and in its broader international context. As such, social science scholarship in the field of human rights must become more sensitive to, and adept at explaining, those external factors that serve to influence internal events.

There are many interesting avenues for discussion. What I find most striking about the case of Nicaragua, is that despite best efforts made by the Sandinista government to remain politically non-aligned, to create a [albeit flawed] multi-party system, to cooperate with international human rights organizations, and to combat impunity within their own ranks, the government was *still* unable to escape a fatal entanglement in the Cold War politics of the time. While the Sandinista government was responsible for a certain amount of repression, including serious violations of the right to a fair trial, by all accounts the 1979 Revolution marked a vast improvement in the human rights situation following the Somoza dictatorship. When reading back through 1979 and 1980 human rights reports, these early years struck me as being quite hopeful. During these years, the human rights situation, while imperfect, did improve significantly and the new government was receptive and attentive to human rights criticisms. Yet, as Poe and Tate (1994b) would aptly predict, the emergence of a sizable internal threat in the form of the Contra rebels effectively eclipsed these early prospects towards the protection of human rights. The coming of the Contras led to a significant deterioration in the human rights situation, not only because the rebels themselves acted outside the principles of humanitarian and human rights law, but also because the conflict prompted the Nicaraguan authorities to adopt more repressive strategies of their own.

It can be reasonably argued that the emergence of the Contra threat shifted the balance of government priorities away from human rights protection to political survival and national security. Not only was there the threat of domestic political insurgency, but this insurgency was being supported and funded by the greatest superpower in the hemisphere, the United States. Once this shift in priorities occurred, reports indicate that the Nicaraguan authorities became more and more repressive, narrowing civil liberties and at times adopting violent security measures. These changes ultimately cost the Sandinistas to lose credibility among fellow Nicaraguans and, ironically, served to add even more fuel to the already inflamed rhetoric of the Cold War and to the Contra's war. Furthermore, increased military spending to fight the Contra rebels also meant that progressive social programs were left under-funded, another factor in the loss of popular support for the FSLN.

Yet, other international actors affected the human rights situation in a more positive way, such as with the brokering of the Esquipulas II Agreement, or the Central American Peace Agreement. Like El Salvador, the signing of the Central American Peace Agreement, while it was the beginning of a long and arduous peace process, paved the way towards an improved human rights situation by facilitating the demobilization of the Contras. International human rights organizations such as Americas Watch and Amnesty International also helped to improve the human rights situation by maintaining an engaged relationship with the Nicaraguan government and pressuring the authorities to

reform repressive policies. More than once, the Sandinista government took steps to comply with these recommendations.

One should also remember that the United States, during 1978, 1979, and most of 1980, also retained a constructive relationship with the government of Nicaragua. During the escalation of violence that occurred in 1978 and 1979 under the Somoza dictatorship, the Carter Administration was vocal about human rights concerns and encouraged the voluntary resignation of President Somoza. After the 1979 Revolution, the Carter Administration forged a relatively good relationship with the Sandinista government, even though there were substantial differences of opinion within the U.S. State Department regarding the wisdom of such action.

Let me also just briefly note that the Nicaraguan case also illustrates the power of emotion in situations of human rights abuse, and how emotion and history can sometimes be intertwined. While this dissertation is not primarily concerned with how macro-level emotional factors influence human rights abuse patterns, I do think that these variables play a role in situations of abuse. As these narratives suggest, this has certainly been true in Cuba and El Salvador as well. In Nicaragua, the struggle against United States imperialism was central to the philosophy of Sandino and, by extension, the Sandinistas. The sentiment of nationalism helped to fuel the Sandinistas' struggle, which was often characterized at the time as a struggle almost between good and evil, that is, between Somoza and the corruption that he and the United States represented on the one hand, and on the other hand a nationalism which represented greater integrity and freedom. While the nationalistic sentiment may have not have been shared by all Nicaraguans who favored political reform during the time of Somoza, the desire to replace the corrupt government with a representative government was widely shared. The importance of emotion was also well illustrated through the spontaneous rash of vengeance killings that ensued upon the reintegration of the Contras into the Nicaraguan countryside where, for years, they had been responsible for so much violence.

8.3 SUMMARY AND CONCLUSIONS ON THE NICARAGUAN CASE

Human rights abuse in Nicaragua can be described in terms of a rather simple pattern. That is, human rights violations perpetrated under the Somoza government were severe and frequently reported, and as the FSLN became a more ominous threat, the abuses perpetrated by the Nicaraguan National Guard became ever more increasingly indiscriminate and brutal. Once the FSLN seized power in 1979, abuses such as extrajudicial killing and torture became virtually non-existent, although there were problems with regards to the right to a fair trial for ex-guardsmen who were accused of committing crimes under the previous regime. With the emergence of the Contra rebels, the human rights situation again took a turn for the worse, and as the rebels committed atrocities in the countryside, the Nicaraguan government responded with repressive tactics of their own, curtailing civil and political rights and at times engaging in abusive security measures.

Yet, positive international intervention led to the signing of the Central American Peace Agreement, and levels of abuse tapered off once again as the conflict with the

Contra rebels drew to a close. Violence in the countryside continued to flare occasionally for several years afterwards due to vengeance or intolerance. Nonetheless, the level of violence since the demobilization of the Contras has steadily decreased, although certain abuses continue to be reported. This overall pattern of abuse was heavily influenced by international factors affecting the both the state and the dynamics of internal conflict. International actors did not have a unitary effect, but rather affected the situation both positively and negatively depending on the nature and intent of intervention.

Chapter IX

Conclusions

We're always searching out the right pressure points for halting oppression and the most effective means of applying that pressure. Far from being merely academic exercises, the actions we take can mean the difference between freedom and imprisonment or life and death.

—Amnesty International USA
The Casework Manual: A Toolbox (1998)

9.1 OBJECTIVES REASSESSED

In order to discern why human rights abuse occurs, and why patterns of abuse change over time, scholars and advocates alike must seek to understand *both* the internal and external factors affecting situations of abuse. While the existing literature on state repression has dealt extensively with the internal variables associated with human rights abuse, this research has contributed to existing theories by incorporating themes of international influence, historical context, and long-term processes of change in human rights abuse patterns. Because this research has approached abuse patterns from a qualitative perspective, it has also been able to analyze the ways in which abuse strategies shift in subtle ways over time, often times becoming more covert. These contributions have enabled the development of new theoretical concepts, along with the refinement of existing concepts, that can be used to better understand change in human rights abuse patterns, and which can be used to inform advocacy strategies seeking to minimize, or put an end to, human rights abuse.

I have argued throughout this book that local and national level variables relating to state violence must be placed within a more comprehensive framework that acknowledges international relations and historical process. This has been a central theoretical contribution of my research. In this work, the *interaction* between the state and the international system has itself been problematized, and has been shown to be critical to any meaningful understanding of long-term patterns of human rights abuse. This is both sociologically relevant in the sense that these findings develop theory in the area of state repression and international relations, and relevant to human rights advocacy because these findings have real implications for issues relating to strategy effectiveness. Indeed, I hope that a fundamental contribution of this work has been to challenge the

boundary between good social scientific research and well-informed human rights advocacy.

In analyzing the historical patterns of human rights abuse in Cuba, El Salvador and Nicaragua, this research has made it clear that external actors and events matter where human rights are concerned. In fact, *none of these case patterns could be adequately understood by looking at change in internal factors alone*, as much of the current theorizing on state repression suggests. While internal factors are important, the cases analyzed in this research imply that internal variables alone only *partially* explain fluctuations in patterns of human rights abuse, and are hard-pressed to explain qualitative changes in the nature of abuse. This research has also made clear that external actors and events influence human rights situations in both positive and negative ways, depending on the nature of interaction, and therefore should be included in theoretical accounts of repressive state behavior.

Before delving into the specific research findings, it would be useful first briefly to revisit the research questions that served originally to frame this research. In order to facilitate consideration, the questions below are divided into thematic sets. Rather than addressing them as a whole, questions raising similar issues and concepts can be discussed together. The first set of questions explores the idea that national and international variables interact and that this interaction influences patterns of human rights abuse within states. These questions also address the role of different *kinds* of international events and interventions, and explore their potentially divergent affects in terms of influencing patterns of abuse. As such, these questions begin the process of thinking about long-term human rights abuse patterns, and point to the importance of studying and placing in context “critical turning points,” or moments in time when abuse patterns seem to separate and shift. These questions were:

- What kinds of changes in national politics or international pressure seem to affect patterns in human rights abuse? How do national-level variables interact with international-level variables to influence patterns of human rights abuse? Which international actors seem to intervene most effectively in situations of human rights abuse? Under what circumstances? How do changing international norms regarding human rights affect the violation of human rights within individual nation-states?

The second theme raised was that of qualitative change in human rights abuse patterns over time, namely:

- In what ways do human rights abuse patterns change over time and how does this seem to be related to other variables?

The final set of questions focussed on the theoretical idea of “pressure” and the role that it plays in situations of abuse. As has been mentioned previously, “pressure” is a concept that is often used to explain human rights abuse. Yet, it is an underdeveloped concept, used to explain both the presence and absence of abuse. The questions raised concerning “pressure” included:

- How can “pressure” be more rigorously conceptualized to underscore difference according to origin, the severity or quality of pressure, the confluence or fragmentation of multiple pressures, and the strategic target of pressure? How does a nation-state’s placement within the international system determine its sensitivity to

external pressures? How does the level of state fragmentation influence the effects that pressure may have? Is internal pressure more or less consequential than external pressure in terms of affecting patterns of human rights abuse? How are multiple pressures related and are there interactive effects?

This final chapter provides answers to these questions by integrating the relevant research findings that were established across cases. In addition, this chapter offers concrete lessons that human rights advocates can take away from the research findings, and explore directions for future theorizing and research. There are several areas where scholars and advocates would do well to engage each other in discussion. In my view, understanding why and how human rights abuse occurs should not be “merely an academic exercise,” but rather an endeavor that is both engaging for social scientists and relevant to the lives of people outside academia. Because human rights issues bridge the divide between academia and activism, I believe that it is critically important for scholars and advocates alike to learn from each other. Facilitating such discussions would greatly enrich theorizing on human rights abuse within the social sciences, and would help refine the tools that advocates use to influence states and international actors. By doing so, by combining the best of scholarship and the best of activism, there is greater hope that the social sciences can contribute to human rights advocacy. Together, scholars and advocates can develop an understanding of human rights abuse which is more complete, more precise, and most importantly, more useful.

9.2 EMPIRICAL FINDINGS

In each of the cases analyzed in this book, external pressures were brought to bear by bilateral, international, and regional actors. At times, external pressures also resulted due to historical geo-political shifts that were not the result of any specific policy or action vis-à-vis the case country. For example, this was true for Cuba during the early 1990s when the stability of the state was jeopardized after the collapse of the former Soviet Union. In order to address the multiple influences of internal and external pressures on patterns of human rights abuse, I have developed some concepts that help in categorizing different internal and external variables affecting patterns of human rights abuse over time. The discussion that follows is meant to address the first and second set of research questions outlined above. The final set of questions concerning “pressure” will be addressed in greater detail in the next section.

The *external factors* that most directly impacted change in human rights abuse patterns can be categorized as follows:

GEO-POLITICAL SHIFTS

Geo-political shifts, most notably the ending of the Cold War for the cases which I selected, had differential affects based on whether or not the geo-political shift was seen as *destabilizing* or *stabilizing* by state authorities. *Events that were seen as destabilizing had a more negative impact on human rights abuse than did events that were seen as stabilizing.* For example, in the case of Cuba the collapse of the Soviet Union and the economic crisis which resulted was internally destabilizing, leading to both increases in

internal pressure in the form of demonstrations and rioting, and increases in levels of state repression. Similarly, geo-political shifts that were seen as destabilizing by the political right in El Salvador also had a negative affect on human rights. In this case, the Nicaraguan Revolution was seen as a destabilizing event within the Central American region by El Salvador's economic and political elite, and was followed by a military coup d'état that would usher in the most violent years in recent Salvadoran history. Certainly, other variables were important, but the reality of the Nicaraguan Revolution gave a new sense of urgency to the Salvadoran conflict, and thereby altered the right's perception of the domestic situation. In El Salvador, however, the break up of the Soviet Union was viewed by the political right as *stabilizing*, because the break down of the former Soviet Union was seen as undercutting the potential of the FMLN to ally itself with a world superpower. After the breakup of the Soviet Union, the FMLN appeared to be much less of a threat to the political right within El Salvador, and this in turn helped to foster a democratic opening in the country whereby the FMLN was legalized as a political party and was allowed for the first time to participate legitimately in national government. While geo-political shifts do have the potential for influencing patterns of human rights abuse, it appears that their impact will depend in large measure to how they affect the existing pattern of internal stability, and whether these geo-political events cause a significant perceived increase in insecurity among elites.

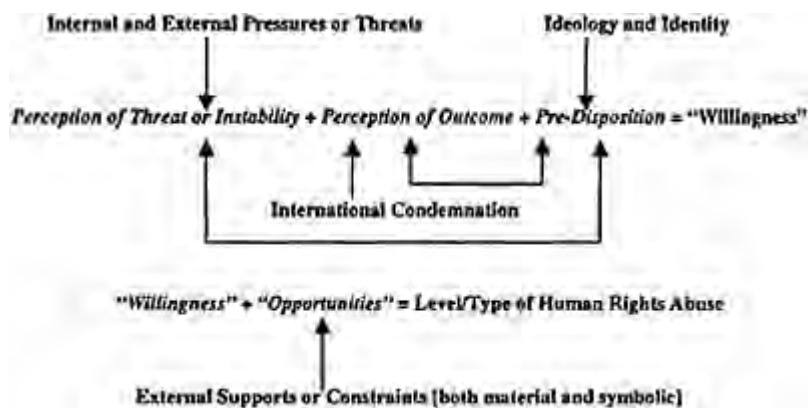
EXTERNAL SUPPORT OF ABUSIVE REGIMES

In the case of El Salvador, increased levels of military and economic aid from the United States during the 1980s were associated with heightened levels of the most heinous human rights abuses, including massacre, extrajudicial killing, "disappearance," and torture. In terms of timing, this relationship was virtually immediate. However, it deserves mention that in the case of Cuba, high levels of support from the former Soviet Union did not lead to any similar increase in abuse, but rather served to stabilize the state, leading if anything to *decreased* levels of abuse over time. The difference in outcomes highlights the importance, and primacy, of internal variables, including levels of internal threat and the degree of "willingness" that is present on the part of state authorities to implement strategies of abuse. In El Salvador, internal threat was extreme, first in terms of violent conflicts with organized labor and protesters, later in terms of an entrenched, and armed, opposition. In post-revolutionary Cuba, these kinds of internal threats were simply not present. When internal pressures presented themselves, as they did from time to time in Cuba, the Cuban government often adopted alternative strategies for diffusing tension, for example facilitating mass migrations as occurred in 1980 and 1994.

Therefore, external supports may provide "opportunities" to implement abusive strategies, in terms of providing resources, but they do not determine the willingness of state authorities to do so. The concept of "willingness" appears to be comprised of at least three substantive aspects, 1) the perception of internal threat or instability, 2) the perceived outcome of repressive action as opposed to other kinds of action, and 3) the pre-disposition of authorities to use repression as means of addressing internal threat or instability, *at least in certain "justifiable" cases*. I add the idea of "justifiable cases" because in Nicaragua I would not argue that the Sandinistas had a "pre-disposition" to use violence. Rather, it seems that the use of repression and violence to fight the Contras

was seen as a “justifiable case” by the Sandinista leadership because of the internal and external circumstances that were present, including foreign support of the rebels, the vulnerability of the new regime, and the violent methods used by the Contras themselves. The boundaries of what constitutes “justifiable” may well delineate the scope of abuse. Furthermore, it is on this third point of “pre-disposition,” where I would include factors relating to ideology and identity, which may mediate perception and justify abusive strategies. Yet, let me also note that international criticism may well mediate the *perceived outcomes* of action, making the use of certain repressive strategies seem less expedient if they are seen as contributing to international condemnation or leading to an undesirable outcome. As such, international condemnation may serve to influence which *type* of repressive strategy is used, if the other components of “willingness” are present. There are several spaces in this arrangement where both internal and external variables can influence both “willingness” and “opportunities.” Because, it is important to remember that states have options available to them, including negotiation and compromise, for dealing with internal pressures and threats, this formulation does not put forth a standard “cost-benefit analysis.” To put these ideas another way, I see the concepts of “willingness” and “opportunities” as operating something like the figure on the following page.

This formulation helps to move away from rationalist approaches to human rights abuse by treating *willingness as a variable*, determined not only by the presence of objective “threats,” but also issues of perception, ideology and identity. But, *when willingness is present*, external material support increases abuse.



EXTERNAL THREATS

In Nicaragua and Cuba, the presence of external threat was associated with increased levels of human rights abuse. Indeed, as was the case in both countries, there seems at times to be a blurred distinction between internal and external threat, as internal threats can in fact be externally supported. This was the case during the Bay of Pigs Invasion in Cuba and with the introduction of the Contra rebels in Nicaragua. It is difficult to say whether the creation or support of an internal threat by an external power constitutes “internal” or “external” threat, rather it would seem to have elements of both. In fact, this

inability to clearly distinguish between internal and external threat may itself lead to a heightened perception of *overall* threat on the part of state authorities. While external threats, without an internal component [such as the Cuban Missile Crisis] were also shown to be associated with heightened levels of abuse, these effects appear to be mediated in part by the strength of the state. States that are more internally stable, with institutionalized political structures and ties to other strong states are less vulnerable to external threats and have more stable human rights abuse patterns over time. However, vulnerable states that are internally unstable, with newer regimes, under-developed institutional structures, and weak ties to other states, appear to be more sensitive to external threats. As such, the strength or vulnerability of a state in part determines whether a threat is actually a “threat” per se. What may be threatening in one case, may not be threatening in another, so that there does not appear to be a clear threshold for what constitutes external threat, but rather this definition is mediated by internal factors. Nonetheless, conceptually, external threat can be distinguished from external pressure by the extent to which external action destabilizes either the state or the internal domestic situation.

It also deserves mention that external threat as a concept should be further refined to incorporate not only the subjective interpretation of threat, but also the intended consequence or intent of that threat from the point of view of the implementing party/parties. Such theorizing is necessary in order to distinguish between policies motivated by economic concerns, political concerns, or human rights concerns. Conceptually, even very similar actions, for example economic boycotts, can be motivated by different desires, and it stands to reason that different intentions are coupled with a unique discourse, symbolic politic, and commitment. As such, the justification attached to a given “threatening” policy may influence its effect. Policy intentions should be further tested to see whether or not this is a salient factor in affecting patterns of human rights abuse. Do threatening human rights policies have the same effect as threatening policies which are not motivated by human rights? How do we know when a policy is in fact motivated by human rights concerns? What are the long and short-term effects of such strategies? These questions must be addressed in order to inform the strategies of human rights advocates, especially with regards to severe sanctioning of abusive governments or other perpetrators of human rights violations. Further research is needed to better distinguish between different kinds of threats, their intentions, and their consequences.

INTERNATIONAL PEACE INITIATIVES

International peace initiatives in both Nicaragua and El Salvador were very positive in terms of their impact on actual levels of human rights abuse. In both Nicaragua and El Salvador, international and regional interventions encouraged democratic opening within the country, and facilitated negotiations between the government and the armed opposition. While the peace process in both countries was a long-term endeavor fraught with numerous difficulties, the eventual outcome was a vast improvement in the human rights situation. International and regional peace initiatives also highlight the importance of individual agents in supporting peace, and bringing about internal political change. When individuals and international institutions took unified, pro-active measures on

human rights issues within states and offered their assistance, and when simultaneous pressures were targeted at the external supports that maintained repressive regimes or groups, the long-term effect was always a positive one.

INTERNATIONAL NORMATIVE CRITICISM

International normative criticism does affect patterns of human rights abuse, but as noted in the case of Cuba and El Salvador, often the change in abuse patterns is a shift over time from one form of abuse to another form of abuse which is more covert, but functionally equivalent. In addition, in both Cuba and El Salvador efforts were made to obscure the link between repressive action and state responsibility, as civilian organizations with ties to state security forces [such as the Rapid Response Brigades in Cuba and ORDEN in El Salvador] were used to implement abuse strategies. International normative criticism was *most* effective when it was unified among different actors—international, regional, bi-lateral and non-governmental—and when it was tied to moderate economic incentives. For example, rates of killing in El Salvador decreased significantly after extensive international condemnation of the human rights situation there, and after the Carter Administration threatened to interfere with large loans to El Salvador from the Inter-American Development Bank.

There were also several *internal factors* affecting patterns of human rights abuse over time. The internal factors that most directly influenced change in human rights abuse patterns can be categorized as follows:

INTERNAL THREATS AND PRESSURES

As the existing research on state repression would predict, internal threat matters. High levels of internal threat were in all cases associated with increased levels of human rights abuse. The importance of this concept is clearly illustrated in the case of Nicaragua, where the introduction of the Contra rebels led to the implementation of repressive strategies that had not been previously used by the Sandinista Government. In El Salvador, mounting internal armed conflict was also associated with increased state repression, and in Cuba, efforts made to overthrow the revolutionary government were similarly associated with increased repression. As mentioned above, however, the cases of Cuba and Nicaragua also show that internal and external threats cannot always be clearly separated. Again, the distinction between “pressure” and “threat” is to some degree a matter of perception. The presence of both internal instability and external aggression or insecurity, or the presence of an internal armed opposition, may serve to tip the balance away from “internal pressure” to that of “internal threat.” Because threats themselves are by definition seen as being more extreme and jeopardizing than pressures, states often adopt strategies that are more violent and repressive to deal with threats. For example, this is the case in “states of emergency” during which time states suspend certain guarantees to citizens. At least one consistent distinction between internal threats and internal pressure is the use of violent methods of engagement and resistance on the part of an internal group seeking to remove the current regime from power. The targets of violence can be military, infrastructural, or civilian. Internal pressures can be characterized as protests, riots, and movements, which are not perceived as a danger to

the continued existence of a given regime. Using this definition, internal pressures were also met with a certain level of repression, but generally not as severe as with internal threats. This finding is consistent with the existing research on state repression. As with El Salvador, however, how the state chooses to deal with internal pressure in part determines whether internal pressures escalate and become internal threats and when both threats and pressures exist (i.e., both protests and armed resistance), states do not tend to differentiate between the two.

SUDDEN AND UNDEMOCRATIC REGIME CHANGES

In all cases, sudden and undemocratic regime changes were accompanied with increases in *some kind* of repressive tactic. For example, the 1959 Cuban Revolution and the 1979 Nicaraguan Revolution both led to significant increases in the number of political prisoners held immediately following the revolutionary transitions. In El Salvador, the 1979 coup d'état was immediately followed by increased levels of political killing and "disappearance." For sudden and undemocratic transitions, there appears to be a period of increased repression that is seen as part of the process of stabilization. However, the transition between regimes can lead to increases in one kind of abuse and decreases in another kind of abuse. This was the case in Nicaragua after the 1979 Revolution when rates of political imprisonment increased while rates of political killing decreased. Again, this shift appears to be connected to the willingness of different political groups to adopt certain repressive strategies and not others.

STATE FRAGMENTATION

State fragmentation is related to patterns of human rights abuse in cases where one of the major fault lines of state division is the use of repression itself. When state fragmentation impacts the *willingness* or the *ability* [i.e. opportunities] of state actors to implement abusive strategies, the internal contest between rival factions within the state can itself influence abuse patterns. For example, when hard-line right-wing conservatives in El Salvador disbanded the reformist faction of the military, levels of abuse increased almost immediately. When in place, the reformist wing of the military had a capacity to curtail human rights abuses by protecting civilians and by serving to balance the repressive impulses of hard-line conservatives. State fragmentation may also impact the perception of vulnerability which certain state authorities maintain, thereby again influencing the "willingness" of certain actors to employ strategies of abuse.

9.3 REFINING THEORIES OF HUMAN RIGHTS VIOLATIONS

Evidence gathered through the case studies clearly shows that human rights abuse patterns can be influenced by a variety of both internal and external factors, which often in fact cannot be cleanly separated from each other. Further, this research has also shown that international events and interventions have the potential to influence human rights situations in both positive and negative ways. Based on the research findings, I conclude that the following research hypotheses were in fact supported:

- International pressures influence state behavior and affect patterns of human rights abuse.
- International pressures affect both the rate and type of human rights abuse committed within a state.
- International pressures that are unified are more effective than fragmented pressures at curtailing human rights abuse.
- The existence and interpretation of internal pressure mediates the effects of international pressure. The reverse is also true.
- International pressure can under certain circumstances rise to the level of external threat. External threat has some of the same affects as internal threat.
- When patterns of human rights abuse shift, human rights abuses change, not only quantitatively, in terms of number, but also qualitatively, in terms of the characteristics of abuse. These changes depend on internal factors, the strength of international norms, the level of international criticism, and the fragmentation of international pressures.
- Nation-states that are strong within the international system, or whom have strong allies, are less sensitive to international pressure, causing less change in patterns of abuse over time.

The remaining hypotheses were not confirmed by the research data, or the research data was inconclusive. These included:

- There is a threshold at which international pressure maximizes its effectiveness.
- International pressures vary in terms of severity, and levels of severity have differential effects.

Based on these research findings, there was no evidence that there was a point at which pressure “maximized” its effectiveness or that “severity” of international pressure was *itself* responsible for differential outcomes. Rather, it is the *interaction* of international pressures and internal variables that determines change in human rights abuse patterns. Lastly, the following hypothesis could not be confirmed.

- The affects of international pressure may be limited if the state is deeply divided.

This hypothesis was unsubstantiated by the research, as it remains somewhat vague how the affects of international pressure are mediated by state fragmentation. State fragmentation certainly influences perceptions of state vulnerability and is related to human rights abuse patterns because different factions within the state may be more or less willing to implement repressive strategies. Contestation for power within the state may therefore lead to fluctuating levels of abuse. However, this does not necessarily imply that international pressure is more limited when a repressive state is fragmented than when it is not.

Beyond the ideas expressed in the research hypotheses, there are a couple of additional points that merit further consideration. First, as has been mentioned, this research shows that human rights abuse patterns change not only in quantitative terms, but in qualitative terms as well. In each case studied here, severity was one salient feature in human rights abuse, visibility was another. This finding indicates that human rights research must take note of qualitative *and* quantitative shifts in patterns of human rights abuse, as different

repressive strategies may take the place of old ones. Cuba and El Salvador are perhaps the clearest examples of these kinds of qualitative shifts in human rights abuse patterns over time. In both cases shifts in abuse tactics were associated with international criticism regarding the human rights situation in each country. But more importantly, these shifts occurred when the state became increasingly *sensitive* to that pressure. In the case of Cuba, a need to forge positive international relationships following the break up of the Soviet Union resulted in the adoption of new strategies of repression, including harassment and short-term detention. In the case of El Salvador, after the United States conditioned aid on improvements within the human rights situation in El Salvador, and after the United States itself became the target of international condemnation, strategies of repression in El Salvador moved away from visible mass killing and toward new techniques for torture. Analyzing both quantitative and qualitative shifts allows scholars a far better understanding of the factors which influence human rights abuse, *and* for the first time may allow some real insight into questions of why certain repressive strategies are chosen over others. This research suggests that some of the reasons why qualitative shifts occur include the presence of international normative pressures and the “need” to obscure state responsibility for abuse in order to preserve international relationships. This means that human rights situations may often change in undesirable ways, and that abuse may become more hidden over time. This points to the importance of maintaining international pressure even when situations may appear to be improving, and also for human rights organizations to develop investigative mechanisms which can adequately capture subtle shifts in abuse tactics, especially those which may be less outwardly visible.

This research also makes a contribution to theory building in the area of state repression by enabling a more rigorous conceptualization of the notion of “pressure.” Elaborating the different kinds of pressures that affect nation-states has been a central concern of the project, particularly with respect to addressing the potentially divergent outcomes that pressure can have in the realm of human rights abuse. While pressure is a potentially valuable concept to include in scholarship on human rights abuse, pressure itself must be dealt with in a more systematic way, addressing issues of origin, fragmentation, gradation, and interpretation. First, this research has made significant inroads by noting that the *origin* of pressure may be either internal or external. Yet, there remain several spaces for conceptual refinement. Since much work has already been done on the categorical types and effects of internal pressure, let me try to develop further some ideas pertaining to external pressure. From what I have learned about pressure through this research, I would make the following observations:

First, *gradations* of external pressure can range from mild to severe. Mild forms of pressure may not be effective because they in fact may not serve to “pressure” states very much at all. In other words, if pressure strategies are too mild or too fragmented, pressure strategies may not have their desired effect because they fail to produce leverage and fail to incorporate themselves into the decision-making process of state actors. As it turns out, moderate pressures may be the most effective because they do come across as real “pressure,” especially when linked to moderate incentives or penalties [eco-nomic, for example] for specific behavior change. This combination of *unified* normative pressure and *moderate* material pressure seems most successful at curtailing human rights abuse, at least as an initial strategy. Severe pressures, however, runs the risk of being perceived

as “external threats” and may in some cases contribute to a deterioration of the human rights situation it seeks to remedy. Along these same lines, the absence or fragmentation of pressure and the presence of support given to repressive regimes can have similarly negative effects, contributing to heightened levels of abuse by providing repressive states with more opportunity [both in terms of material resources and symbolic impunity] to implement strategies of abuse. As mentioned previously, however, supports create opportunities for abuse but do not constitute willingness on the part of state authorities to implement abusive strategies.

The *interpretation* of pressure by state authorities is critical and depends to some degree on subjective factors, including history, ideology, identity and culture. How external pressure is interpreted also depends on the configuration of both internal and external pressures. Whether states, or factions within states, interpret an external pressure to be threatening determines in part the *internal* security initiatives it adopts, because external threat makes internal stability more urgent. Otherwise, the state runs the risk of being squeezed between both internal and external pressures, a situation that most states seem to try and avoid. Here again the question of leverage arises, in that pressure strategies begin to actually lose leverage if they are perceived as being overly hostile, or if they are perceived as being outside the state’s power to negotiate. Interpretation of pressure rests on numerous factors, including the strength and durability of the state, its ties to other powerful actors, the degree of internal stability, and the degree of state fragmentation.

As I alluded to above, there are also *interactive affects* between internal and external pressures. External pressure may serve to heighten the state’s awareness of internal pressure, causing internal pressure to be seen as being more of a concern than it otherwise might be. As the example of Cuba illustrates, the combination of internal and external pressure may result in more severe internal security measures being adopted. For example, in Cuba, internal pressures in the form of protests and riots were seen as potentially destabilizing when viewed against a backdrop of insecure international relationships [i.e. the break up of the Soviet Union]. Thereafter, Cuba chose its response based on a balancing of domestic and international objectives, namely, Cuba moved to increase internal stability while at the same time pursue positive relationships with other countries and diversify its trade partners. What resulted was the adoption of new repressive strategies. Had the reliance on new international relationship not been present, the outcome may have been different. As such, understanding the *effects of external pressure* requires a balance of internal and external factors, implying that the effect of external pressure is *not linear* and depends on the configuration of international and national stability. This is yet another reason why theories of human rights abuse must incorporate both national and international processes simultaneously in order to understand what actually contributes to human rights abuse.

Based on my research findings, I have developed the following set of conclusions on the effectiveness of pressure:

- International human rights pressure that is unified across different actors [international, regional, bi-lateral, and non-governmental] is more effective than pressure that is fragmented or works at cross-purposes.
- International human rights pressure is less influential when the repressive state is strong, or is supported by a powerful ally.

- International human rights pressure is most effective when it is linked to moderate material incentives or penalties, but this may produce only a temporary or qualitative change in the human rights situation.
- When the support of a powerful ally is threatened or absent, states become more sensitive to outside human rights pressure, and may adopt new repressive strategies which obscure both the incidence of abuse and the responsibility of state authorities.
- International human rights pressure can lead to a qualitative change in abuse strategies, rather to a decrease in state repression.
- Sustained international pressure, engagement, and negotiation, along with domestic institutional reform, decreases state repression in the long-term.
- Internal political conditions and shifts in global politics affect the ability of international pressure to influence the state by mediating how the state interprets its own internal stability.
- Increased levels of internal threat, such as armed rebellion, and other internally destabilizing events correspond to increasing levels of human rights abuse.
- External threats can result in states adopting more severe internal security measures in order to ensure internal stability during times of perceived crisis.

9.4 PROSPECTS AND DIRECTIONS FOR FUTURE RESEARCH

Scholars and advocates have much to learn from each other when it comes to understanding why human rights abuse occurs and how best to work against it. Furthering a discussion between the academic community and the advocacy community could help to broaden knowledge about how international factors affect human rights abuse. Because human rights advocates are often also country or regional experts, they may have great insight into questions of perception and the “willingness” of authorities to implement abusive tactics. These are critical questions to address because subtle differences between levels of “willingness,” pressure, and threat may well mean the difference between successful or failed advocacy strategies. Interview data with government officials may also be especially interesting to incorporate into the literature on state repression by helping to refine ideas of “willingness,” elaborating the ways in which international events color how state actors and government elites perceive their situations and alternatives. More work on how perception mediates state response to internal pressure, as well as external pressure, would enable scholarship on human rights abuse to move away from standard rationalist approaches in innovative and important ways. This dissertation research has started to make inroads into some of these questions, but further comparative research could build upon the findings presented here.

As the above diagram suggests, “willingness” also relates to issues of identity and ideology. Further research is needed to illuminate the characteristics of certain identities and ideologies that especially lend themselves to human rights abuse. Some scholars have suggested dehumanizing ideologies, ideologies which glorify violence, and ideologies which are associated with apocalyptic fantasies are associated with repressive regimes. In the future, I would encourage interested scholars to focus some of their research efforts on issues related to ideology, identity and human rights abuse. Specifically, valuable

research could be conducted connecting issues of nationalism, racism, religious fundamentalism, political ideology, masculinity, and human rights abuse.

In addition, new research could investigate new questions which have been neglected within the literature on state repression and which I was unable to address in this research. There are several directions that I see for further development in this regard, and many of these questions also have practical ramifications in the realm of advocacy work. First, while I am interested in the socio-emotional variables that influence patterns of abuse, the data analyzed here did not lend itself to answering these kinds of questions. I do hope that in the future human rights research will look more closely at how emotional factors influence patterns of abuse. I find it interesting that in the case of El Salvador there was a specific period, perhaps one or two years, during which time abuse levels peaked. It would be interesting to look at the socio-emotional shifts that occurred before, during, and after, these “peak” years. I suspect that emotional factors, or perhaps cycles, are somehow involved in these “peaking” effects and I think that it would be a fascinating subject of sociological study.

Another limitation of this research was its focus on the nation-state as the primary perpetrator of human rights abuse. While the social scientific literature on repression deals almost exclusively with state actors, human rights organizations are paying more and more attention to the role of non-state actors, including armed groups, corporations, individuals, and vigilante groups, in perpetrating human rights abuses. How the concepts of pressure, threat, willingness and opportunity translate to non-state actors is unclear and therefore open to future research. How human rights organizations can best influence non-state actors is a question that deserves more attention within social science scholarship. Yet, because of the links that exist between non-state actors and states, it may be possible in some cases to influence non-state entities by placing pressures on relevant states to engage non-state actors in a way which gives a higher priority to human rights concerns. I hope that future research addresses these questions.

Perhaps the most obvious limitation of this research is that its generalizability is compromised due to the narrow selection of cases. I accept this criticism in part, since strict generalizability was a trade off that I was prepared to make in order to enable a more in-depth study of human rights abuse patterns. Yet, the *concepts* that are developed in this research do suggest that certain processes may be able to be, in fact, generalized. On some level, this is what successful research is really all about, generating new ideas and paradigms for scholarship that can be reviewed and altered and extended upon. Through the formation, elaboration, and refinement of theoretical concepts, this research has provided insights into human rights abuse patterns that would not have been accessible using other methodologies. The generalizability of findings remains in part to be seen, and I welcome other scholars to look into whether the theoretical concepts developed here fit well with their own case studies. Through the process of continued testing, these concepts can be refined, and it is this process to which this research ultimately hopes to contribute.

Before closing, let me note that there are several lessons that advocates can take away from this research and incorporate into their own work. Based on the research findings discussed above, human rights advocacy should work to implement the following strategies:

- Target the external supports upholding repressive regimes, especially nation-states providing economic and military aid to repressive regimes.
- Raise concern over bi-lateral actions which are disproportionately hostile or threatening, and which may lead to increased security measures being adopted within a nation-state.
- When state actors participate in human rights abuse, human rights advocates should continue to place responsibility on state actors, regardless of whether the state blames its action on internal aggression or external threat.
- Be aware of state fragmentation, and support factions within the state which resist implementing repressive strategies.
- Be aware that sudden and undemocratic regime transitions may be followed by a period of heightened repression.
- Be aware of how your actions will likely be interpreted by state actors, especially considering the configuration of internal and external stability [or instability] in which a state finds itself. This is especially important when your strategies incorporate an economic component.
- Be aware also of state ideology and identity, as this may also influence state perception.
- Act in unison whenever possible. This means that duplication across organizations may be good in some cases. Human rights organizations should raise similar concerns vis-à-vis a given nation-state and should maximize symbolic pressure by acting together whenever possible, or at minimum in especially urgent situations.
- Involve regional actors as well as international actors whenever possible, including international and regional human rights systems and international financial institutions.
- Encourage regional and international organizations to take concrete and pro-active steps vis-à-vis the state in question.
- Similarly, encourage regional and international organizations to pressure the external supports upholding repressive regimes.
- Facilitate peace initiatives whenever possible and encourage the involvement of international and regional organizations in peace processes.
- Advocate domestic institutional change [for example, concerning the police, the military, the judicial system, the economic system, and the political system] as a long-term solution to situations of abuse.
- Economic incentives may be beneficial under certain circumstances, but be wary of strategies that may be perceived as being overly threatening or hostile. When used, however, both incentives and penalties should be clearly conditioned on state behavior.
- A reliance on international relationships may help to improve the internal human rights situation because of the need to maintain a positive international image, as well as due to a reliance on economic and other kinds of supports. Under certain circumstances, severing ties *may* serve to heighten the perception of external threat and *may* compromise the ability of the international system to effectively influence state behavior. When used, such strategies should be thoughtfully crafted and critically assessed at regular intervals with human rights concerns at the forefront all policy evaluations.

- Be aware that human rights abuse may become more covert or may take on different forms as international criticism increases, and be prepared to implement fact-finding techniques which uncover covert forms of abuse and which uncover the ties between the state and groups responsible for committing abuses.
- Maintain pressure during periods of transition in human rights abuse patterns, even if the human rights situation appears to be improving.

9.5 CONCLUDING COMMENTS

The primary objectives of this research were to facilitate a better understanding of human rights abuse by contextualizing abuse both in terms of international relations and historical process, and to develop new theoretical tools that are relevant to both scholars and advocates. I believe that this research has contributed to the current discussion on state repression in two fundamental ways. First, this dissertation research has focussed on the intersections between international events and interventions, national politics, and historical context, and has examined their affects on patterns of human rights abuse over time. This integration of multiple levels of analyses has been a step forward in theorizing about human rights abuse and has pointed the way for further research. Second, this research has also contributed to existing theoretical paradigms on human rights abuse by viewing the state and the international system as internally divided and contradictory structures, and has challenged rationalist theories which have leave the inner dynamics of the “state” unexamined by assuming that it is unitary, holistic, and driven by a known set of interests. Recognition of the political fault lines that exist within both the international and domestic arena enables one to address issues of fragmented policies, divergent pressures, and the decoupling of rhetoric and action. Understanding the value and the interdependence of theoretical and practical questions relating to human rights abuse, it is important to merge national and international perspectives together.

This book also supports the value of human rights research. A sociological inquiry into human rights concerns can be of great theoretical interest and practical relevance. This research has been intended to serve not only the social science community, but also the human rights advocacy community. The issues raised throughout this work are especially applicable to real world human rights concerns because they help orient scholars and advocates to important strategic questions. These questions have included which kinds of pressure strategies are most effective at curtailing human rights abuse, from where effective pressure strategies originate, and where pressure strategies should be targeted in order to obtain their most desired effect. This has proven to be a fruitful way to think about questions of strategy effectiveness, and as such may be especially helpful when it comes to the very pragmatic objective of curtailing and ending human rights abuse.

I very much hope that other scholars take up the task of theory building where this dissertation leaves off, and I hope that the questions and controversies raised in this work serve as the basis for effective policy formation and continued debate. Working on behalf of human rights, upholding the dignity of the human person, and ensuring accountability for government abuses is a critical task for all of us, scholars and advocates alike.

Appendix A

Cuba

Status of Human Rights Treaty Ratifications

TREATY NAME	DATE OF RATIFICATION OR SIGNATURE
International Convention on the Elimination of All Forms of Racial Discrimination	15 February 1972
Convention on the Elimination of All Forms of Discrimination against Women	17 July 1980
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	s: 17 March 2000
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	17 May 1995
Convention on the Rights of the Child	21 August 1991
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.	s: 13 November 2000
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.	s: 13 October 2000

Appendix B

El Salvador

Status of Human Rights Treaty Ratifications

TREATY NAME	DATE OF RATIFICATION OR SIGNATURE
International Covenant on Economic, Social and Cultural Rights	30 November 1979
International Covenant on Civil and Political Rights	30 November 1979
First Optional Protocol to the International Covenant on Civil and Political Rights	6 June 1995
International Convention on the Elimination of All Forms of Racial Discrimination	30 November 1979
Convention on the Elimination of All Forms of Discrimination against Women	19 August 1981
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	17 June 1996
Convention on the Rights of the Child	10 July 1990
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.	s: 18 September 2000
American Convention on Human Rights	23 June 1978 <i>*Accepts the jurisdiction of the Inter-American Court on 6 June 1995</i>
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights	6 June 1995
Inter-American Convention to Prevent and Punish Torture	5 December 1994
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women	26 January 1996

Appendix C

Nicaragua

Status of Human Rights Treaty Ratifications

Treaty Name	Date of Ratification or Signature
International Covenant on Economic, Social and Cultural Rights	12 March 1980
International Covenant on Civil and Political Rights	12 March 1980
First Optional Protocol to the International Covenant on Civil and Political Rights	12 March 1980
Second Optional Protocol to the International Covenant on Civil and Political Rights	s: 21 February 1990
International Convention on the Elimination of All Forms of Racial Discrimination	15 February 1978
Convention on the Elimination of All Forms of Discrimination against Women	27 October 1981
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	s: 15 April 1985
Convention on the Rights of the Child	5 October 1990
American Convention on Human Rights	25 September 1979 <i>*Accepts the jurisdiction of the Inter-American Court on 12 February 1991</i>
Protocol to the Inter-American Convention on Human Rights to Abolish the Death Penalty	9 November 1999
Inter-American Convention on Forced Disappearance of Persons	s: 10 June 1994
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women	12 December 1995

Notes

NOTES TO CHAPTER I

¹ The 2000 Amnesty International Annual Report made the following statement regarding the status of human rights in the world:

In country after country, imprisonment, torture and political killings were used by governments to silence opposition and maintain their hold on power. In some countries the widening gap between rich and poor fuelled protests by the desperate and dispossessed which were met with brutality and violence. In other countries, political instability degenerated into open armed conflict in which countless men, women and children were maimed or slaughtered. The millions of people fleeing in search of safety bore witness to the extent of persecution and violence around the world.... Yet in country after country, individual human rights activists refused to be daunted by the scale of the problems or the personal risks they faced. They organized protests, they mobilized to increase pressure for change and they took action to defend the victims of violations. They continued to draw new people into the growing network of human rights defenders, building a worldwide human rights movement of which AI [Amnesty International] is proud to be part.

² Brian Turner has argued that human rights must be broadly situated within the historical processes of globalization and modernization, including developments such as greater access to travel and technologies of communication, as well as the rise of inherently global problems, such as environmental degradation and the threat of nuclear catastrophe. Anthony Giddens (1990, p. 125–126) has also elaborated on this theme through his discussion on the modern “globalization of risk.”

³ Later generations of rights owe their construction to certain historical patterns, economic structures, and international events. The right to culture and self-determination, for example, evolved in part out of the experiences of Western colonialism. The right to development became salient within the context of increasing global income inequality and the rise of global capitalism. Further, the artificial divide between domains of rights [i.e. Civil and Political Rights versus Economic, Social and Cultural Rights] was itself intensified and exacerbated by the Cold War tensions of the post-World War II era.

⁴ While some international human rights instruments are not considered to be legally binding on member states [such as the 1948 United Nations Universal Declaration of Human Rights],

other human rights instruments do carry some legal implications. International human rights law is discussed in greater detail in Chapter 2 (see Newman and Weissbrodt 1996a and 1996b).

- ⁵ The distinction that runs throughout this dissertation between “international” and “transnational” in many ways implies a distinction in the way in which national sovereignty is conceptualized, and the level of emphasis placed upon the nation-state. Within what I term “international” arenas, state sovereignty is deemed to be of primary importance, as it is nation-states who are the principal actors. For example, I would categorize the United Nations as an *international* organization because it affirms the self-determination and autonomy of member states, and because nation-states comprise its membership. International organizations or arenas are then state-centered. The term “transnational” is generally used relating to *non-state or multi-state actors or processes, which are not constricted by national boundaries* (see Keck and Sikkink 1998). For my purposes, transnational actors include certain social movements, social networks, and corporations, whose activity is not limited to any one state. Transnational movements, for example, may not place an active emphasis on the sovereignty of nation-states, because they instead focus on a political cause, such as human rights protection, environmental preservation, or global disarmament, which reaches across national boundaries.
- ⁶ As Makau Wa Mutua (1996, p. 589) has noted “A diverse and eclectic assortment of individuals and entities now invoke human rights norms and the attendant phraseology with the intent of cloaking themselves and their causes in the paradigm’s perceived power and righteousness.” Even the Guatemalan military during the 1980s, as pointed out by Jennifer Schirmer (1996), hopped on the bandwagon and “looted” the rights discourse.
- ⁷ Regional Human Rights Conventions, Courts and Commissions have been established within Europe, the Americas, and most recently within Africa. While Asia remains active within the field of human rights through the work of Asian human rights non-governmental organizations, it is the only part of the world without a similar institutionalized regional human rights forum (Newman and Weissbrodt 1996a).
- ⁸ Human Rights Watch, for example, has advocated the need to strengthen international institutions in order better to address human rights issues. In a recent annual report, Human Rights Watch (2000) notes:

The scope of today’s global human rights problems far exceeds the capacity of global institutions to address them. The problem is most acute in the global economy, where a disturbing institutional void frequently leaves human rights standards unenforced. But the problem also arises as the world struggles to stop mass atrocities, protect the victims of these crimes, rebuild their countries, and bring their persecutors to justice. In each case, a more interconnected and seemingly smaller world rightfully feels a greater responsibility to respond. Yet the capacity to meet these demands has not kept up with the challenges. A reinforced global architecture is needed.

- ⁹ The fusion of scholarship and advocacy work raises many questions as to whether or not it is appropriate or possible to combine academic integrity and political commitment. The work of Anthony Giddens (1990) and Pierre Bourdieu (1989; see also Kleinman 1996) have been especially instructive to my thinking on these questions. The sociological explication of human rights abuse forces the discipline to deal honestly with questions of human suffering, injustice and conflicting ethical and political perspectives. Indeed, the very concept of “suffering” becomes an important mechanism through which the human and political implications of injustice are confronted. Using human suffering and abuse as a conceptual

tool, a sociological notion, and a rhetorical device, infuses the discipline with all kinds of ethical and political overtones. Social science, if it plays a role in illuminating international [and intranational] inequalities, must therefore deal with—theorize and make central—the realities of human suffering and the dynamics of abuse. To acknowledge and expose the international and national dynamics of suffering can then be seen as one of the most critical tasks sociology as a discipline can undertake. Sociologists must become adept at thinking relationally—between, for instance, the national and the international, or between the national and the local, or between the international and the local. So too, must human rights advocates. As articulated by Bourdieu (1992, p. 58), reflexive sociology must develop a “...scientific humanism which refuses to split existence into two realms, one devoted to the rigors of science, the other to the passions of politics, and which labors to put the weapons of reason at the service of the convictions of generosity.”

¹⁰ Here, I also mean to include the *transnational forces*, such as the human rights movement, which affects both international discourse and national level agency (Keck and Sikkink 1998; see Gamson 1998; see also Giugni et al. 1998).

NOTES TO CHAPTER II

¹ To develop this distinction further, Howard and Donnelly (1986, p. 802) write that “Conceptions of human dignity, in their social and political aspects, express particular understandings of the inner (moral) nature and worth of the human person in his or her proper (political) relations with society. Human rights, by contrast, are the equal and inalienable rights, in the strong sense of entitlements that ground particularly powerful claims against the state, which each person has simply as a human being. Human rights are a particular social practice that aims to realize a distinctive substantive concept of human dignity.” One of the characteristic features of human rights, then, is its emphasis on human equality and individual worth, rather than worth as ascribed through social capacity or social status.

² Neil Stammers (1995) lays out some of the most important work relating to human rights in this area and discusses a new framework on rights that he calls the “social democratic” construction of human rights. He argues that this paradigm attempts to bridge some of the classical divisions between Universalists and Relativists by locating the ontology of rights within neither timeless morality [as Universalists might claim] nor hegemonic power relations [as Relativists may argue], but rather in the vulnerability of the human individual within the modern world. While Stammers (1995, p. 498–499) attempts to develop this idea, he notes that it does not entirely resolve the Relativist challenge. As Rolando Gaete (1991, p. 156) has noted, explicitly or implicitly, “this discourse is an agenda on power.”

³ William Brugger (1996) notes that the image of the person in modern human rights concepts revolves around ideas of individual self-determination, meaningfulness [as opposed to biological determinism], responsibility, physical protection, and lifestyle protection. Human rights, insofar as they are constructed in relation to the individual or the community, are not only valued for intrinsic reasons, but as a way to ensure social justice and global peace. Human rights concerns, then, are linked to issues of environmental sustainability, economic justice and development, as well as issues of international peace and cooperation. The Universal Declaration of Human Rights makes this connection explicitly when it recognizes that the “...inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” See G.A. res. 217 A(III), U.N. Doc. A/810 at (1948), reprinted in Newman and Weissbrodt 1996b.

⁴ For a discussion of the relationship between human rights and citizenship rights see Boli (1987) and also Jacobson (1996).

- ⁵ To summarize this idea, Paul Magnarella (1995, p. 159) notes, “The universal human rights concept involves comprehensive spatial, temporal and societal dimensions: the rights of all peoples at all times and in all societies.”
- ⁶ For further discussion of Turner’s article, see the critique by Malcolm Waters (1996), and Turner’s response (1997). See also J.M.Barbalet’s (1998, chapter 6).
- ⁷ For an on-line compilation of all the above documents, including information on ratification status, consult the following web-site: <http://wwwl.umn.edu/humanrts/>.
- ⁸ Amnesty International (1998 Annual Report) articulates the advocacy position on indivisibility in the following statement: “People cannot advance their economic, social and cultural rights without some degree of political space and freedom. Economic and social development, in practice, rarely benefits the poorest and most disadvantaged unless these groups are able to participate fully in their society, and to hold their government accountable by exercising freely their political and civil liberties. And people cannot exercise their political rights or safeguard their civil freedoms if they are marginalized from society by poverty or their social position.”
- ⁹ The full statement by Mary Robbinson before the General Assembly is also available on-line at the following web address: <http://www.unhchr.ch/>.

OpenDocument. United Nations Secretary-General Kofi Annan also reiterated this sentiment in his statement on 7 April 2000 before the fifty-fifth session of the Commission on Human Rights when he too noted that, “Recognizing that human rights are inter-related, indivisible and interdependent, you have helped ensure that the implementation of social and economic rights goes hand in hand with political and civil rights.” Also available online at: <http://www.unhchr.ch/>.

- ¹⁰ A useful online resource for the activities of the United Nations in the field of human rights is the site maintained by the Office of the High Commissioner for Human Rights. For a more comprehensive list of the relevant human rights instruments created and maintained by the United Nations, please consult the following web-address: <http://www.unhchr.ch>.
- ¹¹ For the Conventions listed above, the year referenced refers to the year in which that Convention entered into force.
- ¹² Other contributions to the human rights framework include instruments and guidelines from the International Labour Organization, the International Committee of the Red Cross, and the United Nations Educational, Scientific and Cultural Organization as well as from regional human rights organizations (Newman and Weissbrodt 1996a, p. 16–25; Allen et al. 1996).
- ¹³ The Human Rights Committee monitors the implementation of the Covenant on Civil and Political Rights; the Committee on Economic, Social and Cultural Rights monitors the implementation of the Covenant on Economic, Social and Cultural Rights; the Committee against Torture monitors the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Committee on the Elimination of Racial Discrimination monitors the Convention on the Elimination of All Forms of Racial Discrimination (CERD); the Committee on the Elimination of Discrimination against Women monitors the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and finally, the Committee on the Rights of the Child monitors the Convention on the Rights of the Child (CRC).
- ¹⁴ These include the General Assembly, the Economic and Social Council, the Commission on Human Rights, and the Sub-Commission on the Promotion and Protection of Human Rights

[formerly known as the Sub-Commission on Prevention of Discrimination and Protection of Minorities].

- ¹⁵ For further discussion of the Inter-American system, see Buergethal (1985) and Farer (1997).
- ¹⁶ Latin America also has a long history of human rights advocacy and support. The American Declaration of the Rights and Duties of Man was, along with the Universal Declaration of Human Rights, also adopted in 1948.
- ¹⁷ Feminists have also dealt with similar issues within the context of national civil rights law (see generally MacKinnon 1989).
- ¹⁸ Feminist criticisms and thoughts on this subject have been quite diverse. Just as Feminists themselves represent a dynamic group of scholars and thinkers who hold varying positions on any number of human rights related issues, so too has their writing reflected these internal debates. Eva Brems (1997) is particularly instructive in her discussion of “liberal,” “radical” and “cultural” Feminist perspectives on human rights issues. Similarly, Andrew Byrnes (1992) helps to elaborate the divide within Feminist circles relating to issues of gender difference versus gender equality in the re-construction of human rights norms.
- ¹⁹ In a recent analysis of “Global Patterns in the Achievement of Women’s Human Rights to Equality,” Poe et al, (1997b, p. 830), note the following:

Descriptive analysis of the two measures [political equality and economic equality] showed that very few of the world’s countries approached anything nearing the full realization of women’s right to equality. The results obtained with the two scales were very similar, as we might expect due to the moderately high correlation between the two measures. Many of the countries achieving the lowest possible scores with both measures were the predominantly Muslim countries of the Middle East and North Africa. Countries from this part of the world also achieved the lowest mean scores of any of the regions of the world, a finding consistent with the idea that religious and cultural factors are an important part of the explanation of why women’s rights are achieved in some countries and not in others. The countries from North America and Europe had the highest mean scores of any of the world’s regions on both the political and economic human rights scales. This finding, and the very strong correlation between per capita gross national product and each of the two scales, suggests that the connection between economic development and respect for these rights is a very important one that is worthy of further research.

This general finding may be taken one of two ways. At face value it openly concludes that many non-Western countries have failed miserably in guaranteeing women’s rights to equality. This is, no doubt, true in many respects. Yet, there is a concern that one may come away with the observation that Western countries have done a much better job. One must be aware of the construction of women’s rights as they intersect with cultural values and meanings, and how these constructions are in turn reflected in scholarship. A more

fundamental question, perhaps, relating to the construction of women's rights, may lie in the subjective definitions women from different cultural contexts are able to articulate for themselves. Until this discourse is engaged increasingly by more and more women who are able to bring forth their concerns, ideas, and unique situations, both the discourses of human rights and women's rights will remain partial. In this regard, a whole sub-set of literature addresses the concerns raised by third world Feminists. For a nice discussion of these issues, see Uma Narayan's (1997) "Contesting Cultures: "Westernization," Respect for Cultures and Third-World Feminists."

NOTES TO CHAPTER III

¹ Poe and Tate (1994b; see also Poe et al. 1999) found international war to be a significant predictor of human rights abuse, however, civil war was an even *more significant* predictor than was international war suggesting that factors concerning the proximity and immediacy of internal conflict, as well as the possible ambiguities in defining the "enemy," may lead to more severe violations of human rights. In terms of numbers, far more people have died at the hands of their own governments in the twentieth century than in war (Stanley 1996, p. 11; see David 1997; see also Eckstein 1965). Rudolph Rummel (1994) estimated that from 1900 to 1987 the death toll from government's murdering their own civilians equaled approximately 169,202,000—a number four times greater than the number of battle dead resulting from all international and civil wars taking place within that same period.

² Many of the results obtained using these factors as independent variables remains mixed. Mitchell and McCormick (1988, p. 497) were among the first to tackle the problem of quantitatively studying human rights abuse. In summarizing their research findings, they conclude:

We generally found that economic hypotheses were better supported than the political ones. For instance, countries that enjoyed higher levels of economic well-being had somewhat consistently—albeit modestly so—better human rights records than those that did not. Extensive ties to capitalist states did not in themselves detract or contribute to the levels of human rights violations in the nations in our data set; the actual level of development—as measured by domestic income levels—seems to be a more important factor. For the political explanations, results were more mixed. While former British colonies are somewhat less likely to imprison their citizens than are countries with other colonial backgrounds, both were about equally likely to torture their citizens. The relative "newness" of a state turned out to be unrelated to both dimensions of human rights violations, and support was mixed for Kirkpatrick's thesis on authoritarian and totalitarian regimes. A weak version of Howard and Donnelly's thesis on liberal and communitarian regimes was generally borne out by our data, but their stronger version was not.

However, in other studies more specifically focussed on levels of US aid to Latin American countries, a stronger correlation to levels of human rights abuse has been found (Klare and Arnson 1979; Schoultz 1981; Shestack 1989; Gibney 1997; see Poe 1992 and Cohen 1982; see also Poe et al. 1994a).

³ Poe and Tate (1994b) conceptualized the dependent variable as violations of personal integrity rights. “Life Integrity Rights” or “Personal Integrity Rights,” as defined by Fein (1995), represent a more narrow subset of human rights and include the following:

The Right to Life—Violations of this right include genocide, mass killing, summary and extra-judicial execution, and “disappearances.” Besides mass killing, genocide also may include a) murder through starvation or poisoning of air, water or food and b) the involuntary transfer of children when such practices are directed against a national, ethnic, or racial group with the intent to destroy the group.

The Right to Personal Inviolability—This right is violated through acts of torture, rape and sexual abuse, as well as inhuman and degrading treatment and punishment.

The Right to be Free of Fear From Arbitrary Seizure Detention and Punishment—This right is violated through the lack of due process mechanisms, the use of arbitrary detention, and the lack of a fair trial.

Freedom to Own One’s Own Body and Labor—Violations of this right include slavery, forced labor, debt slavery, and equivalent institutions.

The Right to Free Movement Without Discrimination—This right is violated through group macro-segregation [Apartheid], micro-segregation, group detention and forced resettlement.

⁴ This discussion of “poverty” and “democracy” may suggest that I am taking for granted the traditional split between the political and economic realm. It is not my intent to do so. In his study, Muller (1995) has attempted to show that economic and political structures are fused in a fundamental way. Muller (1995, p. 967) notes the following:

As originally proposed by Lipset (1959), the explanation of the positive effect of economic development on the likelihood of a country establishing and maintaining democracy emphasizes two interrelated intervening variables: political culture and social structure. First, economic development is closely associated with increases in education, which in turn promotes political attitudes conducive to democracy (e.g., interpersonal trust and tolerance of opposition). Second, economic development alters the pyramid-shaped social

stratification system, in which the majority of the population is lower-class and poor, to a diamond shape, in which the majority of the population is middle-class and relatively well-off.

Yet, Muller also notes that economic development may lead to a decrease in democracy [as in the case of several countries including Argentina, Chile, Mexico, Greece and Turkey] by *increasing*, rather than decreasing, income-inequality. This is likely to occur especially within developing and “modernizing” countries. As such, democracy and development are linked in what appear to be systematic ways (see also Lipset 1960; Russett 1964; Bowles and Gintis 1987; and Dryzek 1996). Further, as Ronald Inglehart (1995) has also pointed out, economic and political factors are also related to cultural variables, and vice versa.

- ⁵ For a more detailed look at the psychology of perpetrators the work of Ervin Staub (1989 and 1985) is especially helpful.
- ⁶ In his writings on genocide, Kuper (1981, p. 94) analyzed Nazi ideology and elaborated on the glorification of violence contained therein, as “...national socialism proclaimed the virtues of violence, of storms of blood.” The images used to invoke feelings of triumph, righteousness, and national pride are often laced with reference to violence as the means towards purification and victory.
- ⁷ In her review of the research on genocide, Helen Fein (1993) draws upon the work of Norman Cohn whose research has helped to show that ideas promising “messianic deliverance” regularly lead to murder. Fein writes (1993, p. 49), “Cohn views genocide not as a result of calculated action but as the action out of messianic, apocalyptic fantasies promising salvation.... These fantasies stem from specific apocalyptic traditions which, adapted to change to new conditions, are revived in times of social crisis.”
- ⁸ Evans et al. note in this regard that (1985, p. 15), “[A]utonomous state actions will regularly take forms that attempt to reinforce the authority, political longevity, and social control of the state organizations whose incumbents generated the relevant policies of policy ideas....”
- ⁹ Actors operating in the interests of repressive states are also motivated by personal interest maximization. William Brustein and Jürgen Falter (1994; see also Brustein 1996) focus on rational-choice explanations, specifically relating to material interests, for individual decisions to join the Nazi Party between 1925 and 1932. According to these authors (1994, p. 394), “The Nazi Party’s positions calling for protectionism, economic autarky, job creation, social advancement, and elimination of reparation payments appealed to many blue-collar laborers, notably import-industrial sectoral workers, skilled laborers, and nonunion laborers.”
- ¹⁰ There is some debate within Marxist circles, then, about “human rights” as a discourse and “state violence” as an action. Generally, the view taken by Marxists seems to depend on the level of analysis through which these scholars frame their analyses. On the one hand, the dominant human rights discourse may be seen as hegemonic in its role in perpetuating globalized political and economic liberalism (see Baxter 1989). On the other hand, however, the violence of the state is *problematized* [along class lines] and seen as an injustice. Marxists, in general terms, are not relativists in the conventional sense. Marxists acknowledge that violence is perpetrated by states, and that this violence is repressive and unjust. Marxists are ideologically sympathetic to human rights concerns in this way.

However, Marxists [or neo-Marxists] also acknowledge power inequality within the global system and may be skeptical of the ways in which international human rights are constructed by the most powerful of countries and reflect the interests of global economic elites.

¹¹ For example, the particularly gruesome tactics used by the Salvadoran death squads had *as part of their strategy* the terrorization of a population. William Stanley (1996, p. 1) writes:

The security forces embellished their killings to heighten fear. Victims were often beheaded. The names or initials of various death squads were carved into bodies, and the killers left hand-written notes warning that the same fate awaited other “subversives.” Torture left unmistakable marks on cadavers: limbs, teeth, fingernails, eyes, tongues, breasts and genitals were removed or lacerated; bodies were burned with fire or with acids that literally removed the features of victims’ faces. In the capital city of San Salvador, morning commuters would find severed limbs, and even heads, at bus stops and on board buses. Lest anyone doubt the national scope of the death squads, families of victims sometimes found that their loved ones’ heads and bodies had been dumped in separate departments of the country. Women victims were often raped; so, less frequently, were men.

¹² One of the ways that history shows its salience is in the frames and symbols used by social and revolutionary movements during times of conflict. One of the most tangible examples in this research is the ways in which the revolutionary left in Central America and Cuba mobilized around leaders from the past in order to connect their modern struggles against the state to larger national and historical struggles against exploitation or imperialism (see Michaels 1987; see also LaFeber 1993). One of the ways that history matters, therefore, is idealized legacy. For example, Salvadoran revolutionaries invoked the image of slain revolutionary hero Augustín Farabundo Martí, who led a peasant uprising in El Salvador in 1932 (see Gettleman et al. 1986). The political left in Nicaragua tied its revolutionary struggle to that of Augusto Sandino, who had refused to lay down arms and fought a bloody battle against U.S. intervention by battling against Marines stationed in Nicaragua during 1927. Similarly, the 26th of July Movement in Cuba employed the image of national hero José Martí who was one of the most influential intellectuals in Cuban history, and who took up arms to fight for Cuba’s independence from Spain.

¹³ Of course, there is also the question of state willingness to engage in abusive tactics, and in this way willingness must be viewed as *both* a cause and effect. Knowing that levels of willingness fluctuate, as variables are apt to do, may beg the question of *why* willingness *itself* varies. In this way, willingness can be explored as both a dependent *and* independent variable. It seems logical to presume that changes in patterns of human rights abuse do not just happen. Rather, shifts in patterns of human rights violations may occur when there is a shift in the context in which states must decide their behaviors, or perhaps a change within the state itself. Change in “context,” as broadly conceptualized, includes changes in pressures affecting the state, and this configuration of pressure may relate to a state’s willingness to employ repressive strategies.

NOTES TO CHAPTER IV

¹ While I will spend most of my time discussing these two paradigms, there are certainly more ways in which scholars have attempted to address the question of movement mobilization.

One of the earliest developments within the field was what has been called “grievance theory,” which simply assumed a relatively direct relationship between social frustrations and spontaneous political outbursts. These collective behavior theorists, as such, tended not to address issues of formal organization, resources, opportunities, purposive action, or identity, where much of the subsequent theorizing has attempted to give insight (see Tarrow 1998, chapter 1).

²This divergence in focus may result from the larger ontological tension between structure and agency in the social sciences. The use of the term “structure” in sociology is always the focus of some debate and ambiguity. Giddens has conceptualized structure as being the “rules and resources” of a society (Giddens 1974). This notion is juxtaposed against issues of agency, or purposive action which “through the interplay of habit, imagination and judgement, both reproduces and transforms those structures” (Emirbayer and Mische 1998). Yet, as Giddens (1974) and others (Bourdieu 1986 and 1989; see also Bourdieu and Wacquant 1992; see also Kleinman 1996) have pointed out, structure and agency are in an inseparable, mutual relationship with one another. In an important article, William Sewell (1994) presents an account of the limitations of the definition of structure, and as a contribution, offers up the concept “schemas,” which he argues more accurately capture what was meant by “rules,” and suggests the “virtual” quality of rules and resources.

³I am including under this broader paradigm what has been called the “political-process model” of movements, which focuses on political opportunity structures.

⁴Bert Klandermans (1997, p. 207) has offered an insightful way to think about resource-mobilization theory and the development of movements:

As far as the transformation of discontent into collective action is concerned, I use the dynamic of supply and demand as a metaphor. A society may host a large number of discontented people, but this ‘demand’ of protest activity may never become visible unless the appropriate protest opportunities are ‘supplied.’ Conversely, a ‘supply’ of protest opportunities will get nowhere if there are no people who are discontented, although ‘supply’ may generate its own ‘demand,’ especially if it makes people aware of problems or opportunities they weren’t aware of before.

⁵Not only are structural political opportunities important to movement mobilization, but so to are the *perceptions* of opportunities. Perceived opportunities relate directly to expectations for success among movement participants (see Kurzman 1996; and Klandermans 1997, chapter 7).

⁶For an especially interesting discussion on conceptualizing the nation-state, see the concluding chapter “On the Road toward a More Adequate Understanding of the State,” by Peter Evens, Dietrich Rueschemeyer, and Theda Skocpol (1985) in their volume *Bringing the State Back In* (see also Bourdieu 1994 and 1986; and Clarke 1991).

⁷Thomas Rochon (1998, chapter 3) adds to this literature by extending the language of framing to “value creation,” “value conversion,” and “value connection.” He writes (1998, p. 57):

Value conversion, value creation, and value connection are each forms of cultural change, but each has a different impact on the stock of cultural concepts we use to organize the world. Value conversion involves the reevaluation of existing concepts. Conversion results in the repudiation of old behaviors and laws, and a demand for new ones. Value creation is the formation of new concepts, resulting in an

expansion of our collective concerns and of the political agenda. Through value creation, problems previously left unconsidered or defined as being outside the political realm become subject to community norms and political contest. Value connection is the development of new linkages between concepts. All three forms of value change make possible new coalitions of social forces, but value connection is especially potent in this regard.

⁸ Kevin O'Brien (1996) in his article entitled "Rightful Resistance" elaborated on issues of framing specifically as it relates to rights claims. O'Brien notes that rights claims are typically couched within the dominant political discourse. That is, rights claims do not always pose a challenge to the values articulated by the state, but rather, push the state to behave in compliance with those stated ideas and principles.

Rightful resisters normally frame their claims with reference to protections implied in ideologies or conferred by policymakers. Since they often demand little more than scrupulous enforcement of existing commitments, theirs is a defiance based on strict adherence to established values. In their acts of contention, which usually combine legal tactics with political pressure, rightful resisters typically behave in accord with prevailing statutes (or at least not in violation of them). They forgo, for example, unlawful force or other criminal behavior, which might weaken their standing and alienate their backers. Instead, rightful resisters assert their claims largely through approved channels and use a regime's policies and legitimating myths to justify their defiance (O'Brien 1996, p. 33).

⁹ In a related development, David Meyer and Nancy Whittier (1994) have discussed the phenomenon of "social movement spillover," which develops the notion that movements are not only influenced by political structural factors, they are also influenced by the language, tactics, and identities of other movements. There are many blurred boundaries, for example, between the human rights movement, the women's movement, the peace movement and the green movement—thereby broadening the scope and potential impact of each movement through its affiliation with the others. The wide-spread use of "rights" language itself also illustrates this point.

¹⁰ Economic factors may lead to the mounting of strong grievances by oppressed segments of the population. As John Booth (1991) has pointed out, many of the revolutions in Central America occurred after the transition to export economies increased economic stratification and left the rural poor in an ever-worsening economic situation. This, coupled with the presence of divided, corrupt and repressive regimes, focussed and increased popular contention against the state (see also Menéndez Rodríguez 1980; de Janvry 1981; Paige 1993; Palloni et al. 1996; and Chalmers et al. 1997).

¹¹ Goldstone (1982, p. 189–192) developed ten propositions of what he termed to be "law-like empirical generalizations" about the progression of revolutions:

- Prior to a great revolution, the bulk of the "intellectuals,"—journalists, poets, playwrights, essayists, teachers, members of the clergy, lawyers, and trained members of the bureaucracy—cease to

support the regime, writing condemnations and demanding major reforms.

- Just prior to the fall of the old regime, the state attempts to meet its sharpest criticism by undertaking major reforms.
- The actual fall of the regime begins with an acute political crisis brought on by the government's inability to deal with some economic, military or political problem, rather than by the action of a revolutionary opposition.
- Even where the revolutionary opposition to the old regime was once united, the collapse of the old regime eventually reveals conflicts within the revolutionary opposition.
- The first group to seize the reins of state are moderate reformers.
- While the moderates seek to reconstruct rule on the basis of moderate reform, often employing organizational forms left over from the old regime, alternative, more radical centers of mass mobilization spring up with new forms of organization.
- The great changes in the organization and ruling ideology of a society that follows successful revolutions occur not when the old regime first falls, but when the radical, alternative, mass-mobilizing organizations succeed in supplanting the moderates.
- The disorder brought by the revolution and the implementation of the radicals' control usually results in the forced imposition of order by coercive rule.
- The struggles between radicals and moderates, and between defenders of the revolution and external enemies, frequently allow military leaders to move from obscurity to commanding, even absolute, leadership.
- The radical phase of the revolution eventually gives way to a phase of pragmatism and moderate pursuit of progress within the new status quo.

¹² For example, Carlos Vilas (1996, p. 463) has described the democratization process in Central America, and has noted the way the rebels were perceived as a threat to democracy.

From the elites' perspective democracy was under severe threat, due to the revolutionary challenge; according to them the goal of the insurgent movements was to bring about totalitarian regimes of a Castro-

communist type committed to the crushing of individual and economic freedoms. Democracy—a word that was alien to their public discourse until very recently—was basically reduced to its procedural dimension: electoral competition among the propertied classes supported by the clientelistic manipulation of the captive vote of the rural, illiterate masses.

- ¹³ The notions of impact responsiveness and structural responsiveness fit in well with the theoretical work developed on “tipping points,” which denotes a widespread normative shift or turning point in time (Finnemore and Sikkink 1998). In terms of international norms, once a tipping point has occurred the rate of change with regard to countries accepting and implementing the new norm increases dramatically. This is what has been called the “norms cascade,” during which time it is much easier to convince countries to adopt new norms, simply because those norms have gained a level of acceptance and legitimacy within the international arena. This highlights at least two issues for human rights organizations, 1) that it may be helpful whenever possible to frame new issues in relation to accepted human rights language and norms [as with frame extension], and 2) that influencing countries to adhere to new norms will often be difficult early in the process, but that the momentum will often increase after a few successes.
- ¹⁴ These ideas about social movement success are similar to Keck and Sikkink’s (1998) five levels of transnational issue-network influence, which are: 1) issue creation and agenda setting, 2) influence on the official positions of states and international organizations, 3) influence on institutional procedures, 4) influence on policy change and 5) influence on state behavior. Further, achieving success in any one of these five domains depends on other variables such as issue resonance, network density, and target vulnerability.
- ¹⁵ Liberals make a set of assumptions on the nature of state behavior, which at times overlap the rationalist assumptions implicit in political Realism, and which include: 1) state behavior is primarily a function of the constraints placed on state actors by being embedded in domestic and transnational civil society, 2) all governments represent some segment of domestic society, whose interests are reflected in state policy, and 3) the behavior of states—and hence levels of international conflict and cooperation—reflects the nature and configuration of state preferences (Slaughter Burley 1993, p. 227–228).
- ¹⁶ Goldstein and Keohane (1993, p. 8) have also called these scholars “reflectivists,” and characterize this position in the following manner:

More far-reaching criticisms of rationalistic models have become common in the literature on international relations. According to this “reflectivist” view, beliefs are a central element of research because in the words of Alexander Wendt, analysis turns on how “knowledgeable practices constitute subjects.” Reflectivists “share a cognitive inter-subjective conception of process in which identities and interests are endogenous to interaction, rather than a rationalist-behavioral one in which they are exogenous.

For further elaboration on this position, see Alexander Wendt’s (1992; see also 1994) well-known critique of neo-Realism, “Anarchy is What States Make of It: The Social Construction of Power Politics.”

- ¹⁷ John Ruggie (1998, p. 878) has summarized the Constructivist position as follows:

Constructivists hold the view that the building blocks of international reality are ideational as well as material; that ideational features have normative as well as instrumental dimensions, and that the meaning and significance of ideational factors are not independent of time and space.

- ¹⁸ This debate is again similar to the agent-structure debate within sociology and social theory more generally. In fact, some international relations scholars have drawn upon Giddens' theory of structuration to address this dilemma, elaborating the view that, in reality, the arrow between "state" and "international system" should be conceptualized as recursive. States influence the international system, yet the international system also changes, legitimates, and constitutes the nation-state. For a discussion of the agent-structure debate in international relations, see Singer 1961; Dessler 1989; and Wendt 1987.
- ¹⁹ Risse and Sikkink (1999) elaborate on the idea of nation-state "socialization," which is perhaps yet another implication of international pressure. Socialization of the state into international society involves the translation of international norms into national level policies and practices. While at first this result may be a consequence of international pressure, effective international strategy would encourage the state to comply with international norms even in the absence of ongoing pressure.
- ²⁰ A separate sub-set of literature within international relations has explored the idea of "two-level games." This idea was originally set forth in an article by Robert Putnam (1988) in which he emphasized the dual role from which national political leaders cannot escape when conducting foreign policy. In carrying out foreign affairs, Putnam argued, national political leaders must come to terms with both domestic and international audiences. As such, Putnam attached a level of importance to domestic politics in the creation of foreign policy. Along the same lines, Thomas Risse-Kappen (1995, p. 299–300) has noted that in light of transnational actors and their influence in policy formation, Putnam's model could be extended to one of "three-levels games."
- ²¹ According to the definition provided by Keck and Sikkink (1998, p. 9), transnational advocacy networks include:

(1) international and domestic non-governmental research and advocacy organizations; (2) local social movements; (3) foundations; (4) the media; (5) churches, trade unions, consumer organizations, and intellectuals; (6) parts of regional and international intergovernmental organizations; and (7) parts of the executive and/or parliamentary branches of governments. Not all these will be present in each advocacy network. Initial research suggests, however, that international and domestic NGOs [non-governmental organizations] play a central role in all advocacy networks, initiating actions and pursuing more powerful actors to take positions. NGOs introduce new ideas, provide information, and lobby for policy changes.

NOTES TO CHAPTER V

- ¹ As with any research method, there are also disadvantages to the historical-comparative approach. These advantages and disadvantages must be weighed according to the objectives of the research. For a more extensive overview of the positive and negative attributes of historical-comparative methodologies, please consult Ragin 1997; Goldstone 1997;

Rueschemeyer and Stephens 1997; Goldthorpe 1996; King et al. 1994; McMichael 1992; and Øyen 1990. Similarly, for a review of some of the limitations of using quantitative data in studies of human rights abuse, please consult McCormick and Mitchell 1997; and Goldstein 1987.

- ² In order to ensure comprehensive documentation of human rights abuse patterns within my case countries, I utilized Amnesty International's documentation library, housed at the Office of the International Secretariat in London, England. This collection contains reports detailing both the changes in levels and types of abuse. Because Amnesty International has been engaging in human rights fact-finding missions and data collection for several decades, this resource is very valuable to me because the collection provided extensive over-time human rights data that was both qualitative and quantitative. Research at Amnesty International was funded by the MacArthur Interdisciplinary Program on Global Change, Sustainability and Justice through a Pre-dissertation Fieldwork Grant, which I received in 1999.
- ³ The Human Rights Watch documents analyzed in this research are available at the University of Minnesota Human Rights Library.
- ⁴ Human Rights Watch began in 1978 as Helsinki Watch. In 1981 Americas Watch was established, followed by Asia Watch in 1985 and the Prison Project in 1987. In 1988 the Watch Committees officially became known under a single banner, that of Human Rights Watch.
- ⁵ I was also given the opportunity to access the United Nations Library in Geneva, Switzerland. Research was funded through the 2000 Anna Welsch Bright Research Award, which I received from the Department of Sociology.
- ⁶ The University of Minnesota Library more generally also houses important and expansive document databases from the National Security Archive on U.S. policy towards El Salvador, Nicaragua, and Cuba. Further, there are several comprehensive on-line document data bases including the University of Minnesota Human Rights Library <www1.umn.edu/humanrts/>, the Washington College of Law Inter-American Human Rights Database <www.wcl.american.edu/pub/humright/digest/inter-american/index.html>, and LANIC the Latin American Network Information Center <www.lanic.utexas.edu/>.
- ⁷ For a discussion of the conceptual distinction between "international" and "transnational," please refer to Chapter 1, at footnote 5.
- ⁸ This definition closely parallels the concept of "organized non-violent protest" as set forth by Poe et al. (1997a).
- ⁹ To revisit Fein's (1995) definition of personal integrity rights, please see Chapter 3, at footnote 3.

NOTES TO CHAPTER VI

- ¹ Human Rights Watch/Americas (October 1995, p. 2), in its 1995 report *Cuba: Improvements without Reform*, notes, "A review of the past decade's events indicates that repression in Cuba occurs in waves, with relatively relaxed periods followed by crackdowns. Unless there are changes in Cuba's legal structure—including the repeal of repressive laws and the institution of due process guarantees—the human rights situation could deteriorate abruptly." Amnesty International has echoed these conclusions. For example, in a prepared statement by Carlos M. Salinas, the Program Officer for Latin America and the Caribbean, Amnesty International USA, Mr. Salinas stated, "Looking back at the documentation by Amnesty International of the past three decades, one can discern two major human rights themes. One is the government impatience with, and intolerance of, political dissent and of independent human rights, journalistic or unionist activity.... A second theme is the cycle of repression

and tolerance, which is not only manifested internally but also externally.” Mr. Salinas testified on 28 June 1996, before the House Committee on International Relations, the Subcommittee on International Operations and Human Rights, and the Subcommittee on the Western Hemisphere on the human rights situation in Cuba.

- ² The 26 July Movement (M-26-7) was the name given to the small group of young revolutionaries led by Fidel Castro. Their first major offensive against the Batista regime was launched on 26 July 1953 against the Moncada Army Barracks in Santiago de Cuba, at the southeastern end of the island. While the rebels suffered a crushing initial defeat, their efforts received a great deal of attention within Cuba and the 26 July Movement gained the support of many Cubans all across the country (Paterson 1994).
- ³ For more detailed information regarding these and other development indicators, please refer to the United Nations (1960 and 1965) *Statistical Yearbook for Latin America and the Caribbean*. It is also worth noting that even these universal benefits have been subject to withdrawal in the past based on political criteria, and individuals involved in acts of political dissent have lost educational and employment opportunities. Further, other groups such as homosexuals and Jehovah’s Witnesses have had a long history of being targeted with repression and have often not received state benefits, due in part to prejudice or ideological conflict (See AI 1987; Americas Watch 1989).
- ⁴ Speeches given by Cuban President Fidel Castro in the early 1960s illustrate the Cuban government’s reluctance to distinguish between legitimate political dissent and counter-revolutionary action. In a 1965 speech given in honor of the fourth anniversary of the founding of the Interior Ministry, Castro made the following comment on the differences between counter-revolutionary criminals and political criminals:

We always call counterrevolutionary criminals by the name of counterrevolutionary criminals. The counterrevolutionaries try to call themselves political criminals. And I always remember that the definition of “political criminal” which was most accepted as being correct and which seemed to us to be the most correct was that of a great Spanish penologist, who felt that one could speak of political crimes or of political prisoners only in cases of citizens who acted against political laws in a certain instance in an attempt to establish a better social system, a fairer social system, a more progressive social system, a revolutionary social system; but that those who struggled for a conservative social order, for a reactionary social order, for a retrograde social order, for a return to the past could never deserve to be considered political prisoners or political criminals, that is, with the word “political” included.

The full text with this speech is available through the Castro Speech Database, an extensive database which is accessible on-line through the University of Texas LANIC (Latin American Network Information Center) system. See <http://www.lanic.utexas.edu/la/cb/cuba/castro.html>.

- ⁵ The United States Central Intelligence Agency repeatedly targeted Fidel Castro himself for assassination. These attempts predated the Bay of Pigs Invasion, and were a rather notorious failure. A Senate Intelligence Committee report listed eight CIA-instigated plots against

Castro's life. Castro himself, however, placed the number of assassination attempts at 24 (Center for International Policy 1977, p. 9–10).

- ⁶ The full text with this speech is also available through the Castro Speech Database, accessible on-line through the University of Texas LANIC (Latin American Network Information Center) system. See <<http://www.lanic.utexas.edu/la/cb/cuba/castro.html>>.
- ⁷ One of the most infamous examples of the corruption of the Cuban judiciary during this period was in the trial of Major Huber Matos, a former revolutionary and contemporary of Fidel Castro who began to criticize the revolution shortly after it came into power. Fidel Castro himself was called as a principal witness against Matos. Matos was sentenced to twenty years imprisonment for “anti-patriotic and anti-revolutionary conduct” (Walker 1993, p. 117). For a discussion about the contemporary Cuban legal system, see Michalowski (1995) “Between Citizens and the Socialist State.” While the Revolutionary Tribunals were abolished in 1973, Amnesty International and Human Rights Watch have continued to note the lack of due process within Cuba's judicial system. This lack of due process is a constant problem which does not seem to vary substantially through the years.
- ⁸ The purpose of the economic embargo was two-pronged. First, it was meant to weaken the Cuban economy. Prior to the revolution, Cuba had been conducting 70% of its total trade with the United States (Center for International Policy 1977). Second, the embargo was meant to create internal strife within Cuba, and unite the Cuban people against a government that could not meet with the necessities of daily life.
- ⁹ Cuba was expelled from the OAS in July 1964 for arming Venezuelan guerrillas. At that time, Mexico was the only country to maintain trade relations with Cuba and to oppose the hemispheric attempt at isolation (Center for International Policy 1977).
- ¹⁰ While the penal code was updated in 1987, the charges brought against political dissidents have remained generally the same from the 1970s to today. They include charges for such crimes as “Enemy Propaganda” [Article 103 of the current penal code], “Contempt” [Article 144 of the current penal code], “Public Disorder” [Articles 200 and 201 of the current penal code], “Sedition” [Articles 100C and 125C of the current penal code] and “Clandestine Printing” [Article 241 of the 1979 penal code] (Americas Watch 1989, p. 10–18; AI 3 March 1999). Other common criminal offenses frequently brought against political dissidents include “Disrespect,” “Defamation,” “Disobedience,” and “Resistance” (AI January 1998, p. 1).
- ¹¹ The bombing of a Cubana Airlines jet shortly after take off from an airport in Barbados on 6 October 1976 caused the Cuban government to suspend the anti-hijacking treaty. Fidel Castro linked the bombing, which killed all 73 passengers and crew members on board, to Cuban exile terrorist groups in Miami working with the CIA (Center for International Policy 1977).
- ¹² The Cuban Interests Section was located in the Czech Embassy in Washington D.C., and the United States Interests Section was housed in the Swiss Embassy in Havana.
- ¹³ Amnesty International visited the island twice more, once in 1988, and once again in 1990.
- ¹⁴ This kind of language (i.e. “worms”) has been fairly characteristic of the ways in which Cuban authorities have portrayed Cuban dissidents. Yet, the use of these images, or derogatory language, does not seem to have fluctuated in the same way as have the actual levels of political imprisonment or arbitrary detention. Political scientist Juan del Aguila (1993, p. 166) describes the more common ways in which political dissenters in Cuba have been portrayed by the authorities:

The vehemence with which dissenters are vilified strongly suggests that anti-regime organizations in Cuba are viewed as a dangerous internal threat, deserving of the government's reprisals. Dissenters are systematically denounced as a small minority that ought to be

dismissed; as malcontents that should be satisfied with the benefits of socialism; as traitors because “true revolutionaries never abdicate”; as social misfits or “declassé” individuals with no credibility; and as stooges of the United States.

- ¹⁵ After Mariel there was an agreement made between the United States and Cuba which provided for the return of some of the Marielitos to Cuba. This agreement was in effect between December 1984 and March 1985. 201 Marielitos were in fact returned, but when the United States began its broadcasts of Radio Martí, the Cuban government terminated the agreement. It was later reinstated in November 1987.
- ¹⁶ According to an Americas Watch Report (1983, p. 16), several thousand of the Marielitos had been imprisoned in Cuba for violent crimes. Within three years of the boatlift a traffic officer in Las Vegas, a shopkeeper in Sacramento, two passengers on a Greyhound bus in South Carolina, and a lunch counter customer in Reading, Pennsylvania had all been shot dead by Cuban criminals shipped over during the Mariel boatlift to the United States.
- ¹⁷ Upon their arrival to the United States, about 200 of the Marielitos were placed in mental institutions. The American Psychiatric Association called the Cuban government’s action of sending mentally ill patients to the United States a “...grossly inhumane act since it deprives the patients the right to psychiatric treatment within the context of their own culture and language.... Isolated from their families, surroundings and communities, the treatment and well-being of these patients pose serious social and public health concerns” (as quoted in Americas Watch 1983, p. 17).
- ¹⁸ One negative event, however, occurred in 1983 when Cuba suspended its plan for the unconditioned release of political prisoners (OAS 1983).
- ¹⁹ In the realm of domestic institutions, the 1980s marked a period of changing leadership inside Cuba’s political governing bodies. Between 1965 and 1980, the composition of the political leadership remained relatively unchanged. During those 15 years not a single member of the Political Bureau was dropped or replaced. However, the late 1980s marked a series of personnel changes in high office due to unprecedented removals from office, leading perhaps to a slight degree of political instability (Domínguez 1994).
- ²⁰ This lack of commercial fertilizers and pesticides was also responsible for some creativity on the part of Cuban agriculture. As a result, innovate new organic farming methods have been developed.
- ²¹ Carlos M. Salinas, representing government Program Officer for Latin America and the Caribbean, Amnesty International USA, also noted this development in the Cuban human rights situation during his testimony before the United States Congress. For additional information, please refer to footnote 1 of this chapter.
- ²² The most well known of these incidents occurred in July 1994, when some 80 Cubans stole a state-owned tugboat, named the “13 de Marzo,” and attempted to flee the country. Survivors claim that three ships from the Cuban Coast Guard pursued the boat and repeatedly rammed the “13 de Marzo,” spraying the deck with high-pressured water hoses. The tugboat was reportedly split apart and some forty Cubans, about half of whom were children, were drowned. Amnesty International publicly called for an independent investigation of this incident (AI 12 July 1996). The Inter-American Commission of Human Rights reviewed the case and similarly called for an investigation in order to identify and punish those persons responsible for the crime (See Inter-American Commission on Human Rights, Victims of the “13 de Marzo” v. Cuba, Case 11.463, Report No. 47/96, OEA/Ser.L/V/II.95 Doc.7 rev. at 127(1996)).
- ²³ According to Amnesty International (December 1992, p. 7), while the “acts of repudiation” were presented as non-state sponsored pro-government protests, there was in fact evidence of state involvement:

Despite attempts by the authorities to try to represent the “acts of repudiation” as the spontaneous action of ordinary citizens in defence of the Cuban revolution, there is clear evidence that at least in some cases they are planned in advance by Communist Party organizations, that the security forces are integrally involved in instigating them and allowing them to be carried out without interference, and that the mass media have in some instances played a part in inciting people to participate in such acts. To Amnesty International’s knowledge, while those under attack have frequently ended up in detention, in some cases only briefly, in no case have any of those responsible for perpetrating the attacks been arrested.

- ²⁴ This incident resulted, in part, in the adoption of the Helms-Burton Law within the United States, further tightening the provisions for the economic embargo against Cuba.
- ²⁵ The Organization of American States (OAS) also continued to report on the human rights situation in Cuba, despite Cuba’s expulsion from the OAS in 1964 (see OAS 1983).

NOTES TO CHAPTER VII

- ¹ El Salvador is quite a small Central American country, slightly smaller in area than the State of Massachusetts. El Salvador also has one of the highest rates of population density in Latin America.
- ² In Guatemala, death squads and counterinsurgency efforts were responsible for the killings of some 50,000 to 75,000 persons between 1978 and 1985. The estimated number of deaths resulting from the thirty-year civil war in Guatemala is estimated at 100,000 with another 38,000 persons “disappeared” (see Ball et al. 1999). In El Salvador, between 1978 and 1991 the number of dead number grew to over 75,000 people, out of a population of only 5 million.
- ³ I found the expertise of political scientist William Stanley extremely valuable, and would especially recommend his book *The Protection Racket State: Elite Politics, Military Extortion, and Civil War in El Salvador* to those interested learning more about the history of political violence in El Salvador. For those interested in learning more about U.S. foreign policy and intervention in El Salvador, I would also recommend two collections of documents compiled by the National Security Archive. The first collection, *El Salvador: The Making of U.S. Policy, 1911–1984* reproduces on microfiche over 27,000 pages of U.S. government documents, in many cases previously classified and made available through the Freedom of Information Act. The second collection, *El Salvador: War, Peace, and Human Rights, 1980–1994* contains 1,384 additional documents, including United States intelligence, defense, and diplo-matic records representing some 6,614 pages of formerly secret documentation produced at the highest levels of the U.S. government. Both of these collections contain a wealth of fascinating information.
- ⁴ In addition to El Salvador’s regular armed forces [army, navy and airforce], El Salvador also maintained special security forces used for domestic national security. Among these were the National Guard, the National Police, the Customs Police, and the Treasury Police. All of these institutions have since been implicated in committing serious human rights abuses. The National Guard, for example, was notorious for combining military and policing duties, especially in the countryside where it protected the interests of the landed elite. In addition, the *Organización Democrática Nacionalista* [Nationalist Democratic Organization], known as ORDEN [meaning “order” in Spanish], was a civilian organization designed to enable the military to penetrate rural and marginal urban communities. The paramilitary function of

ORDEN became well known as human rights abuses in El Salvador became more visible (AI 8 December 1977, p. 4–10; AI September 1982, p. 2). As early as 1977, Amnesty International (8 December 1977, p. 6) expressed concern over the human rights abuses committed by ORDEN:

While a certain part of the role of ORDEN is clearly political indoctrination—and political mobilization—rather than coercion, the activities of ORDEN which are most evident to the observer are those in which ORDEN members accompany and support legally constituted security forces, and the local, violent, direct action taken by ORDEN members apparently on their own initiative. The latter such action is illustrated by the cases of at least 15 peasant leaders murdered by ORDEN members between January and September 1977, according to information in Amnesty International files. In addition, documentation on electoral fraud in the presidential elections of 1977 has given considerable emphasis to the role of ORDEN members in intimidation of members and supporters of opposition parties, with severe acts of violence attributed to ORDEN.

Recruitment into ORDEN resulted both through military service and through government employment in service industries. Ex-soldiers also were required to serve two years as members of the army reserve, and many were subsequently recruited into ORDEN (AI 8 December 1977, p. 6).

⁵ Members of the Catholic Church in El Salvador were often politically active and worked with local peasant organizations. This was especially true for men and women in the church influenced by Liberation Theology. This political commitment implicated the church as targets of state violence. Early on in the period, during January and February 1977, Amnesty International reported that many Roman Catholic Priests had been murdered, detained or “disappeared,” and that many had been held under conditions of extreme torture (AI Annual Report 1978). In January 1979, 40 youths were forcibly removed by security forces from a class on Christianity and the organizer of the class, along with four students, were shot and killed on the spot. Twenty other students were charged with the preparation of subversive materials (AI Annual Report 1980).

⁶ In November 1978, over 100 members of the British House of Commons nominated the Archbishop of San Salvador, Oscar Arnulfo Romero, for the Nobel Peace Prize (National Security Archive 1989, p. 27).

⁷ The government of El Salvador claimed that there were only 48 persons imprisoned for violating the Public Order Law. However, the Salvadoran Human Rights Committee (SHRC), then headed by Archbishop Romero, estimated the number to be much higher. According to the SHRC, 715 persons had been arrested under the Public Order Law, of which 102 persons remained in confinement after President Romero had promised their release. Five hundred-ninety were estimated to have been released, but only after severe mistreatment and torture, 2 persons were reported as murdered, and 21 as “disappeared.”

⁸ On 11 May 1979, in a 27-page air-gram to the Department of State summarizing El Salvador’s urban labor movement since August 1977, the U.S. Embassy in San Salvador cited an “unprecedented display of union power, all the more surprising because of the labor

movement's general reputation of being weak and divided" (as quoted in National Security Archive 1989, p. 28).

⁹ According to several reports from the period, the new junta met with mixed reactions from El Salvador's political opposition (National Security Archive 1989, p. 29):

PDC Sec. Gen. José Antonio Morales Ehrlich voices acceptance of the new government and supports its reform program. The UDN, El Salvador's official communist party, describes the new government as a possible step forward, but calls for an end to the state of siege and release of all political prisoners, and urges popular demonstrations to continue the struggle. In Mexico, FAPU and the Popular Leagues—28th February (LP-28) leaders are skeptical of the new government's commitment to reform. ERP leader Joaquín Villalobos states in a clandestine press conference that his forces are granting a partial truce, but emphasizes that Salvadoran history "is full of military coups led by people who at first adopt the platform of the people before allowing things to go back to the way they have always been."

¹⁰ The Proclamation was accompanied by Decree No. 1 of 15 October 1979 in which the junta assumed executive and legislative powers, and declared that it would rule by means of official decrees, which were to be effectively considered as national law (HRW 1982, p. 247–248).

¹¹ The PDC conditioned its participation on the "military's agreement to reorganize the security forces, hold dialogue with popular organizations, initiate labor and agrarian reforms, create an industrial development plan, nationalize banks and foreign trade, and exclude private sector elements from the new government" (National Security Archive 1989, p. 31).

¹² According to William Stanley (1996, p. 188–189), "To say that the Salvadoran right was hostile to the new junta would be an understatement... Roberto D'Aubuisson summarized the common view of the right when he said, '[t]he Christian Democrats are communists,' explaining that 'communists are those or that which directly or indirectly aid Soviet expansionism.' According to D'Aubuisson, the 'collectivist' policies of the PDC fell into this category."

¹³ There is also considerable evidence that there were plans during this period for another coup attempt in El Salvador, this time from the extreme right. In a secret cable transmitted from the United States Embassy in San Salvador to Washington D.C. on 6 February 1980, Ambassador Devine warned that "mutilated bodies are now turning up along roadsides as in the worst days of the Romero regime," and that the "extreme right is reportedly arming itself preparing for a show-down in which it undoubtedly would hope to ally itself with the military. Embassy is hearing from different sources that the right is increasingly close to undertaking a political initiative" (as quoted in National Security Archive 1989, p. 32). The Department of State responded by making it clear to Salvadoran business leaders, landowners, and military officials that a rightist coup would lead to the withdrawal of proposed U.S. aid (National Security Archive 1989, p. 23). In a subsequent cable on 23 February 1980, Ambassador Devine wrote (as quoted in National Security Archive 1989, p. 32):

We have taken these [coup] rumors seriously because there is every reason for the ultra-right to strike... Although the [RGJ] remains weak and ineffectual, the right is realizing that [the junta] has the determination and the authority to at least promulgate an agrarian

reform law... Powerful right-wing forces see their interests as doomed. Consequently, they are actively plotting a coup... We hope our warning will prove an effective deterrent [line excised].

- ¹⁴ At least two attempts were made on Majano's life during 1980. In the first attempt, which took place in early April 1980, an aircraft sent to Guatemala to pick up Colonel Majano was delayed due to bad weather. The plane exploded in mid-air about the time that Majano should have been on board. In the second attempt, which took place in early November 1980, a bomb exploded near the central military head-quarters just as Majano's vehicle was driving by. While Majano's car was all but destroyed, he himself emerged from the wreckage without injury.
- ¹⁵ On 21 September 1981, the extreme right coalesced to form the Nationalist Republican Alliance (*Alianza Republicana Nacionalista*), better known as the ARENA Party (National Security Archive 1989, p. 43).
- ¹⁶ On 11 March 1980, U.S. Ambassador Robert White arrived in San Salvador and presented his credentials to the Salvadoran government as the new United States Ambassador appointed to the country (National Security Archive 1989, p. 33). Ambassador White would turn into one of the more vocal critics of United States policies in El Salvador. After less one year as Ambassador to El Salvador, he was removed from office on 1 February 1981, shortly after the inauguration of President Ronald Reagan (National Security Archive 1989, p. 39).
- ¹⁷ In his own words, as translated into English, Archbishop Romero said (as quoted in National Security Archive 1989, p. 33):

I wish to make an appeal of a very special kind to the men of the army, and concretely, to the lower ranks of the National Guard, the Police, in the barracks... In the face of an order to kill given by a man, the law of God must prevail which says: Do not kill. No soldier is obligated to obey an order against the law of God... It is past time that you restore your consciences and that you obey your consciences and not an order to sin.

- ¹⁸ Stanley (1996, p. 178) has noted that, "[t]he year 1980 was probably the most tragic one in Salvadoran history. Some of the nation's finest leaders, individuals who sought to avoid a civil war through political compromise and negotiation, were assassinated. With each killing, prospects for reconciliation dimmed." In addition to Archbishop Romero, Attorney General Mario Zamora Rivas was shot in his home in February 1980, and in November 1980 the *entire* leadership of the Democratic Revolutionary Front, a notable non-guerrilla leftist group, was assassinated (AI Annual Report 1981).
- ¹⁹ In May 1999, nearly twenty years after the torture and deaths of these four women, the families of the churchwomen were able to file suit against two Salvadoran officials high in the military chain of command at the time of the killings. General Carlos Eugenio Vides Casanova, then Director of the National Guard and General José Guillermo García, then Minister of Defense, were served with an official complaint on 11 May 1999. The complaint, filed under the Torture Victim Protection Act, claimed that the two men were ultimately responsible for the 1980 murders. The case was lauded by human rights advocates as a landmark case which could have potentially altered the law of command responsibility. On 3 November 2000, however, the jury found the defendants not guilty. For more information on the trial, please consult the web-site for the Lawyer's Committee for Human Rights on-line at: <www.lchr.org>.
- ²⁰ A white hand was one of many symbols adopted by the death squads, and was often painted on doors and along city streets to incite fear among the Salvadoran population (AI Annual Report 1980). The particularly gruesome tactics used by the Salvadoran death squads had as

part of their strategy the terrorization of the population. “Disappearances,” massacres, bombings, the razing of villages, the destruction of crops, painful mutilations and horrific acts of torture were reported by human rights monitoring organizations at an alarming rate in the early 1980s (see AI Annual Reports 1979–1983). In the end, no segment of the society was free from the threat of such violence.

- ²¹ The agrarian reforms proposed by the RGJ were split into three phases. Only the first phase was implemented, and even then only partially and with significant problems. Phase I provided for the transfer, through expropriation or purchase, of estates over 500 hectares to campesino families who would operate them as private cooperatives. Phase II provided for the similar transfer of farms ranging from 100 to 500 hectares. Phase III provided for the so called “land-to-the-tiller” program which was designed to give renters and sharecroppers ownership of the lands which they had been working. Beneficiaries would have received plots under seven hectares (HRW 1982, chapter 2).
- ²² The National University of El Salvador was attacked on several occasions throughout this period, leading to the murders of hundreds of students and University professors. In one particularly violent attack on 26 June 1980, the University was completely occupied by state military forces and 22 students were shot and killed (AI Annual Reports 1981 and 1982).
- ²³ I say “tended” because toward the end of the civil war the FMLN increasingly used landmines as part of its tactical strategy to claim and control territory.
- ²⁴ The FMLN became more and more successful in its offensive strategies throughout the early 1980s and won several military victories in the conflict. For example, on 15 October 1981, the rebels destroyed El Salvador’s most important bridge, the *Puente de Oro* over the Lempa River, effectively isolating the eastern third of the country (National Security Archive 1989, p. 43). Such actions allowed the rebels to control nearly half the country during this period. In January 1982, rebels placed dozens of bombs throughout the capital of San Salvador, destroying buildings and electrical installations, and causing multiple blackouts throughout the city (National Security Archive 1989, p. 46). Between January and July 1982, the rebels had destroyed 58 bridges and 300 buses. High voltage towers had also been destroyed, leaving the provincial capitals of San Miguel and Zacatecoluca without electricity. In 1982 the U.S. Embassy estimated the cost of the war during that one year to be \$596 million, including military spending (\$59 million, or 17% of the national budget), infrastructure damage (\$98 million) and lost agricultural production (\$235 million) (National Security Archive 1989, p. 53–57).
- ²⁵ In December 1981, the rebels themselves offered a detailed and extensive proposal to enter into negotiations, without preconditions, with all sectors of the government (National Security Archive 1989, p. 44). This offer was all but ignored. In January 1982, the Foreign Ministers of El Salvador, Honduras and Costa Rica announced the creation of the Central American Democratic Community. It is this Central American alliance that would eventually lead to the successful negotiation of a peace settlement (National Security Archive 1989, p. 46).
- ²⁶ In early 1981, U.S. freelance reporter John Sullivan was killed at the hands of the death squads (National Security Archive p. 38–72).
- ²⁷ In 1981, more than 6,000 Salvadoran refugees applied for political asylum within the United States. That year, only four individuals met with INS criteria and were granted asylum. By August 1982, the United States was deporting approximately 800 Salvadorans every month. From September 1980 to January 1982 asylum was granted to just seven Salvadorans, from a pool of 8,000 Salvadoran applicants. These actions gave rise to the church-based “sanctuary-movement,” in which churches all over the United States gave shelter and aid to persons fleeing from El Salvador. In one case, members of the sanctuary movement became so strong as to be able to use their collective influence as stock holders in Western Airlines to force that airline to announce that it would no longer carry Salvadorans being deported back to El Salvador (National Security Archive 1989, p. 46, 53–54).

- ²⁸ Sixty-five of the country's 261 municipalities did not participate in the elections due to violence (National Security Archive 1989, p. 49).
- ²⁹ On 26 April 1982, the right-dominated Assembly voted in a series of measures to give itself added powers usurping some of the authority of the executive branch (National Security Archive 1989, p. 50). Further, after President Magaña's cabinet was installed, ARENA members were appointed to head the Agriculture, Economy, Foreign Commerce and Public Health Ministries. The PCN took the Ministries of the Presidency, Justice, Public Works and the Attorney General. The Christian Democrats retained the Foreign and Labor Ministries and added the Education Ministry and a post of Advocate General for the Poor (National Security Archive 1989, p. 50).
- ³⁰ While fighting between the FMLN and state security forces remained nearly constant throughout the mid-1980s, there were organized moments of respite in the conflict. With the help of the Archbishop Arturo Rivera y Damas, the International Committee of the Red Cross (ICRC), the Pan American Health Organization, as well as the Salvadoran Ministry of Health, the United Nations Children's Fund (UNICEF) were able to gain the cooperation of all sides to the conflict to ensure "days of tranquility." During these days of tranquility a cease fire was declared, for one or two days at a time, so that children could be taken safely to be immunized, particularly children under five years old. The initiative was part of a global UNICEF campaign against the six most deadly childhood diseases: diphtheria, whooping cough, tetanus, measles, tuberculosis, and polio (United Nations 1995, p. 8).
- ³¹ By 1985, some 40,000 killings had occurred within El Salvador since 1979, due in large majority to violence perpetrated by state forces (AI Annual Reports 1984–1986).
- ³² On 9 May 1984, in a public address to the nation, Reagan defended U.S. intervention in Central America (as quoted in Gettleman et al. 1986, p. 13–14):

The simple questions are: will we support freedom in our hemisphere or not? Will we defend our vital interest in the hemisphere or not? Will we stop the spread of communism in this hemisphere or not? Will we act while there is still time? There are those in this country who would yield to the temptation to do nothing. They are the new isolationists, very much like the isolationists of the 1930s, who knew what was happening in Europe but chose not to face the terrible challenge that history had given them. They preferred a policy of wishful thinking that if they only gave up one more country, allowed just one more international transgression, then surely, sooner or later, the aggressor's appetite would be satisfied. Well, they didn't stop the aggressors; they emboldened them. They didn't prevent war; they assured it... It's up to all of us, the Administration, you as citizens, you as representatives in the Congress. We Americans should be proud of what we're trying to do in Central America, and proud of what, together with our friends, we can do in Central America, to support democracy, human rights, and economic growth, while preserving peace so close to home. Let us show the world that we want no hostile, communist colonies here in the Americas: Central, South, or North.

³³ Costa Rican President Oscar Arias Sanchez received the Nobel Peace Prize in 1987 for his role in negotiating the peace plan.

³⁴ Esquipulas I was a May 1986 declaration affirming the commitment on the part of the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to peace, cooperation, and national sovereignty (United Nation 1995, p. 9)

- ³⁵ To help achieve these objectives, the Agreement included a provision for the establishment of an International Verification and Follow-up Commission (CIVS), which was itself composed of the Foreign Ministers of the those countries making up the Contadora Group and the Support Group, as well as the Foreign Ministers of the five Central American countries, and the Secretaries-General of the United Nations and the Organization of American States (United Nations 1995, p. 9). The establishment of the CIVS eventually led to the establishment by the United Nations Security Council (in resolution 644 of 7 November 1989) of the United Nations Observer Group in Central America (ONUCA), the first United Nations peace-keeping operation in the Western hemisphere (United Nations 1995, p. 10).
- ³⁶ See Ignacio Ellacuria, S.J. y Otros v. El Salvador, Case 10.488, Report N° 136/99, December 22, 1999, Inter-American Commission on Human Rights.
- ³⁷ For an excellent review of United Nations involvement within the Salvadoran Peace process, as well as for additional details concerning individual negotiations and agreements, please see *The United Nations and El Salvador 1990–1995*, United Nations Blue Book Series, Volume IV.
- ³⁸ ONUSAL maintained some 380 military observers, 8 medical officers, and 631 police observers. There was also a provision for some 140 civilian international staff and 180 local staff.
- ³⁹ Most recently, the Inter-America Commission of Human Rights recommended that the government of El Salvador adjust its domestic legislation so as to make it consistent with its obligations under the American Convention on Human Rights, and thereby render null and void the General Amnesty Law. See Ignacio Ellacuria, S.J. y Otros v. El Salvador, Case 10.488, Report N° 136/99, December 22, 1999, Inter-American Commission on Human Rights.
- ⁴⁰ ONUSAL reported in October 1993 that many of the recommendations formulated at the Peace Accords had not been implemented by the government, and land transfer reforms proved to be especially difficult (AI Annual Report 1995; United Nations 1995).

NOTES TO CHAPTER VIII

- ¹ During this time in Nicaragua, torture, “disappearance,” arbitrary killings and detentions were commonly reported to human rights organizations. As in El Salvador, violence by Somoza’s National Guard was particularly targeted against the rural poor (AI Annual Report 1975/76; see generally UNHCHR Fact Sheet No. 6 1997).
- ² See “Testimony on Human Rights Violations and the Relationship Between U.S. Economic and Military Assistance and the Somoza Family Regime in Nicaragua,” presented by Fernando Cardenal to the Subcommittee on International Organizations of the Committee on International Relations, U.S. House of Representatives, 8 June 1976.
- ³ For a more detailed review of the life and politics of Augusto Cesar Sandino, see Jeffery Paige (1997, chapter 5) *Coffee and Power: Revolution and the Rise of Democracy in Central America*.
- ⁴ Common methods of torture in Nicaragua at this time included rubber hoodings, electric shocks, immersion in extremely hot or cold water, and beatings on the soles of the feet (AI Annual Report 1975/76).
- ⁵ Martial Law under the Somoza regime was later lifted on 19 September 1977, re-instated on 12 September 1978, and again lifted in December 1978 (AI Annual Reports 1978 and 1979).
- ⁶ The Inter-American Commission on Human Rights also noted that young men and boys between the ages of 14 and 21, were explicitly targeted for killings by the National Guard as part of their counter-insurgency campaigns (AI Annual Report 1980).

⁷ In Nicaragua, pressure against the Somoza government originated from a broad social base. Businesspersons, trade-union organizers and students alike demanded political reform beginning with the resignation of President Somoza (AI Annual Report 1979). The support of many within the Nicaraguan economic elite set the Sandinista revolution apart from other revolutions of its kind. According to Jeffery Paige (1997, p. 295):

The Sandinistas' commitment to political pluralism and democracy had therefore been an important reason for bourgeois support for the revolution, even if few growers had any illusions about the Sandinistas' own political views. "It was always clear from the beginning that they [the Sandinistas] were Marxist-Leninists. I supported the revolution but we hoped other groups might gain power and we might have a real democracy," said one grower.... Commitment to Western-style democracy was therefore a major factor in bourgeois opposition to Somoza and initial support for the Sandinistas. It would also be a major factor in the collapse of that support.

⁸ On the morning of 17 July 1979, Somoza, along with family members and a few government officials boarded a plane for Miami. The caretaker government that was left behind lasted only two days. On 19 July, the official date of Sandinista victory, remaining government officials boarded another plane to Miami and followed Somoza into exile.

⁹ Shortly before the Statute of the Rights and Guarantees of Nicaraguans was enacted, on 22 July 1979, the new government issued a Law of National Emergency (*Ley de Emergencia Nacional*). This law expressed the desire to facilitate a reconstruction effort in the aftermath of the devastation incurred on Nicaragua's economy and infrastructure under the previous regime (AI 1986, p. 4). The law also suspended certain civil rights (AI 1986, p. 4). The Law of National Emergency was ultimately lifted in April 1980 (AI 1986, p. 5).

¹⁰ When Amnesty International sent the government of Nicaragua a memorandum summarizing its concerns the following year, Nicaragua responded cooperatively, and prepared a 67-page commentary in response (AI Annual Report 1982).

¹¹ Reviews of individual cases were carried out by the National Commission for the Protection and Promotion of Human Rights (CNPPDH: *Comisión Nacional para la Protección y Promoción de los Derechos Humanos*). While this was an improvement in policy, the reviews were not part of the standard judicial process, and the Commission was able only to conduct investigations and recommend pardons. Pardons were ultimately granted by national political authorities. Amnesty International (1986, p. 4) commented:

Although the Law of Pardon has since then resulted in the release of hundreds of prisoners sentenced by the special courts or under the Public Order Law, it has not systematically been applied as a remedy for injustices in the proceedings of the special tribunals in 1980 and 1981. Amnesty International has continued to recommend a systematic review of sentences handed down by the 1980 and 1981 special tribunals in order to remedy possible miscarriages of justice in those trials.

¹² In Cuba, the Revolutionary government also set up temporary courts to deal with the crimes of the previous dictatorship, yet no similar efforts were made to address those persons within the Revolution's ranks who had similarly violated the rights of Batistaños (Vanden and Prevost 1993). The historical contexts of these events may shed some light on this difference

in approach. After the 1979 Revolution, Nicaragua was eager to maintain international legitimacy by, in some respect, contrasting itself against possible comparisons to Cuba. During this period the new Sandinista government was very successful at addressing human rights concerns and implementing democratic and social reforms while at the same time minimizing its association with Cuba and the Soviet Union, as Nicaragua attempted to pursue a strategy of political “non-alignment” (Gilbert 1988; Vanden and Prevost 1993).

¹³ Other human rights abuses include the detainment of prisoners of conscience including Communist Party members and Christian Democrats, the denial of legal appeals, as well as reports of abuse against indigenous peoples, primarily Miskito and Sumo Indians, concentrated along the Atlantic Coast (AI Annual Report 1983; OAS 1984).

¹⁴ Americas Watch (1982, p. 6–7) noted at the time:

Human rights are afforded far greater respect in Nicaragua than in the nearby states of El Salvador and Guatemala. As stated in our May report, the Nicaraguan Government does not engage in a practice of torturing, murdering or abducting its citizens, practices that prevailed in Nicaragua under the regime of Anastasio Somoza Debayle. Nevertheless, human rights are increasingly threatened in Nicaragua today as a result of the Government’s decisions to suspend guarantees of individuals rights, detain hundreds of citizens in political cases, establish prior censorship of the press, and pursue in the Atlantic Coast region a security policy that has deprived thousands of Miskito Indians of fundamental rights.

¹⁵ The government of Honduras also funded the Contra rebels (AI Annual Report 1986; Hahn 1987; Landau 1993).

¹⁶ See also “Exchange of Correspondence Between Amnesty International and the United States Department of State Concerning Human Rights Abuses by Nicaraguan Irregular Opposition Forces,” Amnesty International, 28 July 1997.

¹⁷ In March 1982, Nicaragua declared a state of emergency in response to a rash of armed attacks along the Nicaraguan-Honduran boarder (AI Annual Report 1983). The state of emergency continued throughout 1983 and 1984, but in 1985 was modified to suspend freedom of movement, expression, association, habeas corpus as well as the rights to strike, hold public meetings and demonstrations (AI Annual Report 1986).

¹⁸ During this time, some Miskito Indians were involved in an armed movement seeking autonomy for the Atlantic Coast region. Miskito Indians were particularly targeted by the government, and hundreds were detained and ill-treated, at times even tortured and killed, by government forces (Americas Watch 1982, p. 30–40; AI 1986, p. 7–12; OAS 1984).

¹⁹ Official U.S. aid to the Contra rebels can be broken down as follows (CCPR 1989, p. 4):

\$19.95 million given in November 1981 for “covert actions.”

\$30.0 million given in December 1982 for “covert actions.”

\$24.0 million given in November 1983 for military and humanitarian aid to the Contras.

\$27.0 million given in June 1985 for military and humanitarian aid to the Contras.

\$100.0 million given in June 1986 for military and humanitarian aid to the Contras.

²⁰ Amnesty International again sent the government of Nicaragua memorandums summarizing their human rights concerns in February 1986 and July 1988, but this time neither received a response from the Sandinista government (AI Annual Reports 1987 and 1989).

²¹ The lapse in aid to the Contras ushered in the Iran-Contra controversy. Dennis Gilbert summarized the unfolding of those events as follows (1988, p. 167–168):

During the two-year hiatus in lethal aid, the contra movement maintained a surprisingly high level of military activity. The mystery of contra financing and logistics during this period was unraveled between October 1986, when a C-123 cargo plane carrying military supplies for the rebels was shot down over Nicaragua, and August 1987, when congressional hearings into the Iran-Contra affair ended in Washington. Linking the two events was the hearings' flamboyant star witness, Oliver North, a Marine colonel dismissed from the staff of the National Security Council shortly after the crash. It was learned that North had coordinated a secret contra supply operation from his office in the basement of the White House, in legal defiance of existing legislation, but with the support of senior administration officials. The C-123 and its largely American crew were part of the colonel's logistics network. North had also been deeply involved in shaping contra military and political strategy and in off-the-books schemes to pay for the supply flights and the munitions they carried. In the absence of Congressional appropriations, donations were gathered from private individuals and profits were diverted from the secret sale of arms to Iran. But the most significant unofficial funding for the contras came in the form of secret payments from conservative Third World governments solicited by senior American officials. Saudi Arabia alone contributed \$32 million.

²² In 1988 Congress again suspended military aid to the Contras, although the U.S. government continued to provide non-military assistance (AI 1989, p. 7).

²³ Before the election, in mid-1984, some basic rights were restored despite the State of Emergency. These measures restored of the right of citizens to hold political assemblies and demonstrations, to free movement throughout most of the country, as well as to strike. Censorship of the press was also lifted, except for materials concerning national security (AI 1986, p. 6).

²⁴ An opposition coalition of three political parties boycotted the 1984 elections (AI 1986, p. 6).

²⁵ Amnesty International again visited Nicaragua in March 1989.

²⁶ It is perhaps of interest to note that UNO as a political umbrella party was also advised and financially supported by the United States (AI Annual Report 1986).

²⁷ The CIVS also assisted repatriated refugees (Americas Watch 1994, p. 1).

²⁸ In October 1992 the Chamorro government established a Tripartite Commission to investigate the killings of both former Contra rebels and other Nicaraguans who had been killed during civil conflicts, including those situations in which ex-Contras were suspected to be the perpetrators (Americas Watch 1994, p. 3).

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