

Developments

Review Essay — Do Treaties Matter? Beth Simmons' Mobilizing for Human Rights: International Law in Domestic Politics (2009)

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[BETH SIMMONS, *MOBILIZING FOR HUMAN RIGHTS: INTERNATIONAL LAW IN DOMESTIC POLITICS*, (CAMBRIDGE UNIVERSITY PRESS 2009); ISBN: 9780521712323; 468 pp; £21.99; Paperback]

A. Introduction

Treaties not only reflect, but also alter politics. This straightforward statement, which could be considered as one of the fundamental principles developed in Beth Simmons' book, *Mobilizing for Human Rights: International Law in Domestic Politics*, attempts to accommodate two opposite views in the discussion of the role of treaties in international and domestic politics. On one side are those who argue that treaties alone have no concrete effects on domestic politics, or on the degree of respect for human rights in any given national state. Let us call them *skeptics*. On the other side are those who think treaties to be a kind of magic wand, something hovering above, capable of changing politics in the blink of an eye. Let us call them *believers*. A major achievement of Simmons' book is that it does not simply argue for a mean between these two extremes. Taking this position would be almost as easy as identifying with the skeptics or believers. Arguing for a solution between two extremes is not valuable on its own. What is different about Simmons' book is the impressive amount of data used to ground her arguments. If human rights treaties really matter, one is compelled to ask "under what conditions?" and "to what extent?" Simmons' attempt to answer these questions is quite successful.

It is no easy task to review such a dense book in a few pages. Below, after briefly presenting the structure of the book, I will try to analyze what I consider to be the core of Simmons' argument.

Although the theoretical background of the reviewer necessarily biases every review, it may be worth noting at the outset that not only my conclusions, but also the issues I chose to discuss strongly reflect this background. What is more, this background is completely different from that of the author herself and, I suppose, from that of the main target

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audience of the book. I am neither a professor of international affairs or of international law, nor an international human rights activist, nor someone from an English speaking country or region. As a professor of constitutional law, my concerns with human rights are focused above all on the domestic realm (i.e. on basic constitutional rights). However, I think that this "foreign reading" may offer a unique perspective. I am convinced that a different background is useful for exploring certain issues that internationalists sometimes take for granted. As a matter of fact, I will analyze some of Simmons' arguments that other reviewers – who somewhat share the author's theoretical and cultural background¹ – found convincing and persuasive, but which, from the constitutional point of view, are problematic.

B. The Structure and the Arguments of the Book

Simmons' book is organized in two parts. The first part is rather historical and theoretical. Simmons manages to be both accessible and dense. The reader is conducted through the history and foundations of international law and international affairs throughout the 20th century (especially after World War II) and, at the same time and without any noticeable break, is also confronted with the most complex commitment and compliance issues. Simmons' writing style gracefully shifts from basic to complex issues, thus easing the reader's task. She has succeeded in writing a book that will be read, surely with the same degree of understanding, by a highly varied audience, from international lawyers to human rights activists, from the layperson to the university professor.

The first part of the book is divided into four chapters. Chapter 1 is an overall introduction to the book. After reading it, one already knows not only how the book is organized, but also (and more importantly for understanding the book) the main questions it addresses. Chapter 2 presents the historical background of international relations and international law during the 20th century, which explains why Simmons focuses her work on treaties and international law. As she herself puts it, the main questions addressed in this chapter are "Why rights? Why a legal regime? And why at mid-twentieth century?"²

Chapters 3 and 4 are the core of the first part of the book. Both deal with the questions that will guide the second, rather empirical part. These questions are: "Why commit?" and

¹ See Elizabeth Bloodgood, *Book Review: Beth Simmons, Mobilizing for Human Rights*, 125 POLITICAL SCIENCE QUARTERLY (PSQ) 521 (2010); David Cingranelli, *Book Review: Beth Simmons, Mobilizing for Human Rights*, 32 HUMAN RIGHTS QUARTERLY (HRQ) 761 (2010); Emilie M. Hafner-Burton, *Book Review: Beth Simmons, Mobilizing for Human Rights*, 104 AMERICAN JOURNAL OF INTERNATIONAL LAW (AJIL) 538 (2010); Hans Peter Schmitz, *Book Review: Beth Simmons, Mobilizing for Human Rights*, 8 PERSPECTIVES ON POLITICS 994 (2010).

² BETH SIMMONS, *MOBILIZING FOR HUMAN RIGHTS: INTERNATIONAL LAW IN DOMESTIC POLITICS*, 17 (2009). The title of Chapter 1 is "Why International Law? The Development of the International Human Rights Regime in the Twentieth Century."

“Why comply?” Although both chapters are titled in a rather theoretical tone – “Theories of Commitment” (Chapter 3) and “Theories of Compliance” (Chapter 4), one should not expect highly abstract theorizations on these subject matters. Simmons’ down-to-earth approach is especially noticeable in these two chapters.

In Chapter 3, Simmons analyzes why countries commit, *i.e.*, why countries ratify or do not ratify human rights treaties. The most interesting element in the answer to this question is the existence of what she calls “false negatives” and “false positives.” A simplistic and naive approach to the question “Why countries ratify or do not ratify?” would simply contend that countries ratify because they believe in the values expressed by the human rights and are committed to realize these values through domestic legislation, public policies and other means, whereas those countries that do not ratify do not believe in these values and/or have no interest (political, economic or other kind) in realizing them. Simmons convincingly demonstrates that this clear-cut, commonsense explanation is unsound. According to her, there are countries that do not ratify some (or most) treaties, even though they support the values these treaties express (so-called false negatives), and there are countries that ratify those treaties, although they either do not share those values or do not have any interest in realizing them, or both (so-called false positives). One of the major challenges of the book is to explain these false negatives and false positives, a challenge to which I will return.

In the last chapter of part I (Chapter 4), Simmons deals with the question “why [do] states comply?” Here, again, she challenges what she calls “the common wisdom,” according to which governments comply when it is in their interest to do so and, conversely, do not comply if it is not in their interest to do so. She presents and explores other possible paths of compliance, such as the agenda-setting influence of human rights treaties, the leverage of litigation, and group demands and mobilization, issues to which I will also return.

The second part of the book is dedicated to the empirical approach. As Simmons herself states, the first four chapters of part II are “the empirical climax of the study.” In this second part, Simmons “tests” her arguments through six case-studies, which deal with some ratification and compliance issues of five of the most important multilateral human rights treaties: the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of the Child (CRC).³ Since it would be impossible to engage an in-depth analysis of all the rights guaranteed in all these treaties in all the

³ Simmons mentions that her ideas will also be tested on the International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 (*see* Simmons, *supra* note 2). However, this treaty plays, if any, a very marginal role in her study.

countries of her database, the four chapters of the second part of the book focus either on an extensive quantitative analysis of selected rights – for instance, religious freedom, fair trial and the banning of death penalty (from the ICCPR), and the elimination of child labor (from the CRC); or on selected concrete experiences in some countries – especially Japan and Colombia (CEDAW), and Israel and Chile (CAT). For the sake of space, I will not discuss the four case studies she presents in the second part of the book.

C. Comments

In the following sections, I will analyze a few selected issues, at some length. My comments try to challenge some aspects of Simmons' main arguments. As one may easily notice, these challenges do not dispute her arguments entirely, but rather question some suppositions and implications behind them. This means that even if one agrees with my presented challenges, this does not lead to a refutation of any of Simmons' theses as a whole. Maybe these points can simply encourage other research on these matters.

I. Explaining False Positives and False Negatives

As mentioned above, one of the most important achievements of the book is its successful attempt to explain most cases of false positives and false negatives. Especially in the cases of false positives – which have puzzled many authors for a long time – Simmons explores all possible reasons a state may have for ratifying a treaty even without expecting to comply or without having “a strong normative commitment to the contents of the treaty.”⁴ As Simmons argues, whatever reason really applies, all cases of false positives have something in common: “[t]he expected value of ratifying must exceed the costs the government expects to incur...at least within the time frame relevant to the decision maker.”⁵ Based on this assumption, Simmons refers to three main reasons for false positives: (i) governments may expect some benefit offered by promoters of the human rights regime; (ii) governments may be uncertain about the consequences of ratifying and may sometimes even miscalculate them; (iii) governments may have short horizons, *i.e.*, they may be willing to hazard a future (and usually uncertain) pressure to comply, if short-term benefits appear to be worth the gamble.

Much more complex are the explanations for the false negatives.⁶ I will use the example of American exceptionalism to sum up some issues concerning Simmons' explanation for

⁴ Simmons, *supra* note 2, at 76.

⁵ Simmons, *supra* note 2, at 77.

⁶ Here, I admit a certain bias, by virtue of my national, constitutional perspective. Internationalists seem to be much more puzzled by the cases of false positives. See for instance, Hafner-Burton, *supra* note 1, at 539.

false negatives. American exceptionalism, *i.e.* its unwillingness to ratify several treaties is well known.⁷ In my view, however, Simmons (and some reviewers of her book)⁸ took some exclusively formal justifications for exceptionalism for granted and lost the opportunity to go further in the analysis of one of the most important cases of false negatives in the world.

As in the case of false positives, Simmons considers three main reasons for false negatives: (i) the existence of legislative veto players;⁹ (ii) federal arrangements;¹⁰ (iii) judicial institutions and integration costs.¹¹ It is easy to notice that, while the reasons for false positives are mostly substantial, the reasons for false negatives are above all institutional. These three main (institutional) reasons for false negatives may be summed up as follows: presidential systems, federal systems, and common law systems make ratification more difficult. Coincidentally or not, the United States seems to be the only country in the world to have simultaneous presidential, federal, and common law systems in place.¹²

Arguably, these institutional features (presidentialism, federalism, common law) may, in some specific cases, slow down the ratification process. Nevertheless, none of them are, as such, an impediment or too high a hurdle. Taking for granted that these features explain American exceptionalism is an unjustified move, since this exceptionalism is grounded rather on historical, substantial and political reasons than on such institutional features. Therefore, it seems to be an oversimplification to conclude that the United States is usually unwilling to ratify human rights treaties simply because "its federal structure, supermajority ratification procedures, and highly independent and accessible courts go a long way toward raising the *ex ante* political cost of ratification."¹³ In the following

⁷ For instance, the United States' refusal to ratify the American Convention on Human Rights (Pact of San Jose), the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child (besides Somalia, the United States is the only country that did not ratify the CRC). For more details on this and also on other meanings of the expression "American exceptionalism," see Michael Ignatieff, *Introduction: American Exceptionalism and Human Rights*, in AMERICAN EXCEPTIONALISM AND HUMAN RIGHTS 1 (Michael Ignatieff ed., 2005).

⁸ See for instance, Hafner-Burton, *supra* note 1, at 539.

⁹ Simmons, *supra* note 2, at 68.

¹⁰ *Id.* at 69.

¹¹ *Id.* at 71.

¹² The only other possible example would be Nigeria, a presidential and federal country. However, the common law system in Nigeria is mixed with religious elements. See Yemisi Dina, John Akintayo & Funke Ekundayo, *Guide to Nigerian Legal Information* (2010), available at: <http://www.nyulawglobal.org/globalex/Nigeria1.htm> (last accessed: 23 December 2011).

¹³ Simmons, *supra* note 2, at 18.

paragraphs, I will briefly analyze the federalism and the common law arguments. Further on, I will discuss (although with different objectives) the presidentialism issue.

Federalism: The assumption that federalism may prevent ratification supposes that, for any reason, subnational players are less prone to accept the values of human rights than national players may be. I cannot imagine why this could be so, with the exception of those cases in which ratifying a treaty implies an erosion of prerogatives of sub-national entities.¹⁴ In all other cases, if sub-national players are less prone to accept the values of human rights, the reason for not ratifying can only be substantial, not institutional. In the same sense, it is not quite accurate to assume that “international human rights agreements that rest on universalistic principles are likely to come into tension with cultural specificities that federal systems are often designed to protect,”¹⁵ since this assumes an almost monolithic concept of federalism, which does not hold in many cases.

Common Law: Although common law structures may indeed “tend to take a cautious approach to international legal obligations”¹⁶, especially because treaties “challenge the very concept of organic, bottom-up local law designed to solve specific social problems” and are therefore “the philosophical and cultural antithesis of judge-made, socially adaptive, locally appropriate *precedent*,”¹⁷ we should not overemphasize the differences between common and civil law. As a matter of fact, Simmons is aware of the thesis advanced by several authors that the civil law/common law divide is less sharp than it was considered to be long ago, but she nevertheless does not accept that this convergence between both systems applies to the United States. She concedes that “[s]ome scholars have argued that the distinction between common and civil law systems has eroded over time,” but adds that “this argument may apply more to Britain and France than to their former colonies.”¹⁸ Although it would be impossible here to make an in-depth analysis of the differences and convergences between the two systems, it is nevertheless worth noting that, *at the constitutional level*, the American system, with its written constitution and judicial review of legislation, is much more similar to civil law systems than to the constitutional system of Britain, for instance. Thus, if it is true that a treaty is a kind of “code,” and that the idea of code is the foundation of civil law systems,¹⁹ it is not less true that, at the constitutional level, the United States has the oldest “code” in the world: the American constitution. Additionally, the subject matter of human rights treaties is nearer

¹⁴ As it would be the case for the death penalty in the United States. See Simmons, *supra* note 2, at 69.

¹⁵ Simmons, *supra* note 2, at 70.

¹⁶ *Id.* at 72.

¹⁷ *Id.* at 15.

¹⁸ *Id.* at 77.

¹⁹ *Id.* at 72.

to the constitutional Bill of Rights than to the civil or other codes. It is thus possible to argue that, at least in the human rights realm, the idea of a national code is represented by the constitution rather than by other national codes of ordinary law. And if this is true, the United States has a national code of human rights in the same manner as every country in the world with a written constitution. There would be, therefore, nothing alien in judges interpreting and applying a top-down code of human rights (a treaty), since they have been doing this for more than two-hundred years by applying the American constitution and by exercising the judicial review of legislation.

II. Agenda Setting and Litigation

One of the most interesting arguments provided in the first part of the book is the strong relation that Simmons establishes between domestic politics and treaty compliance.²⁰ According to her argument, external enforcement mechanisms are likely to be quite weak in securing compliance and the real potential for change lies at the domestic level. She thus analyzes the impact of treaties “from the perspective of actors who may want change in rights policies and practices.”²¹ These actors are the executive, the judiciary, and citizens.

I consider this to be the most promising part of the book, not only for the arguments as such, but especially because of their potential to boost new research. Although by and large I agree with Simmons’ arguments concerning the (sometimes under-explored) potential of treaties in these three areas, in the following paragraphs I will attempt to provide additional points-of-view on some issues.

The first one is related to the power of treaties to “alter the domestic agenda and to empower particular branches of national policymaking.”²² The core of her argument is:

It is one thing not to *initiate* policy change on the national level and quite another not to *respond* once a particular right is made salient through international negotiations. Silence is ambiguous in the absence of a particular proposal, but it can easily be interpreted as opposition in the presence of a specific accord. The ratification decision affects the set of policy options facing a government, potentially shifting rights reform

²⁰ *Id.* at 125.

²¹ *Id.* at 126.

²² *Id.* at 127.

to a higher position on the national agenda than it might otherwise have occupied.²³

The argument is sound, and the examples Simmons uses are also convincing.²⁴ What I think is less convincing is her focus on the executive power in presidential systems. She claims that “[i]n presidential systems, treaties can have even more significant independent agenda-setting effects.”²⁵ Here, again, the American perspective may have obfuscated the analysis. Though it is true that in older presidential systems (like the American one), the president has, very little, if any, agenda-setting powers or powers to initiate the lawmaking process, this is not a necessary feature of presidential systems, but rather a characteristic of the American (and of course other) systems. In several presidential countries, especially those with newer constitutions, the president is the main agenda-setter.²⁶ Of course, this does not invalidate Simmons’ argument. What I wish to stress is that, in contemporary constitutionalism, the differences between parliamentary and presidential systems are not as clear as the case of the American presidentialism may suggest. If this is so, then Simmons’ conclusion – “We might . . . expect more legislative innovation upon ratification in presidential systems than in parliamentary ones. It is in the former that treaties significantly enhance the power of the executive to propose legislative rights reforms” – should at least be put in perspective.

As far as the leverage of litigation is concerned, Simmons argues that individuals and groups who use explicit treaty commitments in courts “are holding governments accountable for their human rights behavior,” since the possibility of litigation “changes a government’s calculation with respect to compliance.”²⁷ Moreover, she argues that treaties “can provide new tools for litigation that might not have existed in the absence of treaty ratification.”²⁸

²³ *Id.* at 128.

²⁴ Among other examples, she argues, for instance that “[a] sympathetic government might not have wanted to spend the political capital to raise the issue of the death penalty, but the existence of the second optional protocol of the ICCPR raises the question of whether the government wants to go on record in this regard.” Simmons, *supra* note 2, at 127.

²⁵ Simmons, *supra* note 2, at 128.

²⁶ For the case of Latin America, see for instance, Gabriel L. Negretto, *Government Capacities and Policy Making by Decree in Latin America: The Cases of Brazil and Argentina*, 37 *COMPARATIVE POLITICAL STUDIES* (CPS) 531 (2004); Joseph M. Colomer & Gabriel L. Negretto, *Can Presidentialism Work Like Parliamentarism?*, 40 *GOVERNMENT AND OPPOSITION* 60 (2005).

²⁷ Simmons, *supra* note 2, at 130.

²⁸ *Id.* at 131.

Although this may be true, it would have been interesting to differentiate negative rights (liberties) from positive rights (for instance, socioeconomic rights). I am aware that this distinction is quite polemical. In any event, regardless of accepting this distinction, it is a fact that judicial activity is different depending on the rights at stake. For reasons that cannot be analyzed here, the effectiveness of judicial activity is much higher if what is at stake are liberty rights rather than socioeconomic rights. The litigation in the area of socioeconomic rights is much more problematic, and it is very controversial whether courts can bring about any social change. Therefore, the assumption that a higher level of litigation is always positive is perhaps not ideal.²⁹

III. Legislation and Public Policy

Finally, I would like to address a last distinction that, in my opinion, could have been more fully explored in order to explain differences in complying with treaties. As in the case of constitutionally guaranteed rights at the domestic level, the concrete implementation of rights guaranteed in a treaty does not depend solely on the level of commitment of a given government to human rights values. At the constitutional level, different rights may experience different degrees of realization, even if the government's commitment to human rights is as a whole constant. One major reason for this variance lies in the distinction between realization through legislation and realization through public policies, or between rights to a normative action and rights to a factual action by the state.³⁰ This distinction differs from that discussed above between negative and positive rights, though there may be similarities, as will become clear in the next paragraphs.

Among the rights that demand positive actions by the state, some require that the state create certain legal norms, others require that the state protect the citizens in their relationships with other citizens. Some rights need the creation of procedures and institutions to be fully exercised while other rights depend on specific public policies. As it is easy to notice, I adopt here a version of the classic German doctrine on the "objective dimension of basic rights."³¹ According to this doctrine, basic constitutional rights, in

²⁹ See for instance, Virgílio Afonso da Silva & Fernanda Vargas Terrazas, *Claiming the Right to Health in Brazilian Courts: The Exclusion of the Already Excluded?*, 36 LAW & SOCIAL INQUIRY (LSI) 825 (2011).

³⁰ For this last distinction, see for instance, ROBERT ALEXY, *THEORIE DER GRUNDRECHTE*, 179-180 (2nd ed., 1994) (English translation: ROBERT ALEXY, *A THEORY OF CONSTITUTIONAL RIGHTS*, 126-127 (tr. Julian Rivers, 2002)). According to Alexy, rights to positive acts can be divided into two groups— those having factual acts as their objects, and those having normative acts as their objects.

³¹ See for instance, ROBERT ALEXY, *RECHT, VERNUNFT, DISKURS* (Law, Reason, Discourse) 262 (1995); HORST DREIER, *DIMENSIONEN DER GRUNDRECHTE* (Dimensions of the Fundamental Rights, 1993); Hans D. Jarass, *Die Grundrechte: Abwehrrechte und objektive Grundsatznormen* (The Fundamental Rights: Defense Rights and Objective Norms), in *FESTSCHRIFT 50 JAHRE BUNDESVERFASSUNGSGERICHT* (Years of the Federal Constitutional Court) 35 (Peter Badura & Horst Dreier eds., Vol. 2, 2001).

addition to being defensive rights against the state have effects that radiate to other spheres and generate different kinds of rights and state duties. The most important cases of these effects and the creation of new rights and duties are: (1) the so-called horizontal effects of basic rights;³² (2) the duties of protection;³³ and (3) the rights to organizations and procedures.³⁴

The difficulties in realizing a basic right are directly related to the extension of what is demanded from the state. To illustrate the distinction between legislation and politics, I will use an example from the Brazilian Constitution.

The Brazilian constitution guarantees, in the same chapter, social rights and so-called workers' rights. Though both kinds of rights demand something from the state, the latter are usually much better guaranteed than the former. The reason is simple: what is required by the latter is simply easier to implement. The implementation of workers' rights requires that the state legislate (for instance, vacation time and payment, overtime-hour limits, maternity leave, etc.). The legislation, as such, guarantees and realizes those rights. If they are violated by an employer, they may be enforced by the courts. In contrast, what social rights require is much more complex and costly. The right to health, for instance – at least in the way the Brazilian constitution defines it – requires, among other things, hospitals to be built and maintained, physicians to be hired, medicines to be bought and freely distributed. Similarly, the right to education requires schools to be built and maintained, teachers to be hired, and so on. Although much has already been done in Brazil in the area of social rights, and much more money has been spent in the realization of these rights than in the realization of workers' rights, social rights are nevertheless implemented with less frequency as compared to workers' rights because, among other things, what is required from state is much more complex and costly.

When compliance with international treaties is analyzed and evaluated, one cannot lose sight of these differences. For a state that believes in the values of human rights,

³² See for instance, CLAUS-WILHELM CANARIS, *GRUNDRECHTE UND PRIVATRECHT: EINE ZWISCHENBILANZ* (Fundamental Rights and Private Law: An Appraisal, 1999); INGO VON MÜNCH, PABLO SALVADOR CODERCH & JOSEP FERRER I RIBA, *ZUR DRITTWIRKUNG DER GRUNDRECHTE* (On the Effects of Constitutional Rights on Private Relations, 1998); Claus Dieter Classen, *Die Drittwirkung der Grundrechte in der Rechtsprechung des Bundesverfassungsgerichts* (The Effects of Constitutional Rights on Private Relations in the Case-Law of the German Federal Constitutional Court), 122 *ARCHIV DES ÖFFENTLICHEN RECHTS* 65 (1997).

³³ See for instance, Josef Isensee, *Das Grundrecht als Abwehrrecht und als staatliche Schutzpflicht* (Fundamental Rights as Defense Rights and as State Duties to Protect), in *HANDBUCH DES STAATSRECHTS DER BUNDESREPUBLIK DEUTSCHLAND*, 143 (Josef Isensee & Paul Kirchhof eds., vol. V., 111, 1992); JOHANNES DIETLEIN, *DIE LEHRE VON DEN GRUNDRECHTLICHEN SCHUTZPFLICHTEN* (The Doctrine of the Duties to Protect, 1992).

³⁴ See for instance, Konrad Hesse, *Bestand und Bedeutung der Grundrechte in der Bundesrepublik Deutschland* (Extension and Significance of the Fundamental Rights in Germany), 5 *EUROPÄISCHE GRUNDRECHTE-ZEITSCHRIFT* 427 (1978).

abolishing the death penalty (or keeping it forbidden) is much simpler than eradicating child labor or realizing all socioeconomic rights. In the former case, one needs only to amend the constitution or, if the death penalty is already constitutionally forbidden, nothing else is required (other than respecting the constitution). In the latter cases, besides enacting legislation forbidding child labor, a huge network of control is also necessary, since, contrary to what is typically the case regarding the death penalty, it is not the state that usually employs children as a workforce. When socioeconomic rights are at stake, the complexity and costs are even higher, as has been stressed above.

Therefore, it is not possible, without further qualifications, to compare a state that does not comply with the prohibition of the death penalty, although it has accepted the provisions of the ICCPR's first optional protocol, and a state in whose territory there is still child labor, although it has ratified the CRC. At least it is not possible to argue that both are equally unwilling to comply, since the kinds of non-compliance are completely different.

D. Conclusion

Treaties matter, but not only in the way many international scholars (those I called "believers" in the beginning of this review) suppose they do. Treaties can be used in domestic politics as very powerful arguments for a more widespread realization of the values they express. It is not an easy task to determine which variables foster and which ones hinder the kind of mobilization for human rights Simmons describes and analyzes in her book. Since a major part of her arguments deal with domestic institutional and legal arrangements (such as federalism, presidentialism, common law), more research from domestic and constitutional law perspectives would be more than welcome. I am sure that the outstanding achievement and the arguments of Simmons' book will largely be confirmed. Her fascinating book may, therefore, serve as a research agenda for years to come.