# The Dissemination of International Liberal Norms: The Case of the ECHR and the UK

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## International Liberal Norms and Mature Democracies

The dissemination of international liberal norms has been a central question in the study of democratization, liberalization and international law generally for some time. By norm, I mean any principle or rule that governs whether behaviour is appropriate. The debate has focused on competition between rational choice and sociological explanations, particularly for countries in transition (Finnemore, 1996; Finnemore and Sikkink, 1998; Risse et al., 1999; Boyle and Preves, 2000; Weisband, 2000; Checkel, 2001; Johnston, 2001; Pevehouse, 2002; Kelley, 2004). For most, a stage theory has emerged as the most promising framework, with an acknowledgement that at early stages, state interests and strategy predominate, while at later stages socialization factors feature more prominently (see especially Finnemore and Sikkink, 1998; Risse et al., 1999). Ultimately, the dependent variable for all of these theories is the internalization of the international norm—a sort of end-state of harmony between the target and source of the norm. Perhaps in part because of this lack of dramatic change, scholars of norm dissemination have generally neglected this last phase, leaving it to scholars of domestic politics and international relations to address it (Evans et al., 1993; Risse and Sikkink, 1999: 33).

In this research, I would like to probe whether the logic and dynamic of norm-dissemination theories, aimed at explaining earlier stages of the process, can also be useful in explaining shifts in policy and attitudes in mature democracies in connection with international norms. In particular, I am interested in whether variance with respect to the content of the norm and variance with respect to the target audience affect patterns in

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international norm internalization. Ultimately, I ask whether it is possible to predict the effects of concerted efforts by international actors to disseminate international norms on changes in policy and attitude by both elites and masses in mature democracies.

In this preliminary study, I find that understanding calculations of interest and strategy are necessary to explain norm dissemination in mature democracies, particularly where international norms challenge policies aimed at addressing national security concerns or where the norm is extremely unpopular. This is true in spite of the fact that international institutions often lack the capacity to force compliance. Further, I find that international institutions are unlikely to affect public opinion on the norm, even where its activities have received relatively broad coverage in the press and awareness and approval are relatively high in the target society. One implication is that the supposed "end state" of norm internalization does not really exist, but decisions about internalizing norms are ongoing and under constant review, even in mature democracies. Further, this study makes it clear that policy shift as a dependent variable does not truly measure the deeper phenomenon of norm internalization, especially where the mass public is concerned. This in turn raises important policy questions regarding the ideal mechanisms for norm dissemination.

In most studies of attitude shift in mature democracies, the place of international agents is usually ignored or neglected (Inglehart, 1990, 1994), unless the attitude in question relates directly to an international institution, such as European attitudes about integration or regional monetary policy (Gabel, 1998). This stems from the fact that where numerous forces are in play to influence attitudes (economic trends and conditions, political culture and traditions and the specific actions of political parties, interest groups, the press, churches, to name a few), international actors are often rather quiet in comparison (Caldeira and Gibson, 1995). Further, the weakness of most international institutions limits their capacity to apply pressure on mature states to change their policies.

There are, however, a few cases where international actors are in fact powerful and vocal enough to grab the attention of both policy elites and the masses in mature democracies. In Europe, for example, the EU institutions have clearly matured to achieve this level of influence. The same may be said of the European Court of Human Rights (hereafter the ECHR or "the Court"), headquartered in Strasbourg, which now rules regularly on individual petitions from 50 member-states on a wide range of human rights questions. By intervening on a case-by-case basis, the Court can render precise and specific judgments that inform a state when it is in violation of the European Convention on Human Rights and Basic Freedoms (hereafter "the Convention"). The result has been changes in national legislation in almost all states thus targeted, in spite of popular and elite opposition (Jackson, 1997; Moravscik, 2000).

**Abstract.** The dominant theory of international liberal norm-dissemination argues that states will tend to move from rejection of international norms to internationalization through gradual, predictable stages. The presumption is that the mass public consistently presses the state (in partnership with international norm carriers) for greater liberalization. This theory is shown to have serious weaknesses when applied to mature democracies. A study of the UK's response to adverse rulings from the European Court of Human Rights indicates that policy elites respond differently depending on the norm, the security context and public opinion. Further, the public does not consistently advocate liberalization, but sometimes the reverse.

**Résumé.** Une théorie principale sur la propagation des normes libérales internationales avance que les États ne passent que graduellement du rejet des normes internationales à leur adoption, en passant par plusieurs étapes prévisibles. Elles présument que le grand public (en conjonction avec les créateurs des normes internationales) exerce des pressions continuelles sur les États pour plus de libertés civiques. En fait, cette théorie n'explique pas l'évolution des attitudes vis-à-vis les libertés civiques dans les démocraties avancées. Une étude du Royaume-Uni, par exemple, démontre que, lorsque la Cour européenne des droits de l'homme dénonce une violation de la Convention, les élites politiques réagissent différemment en fonction de la norme en cause, des questions de sécurité et de l'opinion publique. En outre, le public n'est pas toujours en faveur de la libéralisation, au contraire.

This has been especially true in the United Kingdom, which has been a member of the Council of Europe since 1950 and a strong supporter of the ECHR (Blackburn, 2002). Over the years, British policies have been found to be in violation of the Convention more than 50 times. These policies related to a wide range of key issues, including the rights of immigrants, police powers, the legal status of gays, corporal punishment of children and privacy rights of those targeted by the press. In almost all cases, the Court's rulings came following many years of highly publicized trials and appeals in British courts. Many have involved key government officials or pop-culture celebrities and have received wide attention in the press, sometimes to the profound embarrassment of the sitting government. The case of the UK before the ECHR therefore represents a promising opportunity to study the effects of efforts by international institutions to disseminate international norms on the elite and masses of mature democracies.

## Theories of Norm Dissemination

As mentioned above, theories of international norm dissemination have generally addressed the ontological question of whether rational choice or socialization models are more useful. In what has been a perhaps surprising turn of events, there is now general agreement that, depending on the stage of the dissemination process (which is generally assumed to last several decades for most countries), both approaches may be useful. In what is perhaps the most clear and comprehensive model, dealing spe-

cifically with human rights norms, Risse and Sikkink define five stages through which a deviant state will pass on its way to norm compliance. Under the initial stage, the state engages in repression of its citizens in defiance of international norms. It does so for the instrumental reason that state survival depends on minimizing participation and is undeterred by international human rights networks' efforts to bring the actions to the world's attention. However, these efforts are sometimes successful, forcing the state to deny that its behaviour violates the norm (phase two). This is done, again, for instrumental reasons. As a domestic opposition succeeds in linking with transnational actors, the state may feel it necessary, again for the sake of regime survival, to make tactical concessions (phase three). At this point, it may engage in rhetorical action and argumentation in order to justify deviant actions, as well as offering genuine reforms. The next stage involves a general acceptance of the validity of the norm (prescriptive status), in spite of continued limited noncompliance. At this stage, arguments about the norm are less contingent and tactical but instead address the norm qua norm. Finally, the state accepts the norm in the fullest sense by complying with it. The key point in this model is that where strategic calculations based on regime interests dominate the early stages of norm dissemination, later on the logic shifts to argumentation (persuasion and debate) and socialization (peer pressure, reputational concerns, etc.).

Recent work on norm dissemination echoes and refines this causal sequence. It is generally agreed that international norms are ignored if there are no threats of sanction or inducements. These incentives and threats seem to induce change in authoritarian regimes, especially with respect to their discourse (Hawkins, 1997). These incentives are also important to new democracies seeking regime consolidation (Moravcsik, 2000; Pevehouse, 2002) or acceptance by the broader Western community (Kelley, 2004). On the other hand, more established democracies are more amenable to subtler methods of persuasion, such as peer pressure (Finnemore, 1996; Checkel, 2001), argumentation (Johnston, 2001) and approval (Weisband, 2000). This is consistent with conventional theories of attitude change found in psychology and sociology (Zimbardo and Leippe, 1991). International courts are in a unique position to apply these sorts of pressures (Alter, 1998, 2003), as are international networks of jurists and lawyers (Slaughter, 2004).

In this paper, I propose that this sequencing is too simplistic, and that in certain circumstances, policy elites, even in mature democracies where issues of human rights are concerned, may respond to inducements and threats. This stems from a number of factors related mostly to calculations of electoral costs and benefits. In mature democracies where basic rights and freedoms are in place, human rights issues often involve changes in standing and status for certain groups (homosexuals, the

unborn, religious minorities, refugees and immigrants, etc.). These issues are often framed in political terms, with the result that a decision to implement some new international norm is likely to meet with considerable resistance and may well involve a substantial political cost to the government (Tatlovich and Smith, 2003). Governments must calculate to what extent the adoption of some new international norm will affect their electoral base.

In addition, most human rights questions involve new limits on state powers. Governments in power (that expect to remain so for the foreseeable future) generally resist relinquishing powers that have served their predecessors well or that might be called upon in periods of national emergency, and so governments calculate the degree to which they can delay, equivocate or obstruct implementation, especially if there are no clear electoral advantages to the new norm (for example, it would not appease protesters or enhance the regime's popularity). Governments facing the possibility of domestic conflict will likely hold to strong police powers far more than those enjoying domestic tranquility.

Finally, not all human rights norms derive from a single philosophical orientation. Given the importance of ideology for many governments in mature democracies, new human rights norms may come into conflict with the governing party's priorities. An orthodox liberal ideology may cause governments to resist norms to promote national health care, for example, and a populist regime may resist expanding private property protection, and so forth. Taken together, these factors indicate that we should look more closely at the dynamics of norm implementation in "stage 5," since it is likely to be far more contentious and indeterminate than the Risse/Sikkink model would have us believe.

On the second key question for this research, the effects of norm dissemination on public attitudes, the Risse/Sikkink model assumes a disconnect between the state and society in the early stages. However, the general assumption is that those people who are oppressed by the state are united in their advocacy of liberal reforms (in opposition to the state's desire to retain repressive measures). Over time, it is generally assumed that the state will abandon its repressive policies and attitudes and come to embrace human rights norms, thereby bringing the state into agreement with society. A growing body of literature casts doubt on this basic premise and argues instead that states may, in fact, lead their societies in accepting liberal norms (Hawkins, 1997). Perhaps the most telling work on the subject was done by Kelley (2004) on African attitudes regarding female circumcision and Eastern European attitudes on immigration policy, respectively. In each case, the authors found that state elites were remarkably responsive to international norms and adopted numerous reforms to bring national legislation and policy into conformity. But also in each case, publics resisted the changes, sometimes maintaining

old, offending practices in defiance of new laws. In Austria, for example, xenophobic parties have performed very well at the polls, in spite of their advocacy for policies that appear to violate both international and domestic guarantees (Flockhart, 2001). In India and China, selective abortions of female fetuses are widespread in spite of international and domestic rules prohibiting the practice (Hudson and den Boer, 2004). In other words, although it is reasonable to think that states are responsive to their publics, there is anecdotal evidence that they are not, and in fact force reforms on a resistant populace.

Since international human rights norms are progressive in their substance, we can ask what contributes to mass support for progressive reforms. The vast literature on public opinion trends in advanced democracies tends to point to the following as key factors: education, age, income, gender, ideology and religiosity. Those who are relatively more educated, younger, female and secular are in general more inclined to accept progressive ideas than those who are less educated, older, male and church going (Moors, 2003; Inglehart, 1994; Davis, 2000; Guth and Green, 1990). In addition to these demographic factors, it is clear that most people seek attitudinal consistency and that those who are already progressive in their ideological orientation will tend to accept a new norm if it is also seen to be progressive (Sniderman et al., 1991). Finally, there are some who argue that having a personal bond to the source of the norm, whether instrumental or social or both, will enhance the willingness of an individual to accept a new norm from that source. "Primary groups"—consisting of immediate family, neighbourhood friends, racial and ethnic groups, etc.—can have a profound influence on our attitudes, as can those actors for whom we feel affection and approval (likeability). Thus the attitudes of one individual tend to mirror those of close family members, popular public figures and/or revered institutions (for work on primary groups, see Doise and Staerkle, 2002: 152; for work on likeability, see Kuklinksi and Hurley, 1994). In the next section, I propose a number of tests to determine the extent to which each of these factors plays a role in shaping attitudes.

In sum, the literature points to conflicting possibilities with respect to the effects of international norms on elites and masses in mature democracies. While the findings of this study will not be definitive, I hope to explore these competing hypotheses in order to articulate a tentative approach to the question. Ultimately, I hope to answer the question: "What is going on in phase 5?"

## Method

I have focused on the willingness of elites and masses in the UK to accept and implement international human rights norms as articulated by the

European Court of Human Rights ("the Court," or ECHR). The UK is clearly a mature democracy (it is certainly one of the oldest and the most resilient) and fits squarely in "phase five" of the Risse/Sikkink model. One could argue that it is the archetype of the phase-five democracy, having long ago resolved the fundamental debates over governance principles in favour of progressive parliamentary democracy. Further, Great Britain has been the source of many of the international human rights norms that have developed over the past two centuries, whether it be the ban on slavery, the right to free and fair elections, the right to jury trial, or freedom of the press. The European Convention on Human Rights and Fundamental Freedoms, which gave rise to the European Court of Human Rights, was largely a British creation (Simpson, 2001).

At the same time, looking at the past 20 years of British civil rights litigation, we find that the country has frequently been at odds with the Court. Issues have ranged from the right of the press to divulge government secrets to limits on a parent's right to discipline children to the inclusion of homosexuals in the military. There has been considerable variance on the key factors that interest us here. The British government underwent a dramatic change in 1997 with the Labour party's victory on a human rights platform. The reaction of various UK governments to ECHR rulings has ranged from enthusiastic endorsement to grudging capitulation. Some issues have created considerable stir among the populace, leading to consequences at the polls, while others were accepted without a murmur. In general, the Court has been a fairly visible player in British politics in recent years, although the effects of its decisions have varied dramatically. Thus it serves as a very useful case through which we will explore the usefulness of these various hypotheses.

To measure elite attitudes, I use formal government responses to ECHR rulings, including statements from 10 Downing Street, debate and voting records from both houses of Parliament, Whitehall policy papers and various Court rulings. These are found in official government documents, law reviews and in the press. I specifically have looked for references to ECHR rulings and the substance of the European Convention on Human Rights to determine whether these were taken as guides to policy reform, and whether the reforms were reluctant or welcome. I followed up this documentary research with personal interviews in London with policy elites in the executive, legislative and judicial branches during the month of June 2004.

To measure mass attitudes, a weighted quota sample telephone survey of 2031 UK residents was conducted. The survey took place on December 15–18, 2003 and has a sampling error of $+/-$ 3.1 per cent. The survey included only a limited number of questions, given resource constraints. It was designed as an experiment involving the manipulation of the preface to a question asking respondents their opinions on the three

issue areas mentioned above. I asked one cohort (N = 1017) its opinion without any special prompt, while the other cohort (N = 968) was specifically informed of the ECHR's rulings first. This was designed to measure the effect of the respondent's awareness of the Court's preferences on attitudes, as found in Sniderman et al., 1991. The questions are reproduced in Tables 4, 5, 7 and 9. Note that this method does not require substantial background information on the part of the respondent—a vague or even flawed impression of the cue will still generate useful information.

I also analyze the British Social Attitudes Surveys going back to 1983.[1] Complete datasets were generously made available to the author by the National Centre for Social Research. This is the only annual survey of British attitudes about a wide range of relevant social and legal issues, including the three I've selected, that uses some of the same wording over a long period. The survey has the virtues of using a very large sample (up to 3,000 respondents in some years) and applying conventional scientific sampling techniques. Conversely, most questions have not been worded consistently or included in enough surveys to provide longitudinal data amenable to statistical analysis. They can provide, at best, a general impression of trends in attitudes, which can be compared informally with events data as presented in the first section on elites. In spite of these rather severe data limitations, it is possible to form judgments, however tentative, with respect to the influence of the various factors mentioned above.

## The ECHR and the British Policy Elite

At this point, what sort of effect several ECHR cases in two areas—privacy rights vs. police powers of inquiry and corporal punishment of children—have had on British politics and society is considered.

### Privacy and Police Powers

In British constitutional tradition, privacy has often been ignored in the interest of promoting law and order. As put by Singh and Strachan: "In contrast to its constitutional and common law recognition in America, the right to privacy was first ignored and then expressly disavowed by the judiciary in England and Wales" (2002: 130). The authorities therefore always have the benefit of the doubt in matters of collecting evidence, search-and-seizure and so forth (Malone v. UK, ECHR, 1984: para. 33). It is not surprising, then, that British policy has come under scrutiny at the Strasbourg Court, where the right to privacy is enshrined in Article 8 of the Convention.

Prior to the passage of the Police and Criminal Evidence Act of 1984 (PACE Act) and the 1985 Interception of Communications Act, there was no systematic regulation of phone taps, mail intercepts and surveillance—although any evidence thus obtained was not admissible in court at any rate. Recommendations of a commission appointed by Labour Prime Minister James Callaghan (implemented by Conservative Prime Minister Margaret Thatcher—English 2004) combined with an adverse Strasbourg Court decision (Malone v. UK, see Blackburn, 2002: 978) resulted in a clarification of procedures, including the requirement of a magistrate's authorization prior to the installation of listening devices. On the other hand, the various reforms did little to restrict police powers of intrusion. Civil rights lawyers criticized the Security Service Act for encouraging violations of Article 8 upon passage (Ewing and Gearty, 1990: 185). This became clear in 1997 when the European Court ruled against the UK in two more privacy cases. In another case involving wire-tapping, a police officer's work and home phone were tapped in an effort by local authorities to monitor the officer's calls in the hope of disrupting a sex discrimination case she was mounting.

A number of scandals in the 1980s contributed to a growing sense that power had become too concentrated in London in general and Whitehall and the Home Office specifically. Tony Blair's Labour party campaigned in 1997 on a civil rights platform, promising a Bill of Rights—although it is debatable whether the public weighed this more heavily than Blair's simultaneous promises to get "tough on crime" (Dunleavy et al., 2001: 19). At any rate, first on the agenda was passage of a Human Rights Act that would incorporate the European Convention, thereby allowing British judges to assess whether Acts of Parliament were compliant (thus obviating the need for British residents to go to Strasbourg to make the determination) (Fenwick, 2000). This, combined with the Regulation of Investigatory Powers Act of 2000 (RIPA) was designed to put UK citizens' rights above those of the police. As put by Home Minister Jack Straw to the House of Commons:

> [F]or the first time, the use of these techniques [such as wiretapping] will be properly regulated by law and externally supervised. That will serve to ensure that law enforcement and other operations are consistent with the duties imposed on public authorities by the European convention on human rights.... (March 6, 2000)

He reassured concerned MPs, both Labour and Conservative, that the bill would pass muster in Strasbourg. Assurances to this effect were also given by the government to the ECHR in connection with a string of cases involving past violations of privacy under previous laws (Chalkley v. UK, ECHR, 2003; P.G. and J.H. v. UK, ECH; P.G. and J.H. v. UK, ECH, 2001; Armstrong v. UK, ECHR, 2002; Lewis v. UK, ECHR, 2003).

This said, there are those who worry that even the new law will fail because judges need not approve wiretaps in every case (Ashworth and Strange, 2003: 141). Others lament the fact that even as RIPA imposed rules on wiretaps, it permitted the government sweeping new powers to intercept e-mails and call-phone communications (Leigh and Norton-Taylor, 2002). Set against the backdrop of the war against terror, including the passage of the Anti-terrorism Crime and Security Act of 2001, which allows indefinite detention of foreign terror suspects and arbitrary seizure of suspected terrorists' assets, one could argue that the UK government is taking two steps forward and one step back with respect to limiting police powers to invade privacy (Binning, 2002). The Anti-Terror Act was furthermore accompanied by a formal derogation from Article 5 of the Convention, meaning that the state openly admitted it was planning to violate the Convention for the foreseeable future.

There are many in legal and policy circles in Britain today who believe that the decision to apply the Convention to the treatment of criminals, especially through the formal incorporation of the Convention by way of the Human Rights Act 1998, is something the Blair government regrets doing. Home Secretary David Blunkett has said as much on several occasions. Civil rights advocacy groups such as Liberty spend a great of their time fighting the expansion of police powers (Chakrabarti, 2004).

With respect to theories of norm dissemination, it is clear that where questions of terrorism are concerned, policy elites in Britain are willing to set aside Convention restrictions, both formally and informally. This stems from a strong commitment to public safety and a perception of significant threat (perhaps less defensible today than during the 1970s). This is more consistent with the dynamic predicted for states in earlier stages of norm dissemination, particularly the third stage of tactical compromise. It appears as though many basic provisions of the Convention (as interpreted by the ECHR) have yet to achieve a "taken for granted" status in spite of Britain's long-standing commitment to both the Convention and to civil liberties in general. That said, it is also clear that the UK policy elites are responsive to a variety of countervailing pressures, including ECHR judgments, the British courts (note the recent judgment by the Law Lords prohibiting indefinite detention of Arabs, HRW, 2004), interest groups and some segments of the public.

*Corporal Punishment of Children*

For centuries, Britain had a policy of encouraging corporal punishment of children at home, at school and even in the courts. This attitude has gradually softened, however, in part due to pressure from the ECHR. In 1861, laws forbidding parents to abuse their children were introduced,

although they were explicitly permitted to use force as a "reasonable chastisement."

Beginning in 1979, a series of ECHR rulings prompted a number of relatively minor revisions to British law. Britain undertook legal reforms to bring its statutes into compliance with the progressively stricter standards. In 1986, caning and leather straps were outlawed in state-run schools, and in 1998 the same rule was extended to privately operated schools. By the time this last law passed, the consensus among MPs was quite broad. As explained by Baroness Nora R. David in her address to the House of Lords:

> It is over 10 years since a series of votes in this House led the previous government to accept reluctantly that it must prohibit corporal punishment in all state-supported education.... It has been an embarrassing blot on the face of the UK's educational system...." (UK House of Lords 1997–1998)

In 1997, the Court substantially broadened the scope of child protection in *A*. v. *UK*. "A" was a child who had been subjected to routine beatings with a cane by his stepfather. The ECHR ruled that the state failed in its obligation to protect its citizens from torture by other private citizens and urged a strengthening of the law (*A* v. *UK*, ECHR, 1998: para. 24).

The Blair government indicated its intention to introduce new legislation to remedy the legal problem, although it never supported a complete ban on "smacking" (*Financial Times*, September 24, 1998: 14). On the other hand, most Tory MPs were outraged by the perceived interference by the Court into the private lives of British families. According to William Hague, the Conservative party leader, "We've taken the nanny state too far when we have to have court rulings about what people can do with their own children in their own homes" (Little, 1998b). Even the Labour government's health minister has argued in favour of smacking.

The controversy was so heated that, in the final analysis and after much hand wringing, the government opted not to introduce a bill on smacking. However, in 2004, the debate began again, in part due to the tragic death of a child at the hands of her abusive parent. Following an inquiry, Liberal-Democrats introduced new legislation, culminating in a choice between a ban on corporal punishment (opposed by the Labour government) and a tightening of existing law to prohibit corporal punishment that leaves a discernable mark. With respect to the latter point, Lord Ackner (a Law Lord) had this to say in criticism of the ban:

> ...[A] law against smacking would lead to an unprecedented level of intrusion into family life in England and Wales.... In order to fulfill their parental responsibilities, they have powers which they do not possess in relation to anyone

else. To say that the child should have the same rights in this respect as if he were an adult and that parents should have the same obligations as if they were dealing with adults is to overlook the nature of the parent-child relationship, its responsibilities and its sensitivities. (UK House of Lords 2003–2004)

Ultimately, the Lords passed a compromise bill allowing smacking that did not leave marks, and the Commons followed its lead a few months later.

In spite of professions of concern for the health and safety of children, it is clear that, compared to their European counterparts, British elites tolerate more physical harm, in spite of strong pressure from the ECHR to provide greater protections for children. It is clear from recent events that the ECHR is largely responsible for placing this issue at the forefront of the policy agenda, although it is also true that several important interest groups have pressed for greater attention to the issue. British elite behaviour, overall, seems more consistent with the dynamics of the early stages of norm dissemination—perhaps even the "denial and resistance" stage—"tactical compromise." This could stem from the fact that the ECHR is asking the British elites to act against the wishes of a nearly unanimous British citizenry (see below). The Blair government seems to have calculated that banning smacking would jeopardize its reelection prospects, and is therefore willing to make only minimal concessions to the Court.

### Summary: Policy Elites and the ECHR

In the two cases discussed above, it seems clear that the UK government has engaged in tactical compromise with respect to the norm of limiting police powers and banning the corporal punishment of children. Although the latter norm is somewhat novel, the former is not and represents one of the pillars of civil liberties. The government has determined that where terrorist threats or widespread public opposition exist, compliance with international norms should be flexible. At this point, the "stages" theory of norm dissemination does not fully explain this development and should therefore be amended. It would more fruitful to recognize that, even for mature democracies, defiance, denial and tactical compromise may coexist with more advanced degrees of commitment.

## British Public Opinion and the ECHR

While the preceding shows that the ECHR has a fairly strong influence on shaping British policy agendas and even policy outcomes, the same cannot be said with regard to shaping mass attitudes, with respect to either beliefs or priorities.

## Police Powers

Repeated opinion polls and election results make clear that most British citizens tolerate—and even demand—very strong police powers. As a result, it has rarely been a risky political move for a sitting government to expand police powers. This is explained in part by a general acceptance of quasi-authoritarian governing structures, as documented originally in *The Civic Culture* (Almond and Verba, 1963) and more recently in Norrie and Adelman, who argue that Britain has a historic tradition of "consensual authoritarianism" (1989: 588). This, combined with increasing violence (related to IRA terrorism) and crime (the crime rate quadrupled from 1960 to 1980) during the 1970s, contributed to the Thatcher government's decision to adopt a "tough on crime" approach as embodied in the Public Order Act of 1986 and the Prevention of Terrorism Act of 1989 (Young, 1992: 97; Ewing and Gearty, 1990: 213). Even Tony Blair, the human rights advocate, stressed a "get tough on crime" party platform in 1997, helping reassure nervous voters that he would maintain many of these policies. Since his election, he has introduced a number of bills aimed at limiting the rights of criminal suspects, especially terrorist suspects (Chakrabarti, 2004).

From the mid-1980s to the mid-1990s, British public opinion was generally supportive of a get-tough approach on crime, with three-fourths agreeing that an individual suspected of planning to commit a crime, even if he or she had no prior arrests, could be subjected to police surveillance. According to BSA surveys, over one-third of respondents agreed to the policy of holding a criminal suspect in prison overnight for interrogation, without charging him or her.

In the face of increasing crime, a solid majority has favoured stiffer sentencing for criminals: nearly half merely agree and one-third strongly agree through the 1980s and 1990s, although the percentage of those strongly agreeing peaked at 41 per cent in 1993 and fell to 28 per cent in 1996 (Tarling and Dowds, 1997: 209). In 1999, roughly 80 per cent supported longer sentences, with support being strongest among working-class respondents across political parties (between 85 and 90 per cent, Evans, 2000: 64). Throughout the period, confidence in the police ran high. A clear majority interviewed believed the police could be trusted not to "bend the rules" to obtain a conviction (a libertarian might add that with rules being what they were, the police had no need to bend them) (Brook and Cape, 1995: 150). By 2000, the figure had risen to 58 per cent in support of police practices (Bromley et al., 2001: 204). Throughout the period, the public enjoyed far greater confidence in the police than in any other public institution; over two-thirds believed the police department was "well run" (Tarling and Dowd, 1997: 148). Note that public support for broad police powers remains strong.

On the other hand, UK attitudes regarding police powers were not always sympathetic to continual expansion. During the late 1980s and early 1990s, many had become nervous about the loss of privacy rights. By 1991, after more than a decade of Conservative party government, 54 per cent of residents felt their rights were too easily changed by Westminster and 38 per cent (a plurality) agreed that individual rights were better protected on the Continent (Dunleavy et al., 2001: 132). By 1995, 63 per cent felt the state could infringe too easily on rights and 43 per cent felt the Continental states had greater respect for rights. Attitudes regarding the need for a Bill of Rights in Britain were very favourable throughout this period: in 1989 70 per cent were in favour and in 1995 73 per cent were in favour (Blackburn, 1999: 1060). Less than one-sixth agreed that the police could open the individual's mail (although if the hypothetical suspect had a prior arrest record, the figure jumped to one-third) (Brook and Cape, 1995: 195).

What is most intriguing is that these secular trends do not reflect any clear, coherent bifurcation of public opinion. On the contrary, many individuals in the UK don't always see limitations on police powers as in conflict with civil and human rights. Attitudes in Britain are moving very slightly in the direction of libertarianism, according to BSA surveys. Although many indicators point to an increase in support for police powers, overall trends on liberalism-authoritarianism point slightly in the direction of liberalism. In 1990, those who believed the UK was very free and democratic (and were presumably pleased with that assessment) also believed that further limiting prisoners' rights was sound policy (e.g., using silence in court to indicate guilt, allowing police to search without a warrant, and making sure criminals are not let off too lightly) (1990 BSA survey, correlation significant at .001). As we see in Table 2, ideology has little to do with peoples' attitudes about whether police are likely to bend the rules (the responses are only weakly correlated with liberal-authoritarian attitudes and not at all with party affiliation). In Table 3, ideology, as measured by Conservative party affiliation, is not correlated with opinions regarding police powers to intrude on privacy.

Given the ambiguous trend-line of the dependent variable, it is obvious that the many ECHR rulings on police powers have no discernible effects on trends in opinion. It is worth noting here that a future study should probe more deeply into the effects of ECHR rulings on the attitudes of members of the specific groups most affected by the ruling (immigrants, abused children, abusive parents, prisoners, suspects, gays and so forth; see Hoekstra and Segal, 1996).

To more clearly understand the origins of attitudes toward police powers and where the ECHR fits into the mix, I have designed two models to analyze survey results from the British Social Attitudes Survey of 2000 and the author-directed survey of 2003. In 2000 (Table 1), the depen-

TABLE 1

BSA 2000 Survey Question: "Do you trust the police not to bend the rules?" (1 = SA, 5 = SD)

| Variable | Standard Beta Coefficient |
|---|---|
| Gender (male = 1) | −0.005 |
| Age | 0.039 |
| NATLEARN | −0.065*** |
|    The UK can learn from other countries (SA = 1, SD = 5) | |
| Church attendance | −0.006 |
| NATEURO | 0.032 |
|    Res. considers self as "European" (Y = 1, N = 2) | |
| Education | 0.087*** |
| Income | 0.058** |
| LIBAUTH (Liberal = 1, Authoritarian = 5) | −0.048* |
| Race (Black = 1, Asian = 2, White = 3) | −0.048 |
| Observations | 1977 |
| Adjusted R2 | 0.014 |
| Standard error | 1.077 |

Note: OLS, ordinary least squares. Two-tailed test.
*significant beyond .05 level; **significant beyond .01 level; ***significant beyond .005 level

dent variable was the response to the question "Do you trust the police not to bend the rules?" The measures of the factors listed in the methods section of this paper (gender, age, race, education, income and LIBAUTH—liberalism-authoritarianism—as well as party identification) are provided in the survey. Church attendance is employed to measure religiosity. Measures of attachment to the ECHR and things European are provided with the answers to two survey questions: "Do you agree or disagree: Great Britain has a lot to learn from other countries? (NATLEARN)" and "Do you think of yourself as European? (NATEURO)." The only variables for which there is a significant correlation are NATLEARN (at .005), education (at .005), income (at .01) and LIBAUTH (at .05), although education is correlated in the opposite direction than hypothesized (i.e., those with more education trust the police more). The model, overall, has a very low adjusted $R^2$ of .014.

For the 2003 survey (Table 2), the question is far more specific, and prefaced with a reference to recent ECHR rulings: "The police should never investigate your personal records and activities unless they suspect you have committed a crime, even if it a matter of national security. Do you agree or disagree?" In both cases, the following variables are included: gender, age, party, religious commitment and income. In addition, a specific question prompts respondents to give an overall assessment of the ECHR. The only variable that is significantly correlated is the measure of engagement (significance at .01); pro-ECHR sentiments tend to favour

Table 2

Stiles/NOP World 2003 Question: The Police Should Never Investigate Your Personal Records or Activities Unless They Suspect You Have Committed a Crime (SA = 1, SD = 5)

| Variable | Standard Beta Coefficients |
| --- | --- |
| Gender (male = 1) | .070 |
| Age | −.004 |
| Class (low = 1) | −.057 |
| ECHR approval (high = 1, low = 5) | .147** |
| Religious tradition (high = 1) | .041 |
| Education | .060 |
| Conservative dummy | .026 |
| Observations | 968 |
| Adjusted R2 | .020 |
| Standard error | 1.5288 |

Note: OLS, ordinary least squares. Two-tailed test. *significant beyond .05 level; **significant beyond .01 level; ***significant beyond .005 level.

limitations on police investigatory powers. Note that racial categories were not part of the standard demographic package of the NOP survey and the author lacked the resources to add the question. It seems likely that it would not have had a significant role in the model at any rate.

Table 3

Results of Split-Sample Survey of British Attitudes on Police Powers

| Panel One | | Panel Two | |
| --- | --- | --- | --- |
| "Please tell me how much you agree or disagree with the following statement: "Police should never investigate your personal records and activities unless they suspect you have committed a crime, even if it is a matter of national security." | | "The European Court in Strasbourg has proposed the following rulings which may soon affect the whole of Europe including Great Britain. Please tell me how much you agree or disagree with the following statement: "Police should never investigate your personal records and activities unless crime, even if it is a matter of national security." | |
| Strongly agree | 33% | Strongly agree | 31% |
| Somewhat agree | 26% | Somewhat agree | 24% |
| Neither agree nor disagree | 6% | Neither agree nor disagree | 8% |
| Somewhat disagree | 15% | Somewhat disagree | 17% |
| Strongly disagree | 18% | Strongly disagree | 18% |

Source: NOP World National Survey of the United Kingdom, December 4–9, 2003. Panel One included 1,059 respondents and Panel Two included 968 respondents. Both surveys have a margin of error of +/− 3.1 per cent.

Finally, to measure whether awareness of the ECHR's position on the issue of police powers has an effect on attitudes, I split the sample and posed the same question with two different prefaces (Table 3). As is clear, there is no significant difference between the responses provided by each group; each response falls squarely within the margin of error, making a test of means unnecessary. This implies at the very least that opinions regarding police powers are not changed by awareness of the Court's position, although this could stem from several factors. First, it could simply be that respondents are aware of the Court, but discount its status and importance. Second, it could mean that respondents are unaware of the Court and are confused about its significance. The fact that 13 per cent had no opinion about the Court and 22 per cent were neutral is indicative of a fairly high level of ambivalence and/or ignorance. Although awareness is probably low, it is not for lack of publicity. In 2002, for example, the eight newspapers with the highest circulation in Britain mentioned the ECHR in a combined 365 stories.[2] It is interesting to note that, of those expressing an opinion, favourable responses outnumbered unfavourable responses by well over a two-to-one ratio (46% vs. 18%). This level of support far surpasses anything UK residents normally provide to any of the institutions of the European Union (the UK population is the most euroskeptic in Europe), indicating that they have sufficient awareness of the Court to distinguish it from them.

At any rate, taken together, it is clear that in the aggregate and at the individual level, there is little to show that the Court is affecting the minds of British citizens—with the exception of those who already approve of the Court. But even this finding is ambiguous, since it is not possible to clearly determine causation from correlation at this point. Further research is needed to more precisely measure trends in opinion over time and to measure the opinions of those individuals who are most affected by Court rulings. Anecdotal evidence suggests, for example, that the gay community is highly supportive of the ECHR, but even there it would seem that opinions about the rights gays should enjoy were in place long before rulings were handed down (Rayside, 1998).

*Corporal Punishment*

Rulings with regard to corporal punishment of children have provoked the strongest reaction, almost all of it negative, of any of the ECHR's actions in the UK. As soon as the ADT ruling was handed down, a lively debate ensued, pitting pro-smacking groups against the rest. An overwhelming majority of 88 per cent of British citizens favoured the right to smack and blamed the recent ban on corporal punishment in schools for a breakdown in discipline, not only at schools (Little, 1998a) but also in the home (Boniface, 1998). In 1991, 92 per cent of respondents said

tough discipline at home was either "very effective" or "quite effective" at reducing criminal behaviour (BSA, 1983–1991). In 1983, a spare 10 per cent believed that British children received too much discipline. In the 2003 survey conducted for this study, fewer than 20 per cent favoured a ban on "smacking," the particularly violent form of spanking that was condemned by the Court.

This said, for many years British citizens have believed that there should be limits to how severely a parent is allowed to apply force to correct a wayward child. In 1985, nearly 85 per cent of survey respondents believed that in cases where a child has been "beaten," the state should intervene and take custody away from the parents (BSA, 1983–1991). In Britain, the question seems to hinge on what "threshold" of discipline is acceptable; the line between smacking and child abuse is set higher than elsewhere in Europe, and too high to suit the Court.

It would seem that the Court actually prompted a backlash within Britain, serving to strengthen the country's commitment to the right to "smack." This would not be the first time courts have had this effect. In the United States, there is evidence that the Supreme Court's Roe vs. Wade decision of 1973 served to polarize public opinion on the question of abortion and made moderate solutions more difficult (Franklin and Kosaki, 1989). It could be said more generally that couching any problem in terms of legal rights rather than interests can intensify conflict rather than resolve it. But the evidence from the 2003 survey indicates that, once again, the aggregate effect of the Court's ruling on British public opinion was negligible (See Table 4).

TABLE 4

Results of Split-Sample Survey of British Attitudes on "Smacking"

| Panel One | | Panel Two | |
|---|---|---|---|
| "Please tell me how much you agree or disagree with the following statement: "There should be a law to prevent parents from smacking their children." | | "The European Court in Strasbourg has proposed the following rulings which may soon affect the whole of Europe including Great Britain. Please tell me how much you agree or disagree with the following statement: "There should be a law to prevent parents from smacking their children." | |
| Strongly agree | 10% | Strongly agree | 8% |
| Somewhat agree | 10% | Somewhat agree | 10% |
| Neither agree nor disagree | 11% | Neither agree nor disagree | 10% |
| Somewhat disagree | 22% | Somewhat disagree | 24% |
| Strongly disagree | 45% | Strongly disagree | 45% |

Source: NOP World National Survey of the United Kingdom, December 4–9, 2003. Panel One included 1,059 respondents and Panel Two included 968 respondents. Both surveys have a margin of error of +/− 3.1 per cent.

In the 2003 survey, respondents were asked whether they favoured a ban on "smacking." Only 18 per cent agreed with the need for a ban, and nearly half (45%) "strongly disagreed" with the need for a ban. The regression carried out on these results (Table 5) indicates that pro-ECHR sentiments are the only highly significant variable (significant at .001), although there is a weaker, though still significant (at .01) relationship between gender, age and party affiliation in the direction predicted earlier.

### Summary: The Mass Public and the ECHR

It is fairly clear that the ECHR has not, in general, made its presence felt in the opinions of British masses. There is no indication that overall trends in public opinion have shifted in response to Court rulings (in spite of the publicity surrounding them), or that individuals are likely to shift their opinions once the rulings of the Court are brought to their attention. It is not clear whether this stems more from ignorance or indifference, although one could make the argument that the implication regarding the Court's influence is the same either way. This distinction matters only with respect to remedies: ignorance is easily addressed through greater publicity, while reducing apathy requires convincing people that the Court is making the society measurably better off—a much more difficult proposition.

The news is not entirely bad from the point of view of Court defenders. Clearly, for those who already have positive feelings about the Court, its judgments seem to resonate. There is considerable agreement between

TABLE 5

Stiles/NOP World 2003 Question: There Should Be a Law to Prevent Parents from Smacking their Children (SA = 1, SD = 5)

| Variables | Standard Beta Coefficient |
|---|---|
| Gender (male = 1) | −.100* |
| Age | .107* |
| Class (low = 1) | −.029 |
| ECHR approval (high = 1, low = 5) | .203*** |
| Religious tradition (high = 1) | .076 |
| Education | −.072 |
| Conservative dummy | .101* |
| Observations | 968 |
| Adjusted R2 | .099 |
| Standard error | 1.1963 |

Note: OLS, ordinary least squares. Two-tailed test. *significant beyond .05 level; **significant beyond .01 level; ***significant beyond .005 level.

these somewhat more cosmopolitan individuals and the opinions of the Court, although again there is no way at this point to prove the direction of causality. What is surprising is that factors normally thought to be good predictors of progressive attitudes on most issues prove to be of relatively little value in comparison. Age, ideology, gender and education sometimes correlate and sometimes not—and sometimes the correlation is in directions not predicted by conventional theory.

## Conclusions and Implications

Several conclusions may be tentatively drawn from these findings. First, it is fairly clear that British policy elites cannot be expected to always promote all human rights norms. This, in spite of the fact that the UK helped create and promote them and its constitution embodies them. Acceptance of human rights norms—as may well be true of other international norms—is contingent on security conditions, public opinion and other factors. The result is that one might see backsliding, ambivalence and even resistance on the part of mature democracies with respect to particular norms at particular times. This should be made more clear in the various models of norm dissemination which clearly imply a teleological drive to stasis. A better model might be the "spinning plates" metaphor, in which the performer is forced to continually apply energy to keep plates spinning atop a tall stick.

The stages discussed in the literature should be separated out and treated more as "conditions" that may last indefinitely and bear little connection to each other. Even further, it should be taken into account that while under certain circumstances states may move "forward" from stage to stage, they may also move "backward." But even this type of language is misleading, since it is apparent in the UK case that decision makers may well believe they are making progress in dealing with a threat to basic rights (survival of the state and society) by temporarily suspending less essential rights (right to a state-provided lawyer). Few would argue that Abraham Lincoln set back the country's civil rights when he suspended habeus corpus in 1861 in order to preserve the Union and ultimately free the slaves.

The study also makes it clear that international norms that capture the attention of the policy elites may be entirely ignored by the masses. Just as light travels differently through air and through water, international norms may not penetrate deeply into societies, even where the elites are embracing them (or at least addressing them). Furthermore, contrary to the premise of norm-dissemination theory, the public does not always seek liberalization but sometimes advocates more restrictive policies, even in advanced industrialized countries.

The good news is that, with respect to ECHR norms, mass attitudes seem linked to affection for the source of the norms and tolerance for things foreign, more than to the usual opinion shapers. This implies that international norms could be made to matter—or at least that they might find a ready audience—among those who are already favourably disposed. Some speak of a cosmopolitan orientation among those who see their society as part of a greater global whole and are generally tolerant of alien ideas and values. That they might serve as a wedge with which to penetrate a society is consistent with other work on norm carriers and transnational social networks (Khagram et al., 2002; Klotz, 1995).

## Notes

1  National Centre for Social Research, British Social Attitudes Surveys, UK Data Archive, University of Essex, Colchester. The National Centre can be reached at www.data-archive.ac.uk (September 22, 2005).
2  Thanks to Emily Clark for the fact. The newspapers in question are *The Times of London*, *The Independent*, *The Guardian*, the *Daily Mail*, the *Evening Standard*, *The Scotsman*, *Express*, and *The Sun*.

## References

Almond, Gabriel and Sidney Verba. 1963. *The Civic Culture: Political Attitudes and Democracy in Five Nations*. Princeton: Princeton University Press.

Alter, Karen J. 1998. "Who are the 'Masters of the Treaty'?: European Governments and the European Court of Justice." *International Organization*, vol. 52, no. 1 (Winter): 121–147.

Ashworth, Andrew and Michelle Strange. 2003. "Criminal Law and Human Rights in 2002." *European Human Rights Law Review* 2: 138–149.

Binning, Peter. 2002. "In Safe Hands? Striking the Balance between Privacy and Security—Anti-Terrorist Finance Measures." *European Human Rights Law Review* 6: 737–49.

Blackburn, Robert. 1999. *Towards a Constitutional Bill of Rights for the United Kingdom: Commentary and Documents*. London: Pinter.

Blackburn, Robert. 2002. "The United Kingdom." *Fundamental Rights in Europe: The European Convention on Human Rights and Its Member States, 1950–2000*, eds. Robert Blackburn and Jorg Polakiewicz. Oxford: Oxford University Press, pp. 934–1008.

Boniface, Susie. 1998. "Hands Off Our Right to Smack." *Evening Herald* (Plymouth), September 25, p. 24.

Brook, Lindsay and Ed Cape. 1995. "Libertarianism in Retreat?" In *British Social Attitudes: the 12th BSA Report*, eds. Roger Jowell, John Curtis, Alison Park, Lindsay Brook, Daphne Ahrendt and Katarina Thomson. Hants, England: Dartmouth Publishers, pp. 191–210.

Bromley, Catherine, John Curtice and Ben Seyd. 2001. "Political Engagement, Trust and Constitutional Reform." In *British Social Attitudes, the 18th Report*, eds. Alison Park, John Curtice, Katarina Thomson, Lindsey Jarvis and Catherine Bromley. London: Sage Publishers, pp. 199–226.

Caldeira, Gregory and James Gibson. 1995. "The Legitimacy of the Court of Justice in the European Union: Models of Institutional Support." *American Political Science Review*, vol. 89, no. 2 (June): 356–76.

Chakrabarti, Shami. 2004. Interview at Liberty offices, June 28, London.

Checkel, Jeffrey. 2001. "Why Comply? Social Learning and European Identity Change." *International Organization*, vol. 55, no. 3 (Summer): 553–588.

Davis, Darren. 2000. "Individual Level Examination of Postmaterialism in the US: Political Tolerance, Racial Attitudes, Environmentalism, and Participatory Norms." *Political Research Quarterly*, vol. 53, no. 3 (September): 455–76.

Doise, William and Christian Staerkle. 2002. "From Social to Political Psychology: The Societal Approach." In *Political Psychology*, ed. Kristen Renwick Monroe. Mahwah, NJ: Lawrence Erlbaum Association, pp. 151–171.

Dunleavy, Patrick, Helen Margetts, Trevor Smith and Stuart Weir. 2001. *Voices of the People: Popular Attitudes to Democratic Renewal in Britain*. London: Politicos.

English, Rosalind. 2004. Interview on June 22nd at One Crown Office Row, Temple, London.

Evans, Geoffrey. 2000. "The Working Class and New Labour: A Parting of Ways?" In *British Social Attitudes: The 17th BSA Report*, eds. Roger Jowell, John Curtis, Alison Park, Katarina Thomson, Lindsay Jarvis, Catherine Bromley and Nina Stratford. London: Sage, pp. 51–70.

Ewing, K.D. and C.A. Gearty. 1990. *Freedom Under Thatcher: Civil Liberties in Modern Britain*. Oxford: Clarendon Press.

Fenwick, Helen. 2000. *New Labour, Freedom and the Human Rights Act*. Harlow, UK: Pearson Education Ltd.

Finnemore, Martha. 1996. *National Interests in International Society*. Ithaca: Cornell University Press.

Finnemore, Martha and Kathryn Sikkink. 1998. "Norms and International Relations Theory." *International Organization*, vol. 52, no. 4 (Winter): 887–917.

Flockhart, Trine. 2001. "Critical Junctures and Social Identity Theory: Denmark's Euro-friendly Elite and Euro-sceptic Mass Explained." Paper presented at the annual meetings of the International Studies Association, Chicago, Illinois, February 21.

Franklin, Charles and Liane Kosaki. 1989. "Republican Schoolmaster: The US Supreme Court, Public Opinion, and Abortion." *American Political Science Review*, vol. 83, no. 3 (Sept.): 751–772.

Gabel, Matthew. 1998. "Public Support for European Integration: An Empirical Test of Five Theories." *Journal of Politics*, vol. 60, no. 2 (May): 333–54.

Guth, James and John Green. 1990. "Politics in a New Key: Religiosity and Participation among Political Activists." *The Western Political Quarterly*, vol. 43, no. 1 (March): 153–79.

Hawkins, Darren. 1997. "State Responses to International Pressure: Human Rights in Authoritarian Chile." *European Journal of International Relations*, vol. 3, no. 4 (December): 403–34.

Hoekstra, Valeri and Jeffrey Segal. 1996. "The Shepherding of Local Public Opinion: The Supreme Court and Lamb's Chapel." *The Journal of Politics*, vol. 58, no. 4 (November): 1079–1102.

Hudson, Valerie and Andrea den Boer. 2004. *Bare Branches: The Security Implications of Asia's Surplus Male Population*. Cambridge: MIT Press.

Human Rights Watch. 2004. "UK Law Lords Rule Indefinite Detention Breaches Human Rights." December 16. ⟨www.hrw.org⟩ (October 3, 2005).

Inglehart, Ronald. 1994. "Economic Security and Value Change." *American Political Science Review*, vol. 88, no. 2 (June): 336–54.

Jackson, Donald. 1997. *The United Kingdom Confronts the European Convention on Human Rights*. Gainesville: University of Florida Press.

Johnston, Alastair Iain. "Treating International Institutions as Social Environments." *International Studies Quarterly*, vol. 45, no. 4 (December 2001): 487–516.

Kelley, Judith. 2004. "International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions." *International Organization*, vol. 58, no. 3 (Summer): 425–58.

Khagram, Sanjeev, James Riker and Kathryn Sikkink, eds. 2002. *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*. Minneapolis: University of Minnesota Press

Klotz, Audie. 1995. *Norms in International Relations: The Struggle Against Apartheid*. Ithaca: Cornell University Press.

Kuklinski, James and Norman Hurley. 1994. "On Hearing and Interpreting Political Messages: A Cautionary Tale of Citizen Cue-Taking." *Journal of Politics*, vol. 56, no. 3 (August): 729–46

Leigh, David and Richard Norton-Taylor. 2002. "Is Anybody Listening?" *The Guardian Unlimited* (London), July 12.

Lenart, Silvio. 1994. *Shaping Political Attitudes: The Impact of Interpersonal Communication and Mass Media*. Thousand Oaks: Sage.

Little, Tom. 1998a "Demise of Tawse Blow to Discipline." *The Scotsman* (Edinburgh), February 17, p. 4.

Little, Tom. 1998b. "Parents' Hands Tied by Euro Judgment." *The Scotsman* (Edinburgh), September 24, p. 1.

Merry, Sally Engle. 1995. "Resistance and the Cultural Power of Law." *Law & Society Review*, vol. 29, no. 1: 11–26.

Mersheimer, John. 1994/95. "The False Promise of International Institutions." *International Security*, vol. 19, no. 3 (Winter): 5–50.

Moors, Guy. 2003. "The Two Faces of (Post)Materialism: A Decomposition Approach." *International Journal of Public Opinion Research*, vol. 15m, no. 4: 396–412.

Moravcsik, Andrew. 2000. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe." *International Organization*, vol. 54, no. 2 (Spring): 217–252.

Norrie, Alan and Sammy Adelman. 1989. "Consensual Authoritarianism and Criminal Justice in Thatcher's Britain." *Journal of Law and Society*, vol. 16, no. 1 (Spring): 112–128.

Pevehouse, Jon C. 2002. "Democracy from the Outside In? International Organizations and Democratization." *International Organization*, vol. 56, no. 3 (Summer): 515–74.

Rayside, David. 1998. *On the Fringe: Gays and Lesbians in Politics*. Ithaca: Cornell University Press.

Risse, Thomas, Stephen Ropp and Kathryn Sikkink, eds. 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press.

Risse, Thomas and Kathryn Sikkink 1999. "The Socialization of International Human Rights Norms into Domestic Practices: An Introduction." In *The Power of Human Rights: International Norms and Domestic Change*, eds. Thomas Risse, Stephen Ropp and Kathryn Sikkink. Cambridge: Cambridge University Press, pp. 1–38.

Simpson, Brian. 2001. *Human Rights and the End of Empire: Britain and the Genesis of the European Convention*. Oxford: Oxford University Press.

Singh, Rabinder and James Strachan. 2002. "The Right to Privacy in English Law." *European Human Rights Law Review*, 2: 129–61.

Slaughter, Anne-Marie. 2004. *A New World Order*. Princeton: Princeton University Press.

Sniderman, Paul, Richard Brody and Philip Tetlock, eds. 1991. *Reasoning and Choice: Explorations in Political Psychology*. New York: Cambridge University Press.

Tarling, Roger and Lizanne Dowds. 1997. "Crime and Punishment." In *British Social Attitudes: the 14th BSA Report*, eds. Roger Jowell, John Curtis, Alison Park, Lindsay Brook, Katarina Thomson and Caroline Bryson. Aldershot: Ashgate, pp. 148–209.

Tatalovich, Raymond and T. Alexander Smith. 2003. *Cultures at War: Moral Conflicts in Western Democracies*. Peterborough, ON: Broadview Press.

United Kingdom. House of Lords. 1997–1998. *Parliamentary Debates (Hansard)* vol. 588, Part 136, Column 696.

United Kingdom. House of Lords. 2003–2004. *Parliamentary Debates (Hansard)* vol. 663, Part 111, Column 547.

Weisband, Edward. 2000. "Discursive Multilateralism: Global benchmarks, shame, and learning in the ILO labor standards monitoring regime." *International Studies Quarterly*, vol. 44, no. 4 (December): 643–666.

Young, Jock. 1992. "The Rising Demand for Law and Order and Our Maginot Lines of Defense Against Crime." In *Social Change in Contemporary Britain*, eds. Nicholas Abercrombie and Alan Warde. Cambridge: Polity Press, pp. 95–114.

Zimbardo, Philip G. and Michael R. Leippe. 1991. *The Psychology of Attitude Change and Social Influence*. New York: McGraw-Hill.

## European Court of Human Rights Cases Cited:

A. v. UK. Application no. 100/1997/884/1096. 23 September 1998.

Armstrong v. UK. Application no. 48521/99. 16 July 2002.

Campbell & Cosans v. UK. Applications no. 7511/76 and no. 7743/76. 25 February 1982.

Castello-Roberts v. UK. Application no. 13134/87. 25 March 1993.

Chalkley v. UK. Application no. 63831/00. 12 June 2003.

E. and Others v. UK. Application no. 33218/96. 26 November 2002.

Halford v. UK. Application no. 73/1996/692/884. 25 June 1997.

Lewis v. UK. Application no. 1303/02. 25 November 2003.

Malone Case. Application no. 8691/79. 2 August 1984.

McLeod v. UK. Application no. 72/1997/856/1065. 23 September 1998.

P.G. and J.H. v. UK. Application no. 44787/98. 25 September 2001.

Stubbings and Others v. UK. Application no. 36-37/1995. 24 September 1996.

Tyrer v. UK. Application no. 5856/72. 25 April 1978.

Z. and Others v. UK. Application no. 29392/95. 10 May 2001.