

Power Outage:  
Harnessing the Power of Social Movements, Religion,  
and Political Reform to the Cause of Human Rights

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For presentation at the UC-Berkeley comparative politics colloquium,  
October 23, 2014

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When asked to explain where the contemporary human rights movement gets its power, its advocates and the scholars who study it typically credit the rise of “global civil society.”<sup>1</sup> Human Rights Watch says that “its strength lies in its partnerships with local human rights groups, further extending its reach to the ground level and across the globe.”<sup>2</sup>

The lore of the movement portrays popular social mobilization as foundational to rights advocacy. Aryeh Neier, the founder of Human Rights Watch and arguably of the contemporary human rights movement, portrays the British and American abolitionists as heroes whose relentless energy against the injustice of slavery should serve as the model for today’s struggles for human rights.<sup>3</sup> Scholars sympathetic to the movement agree: the abolitionists prefigured contemporary rights activists in their uncompromisingly principled stance, their mobilization of civil society through moral rhetoric, and their tireless use of publicity to shame

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<sup>1</sup> Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders* (Cornell 1998), 32-4, prefer the formulation “transnational civil society.”

<sup>2</sup> HRW “about us,” n.d., quoted by the SUNY Levin Institute at <http://www.globalization101.org/the-rise-of-non-governmental-organizations-ngos-and-global-civil-society/>. As of August 29, 2014, Human Rights Watch says simply that “We work closely with a broad range of local and international civil society actors to maximize our impact.” <http://www.hrw.org/about>

<sup>3</sup> Aryeh Neier, *The International Human Rights Movement: A History* (Princeton University Press, 2012), 33-37.

perpetrators and those who abetted them.<sup>4</sup> Likewise, Gandhi and Martin Luther King are iconic for their ability to make rights messages resonate with their mass constituencies.

But at some point the movement's vision of global civil society got small. After the collapse of the Berlin Wall, the US Agency for International Development began allocating a large percentage of its budget for grass-roots "civil society" programs in transitional states, but already in 1995 its terminology and funding shifted toward "civil advocacy organizations," many of them elite, professionalized shamers and blamers documenting failures to comply with international law.<sup>5</sup>

To be sure, masses of demonstrators continued to turn up in the central squares of the capital cities of countries where corrupt, rights-abusing leaders had used strong-arm tactics to win phony electoral victories. Scholars documented the role of international networks in fostering "modular" color-revolutions-in-a-box in such places as Ukraine and Georgia.<sup>6</sup> But in many such places the human rights movement lacked the capacity to sustain the mobilization of a coalition to institutionalize liberal reform and rights practices. Even where leaders were toppled, politics usually slipped back into its accustomed abusive grooves.<sup>7</sup>

Often this happened not because there were no moderates who preferred a decent rights outcome, but because the mass of moderates was not organized around a cohesive strategy. In Egypt, for example, 49% of votes in the first round of the 2012 Presidential election were split among three candidates with moderate

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<sup>4</sup> Keck and Sikkink, 41-51.

<sup>5</sup> Sami Zabaida, "Civil Society, Community, and Democracy in the Middle East," in Sudipta Kaviraj, ed., *Civil Society: History and Possibilities* (Cambridge University Press, 2001), 232-249 at 255.

<sup>6</sup> Mark R. Beissinger, "Structure and Example in Modular Political Phenomena: The Diffusion of Bulldozer/Rose/Orange/Tulip Revolutions," *Perspectives on Politics* 5:2 (June 2007), 259-277; Valerie Bunce and Sharon Wolchik, "Transnational Networks, Diffusion Dynamics, and Electoral Change in the Postcommunist World," in Rebecca Kolins Givan, Kenneth Roberts, and Sarah Soule, eds., *The Diffusion of Social Movements* (Cambridge University Press, 2010), 140-162.

<sup>7</sup> Henry Hale, "Regime Cycles: Democracy, Autocracy, and Revolution in Post-Soviet Eurasia," *World Politics*, v. 58, no.1, October 2005, 133-65.

views on rights, who the better organized campaigns of the Muslim Brotherhood and the military junta edged out for the two places on the run-off ballot. Agonizing over this unpalatable choice, some Cairo human rights advocates lamented that they lacked the Brotherhood's mass social movement and vowed to take steps to foster well-organized, sustainable ties with the villages and the street.<sup>8</sup>

As the example of Egypt illustrates, mass social movements in transitional developing countries typically express social identities rooted in the networks of traditional society, normally ethnic and religious ones. Many of these movements, like many social movements throughout history, seek to advance the interests of their own group and are hostile to liberals' universalistic vision of human rights.<sup>9</sup> Nonetheless, religious motivations and organizations have been crucial to seminal progressive social movements in both developing and developed countries.

The anti-slavery movement depended heavily on Quakers, English Dissenters, and American Evangelicals of the "Second Great Awakening," and on the ability of more secular politicians like Abraham Lincoln to coopt their gospel-tinged rhetoric.<sup>10</sup> Gandhi drew upon Hindu religious and cultural raw materials to mobilize a mass movement to oppose oppressive taxation, discrimination against lower castes, mistreatment of women, and colonial rule.<sup>11</sup> Martin Luther King based his mobilization of the African-American community for effective civil disobedience on black churches, their social networks, their local authority figures, their

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<sup>8</sup> Leslie Vinjamuri's interview with Hossam Baghat, Cairo, June 2012; Jack Snyder's interview with Baghat, New York, February 26, 2014.

<sup>9</sup> Sheri Berman, "Civil Society and the Collapse of the Weimar Republic," *World Politics*, Vol. 49, No. 3 (April 1997), 401-429; Amaney A. Jamal, *Barriers to Democracy: The Other Side of Social Capital in Palestine and the Arab World* (Princeton University Press, 2008).

<sup>10</sup> Whitney R. Cross, *The Burned-Over District* (Ithaca: Cornell University Press, 1950); Roger Anstey, *The Atlantic Slave Trade and British Abolition, 1760-1810* (London: Macmillan, 1975); Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery*. New York: Norton 2010), xviii-xix.

<sup>11</sup> Judith M Brown, *Gandhi's Rise to Power: Indian Politics, 1915-1922* (Cambridge at the University Press, 1972).

distinctive rhetorical style, and their “turn the other cheek” philosophy.<sup>12</sup> Nowadays, however, the human rights movement is often characterized as the secular church of a professionalized liberal elite, whose rhetoric fails to mesh with the religious idiom of its clientele.<sup>13</sup>

Given the historical legacy of human rights as an inspiring mass movement, how has it come to pass that Human Rights Watch Executive Director Kenneth Roth now acknowledges “our relative weakness at mobilizing large numbers of people at this stage of our evolution”?<sup>14</sup>

*Why the turn away from a mass rights movement?*

Four hypotheses might be offered to explain the global human rights movement’s thin penetration of its supposed source of power, global civil society. Considered together, these conjectures imply a mismatch between the kind of rights movement that is being supplied and that kind that would be in demand if it were on offer.

The first common refrain is that human rights rhetoric is Western talk that fails to resonate in non-Western contexts. Rights ideas are presented in a way that is mainly secular, but the societies where rights abuse is worst are often religious. Moreover, NGO rights rhetoric individualizes rights, victims, and violators in societies where all three are commonly assessed in communal terms.

While these mismatches are real, they exaggerate the gap. Kathryn Sikkink’s *Justice Cascade* points out the role of grass-roots groups in the developing world, such as Argentina’s Mothers of the Disappeared, in placing issues of individual criminal accountability on the global agenda.<sup>15</sup> Sally Engle Merry points out that universalistic talk about rights accountability is a two-edged sword in the

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<sup>12</sup> Doug McAdam, *Political Process and the Development of Black Insurgency, 1930-1970* (University of Chicago Press, 1982).

<sup>13</sup> Stephen Hopgood, *The Endtimes of Human Rights* (Cornell University Press, 2013), ch. 2.

<sup>14</sup> Kenneth Roth, “Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization,” *Human Rights Quarterly* 26 (Feb. 2004), 63-74, at 72.

<sup>15</sup> Kathryn Sikkink, *The Justice Cascade* (Norton, 2011), ch. 3.

developing world. It can play into the hands of those promoting an anti-imperialist backlash, as in Kenyan Presidential candidate Uhuru Kenyatta's successful exploitation of his indictment by the International Criminal Court as campaign rallying cry. But at the same time, some disempowered groups, cultural minorities, women, gays, and oppressed classes may be enthralled by the notion that the most powerful, most successful societies on earth articulate universal arguments that can be applied to their own plight.<sup>16</sup> In earlier times, such people were attracted to Christianity or to Marxism for the same reason: the Christians say I don't have to bind my feet. Hallelujah!

A second common charge is that human rights claims engage the enthusiasm of developing societies only to the extent that they are seen as contributing to economic development and a broad agenda of social justice. Yet the international human rights organizations that control the global rights agenda are concerned above all with specific civil and political rights. Except for justiciable violations such as those that involve discrimination based on race, ethnicity, or gender, the major international rights organizations tend to see many economic and social demands as matters for policy deliberation and political compromise rather than claimable as rights.<sup>17</sup>

It is true that the developing world has been more eager than first-world international rights organizations to adopt broad-ranging rhetoric of economic rights. Sometimes this puts local rights organizations at cross-purposes with international backers. Shareen Hertel shows, for example, how Mexican rights campaigners against pregnancy testing for factory workers tolerated the gender discrimination frame used by Human Rights Watch for international public relations, but for "backdoor" local mobilization they stressed the right to work and the needs of families, which resonated better with the concerns of existing local social movements that they sought to recruit. And in Bangladesh Hertel recounts

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<sup>16</sup> Peggy Levitt and Sally Merry, "Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India, and the United States," *Global Networks* 9:4 (2009).

<sup>17</sup> Roth, "Defending Economic, Social and Cultural Rights"; Neier, *International Human Rights Movement*, ch. 3.

how local rights organizations blocked international labor's demands to shut down exporters using child labor, preferring to lobby for better working conditions and educational opportunities.<sup>18</sup> This kind of mismatch is chronic, if not necessarily fatal.

Third, and at the most general level, much classic social theory teaches that individual rights consciousness comes only with modernity, whereas rights problems are most intense in countries that are at best semi-modern. Emile Durkheim claimed that individualism emerges as a by-product of the modern capitalist division of labor; Max Weber argued that impersonal, rule-based social relations arises with modern bureaucratic rationalization; and Karl Marx asserted that liberal rights thinking is the ideology of the advanced capitalist mode of production. Insofar as any of these basic assumptions about social order are correct, rights-based social movements would seem to be a hard sell in traditional societies with patronage-based political economies.<sup>19</sup>

But this goes too far. James Ron's survey of attitudes in four developing countries shows that local human rights organizations are slightly more trusted than the average institution in their society, always ahead of the country's politicians, but well behind the most trusted institution, which varies from country to country among business, the army, and the church.<sup>20</sup> On the demand side, it seems that rights-based social movements can mobilize support in the developing world when they are tailored to the local conditions and outlooks, as Gandhi did, or

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<sup>18</sup> Shareen Hertel, *Unexpected Power: Conflict and Change among Transnational Activists* (Cornell, 2006), ch. 3 and 4.

<sup>19</sup> Michael Mousseau, "The Social Market Roots of the Democratic Peace," *International Security*, spring 2009; Mousseau, "Market Civilization and Its Clash with Terror," *International Security*, winter 2002/3.

<sup>20</sup> James Ron and David Crow, "Who Trusts Local Human Rights Organizations? Evidence from Three World Regions," surveys in Colombia, India, Mexico, and Morocco.

as the indigenous movement has done in prioritizing land reform and education rights in Ecuador, or as the religion-based peasant movement has in Brazil.<sup>21</sup>

The fourth and final hypothesis is that the problem is mainly on the supply side: international human rights organizations, which control flows of resources and streams of legitimating rhetoric, simply do not want global human rights to be a mass movement, let alone a vernacularized one with religious rhetoric or an economic-rights agenda.<sup>22</sup> Neier worries that “partisans of social justice,” which he equates with the redistribution of wealth and resources, “violate human rights when they have the power to do so.” “As for mass mobilization,” he continues, “it is often one of the means whereby proponents of social justice seek power. Of course, it does not necessarily follow that such power will be used abusively. Yet it sometimes happens. The methods traditionally used by HRW are less susceptible to abuses.”<sup>23</sup>

Not all human rights luminaries share Neier’s wariness about economic rights and mass social movements. Indeed, one branch of the human rights enterprise is the “rights-based approach to development.”<sup>24</sup> Some NGOs organize product boycotts.<sup>25</sup> Others organize marches and public protests, though international NGO human rights funders typically shy away from supporting such overtly politicized events.

Even Neier understands that the future of the human rights movement will be largely determined by attitudes in the developing world, and he has a plan for coopting them to his traditional vision. Under Neier’s stewardship in 2010, the George Soros-funded Open Society Foundations gave Human Rights Watch \$100

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<sup>21</sup> Donna Lee Van Cott, *From Movements to Parties in Latin America* (Cambridge University Press, 2005), 107, 132; Miguel Carter, *For Land, Love & Justice: The Origins of Brazil’s Landless Social Movement* (Duke University Press, forthcoming).

<sup>22</sup> R. Charli Carpenter, “Setting the Advocacy Agenda: Theorizing Issue Emergence and Nonemergence in Transnational Advocacy Networks,” *International Studies Quarterly* 51:1 (March 2007), 99–120.

<sup>23</sup> Aryeh Neier, “Misunderstanding Our Mission,” *openGlobalRights*, July 23, 2013, at <https://www.opendemocracy.net/openglobalrights/aryeh-neier/misunderstanding-our-mission>.

<sup>24</sup> Peter Uvin, *Human Rights and Development*, ch. 2, pp. 17-38.

<sup>25</sup> Hertel, *Unexpected*, 26-7, 36, 43-50; Gay W. Seidman, *Beyond the Boycott* (Russell Sage, 2009).

million, which was earmarked to “staff advocacy offices in key regional capitals around the world and to deepen its research presence on countries of concern,” and “especially to increase its capacity to influence emerging powers in the global South to push a pro-human rights agenda.”<sup>26</sup> Soros explained that “Human Rights Watch must be present in capitals around the globe, addressing local issues, allied with local rights groups and engaging with local government officials. In five years’ time it aims to have as much as half its income and a majority of its board members come from outside the United States.” The plan is not, however, to shift to a new Global South-driven rights agenda but to attract local matching funds to Human Rights Watch’s traditional agenda of naming and shaming. Kenneth Roth noted that “ending serious abuses requires generating pressure from any government with clout, including emerging powers in the global South.”<sup>27</sup> If this vision succeeds, the human rights movement will remain a largely elite-steered, legalistic, professionalized enterprise rather than a mass social movement.

#### *Effectiveness of rights movement strategies*

The limited effort to mobilize a mass-based global rights movement might not matter much if the prevailing elite-based strategy were working well. Some scholars say it is succeeding, others say it has stalled out, while many agree that its successes are highly dependent on the fit between its tactics and facilitating circumstances.

Critics of the prevailing tactics of the rights movement claim that efforts to measure human rights progress show little change over the past two decades. They say that the movement’s tactics are based on a superficial understanding of what causes rights abuse and are hampered by the limited resonance of its one-size-fits-all rhetoric.<sup>28</sup> But defenders of mainstream approaches argue that this criticism

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<sup>26</sup> “George Soros to Give \$100 Million to Human Rights Watch,” September 7, 2010, at <http://www.hrw.org/news/2010/09/07/global-challenge>.

<sup>27</sup> Both quoted at “George Soros to Give \$100 Million to Human Rights Watch,” September 7, 2010.

<sup>28</sup> Emilie Hafner-Burton, *Making Human Rights a Reality* (Princeton University Press, 2013), ch. 1-3; Emilie Hafner-Burton and James Ron, “Seeing Double: Human Rights



reflects a measurement error: greater scrutiny and stricter standards are turning up abuses that would have previously been overlooked.<sup>29</sup> In qualitative analyses, case studies of success stories vie with skeptical accounts showing that compliance with norms of accountability is often opportunistic or just for show.<sup>30</sup>

Practitioners themselves, not surprisingly, tend to err on the upbeat side. For example, Neier, writing a few months into the Arab Spring, was far too optimistic about the contribution that the human rights movement, conducting its business as usual, was making to the success of progressive change in the Middle East.<sup>31</sup> That said, NGOs are sometimes quite blunt in assessing the shortfalls of the tactics they use, e.g., whether truth commissions as actually constituted contribute to peace and reconciliation, even if they rarely challenge the basic assumptions of the enterprise.<sup>32</sup>

Qualitative and quantitative studies increasingly agree that the success of traditional tactics based on treaty law, monitoring, shaming, and the threat of sanctions is highly sensitive to scope conditions. These methods are often effective

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Impact through Qualitative and Quantitative Eyes," *World Politics* 61:2 (April 2009), 360-401.

<sup>29</sup> Ann Marie Clark and Kathryn Sikkink, "Information Effects and Human Rights Data: Is the Good News about Increased Human Rights Information Bad News for Human Rights Measures?" *Human Rights Quarterly* 35, no. 3 (August 2013), pp. 539-568; Ann Marie Clark, "The Normative Context of Human Rights Criticism: Treaty Ratification and UN Mechanisms," in Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Persistent Power of Human Rights* (Cambridge University Press, 2013), 125-144; Christopher J. Fariss, "Respect for Human Rights Has Improved Over Time," *American Political Science Review* 108:2 (May 2014), 297-318.

<sup>30</sup> Compare Sikkink, *Justice Cascade*, and Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights* (Cambridge University Press, 1999), to Kate Cronin-Furman, "Managing Expectations: International Criminal Trials and the Prospects for Deterrence of Mass Atrocity," *International Journal of Transitional Justice*, 7:3 (2013), 434-454; Jelena Subotic, *Hijacked Justice: Dealing with the Past in the Balkans* (Cornell, 2009), and Monika Nalepa, *Skeletons in the Closet: Transitional Justice in Post-Communist Europe* (Cambridge University Press, 2010).

<sup>31</sup> Neier, *International Human Rights Movement*, 319-20, 333-334.

<sup>32</sup> International Center for Transitional Justice and the Kofi Annan Foundation, *Challenging the Conventional: Can Truth Commissions Strengthen Peace Processes?* (New York: ICTJ, June 2014), at <http://ictj.org/sites/default/files/ICTJ-Report-KAF-TruthCommPeace-2014.pdf>.

in what might be called the easier cases, where the country is at peace, is relatively far along in its transition toward democracy, has relatively independent courts, allows some freedom for civil society groups to operate, has a functioning state administration, and is vulnerable to international pressures.<sup>33</sup> The effectiveness of mainstream rights tactics in the absence of these facilitating conditions is generally agreed to be considerably lower, with research just beginning on which scope conditions matter for achieving which rights goals. While some studies address the vibrancy of civil society groups as a factor in successful rights promotion, quantitative studies normally measure this as the number of (or more rarely membership in) local or international non-governmental organizations or as the number of protest actions, not as the sustained organization of mass social movements.<sup>34</sup>

*Movements for rights as movements for democracy*

The linchpin of these scope conditions for rights is democracy. Statistically, the conditions that correlate with better rights are either causes of democracy, such as relatively high per capita income, or consequences of consolidated democracy, such as civil peace, or democracy itself.<sup>35</sup> Although measures of a country's level of democracy do not track perfectly with measures of its civil liberties, in most cases they run closely parallel.

Some kind of mass social movement is necessary to make this marriage of democracy and rights work. Studies of transitions to democracy find that "imposed" democratic transitions managed by dominant elites without a prominent role

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<sup>33</sup> Beth Simmons, *Mobilizing for Human Rights* (Cambridge University Press, 2009), esp. 31-36; Risse, Ropp, and Sikink, eds., *The Persistent Power of Human Rights*.

<sup>34</sup> Simmons finds, for example, that independent courts matter for some issues but not others. For exploration of various scope conditions for success, including popular protests and civil society activism, see Amanda Murdie and David R. Davis, "Shaming and Blaming: Using Event Data to Assess the Impact of Human Rights INGOs," *International Studies Quarterly* 56, no. 1 (2012): 1-16.

<sup>35</sup> Steven C. Poe, Neal Tate, and Linda Camp Keith. 1999. "Repression of the Human Right to Personal Integrity Revisited: A Global Cross-National Study Covering the Years 1976-1993." *International Studies Quarterly* 43, no. 2: 291-313.

played by organized popular groups are likely to lead to sham liberalization. They are unstable and easily reversed. Successful democratic transitions tend to be based on alliances between reformist elite factions and popular groups that are newly included in official political processes.<sup>36</sup> Democratic consolidation typically depends on mobilizing mass middle class and working class groups, preferably in alliance with each other, around socially inclusive policies and liberal rights commitments.<sup>37</sup> Statistical studies show that ruling coalitions of parties on the left of the political spectrum are more likely to have good human rights records.<sup>38</sup>

Sometimes the mass organization that enables the democratic consolidation is a mass political party, such as the Jacksonian Democrats who expanded direct election of officials and reduced property qualifications for voting. Sometimes, though, reform parties in democratizing circumstances have remained fairly elitist for a time, but have aligned with mass social movements of voters. An example is the alliance between the Whig party and Britain's mass movements for parliamentary and social reforms that swept into power the political coalition that passed the Great Reform Bill of 1832.<sup>39</sup>

In modern democratic transitions, however, the insulation of reforming elites from mass politics cannot last long.<sup>40</sup> If progressive mass coalitions do not form quickly, populist coalitions based on traditional, exclusionary social identities will coalesce around illiberal elites. During the era of decolonization, for example, Britain often tried to hand power to a multiethnic elite power sharing coalition, as in Sri Lanka and in Malaysia, but more populist parties quickly moved to mobilize the

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<sup>36</sup> O'Donnell and Schmitter; Mainwaring.

<sup>37</sup> Dietrich Rueschemeyer, Evelyne Huber Stephens, and John D. Stephens, *Capitalist Development and Democracy* (University of Chicago Press, 1992).

<sup>38</sup> Poe, Tate, and Keith, "Repression of the Human Right to Personal Integrity Revisited."

<sup>39</sup> Chaim Kaufmann and Robert Pape, "Explaining Costly International Moral Action: Britain's...Campaign against the Slave Trade," *International Organization*, fall 1999, 654-7.

<sup>40</sup> Charles Tilly and Lesley J. Wood, *Social Movements, 1768-2008*, 2d ed. (Boulder: Paradigm, 2009), 56-58.

grass-roots along ethnically exclusionary lines.<sup>41</sup> For democracy to prevail, inclusionary, liberal parties and mass movements need to be more numerous, cohesive, and motivated than illiberal ones. Any rights promotion strategy needs to plan around this elementary fact.

*Rights movements: political context and organizational strategy*

Historically, contentious popular collective actions began as one-off outbursts demanding the alleviation of some specific, immediate grievance—onerous taxation, food shortages, arbitrary justice procedures. They flared up and then were over, leaving no institutionalized trace. But by the late eighteenth century in Britain and France, Charles Tilly's research shows that people began to organize not just for immediate redress, but with an eye toward sustained action to reform basic social and political institutions.

As the modern state increasingly imposed costs of war and taxation on people's lives, they understood that their welfare depended on gaining influence in the organs of state power through pressure on ruling elites, alliances of convenience with capitalists and wealthy landowners, and changes in the rules of political representation. They developed ideologies to justify the worthiness of their claims and rituals of mass collective action to demonstrate their unity, numbers, and commitment to bear sustained costs. In this way, modern social movements were born making general claims to civil rights and political power.<sup>42</sup> Tilly argued that this has remained the principal model of how progress toward democracy and rights comes about, but he also speculated that the increasingly professionalized rights movement led by elite-run NGOs might tame and narrow the scope of mobilization for social reform.<sup>43</sup>

Social movements for rights exist in a variety of organizational forms that include political reform parties, various kinds of mass and elite pressure groups, and violent popular insurgencies. The literature on social movements and civil society

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<sup>41</sup> Jack Snyder, *From Voting to Violence* (Norton, 2001), 273-287.

<sup>42</sup> Tilly and Wood, 3-5, 25-29, 33, 35-37.

<sup>43</sup> Tilly and Wood, 153-7

organizations has spent some time on definitions. Some rule out political parties as “political (hence not civil) society” and exclude reformist labor unions or business lobbies as self-interested (hence not principled) economic organizations. Neier makes much of the fact that Quaker anti-slavery activists of the late eighteenth century constituted the first altruistic rights movement that concerned itself with the rights of others.<sup>44</sup> Keck and Sikkink stress the role of *principled* transnational activist groups, and other commentators on civil society distinguish it from “uncivil society,” i.e., social movements whose principles the authors do not like.<sup>45</sup>

These definitional efforts come at the cost of diverting attention from the historically necessary connections between rights activism and the group’s striving for political power and economic self-interest. Tilly includes the legitimation of a movement’s “worthiness” as one of its four generic tasks, but he shows that claims of worthiness do not require forsaking power or self-interest. Indeed, any basic textbook on the history of rights will include chapters showing that the expansion of rights from aristocratic privileges through the protection of bourgeois property rights and personal liberties to labor rights tracked closely the rise in social clout and the self-interest of these social strata.<sup>46</sup> Understanding how rights get established requires studying their relation to power and self-interest, not defining that relationship away. One intriguing theoretical path is offered by Miguel Carter’s study of the Brazilian peasant rights movement that was fostered by Catholic liberation theology. Drawing on Max Weber’s concept of “value rationality,” Carter demonstrates the importance to the rights project of social movements that are grounded in justifiable group self-interest, but focus on normatively internalized long-term goals rather than short-term, instrumental strategies.<sup>47</sup>

Parties, mass and elite pressure groups, and revolutionary insurgencies may all have a role to play in the advancement of rights. Each is a tool that has strengths

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<sup>44</sup> Neier, ch. 2.

<sup>45</sup> Kaviraj, ed., *Civil Society*.

<sup>46</sup> Micheline R. Ishay, *The History of Human Rights* (University of California Press, 2004).

<sup>47</sup> Miguel Carter, *Ideal Interest Mobilization: Explaining the Formation of Brazil’s Landless Social Movement* (Columbia University dissertation, 2002), chapter 1, p. 43.

and limitations that make it appropriate to particular tasks and circumstances (or as they say in the social movements literature, “opportunity structures”).<sup>48</sup> Often the prominence of each varies over time in the evolution of the rights struggle. Often these multiple tools come into play simultaneously in complementary ways, yet they may also work at cross-purposes if their goals, discursive styles, and strategies are misaligned.

### *Reformist Political Parties*

Ultimately, the goal of any successful, across-the-board, rights-promoting movement must be the creation of a strong reform party that is capable of ruling through democratic political control of the state apparatus. Without that, rights rest on a shaky foundation. How to accomplish that over the long run is the basic strategic task of a rights movement in countries where a strong reform party is lacking.

When conditions allow, the most direct strategy of forming a mass-based reform party to contend for power through elections is best. When the rather elitist US Whig party collapsed in the face the Democrats’ double-barreled challenge based on Jacksonian populism and the North-South divide over slavery, Northern ex-Whigs such as Abraham Lincoln constituted a catch-all Northern anti-slavery party. They took advantage of the favorable “opportunity structure” provided by demographic and economic growth of the Northern states, democratic constitutional rules, historic Jeffersonian libertarian discursive themes, and widespread Northern dismay over what was seen as the arrogance of “the Slave Power” in the wake of “bleeding Kansas” and the Dred Scott decision. In this situation, the Republican Party functioned as a mass social movement for rights as well as a conventional political party.

But often the opportunities to create a dominant reform party are lacking and need to be created. This is the case when democratic rules of the game are entirely absent or, as in Tory Britain in the eighteenth and early nineteenth century,

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<sup>48</sup> Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 3d ed. (Cambridge University Press, 2011), ch. 8.

when restrictions on the franchise, rules of representation, or electoral competition allow a reform-resisting oligarchy to rule. It is also the case when the majority rejects the claims of a rights-deprived minority, as in the Jim Crow system or historic repression of homosexuals in the US. Indeed, one of the criticisms of taking the political party route to reform is that some principled objectives, such as protection of the rights of the weak and of minorities, may be jettisoned in the process of making the expedient compromises that are needed to forge a ruling coalition. Among scholars, Frances Fox Piven has argued forcefully, if not always convincingly, that elites always sell out “poor people’s movements” in the end, and the movements’ leaders get coopted and professionalized.<sup>49</sup>

It is important, however, to distinguish sell-outs from tactical compromises that in the long run strengthen rights. For example, the uncompromising rhetoric and counterproductive tactics of hard-core abolitionists often frustrated Lincoln. “Slavery is founded on both injustice and bad policy,” he said, “but the promulgation of abolition doctrines tends rather to increase than to abate its evils.”<sup>50</sup> Abolitionist talk scared off moderates, and Lincoln wanted to avoid alienating the Northern Democrats and border states.<sup>51</sup> The most uncompromising forms of abolitionism were impatient with constitutional niceties, and Lincoln explicitly disavowed William Lloyd Garrison’s “higher law” doctrine, which he saw as undercutting the legal basis for anti-slavery.<sup>52</sup> Lincoln believed that even the more moderate, political abolitionists harmed their own cause by splitting the antislavery vote. Lincoln argued that the defection to the Liberty Party of antislavery “conscience Whigs” in the religiously obsessed “burned-over district” of upstate New York had cost Henry Clay and the Whigs the election of 1844, having the unintended consequence of electing the pro-slavery expansionist Democrat James K. Polk as President and thus

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<sup>49</sup> Frances Fox Piven and Richard A. Cloward, *Poor People’s Movements: Why They Succeed, How They Fail* (New York: Vintage, 1979); on the decline of the civil rights movement, see McAdam, *Political Process*, ch. 8.

<sup>50</sup> Winger 2003, 185, quote from 1837 (*see alphabetical reference list*).

<sup>51</sup> Burt 2013, 225, 401, 403, 405-7.

<sup>52</sup> Carwardine 2003, 104.

setting the stage for the Mexican War and the destruction of the Missouri Compromise. “By the fruit the tree is to be known,” Lincoln said.<sup>53</sup>

A key task for reform parties is to press for institutional changes that will help guarantee effective representation for groups whose rights are at risk. Sometimes this requires pressure from outside the formal political system to overcome resistance to change within it.

*Mass social movements and professionalized civil society organizations*

When access to power through political parties is blocked or rights issues are stalemated in the party system, the mobilization of mass social movements in civil society may be needed to break the stalemate. These may use tactics such as mass protests, strikes, boycotts, picketing, and sit-ins to demand general changes in the rules for the allocation of political power and the freedom of public discourse, or to demand recognition of specific rights to non-discrimination, union organization, marriage equality, and the like. Mass social movements may also provide organizational means for direct action on the issues of concern to its support community, providing social services and economic support networks, “crowd-sourcing” information on abuses, and facilitating decentralized discussion and recruitment of participants. Depending on the context, they can also provide an organized basis for group self-defense or the coercive use of force. Unlike relatively spontaneous, episodic protests and riots, social movements capable of sustained effort require a centralized leadership cadre to develop an ideology, articulate a common framing discourse, formulate strategy, recruit existing groups and individuals to join the movement, and organize coordinated sequences of action.<sup>54</sup>

Professionalized organizations, such as “NGOs,” provide another way of organizing civil society to promote rights.<sup>55</sup> Typically, they have a professional staff funded by foundations, private donors, governments, or international organizations,

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<sup>53</sup> Winger 2003, 192.

<sup>54</sup> Macadam, *Political Process*, 45.

<sup>55</sup> Donatella Della Porta and Mario Diani, *Social Movements: An Introduction*, 2d ed. (Oxford: Blackwell, 2006), 145.



and occasionally also have a public membership that plays a limited role in core organizational activities. Rather than organizing mass protests or directly coercive actions such as civil disobedience, rights NGOs advocate for the adoption of rights norms, collect information about the violation of existing rights norms and laws, demand compliance, comment on or occasionally participate in legal actions to enforce rights, and lobby governments and other powerful actors to sanction or shun rights violators. Allied organizations may deliver services to rights-deprived populations, as in the rights-based approach to development or humanitarian assistance. They may mount grass-roots efforts to persuade local communities to abandon abusive cultural practices such as female genital cutting. Thus, they do some of the same tasks as mass social movements, especially framing issues and formulating strategies for publicity, but the most prominent human rights NGOs mainly lobby others to take direct action rather than organizing it themselves.

Since it is possible to have mass social movements, NGOs, and political parties pressing simultaneously for rights, asking which gets better results is not necessarily the right question. They can be complementary, good at distinctive but additive tasks. That said, it is worth considering what their distinctive tendencies, strengths, and weaknesses might be.

A key task for social movements, NGOs, and reform parties is to define rights objectives and strategies, which must be framed in ways that resonate for key audiences. While it is possible that in a given instance these different kinds of organizations might converge on the same priorities, they nonetheless tend to have characteristic biases that stem from differences in the constituencies to which they are accountable and the inclinations and skills of their professional staffs. Social movements are likely to prioritize goals that make life tangibly better for the grass-roots participants that they seek to mobilize. Often these will have an economic dimension. In contrast, elite, professionalized NGOs, often staffed with lawyers and other experts, are more likely to prioritize legal objectives. Finally, party politicians are likely to prioritize whatever rights goals can be achieved through the coalition partnerships that might be available.

A telling example is the arc of the US civil rights movement from the 1940s to the late 1960s. As Risa Goluboff recounts the story, grass-roots protest by African Americans during World War II and the immediate post-war period were substantially focused on economic issues, especially “the right to work without discrimination.”<sup>56</sup> This issue posed problems for the elite lawyers who dominated strategic planning at the NAACP, which was at the time attempting to forge an alliance with the US labor movement, which included segregated unions. Their legal strategy targeted not employment issues but state-mandated discrimination, as in *Plessy v. Ferguson*. They feared that venturing a broad “right to work” interpretation of the equal protection clause of the Fourteenth Amendment would alienate organized labor and endanger the narrower interpretation that eventually led to the *Brown v. Board of Education* decision.<sup>57</sup> Party politicians were even keener to compromise, for example, allowing Southern Senators to water down Lyndon Johnson’s 1958 civil rights bill, cutting out the voting rights provisions. With the party system and thus also legal remedies for Jim Crow largely stalemated, a mass social movement was needed to overwhelm opposition in Southern states and to mobilize the potentially sympathetic Northern electorate. Martin Luther King and especially the grass-roots Student Non-Violent Coordinating Committee mobilized existing church networks in the North and South to engage in directly coercive action, framing issues around integration and civic equality.<sup>58</sup> As Piven notes, President Kennedy’s decisive speech announcing his support for a far-reaching civil rights bill was triggered when non-violent confrontation using methods of civil disobedience was fast degenerating into violent repression and rioting.<sup>59</sup> The passage of the bill, however, took some of the steam out of the movement and diverted its cadres to implementing the voting rights act, never to return to a full-bore mass effort centered on economic rights.<sup>60</sup>

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<sup>56</sup> Risa L. Goluboff, *The Lost Promise of Civil Rights* (Cambridge, MA: Harvard University Press, 2007), 37.

<sup>57</sup> Goluboff, 223-30, 251.

<sup>58</sup> McAdam, 129-33, 152.

<sup>59</sup> Piven, PPM, 240.

<sup>60</sup> Piven, 252; McAdam.

One of the keys tasks for any of these organizational types is framing the issue under contention. Sidney Tarrow, the dean of social movements theory, and other social movement scholars stress that resonant frames reflect or create a common identity among participants. They tap into emotion, especially by making a connection between the personal and the political through symbols, practices, and rituals.<sup>61</sup> Thus, social movements work in much the same way that religious movements do, so it is not surprising that many social movements for rights and economic justice, such as the Liberation Theology movement in Latin America, recruit from religious organizations and are animated by religious ideas. In contrast, political coalitions are contingent and instrumental, so their legitimating frames are less likely to produce a personal sense of belonging and a common future.<sup>62</sup>

Frames selected by professional NGOs often strive to connect the personal to the political for their target audience, especially donors, and for their own cadres.<sup>63</sup> However, the heavily legal framing of much NGO work can sometimes limit resonance.<sup>64</sup> Reminiscent of Hertel's study of framing maneuvers over pregnancy testing in Mexico, Catherine MacKinnon's framing of workplace sexual harassment as an economic discrimination issue did not work in Europe, where the strong labor movement framed the problem as a "violation of worker's dignity." In France, where less social stigma was attached to on-the-job flirting, the issue of a "hostile work environment" was dropped, instead framing the problem as arising mainly in the case of a demand for a sexual quid pro quo.<sup>65</sup> Indeed, sometimes framing as rights per se is considered a barrier to progressive collective action: "rights framing

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<sup>61</sup> Della Porta and Diani, *Social Movements: Introduction*, 28, 107; John D'Emilio, "The Gay Liberation Movement," in Jeff Goodwin and J. Jasper, eds., *The Social Movements Reader*, 2d ed. (Oxford: Blackwell, 2009), 38, from *Sexual Politics, Sexual Communities*.

<sup>62</sup> Della Porta and Diani, 24.

<sup>63</sup> Clifford Bob, Hopgood.

<sup>64</sup> Tarrow, 248.

<sup>65</sup> Conny Roggeband, "Transnational Networks and Institutions: How Diffusion Shaped the Politicization of Sexual Harassment in Europe," in Givan, Robert, and Soule, eds., *Diffusion of Social Movements*, 23-30.

individualizes the struggle at work” and thus undermines the preferred labor solidarity frame.<sup>66</sup>

Another criticism of rights NGO framing habits is the “silent victim advocacy model.”<sup>67</sup> In its harshest variant, critics charge that rights NGOs’ overall discourse features first-world saviors of third-world victims who suffer at the hands of savage third-world abusers.<sup>68</sup> If so, that imagery might resonate extremely well with self-congratulatory, privileged, progressive audiences, as best-seller fiction and Hollywood have repeatedly demonstrated with narratives such as *To Kill a Mockingbird* and *The Help*. However, if Lynn Hunt’s theory of *Inventing Human Rights* through narrative is correct, victims need to show pluck, not passive victimhood, in order to elicit empathy and outrage at rights deprivation rather than mere pity and charity from readers.<sup>69</sup>

Different forms of civil society organization might have different substantive consequences, which might not be intended, and trade-offs among them might not be explicitly considered. For example, the Czech gay rights movement initially comprised a legislation-oriented lobbying wing as well as a grass-roots component. The lobbying effort proved so successful that the country soon boasted of an internationally cutting-edge set of legal protections of gay liberty and equality. As an unintended consequence, the steam went out of the grass-roots social movement,

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<sup>66</sup> Lance Compa, “Framing Labor’s New Human Rights Movement,” in Givan, Robert, and Soule, eds., *Diffusion of Social Movements*, 71, citing labor lawyer Jay Youngdahl, “Solidarity First: Labor Rights Are Not the Same as Human Rights,” *New Labor Forum* 18 (2009), 31-37.

<sup>67</sup> Cathy Albisa, “Drawing Lines in the Sand: Building Economic and Social Rights Norms in the United States,” in Shareen Hertel and Kathryn Libal, eds. *Human Rights in the United States: Beyond Exceptionalism* (Cambridge University Press, 2011), 68-88, at 85.

<sup>68</sup> Makau Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights,” *Harvard International Law Journal* 42:1 (Winter 2001), pp. 201-245.

<sup>69</sup> Hunt, *Inventing Human Rights*. To be fair, one of the victims in *The Help* shows a great deal of pluck, even if the white aspiring journalist is still her voice to the outside world.

and public discourse about gay life evaporated, leaving the change in Czech cultural attitudes incomplete, in the view of some.<sup>70</sup>

Various scholars portray a mixed bag of tendencies, strengths, and weaknesses associated with different organizational forms. Measured against armed insurgencies, non-violent social movements attract more participants, according to the research of Erica Chenoweth.<sup>71</sup> Measured against political parties, Herbert Kitschelt argues that social movements are constitutionally set up to extract unilateral concessions, not to bargain (the same might be said of NGOs), which might be good or bad at different moments.<sup>72</sup> Partly for that reason, protest activity around a rights issue has been found to matter most in agenda-setting, as measured for example by spurring Congressional hearings, while having little effect on the endgame of policy change.<sup>73</sup> Kitschelt also argues that social movements are better than more transitory political coalitions at sustaining the organizational development that is needed for on-going struggle for social change.<sup>74</sup> Neier makes a similar point about rights NGOs, noting that one-shot mobilizations in response to historical events like “the Bulgarian atrocities” failed to sustain a rights movement, which happened only after the movement began to make its claims in universalistic terms, such that there would *always* be a burning rights issue to keep the movement in perpetual motion.<sup>75</sup> The National Organization for Women, a legally oriented elite organization without a mass component, is held to be very good at getting publicity,

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<sup>70</sup> Conor O’Dwyer, “From NGOs to Naught: The Rise and Fall of the Czech Gay Rights Movement,” in Kerstin Jacobsson and Steven Saxonberg, eds., *Beyond NGO-ization: The Development of Social Movements in Central and Eastern Europe* (Burlington, VT: Ashgate, 2013), 117-138.

<sup>71</sup> Erica Chenoweth and Maria J. Stephan, *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict* (Columbia University Press, 2011), 55.

<sup>72</sup> Herbert Kitschelt, “Landscapes of Political Interest Intermediation: Social Movements, Interest Groups, and Parties in the Early Twenty-First Century,” in Pedro Ibarra, ed., *Social Movements and Democracy* (New York: Palgrave, 2003), 84.

<sup>73</sup> Brayden G. King, Keith G. Bentele, and Sarah Anne Soule, “Protest and Policymaking: Explaining Fluctuation in Congressional Attention to Rights Issues, 1960-1986,” *Social Forces* 86:1 (September 2007), 137-163.

<sup>74</sup> Kitschelt, “Landscapes of Political Interest Intermediation,” 84.

<sup>75</sup> Neier, *International Human Rights Movement*, 42.

but not good at getting policy results.<sup>76</sup> Mary Kaldor argues that “NGOization” erodes traditional grass-roots “mutual benefit” organizations in local communities.<sup>77</sup> Judged in terms of Tilly’s effectiveness criteria for social movements, NGOs are good at establishing *worthiness*, sometimes good at achieving *unity* among NGOs, weak in demonstrating *numbers* of popular supporters, and extremely good at demonstrating *commitment*, but only their own.

A final tactical tradeoff is whether human rights advocacy should hold itself at arms length from democracy promotion. On the one hand, human rights organizations like to present themselves as apolitical, pressing for legal accountability to universal civic norms but usually not actively promoting democratic regime change per se. In part, this reflects a pragmatic calculation of what is required to maintain the NGO’s operations in a non-democratic country. It also reflects a rhetorical strategy of holding all countries accountable for rights violations whether or not they are democracies. NGOs that explicitly engage in democracy promotion are distinct from human rights NGO in mounting programs that seek to strengthen institutions of democratic participation, such as training the staffs of political parties.<sup>78</sup> On the other hand, human rights NGOs do acknowledge that democracy and rights are mutually reinforcing. Although they rarely emphasize that democracy itself is a human right, the aspirational Universal Declaration of Human Rights says that “the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage.”<sup>79</sup> Rights NGOs’ somewhat coy, arms-length treatment of democracy makes some tactical sense, but this rhetorical positioning may inadvertently create a mindset that hinders developing

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<sup>76</sup> Jo Freeman, “The Women’s Movement,” in Goodwin and Jasper, eds., *Social Movements Reader*, 2d ed., 29, from *The Origins of the Women’s Liberation Movement*.

<sup>77</sup> Mary Kaldor, *Global Civil Society: An Answer to War* (Cambridge, UK: Polity, 2003), 92.

<sup>78</sup> Sarah E. Mendelson and John K. Glenn, eds., *The Power and Limits of NGOs* (New York: Columbia University Press, 2003).

<sup>79</sup> Of course even Stalin’s Soviet Union could endorse this general statement.

long-term strategies that fully integrate the necessarily linked goals of democracy and rights.

Overall, it seems reasonable to conclude that the best results come when strategists of rights-based progressive change prepare a full menu of complementary organizational tools, including reform parties as well as social movements and elite civil society organizations. These organizations work best when they converge on a common (or at least complementary) frame that resonates with mass audiences, but also allows for legal follow-through and the political flexibility to close deals within a capacious reform coalition.

I will close with a section that draws on a seminal case to illustrate the overall argument.

#### *The British Anti-Slavery Movement as a Model*

Human rights activists and scholars look to the anti-slavery movement in Britain as the earliest model of a true human rights movement, and a highly effective one. Often this is taken to be a model that validates the contemporary NGOs' operational style of mobilizing civil society through moral rhetoric and the uncompromising use of publicity to shame perpetrators and those who fail to sanction them.<sup>80</sup>

This is a superficial view. A better-rounded interpretation of the case should also highlight the embedding of the anti-slavery issue in a broader movement for democratization, rights, and social reform. This was a mass social movement in which religion played the central role in motivating participants and legitimating their demands. Its success stemmed from the development of a unified frame for reform that joined together the twin themes of Christian ethics and English liberties. The movement arose in a facilitating context of economic and social change that empowered the constituencies that favored reform, and it made methodical progress through politically pragmatic bargaining between the leaders of the reform movement and elites who dominated political parties. To succeed on a comparable

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<sup>80</sup> Neier, 2012, 33-37; Keck and Sikkink 1998, 41-51.

scale, the contemporary human rights movement needs to think big, think comprehensively, and think politically as the British reform movement did. The American anti-slavery movement suggests similar conclusions, but here I limit myself to discussing the British movement.<sup>81</sup>

*The paradox of English liberties in a slave empire*

Great Britain presided over the largest expansion of slavery the world has ever seen, transporting millions of Africans to the Caribbean and British North America in the seventeenth and eighteenth centuries to fuel economic growth and empire.<sup>82</sup> At the same time, Britain embarked on monumental reforms that laid the groundwork for Anglo-Saxon liberal society: the consolidation of the power of Parliament over the monarchy after 1688, the ending of press censorship in 1695, enhancements of legal due process for common citizens, and the amalgamation of the hereditary peerage with the financial oligarchy through imperial projects that encompassed middle class trading and seafaring interests. Britain's elites rationalized this paradoxical mix of slave-supported liberalizing capitalism with an ideology that centered on the "English liberties" of "free-born Englishmen."<sup>83</sup>

Some historians have argued that the normative contradictions in such a system were so unstable that it couldn't last, yet hardly anyone commented on the contradiction until the 1760s.<sup>84</sup> Even then it took another half century to end Britain's role in the transatlantic slave trade in 1807, still longer to adopt in 1833 a program of compensated "apprenticeship" phasing out slavery in British colonies and to complete the abolition process in 1837.<sup>85</sup>

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<sup>81</sup> For my analysis of the US case, see Jack Snyder, "The Lessons of Abolitionism for Human Rights Strategy: Zealots, Brokers, and the Rhetoric of Coalition Politics," NYU Straus Institute Working Paper, August 2013.

<sup>82</sup> Lovejoy 1982, 483, reports that British ships carried over 2.5 million African slaves to the new world during the eighteenth century. *See alphabetical reference list at end for full citation.*

<sup>83</sup> Colley 1992; Blackburn 1988, ch. 2.

<sup>84</sup> Blackburn 1988, esp. 524, but also 76-77, 93, 521-2, 533; see also Davis 2006.

<sup>85</sup> Kaufmann and Pape 1999.



Historians' proposed explanations for this curious trajectory cover the full range of causal mechanisms that can be found in contemporary debates about methods for promoting human rights. Some highlight the internal logic of Christian and liberal secular normative discourse, and on activists' ability to mobilize civil society to set in motion a norms cascade.<sup>86</sup> Some explore a changing array of background conditions, including economic incentives, imperial circumstances, and domestic social evolution.<sup>87</sup> Some focus on the opportunities for the success of heterogeneous antislavery coalitions to come together at fortuitous historical conjunctures.<sup>88</sup> Finally, accounts based on the logic of liberal coalition ideology pull together several of these strands.<sup>89</sup> By juxtaposing some of these arguments and their supporting evidence, much can be learned about the moralizing mode of persuasion, how it interacts with political expediency, and how normative successes depend on finding an ideological formula that unites the two in a compelling social movement.

#### *Normative explanations*

Some human rights advocates argue that effective persuasion to adopt a new norm depends on invoking a more general principle that is already an accepted part of the target's normative system. For example, the campaign to ban anti-personnel landmines invoked the widely accepted general rule that weapons whose main consequence is to harm non-combatants should be illegal.<sup>90</sup> The very first book explaining the success of the British campaign to ban the slave trade, written by one of its main protagonists, Thomas Clarkson, makes this kind of argument. Clarkson claimed that the self-evidently true teachings of prominent Christian authorities—Methodists, Quakers, Anglicans, and others—gradually persuaded Englishmen over

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<sup>86</sup> Clarkson 1808; Anstey 1975.

<sup>87</sup> Drescher 1987.

<sup>88</sup> Kaufmann and Pape 1999.

<sup>89</sup> Blackburn 1988.

<sup>90</sup> Price 1998.

the last third of the eighteenth century that slavery was sinfully incompatible with the basic precepts of Christian charity and love.<sup>91</sup>

This thought had previously occurred even to slave-owners, who in the seventeenth century had refused to Christianize their slaves for fear that enslaving Christians would be a sin. Later, though, many changed their minds, deciding that Christianity would make the slaves docile.<sup>92</sup> No one tried to push Christian qualms toward their supposedly logical abolitionist conclusion until after the Seven Years War, when reformers among Philadelphia's Quakers pointed out the gross contradiction between Quaker principles and the Quakers' economic role in abetting the abuses of the Indian wars and slave-trading.<sup>93</sup> By the 1770s, Quaker communities began to outlaw slave-trading among their members. In 1774 John Wesley, the Tory founder of Methodism in Britain, published his blistering, theologically eclectic *Thoughts on Slavery*, shaming slaveholders for their hard, un-Christian hearts.<sup>94</sup> While nonconformist sects provided most of the energy behind the British antislavery campaign, religiously inspired Anglican Tories such as William Wilberforce also played a key role in successful public and behind-the-scenes efforts to persuade Parliament to end the slave trade in 1807.

Running in tandem with religious discourse on the sinfulness of slavery was a liberal political and legal discourse on its incompatibility with English freedoms. The great Whig statesman of the first half of the eighteenth century Horace Walpole privately confided his disgust at the slavery system as an affront to liberty.<sup>95</sup> Such arguments went public in a prominent 1769 pamphlet by Granville Sharp, a minor official and scion of prominent Anglican clerics. Sharp arranged for Britain's most august judge, Lord William Mansfield, to hear in 1771-72 the case of James Somerset, a black slave brought to England from the colonies who refused to return with his owner. In a finding later invoked by US antislavery advocates, Mansfield held that the common law on property was insufficient to support a claim of

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<sup>91</sup> For commentary, see Temperley 1980, 338.

<sup>92</sup> Mintz 1995, 30.

<sup>93</sup> Marietta 1984, 121.

<sup>94</sup> Hurwitz 1973, 23; Blackburn 1988, 96, 102; Drescher 1987, ch. 6.

<sup>95</sup> Blackburn 1988, 95.

ownership of a slave in the absence of an explicit establishment of slavery in positive law, which was lacking in Britain.<sup>96</sup> Legal assertions that slavery was contrary to British conceptions of equitable exchange and contract were used by Wesley to supplement his religious arguments.<sup>97</sup>

Although these examples show how the internal logic of a normative discourse can exert rhetorical power to effect change, this explanation seems insufficient to account for the success of universalistic antislavery appeals. Christianity and proto-liberal capitalism had lived for some time with their apparent contradiction with slavery. Sharp and Mansfield had the limited concern to defend English liberties on English soil from the potentially corrupting effects of the presence of arbitrary authority, coerced labor, and an alien racial presence in their midst.<sup>98</sup> Generalizing this to the abolition of slavery abroad required a further step in logic, which was slow to emerge. More is needed to explain why antislavery evolved from a minority view to national policy.

*Explanations based on slave economics, empire, and social change*

Several attempts to explain the success of antislavery campaigns have explored changing background conditions in the economy, empire, and society that affected the costs and benefits of slavery to important social groups. While some of these are undoubtedly important, their impact seems indeterminate without taking into account their role in the discursive frames that were available to Britain's anti-slavery movement.

Abolitionists often added Adam Smith's theoretical arguments about the greater productivity of free labor to their ethical arguments against slavery.<sup>99</sup> At least with respect to Britain's colonial plantations, these economic arguments do not hold up to scrutiny. Slaved-based sugar production was still near its peak in 1807 when Britain abolished the slave trade upon which it depended. In Britain's harsh

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<sup>96</sup> Blackburn 1988, 99-100.

<sup>97</sup> Blackburn 1988, 102.

<sup>98</sup> Brown 2006, 96-97.

<sup>99</sup> Turley 1991, 31.

sugar cane colonies, slave mortality exceeded fertility, so transatlantic transport of new slaves seemed necessary and profitable. Free-labor sources of sugar were at this time virtually non-existent. Even abolitionists argued that if Britain ended its own slave trade, it would have to suppress competitors' slave imports to stay competitive.<sup>100</sup> After the abolition of slavery, Britain's sugar plantations failed to operate successfully with free labor, in part because the former slaves preferred subsistence agriculture.

A lively literature also addresses the question of whether the West Indian slave revolts in Haiti in 1791, Barbados in 1816, Demerara (in South America) in 1823, and Jamaica in 1831 sped antislavery measures. The claim that these revolts made slavery appear unsustainable or too costly is unpersuasive. After the success of the Haitian revolution took Haitian sugar off the market, British investors rushed to expand production on Jamaica to take up the slack. Far from fearing slave revolts, the British government bought and armed new African slaves in 1806, just before the ban on the transatlantic slave trade, to aid in expanding and defending plantation holdings in the Indies.

More convincing is the claim that the later slave revolts led the British public to see slavery as immoral. Whereas the anti-white atrocities in Haiti had fed a general resistance to both reform and revolution, the careful treatment of white captives in the Demarara revolt made the slaves seem like civilized victims of unjust oppression. In contrast, Jamaican slaveholders' brutalization of slaves and burning of the churches of English missionaries, who slave owners blamed for fomenting the 1831 revolt, outraged nonconformist opinion and spurred the passage of the emancipation act of 1833.<sup>101</sup> Slave economics and slave resistance in British colonies mattered less as direct constraints on the slavery system than through the moral and practical arguments that these conditions allowed antislavery activists to make.

Another important background factor that operated in part through its effect on discourse was imperial competition. The French Revolution temporarily slowed

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<sup>100</sup> Drescher 2010, 124.

<sup>101</sup> Drescher 2010, 125-9.

the progress of antislavery mobilization in Britain by creating a political climate of reactionary patriotism that saw all reform as a slippery slope leading to revolution. Less obvious is the effect of the American Revolution, which freed Britain from direct responsibility for Southern slavery. This had the direct consequence of weakening Britain's economic interest in slavery and undermining the political power in Britain of the colonial slaveholding interest. It also had an indirect effect on the rhetoric of politics, freeing both British and Americans to play the slavery card in propaganda against the other. Samuel Johnson, for example, noted in 1775 that one hears "the loudest yelps for liberty among drivers of negroes."<sup>102</sup> In turn, Thomas Jefferson's antislavery paragraph that the Continental Congress deleted from the Declaration of Independence denounced Britain's double game in importing slaves to America in the first place and then playing divide and rule by pitting slaves and colonists against each other.

A final contextual factor is the growth of civil society in Britain. Well into the commercial phase of the capitalist revolution and on the brink of industrialization, British society was rapidly developing all of the elements needed to sustain a politics of mass pressure for social reform: high levels of literacy, urbanization, a growing middle class, an independent commercial class, a useable legal system, well developed media of news and communication, rights of assembly and petition, and competitive representative government that enfranchised some of the rising classes. Between 1787 and 1792 these capacities came together in a lively campaign of antislavery petitions, media outcry, and sugar boycotts, which included the growing manufacturing and mercantile cities of northern England.<sup>103</sup>

Slavery was the earliest reform issue that civil society activists took up, but a host of other causes soon followed in its wake. Urban middle class groups formed on behalf of Sunday schools, missionary work, public morality, abolition of capital punishment, regulation of child labor, better public health and medical facilities, the protection of aborigines, the enhanced status of women, the reform of Parliament,

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<sup>102</sup> Brown 2006, 94.

<sup>103</sup> Drescher 1987, ch. 4; Turley 1991, ch. 3.

and in due course the repeal of tariffs on imported grain (the corn laws).<sup>104</sup> This implies that the explanation for success of the antislavery movement does not lie in the narrow specifics of the slavery issue alone, but in the capacity of the rising British middle class for social action and their general commitment to the idea of progress.<sup>105</sup>

Complicating the causal picture, however, is the dramatic growth of nonconformist and evangelical religious sects, such as the Methodists and Baptists, among the middle class during the second half of the eighteenth century at the same time as the social changes that were facilitating mass civic activity. This makes it difficult to disentangle whether religious belief forged the political consciousness of civil society on slavery and other reform issues (a norms-first explanation) or whether the structural interest of the middle class to replace corrupt elite institutions with popular, rights-oriented arrangements led to changes in both religion and public affairs (a power-and-interest-first explanation). Even the 1840s movement to repeal agricultural tariffs, which on first inspection looks like a self-interested rather than principled effort to get cheaper food for the industrialists' labor force, turns out to have had a moralistic spin: cheap grain imports would keep the Irish from starving, and universal free trade would lead to world peace, according to the Quaker leader of the repeal effort, Richard Cobden. As with the other material background causal factors, social change intertwined with normative change in shaping outcomes for slavery in particular and reform in general. Coalition politics was the medium that tied these strands together.

#### *Coalition politics and ideology*

Coalition politics in Parliament is the crucial element that explains Britain's two landmark antislavery actions, the outlawing of Britain's transatlantic slave trade in 1806-07 and the 1833 law leading to the emancipation of the British empire's slaves. Since only a small minority of the members of Parliament were

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<sup>104</sup> Turley 1991, ch. 5; Ditchfield 1980; Harrison 1980.

<sup>105</sup> Temperley 1980, 345.

deeply committed to the antislavery cause, these outcomes can be understood only in terms of the incentives for this minority's coalition partners to support them.

Prior to 1806-07 the leader of the abolitionists in Parliament, William Wilberforce, could count only about thirty supporters (out of 658 total Members of Parliament) who were committed to antislavery out of religious conviction, including Whigs and Tories, while hard-core Parliamentary supporters of West Indian slave interests were of comparable strength. The overall rhetoric of aristocratic Whigs echoed middle class reformers in defense of "English liberties," but they defined the scope of appropriate liberties more narrowly. Tories were divided between "ultras" who opposed all reform and "pragmatic" conservatives who were willing to consider very minor reforms in Parliamentary representation and had mixed views on slavery. From 1793 to 1805, Wilberforce's bills to abolish the slave trade were narrowly defeated six times despite limited support from the pragmatist Tory Prime Minister William Pitt. In the course of these legislative battles, Wilberforce and his religiously motivated allies "confined their piety to the most private modes of expression, became seasoned experts at political maneuver," and readily invoked whatever economic or Realpolitik arguments served their cause.<sup>106</sup>

Following Britain's naval victory over France at Trafalgar in November 1805, the atmosphere of military threat that sustained Tory rule eased. Pitt's death in January 1806 led to a Whig-organized "ministry of all the talents" which also included moderate and ultra conservatives. Following years of stonewalling popular demands for reforms of Parliamentary representation, reduction of royal prerogatives, civic emancipation of non-Anglican religious groups, working class relief, and abolition of the slave trade, pragmatic Tories had come to agree with Whigs that token reforms were needed to appease the populace. Among the issues on the reform agenda, slavery was the only one that was widely popular and could command agreement among the members of the heterogeneous Whig-Tory

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<sup>106</sup> Davis 1980, 15; Blackburn 1988, 310-1.

coalition. The coalition fell shortly after passing a bill banning the slave trade, since no further reforms were then politically possible.<sup>107</sup>

During the 1820s in the wake of the Demarara revolt, middle class organizations, fueled by social change and the success of mass-based evangelical sects, mobilized to abolish slavery entirely. Tory governments withstood these demands until the economic depression of 1829-31, which ushered in a Whig government in 1830. With rioting in the streets and reactionary strategies now discredited across the board, reform projects moved forward on a broad front, including a major reform of Parliamentary representation and religious tests for civic participation. The reform act of 1832 dramatically increased the enfranchisement of urban areas and middle class voters, creating an electorate that was 21% nonconformist, including more than 8% Wesleyan Methodists, who based their vote choice heavily on the antislavery issue. Antislavery activists extracted pledges from Parliamentary candidates to support abolition, and succeeded in electing more than 140 members. After the 1832 election, Whigs, reformers, and radicals formed an overwhelming ruling coalition in which antislavery voters accounted for the margin of victory. Whig elements of the coalition insured, however, that abolition would be carried out in a measured way that respected the property rights of the slave owners, who were compensated financially and granted the slaves' services during a transitional "apprentice" period of five to seven years.<sup>108</sup>

In short, the success of British antislavery activism derived from broader political circumstances that worked in favor of antislavery coalitions in 1806-07 and 1832-33. These included social change that strengthened reform constituencies, the availability of willing elite allies, policy failures of opponents that left them politically isolated and vulnerable to pressure, the reinforcement of the antislavery effort by broader interests in reform, and an institutional setting that facilitated mass mobilization by pressure groups, propaganda, and political bargaining. Also important were the abolitionists' use of pragmatic tactics in the game of coalition

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<sup>107</sup> Kaufmann and Pape 1999, 651-54; Blackburn 1988, 307-315.

<sup>108</sup> Kaufmann and Pape 1999, 654-7; Hurwitz 1973, 49-54.



politics: expediency in the choice of timing and tactics, prudence in seeking feasible intermediate objectives while ultimate objectives remained out of reach, and astuteness in choosing policy arguments that potential coalition partners would find persuasive. That said, coalition politics also involved a normative, ideological element that could not be simply reduced to mechanical calculations of power, interest, and bargaining.

Antislavery prevailed in part because it worked well as a linchpin of the ideology of the British reform coalition. The old regime was vulnerable because of the rhetorical contradiction between its ideology of “English liberty” and the reality that England routinely violated the liberty of its subjects through limitations on the franchise, rotten boroughs, discrimination against non-Anglican religions, impressment of seamen, and its gigantic slave empire. Although even the Tories tried to “flatter the common people with the compliment of freedom,” the flattery too often rang hollow.<sup>109</sup> In the context of eighteenth century social change, the contradiction became harder to sustain as religious dissenters like the Quakers grew wealthy and the Methodists and Baptists grew numerous. These socially consequential groups had both principled and self-interested reasons to distance themselves from the old regime that impinged on their liberties. Getting the regime to acknowledge that slavery violated basic liberties helped to protect their own liberty without having to appear self-interested.

An ideological linkage between English liberties and the threat of enslavement worked perfectly to solidify the emerging reform coalition. Liberty was an issue not only for religious dissenters. Whigs, too, had made a commitment to the liberties of Englishmen the chief distinction between themselves and the Tories. For the lower classes, the threat of bondage was far from hypothetical at a time of unpaid apprenticeships, transportation abroad of convicts, and indentured servitude.

For these various reform constituencies, many issues could be boiled down rhetorically to questions of “tyranny” and “enslavement.” Literal slavery posed the

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<sup>109</sup> Blackburn 1988, 76-77.

issue of liberty in a stark way that crossed the line separating profane matters of policy from sacred prohibitions against sin. This afforded advantageous rhetorical terrain that allowed nonconformists and evangelicals to mobilize mass support on grounds that were both moral and political.<sup>110</sup> The diverse reform coalition, backed by a mass social movement, worked in large part because its core ideology was politically inclusive, authentically grounded, viscerally convincing, and intellectually cohesive.

### *Conclusion*

Critics charge that the contemporary human rights movement is too legalistic, moralistic, and universalistic. For those reasons, it is said to be tone deaf to non-western normative discourses, out of touch with the everyday concerns of poor people in the Global South, incapable of pragmatic adjustments to political realities, and paradoxically isolated from the “global civil society” that should be its core constituency. It is in danger of losing out to the illiberal popular movements that are more successful at tapping into those popular sources of support.

The examples of the British anti-slavery movement, Gandhi’s social and political reform movement, and the US civil rights movement suggest that progressive rights reform can draw support from mass social movements, including religious ones, and can make common cause with the pragmatic political strategies of a reform party seeking to form a national ruling coalition. This does not mean that human rights NGOs’ accustomed style of work cannot contribute to the overall reform goal, but rather that its angle of vision is far too narrow to be the central engine of progressive change, even in its own arena of human rights. Rights progress depends on far broader trends of socio-economic context, political coalition possibilities, and cultural modes of discourse about norms that govern social relations. Human rights activists and the scholars who study them should approach their work with that wider view.

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<sup>110</sup> Davis 1980, 13.

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