

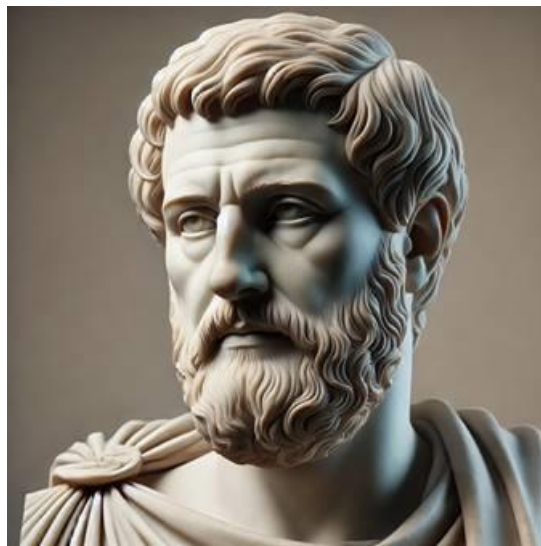
Athens Journal of Politics & International Affairs

Quarterly Academic Periodical, Volume 1, Issue 1

Published by the Athens Institute

URL: <https://www.athensjournals.gr/ajpia> Email: journals@atiner.gr

e-ISSN: 3057-4242 DOI: 10.30958/ajpia



Thucydides' contributions to politics and international affairs are significant. He may be considered the father of political realism in international relations. His work has inspired and influenced many political and international affairs scholars.

March 2025

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The Athens Journal of Politics & International Affairs

ISSN NUMBER: 3057-4242 - DOI: 10.30958/ajpia

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Are Human Rights a Luxury or a Normal Good?

By Gregory T. Papanikos*

One of the most controversial and thorny issues in international politics is the issue of human rights violations. Governments are criticized for consistently and willingly violating human rights. This approach assumes that governments have the option to violate or respect human rights. However, many governments may face a different dilemma, namely the eradication of poverty or a war that threatens their existence as a nation. Thus, governments should not be judged solely on their human rights record but also on their performance in reducing the number of their citizens who live below the poverty threshold. As rightly pointed out by the UNDP (2023), “poverty is a denial of human rights”. All other indicators may be considered as luxury goods that will be pursued only when a country reaches a certain level of economic development (income per capita). The aim of this paper is to investigate the association between human rights indicators and per capita Gross Domestic Product (GDP) and to examine whether human rights, deemed a commodity, can be considered a luxury good, a normal good, or a necessity. It is found in this paper that the income elasticity of human rights is positive but less than one and at very high levels of income, close to zero, indicating that the commodity human rights is a necessity. Based on this evidence, countries are classified according to whether, given their per capita income, their human rights record aligns with expectations. The evidence identifies overperforming and underperforming countries.

Keywords: *human rights, per capita GDP, luxury goods, normal goods, United Nations, statistical analysis, income elasticity, politics*

Introduction

According to a recent report by the United Nations Development Programme (UNDP, 2024, p. 146), “Multilateral institutions, particularly the United Nations, strive to uphold human rights, advance development and promote peace.” One of the great achievements of the so-called period of hyperglobalization is the unprecedented economic growth of per capita incomes and the reduction of poverty, as demonstrated by Papanikos (2024). This is also mentioned by the UNDP (2024, p. 48): “Most countries integrated into global value chains and opened their markets to foreign trade and financial flows, yielding some control over these flows for the promise of economic growth and poverty reduction. This period brought massive increases in standards of living for large numbers of people, but the gains from trade and economic integration were not evenly distributed. It also brought increases in within-country inequality in many high-income countries, often manifested in the emergence of or increase in large subnational inequalities, with declines in job opportunities

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concentrated in some areas and economic sectors. For some low- and middle-income countries hyperglobalization was sometimes characterized by unequal terms of trade and the implementation of policies that may have inhibited productivity growth and development progress”¹.

The purpose of this paper is to examine one particular issue: the association between human rights and per capita Gross Domestic Product (GDP). It is assumed that causality runs from per capita GDP to human rights. Countries with higher per capita GDP than average are expected to be better performers in human rights. In this study, human rights are considered a commodity whose demand increases with income. The higher the per capita income of a country, the greater the “consumption” of human rights. The question of interest is whether human rights, as a commodity, are a normal or a luxury good. In the latter case, only the very rich countries can afford to consume such a “luxury good” as human rights. For the poor countries of the world, absolute poverty reduction is or should be a strong priority, and human rights are not on the list of immediate urgent priorities for these countries. As a matter of fact, in an earlier report, the UNDP (2003, p. iv), examining the relationship between poverty and human rights, rightly declared that “Poverty is a denial of human rights”. In other words, and this is important in empirical evidence, the provision of human rights as a good is zero in economies with very low per capita GDP. If per capita GDP is zero, then human rights must also be zero.

The practical policy implications are evident. Taken care of poverty (low per capita income) creates the necessary conditions to achieve better records in human rights achievement. Poverty requires the production of more material wealth as this is measured by per capita GDP. Richer countries have fewer people living in absolute poverty. Higher growth rates of output, higher than the population growth, provides the means to reduce poverty and therefore open up the area to improve on human rights. This is not done automatically and government policies are required so that the gains from higher output growth is directed towards those who need it most². This political issue is further discussed in the following sections of this paper.

Including this introduction, the paper is structured as follows. In the next (second) section of the paper, the relationship between human rights and the economy is discussed from a theoretical point of view, considering what economic literature has to say on the nature of the association between human rights and economic performance. The third section reviews a few studies that emphasize various aspects of human rights. It is a convenience sample of the relevant literature published in various journals and books of the Athens Institute for Education and Research (ATINER). This literature is more than sufficient to shed light on the various aspects of human rights. The fourth section discusses and employs two data sources of measuring human rights and presents the descriptive statistics of these two variables. Economic performance is measured by per capita GDP in Purchasing Power Parities (PPP) expressed in US dollars. Its descriptive statistics are also presented in this section.

¹Not all scientists and policymakers are in favour of globalization. For a radical critique of international law and radicalization, refer to Amin (2021) and Boehringer (2015).

²Countries or regions blessed with natural resources, such as oil, may be the cause of ethnic conflicts and war, resulting in extreme violations of human rights. This distributive injustice is examined by Folami (2022).

Finally, this section examines the association between human rights and per capita GDP by analyzing scatter the diagrams of the two variables: human rights and per capita GDP. The fifth section continues with the empirical analysis of the relationship between human rights and per capita GDP by estimating a simple nonlinear regression model. Many functional forms were tried, but the best in terms of goodness of fit is given by a semi-logarithmic relation between the human rights index and per capita GDP in PPP US\$ expressed in natural logarithms. This estimated equation is then used to produce estimates of the income elasticity of demand and a classification of countries between overperformers and underperformers in their human rights record. In addition, a log-log functional form is estimated for a second dataset, which includes only 87 countries, and the results are compared with the larger sample of 164 countries. The final section discusses the policy implications of these preliminary findings and summarizes the main conclusions of the study.

Human Rights as an Economic Good

Human rights are defined by the United Nations (2024) as³:

...rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

Using economic jargon, one may consider human rights as a composite commodity or as a basket of commodities that includes a variety of goods. For example, it may include the right to work, the right to health⁴, the right to education and training⁵, access to water⁶, the right to security, the right to private property, and the right to freedom of expression, among others. However, the provision of all these rights is costly and is usually borne by governments⁷. It is a public good, even though it cannot be considered a pure public good. Table 1 classifies the economic goods in four types depending on two criteria: rivalry in consumption (one's consumption of a good precludes all others to consume it) and excludable (it is very costly to exclude someone from consuming it).

What type of good are human rights? This question can also be framed as: What kind of good should human rights be? If we accept that human rights are defined by

³See <https://www.un.org/en/global-issues/human-rights>; (retrieved 2 April 2024).

⁴This also includes psychological health and sexual/gender orientations (Dermer et al. 2021). Similarly, Masullo et al. (2023) examine aspects of male identity and its relation to human rights. Roots (2022) examines LGBTI rights in the European Union. Şemi (2024) analyzes students' perceptions of sexual orientation.

⁵See Oberoi (2022).

⁶See Ştefan (2024).

⁷The provision of human rights by the government can be analyzed using Wagner's Law. Once a certain level of expenditure is allocated to providing the commodity of human rights, there can be no turning back. Only an increase can occur, assuming that this government spending is allocated effectively and efficiently, thereby leading to an increase in the supply of human rights.

respecting the principle of universality, then nobody should be excluded. Therefore, they cannot belong to the category of excludable goods because, by definition, human rights are or should be a non-excludable commodity. Then the question arises as to whether human rights should be rivalrous or non-rivalrous in consumption. This is more difficult to determine. An example can illustrate the dilemma posed by this argument. It is or should be everyone's right to walk freely in a forest. However, there are two problems with the use of a forest. If all people use it, then forests may become crowded, and on a hot day, there is a danger of fire. In an emergency like this, governments may decide who will use the park to minimize the number of visitors or close it down to any visitors altogether.

Table 1. *A Taxonomy of Economic Goods*

	Excludable	Non-Excludable
Rival	Private Good (souvlaki)	Impure Public Goods-Common Goods (Forest, open sea, pavements, street walk, etc.)
Non-rival	Impure Public Goods-Club Goods- Natural Monopolies (Tennis clubs, private parks, Cable TV)	Pure Public Good (defense)

One may argue that the ideal is to consider human rights as pure public goods, i.e., everyone should benefit from the provision of this good. In this case, human rights as a commodity belong to the category of pure public goods. Governments should supply this public commodity without any discrimination to all their citizens. The nature of pure public goods is such that nobody can be excluded, as in the case of national defense. However, one of the most frequent violations of human rights occurs when governments violate the principle of universality in the 'consumption' of human rights. Some people are excluded based on various criteria such as ethnicity, religion, gender, age, etc.

Rare resources must be used in the production of such rights which have alternative uses, such as the alleviation of poverty, with or without respect for human rights. An extreme example may demonstrate this. Suppose there is a natural disaster in a very poor and isolated country, threatening famine for a significant proportion of the population. A legitimate or non-legitimate government may decide to confiscate property and output from those who have it to cope with the immediate threat to lives. Sometimes violence may be used as well. Human rights are violated⁸, but this might be the only way to solve the problem of starvation and poverty in general. In many cases, it is also the only way that the political and social stability of the country can be preserved.

As mentioned in the introduction, the existence of poverty is a complete denial of human rights, regardless of how these rights are measured. The only way to solve the problem of poverty for very poor countries is through economic growth. This is a necessary condition but not sufficient. A country should implement policies so that economic growth benefits the poor more, helping them to escape what is known as the poverty trap. Of course, economic growth creates jobs, which are a necessary

⁸In this case, the right to property and privacy is violated.

condition for eradicating absolute (extreme) poverty. This should be the focus of economic science, and rightly so, the UN has made poverty the number one goal of its Sustainable Development Goals (SDGs). Despite what many economists have been brought up to believe, the objective of the science of economics is to eradicate poverty. National economies should be ranked according to their record of decreasing the number of people living below a certain threshold of income.

Alan O. Sykes, a law professor at Stanford, has argued what all economists know: the production of human rights is costly. There is an opportunity cost of providing these services, and not every country in the world can afford to supply a minimum level of human rights services. In his own words, Sykes stated (2003, pp. 3–4):

In turn, the growth in real income that results from more open trade will promote human rights to the degree that the demand for human rights is likely “income elastic.” There are good reasons to believe that this will be true for many rights. Note that almost all human rights are, in one manner or another, costly. The protection of rights generally requires a legal system that is effective and credible, and such systems do not come free. Moreover, many rights require some additional sacrifice of other human wants—minimum wages, rights to unionize, environmental standards, and social security systems, for example, all come at the price of an increase in the cost of goods and services, or an increase in taxation. The latter creates its own human rights violation when people evade taxes without any reoercussion (Papanikos 2015). At some level, therefore, human rights must be “financed” by a reduction in other consumption expenditures that would be made in their absence. Human rights are in this sense akin to ordinary goods and services—they cost money, and because of the budget constraint that all individuals and societies ultimately face, an increase in “expenditures” on human rights must be accompanied by a decrease in expenditures on other things that people desire. The expenditures necessary to create and enforce human rights will tend to be less burdensome, other things being equal, in wealthier societies. For in such societies, basic human needs for food, clothing, shelter and the like are more likely to have been met, and more resources will be available for other things. We might therefore expect that wealthier societies will tend to expend more resources (proportionally) on the creation and protection of human rights—that is, we might expect that human rights will tend to be “normal goods” in the language of economics. Anecdotal evidence hints at the correctness of this hypothesis.

The objective of this paper is to provide concrete, non-anecdotal evidence that permits the direct testing of a hypothesis: as income rises, a country has the resources to provide more human rights (both quantitatively and qualitatively). Additionally, this paper aims to test the hypothesis regarding the type of human rights: are they luxury or normal goods? This can be verified by estimating the income elasticity of demand for the commodity “human rights”. It is expected that as income increases, the demand for human rights will also rise. If the increase in demand for human rights surpasses the increase in income (measured in percentages), economists refer to these commodities as “luxury” goods. This measurement is called the income elasticity of demand. If the elasticity falls between zero and one, then the demand for human rights is considered a “normal” good. There is also the possibility that the income elasticity is negative, in which case goods are considered “inferior”.

The above analysis is more static. It is possible that the income elasticity of human rights does not remain constant across incomes. In some cases, in order to achieve economic growth, a country may proceed by restricting the provision of human rights, in which case, as per capita income rises, the demand for human rights decreases. At this stage, human rights can be considered “inferior” goods. However, as income increases, then, *ceteris paribus*, the country can afford to provide more human rights, and actually proportionally more than the income growth. Later, at much higher incomes, less than proportional increases in human rights can be consumed, in which case, human rights as a commodity are considered “normal” goods or even necessities, as later defined in this paper.

The measurements of human rights use indices that have an upper bound, say 100% achievement in human rights. Further increases in per capita income will not lead to further increases in human rights. Human rights cannot exceed 100%, which is the highest possible score that can be achieved. Higher incomes will not increase human rights. Thus, there is a threshold of per capita income at which a further increase will not lead to higher provisions of human rights. One approach of verifying these hypotheses is by developing a simple nonlinear model that allows testing them. As mentioned, the best fit is provided by a semi-log functional form without a constant. The first database includes 164 countries, and the second includes 87 countries. These data are collected by different agencies following different methodologies, which enhances the robustness of the findings of this paper. More information on the data source is provided below.

Human rights are considered here as a commodity with many dimensions that relate to law, politics, sociology, anthropology, health, education, business, and many other disciplines⁹. This explains why per capita income may not be the sole explanatory factor for the provision of human rights. This divergence is demonstrated in the two empirical sections of the paper. However, in the next section, a selected literature review is presented based on papers published in various journals of ATINER, primarily in the *Athens Journal of Law* and the *Athens Journal of Social Sciences*.

A Selected Literature Review of Human Rights

How can large disparities in human rights among countries be explained, even when per capita income differentials are taken into consideration? A look at the literature may shed some light on this issue. There are many reasons that can explain deviations from the mean other than per capita GDP. Further discussion on this issue is included in the empirical section of this paper, where we categorize countries into overperformers and underperformers. Each country requires a separate analysis, but some explanations can be generalized. How can variations in human rights be explained?

⁹Some of these issues are examined in a series of excellent books published by ATINER; see the books edited by Professor Frenkel (2013, 2014, and 2017) and Stivachtis and Georgakis Abbott (2014).

As mentioned in the introduction, in a state of emergency that can occur because of man-made wars or natural disasters (such as earthquakes, fires, floods, climate changes, etc.), human rights violations may become the norm rather than the exception. Zumpani (2014) examines these exceptions within the context of civil war. As the author suggests, in a state of emergency where the survival of a nation is at stake, human rights become a secondary issue. Kashmir is an example where the human rights of individual citizens were brutally violated because of the war. There were human rights violations of international law, and UN resolutions were not of any help, as explained by Akhtar (2023). Similar to wars, terrorism poses a significant threat to extreme human rights violations, as demonstrated by Choram (2022) in the case of Ethiopia. In regions plagued by wars and systematic violations of international law, including human rights, conducting business and promoting economic growth might be the only solution out of the stalemate. Creating an environment of ethical business behavior is examined in the case of Myanmar by Christie and Hanlon (2014). Additionally, regional cooperation and agreements may promote human rights, as demonstrated by Hadad (2019) in the Arab world.

Respect for human rights is not only a government responsibility but also becomes a moral obligation for all institutions and organizations, such as business enterprises. Workers have rights and responsibilities. How they are monitored may conflict with human rights, violating workers' and consumers' rights, as demonstrated, for example, by Lockwood (2018) in the case of care homes in Britain. Discrimination in the workplace may result from differences in religion, as examined by Lockwood et al. (2023). Nartey (2023) analyzes the legal and ethical obligations of corporations in respecting human rights and the environment.

Wars bring about migrations, which again explains why human rights indices are so low in some countries. Wars threaten the physical existence of human beings, and according to the definition of human rights, the life of any individual must be respected. In many cases, apart from killing civilians, wars also force people out of their country or region¹⁰. These migrants face two types of human rights violations. The first violation occurs when people are forced to leave their homes, and the second violation occurs when the host country, willingly or unwillingly, does not protect their human rights as refugees. This issue has been examined by Valois de Amorim and Vargas del Puppo Romanelo (2022) in reference to Syrian refugees in Brazil. Brazil has its own human rights problems, with many allegations of violating the human rights of indigenous people (Burckhart 2023). Roots (2017) examines the rights of asylum seekers within the European Union, while Tiwari (2024) examines the treatment and protection of refugees in India.

Even in countries where war is not a problem, such as in the case of the European Union, the right to private property and remaining in one's land is recognized as a human right, which may not be respected by all member states. Allegranti (2022) examines the Italian constitution and concludes that these rights are not always protected, including in situations of emergencies such as natural hazards. The emphasis is on the right to private life and includes issues of the psychological wellbeing of the individual. Human rights related to private life might be violated as

¹⁰The use of force and violence in the context of international law on human rights and the UN conventions and declarations is examined by Khan (2017).

part of normal business relations, such as the relationships of individuals as consumers. Jelisejevs (2021) examines the human rights of consumers when dealing with banks. Similarly, in the health sector, consumers are the patients, and their medical records should be protected, as highlighted by Lytvynenko (2020a and 2020b).

However, this is a general matter of legal protection and, more generally, of legal culture. Hamaionova (2023) examines differences in European legal cultures, which might explain the divergence in human rights records between countries of relatively similar levels of development. The European Court of Human Rights also permits individuals to sue governments for violations of human rights. Jafari (2024) surveys such cases against Turkey.

Another issue that might explain the dispersion of data in the two scatter diagrams presented below is violations of human rights based on gender or age. This issue is examined, among many others, by Abdurraheem (2018) in the case of Nigeria, who looks at women's participation in the political process from a post-colonial historical perspective. However, in advanced countries, violations of human rights based on gender are ubiquitous, as observed by Caragnano (2018) and Picchi (2022) within the context of the European Union, and by Kundu and Tabassum (2023) for women journalists in Bangladesh. In another important context, Jahan and Razib (2023) look at the role of media in Bangladesh in violating children's human rights as victims of sexual assaults. Similarly, Khangala (2024) studies children's socioeconomic rights in South Africa, and Mashego (2024) looks at the enforcement of socioeconomic rights in the same country. Türkoğlu (2023) inspects domestic violence and the protection of women's rights in the Turkish courts. Access to justice is a concern for people, especially those with certain disabilities, as discussed by Umegbolu (2021) in the case of Nigeria.

Human rights include language rights. Are people allowed to speak and be educated in the language of their preference? Alam (2022) analyzes the freedom of language along with women's right to education. As the author claims (p. 2), "A number of experts on minority language problems, for example, have advocated for a human rights framework for language rights".

Democracy and political rights, in general, are considered human rights. The issue of democracy, its meaning, and modern applications are examined by Papanikos (2022a and 2022b), Meydani (2022), and Petratos (2022). The right of assembly within the context of the European Convention on Human Rights is examined by Černý (2020). Democracy is usually associated with freedom of speech or, in general, with freedom of expression. The latter is a multidimensional concept and may include the freedom to dress, as demonstrated by Latino (2023). This issue has been hotly debated even in advanced countries regarding the dress code of Muslim children attending public schools.

The final strand of the literature on human rights relates to the important issue of the effects of new technology and artificial intelligence on human rights. López (2023) studies these issues, particularly the use of technology in the judiciary process. As stated in the paper (p. 525), "Algorithms may contain serious errors or go against human rights". Artificial intelligence applied to the judiciary process may solve the problem of the independence and objectivity of judges, as well as the process of their

dismissal. Ally (2016) compares the constitutional frameworks for the removal of judges in Kenya and South Africa. Technology has brought forward new ways of freedom of expression, relating to social media and fake news accusations, as discussed by Smith and Perry (2020) and Smith and Smith (2022) regarding fake news legislation and human rights violations in Thailand and Myanmar.

In conclusion, from the above short and selected literature review on various human rights issues, two conclusions emerge. First, the commodity of human rights is multidimensional, including many aspects, and each one can be used to overemphasize or underemphasize the provision of human rights. Second, the concern for adequately providing human rights cuts across all countries and continents. Thus, the use of a cross-sectional dataset that includes all countries of the world provides the necessary information and variability to test the main hypotheses of this paper. The next section presents the sources of data and their summary statistics.

Data Sources and Descriptive Statistics

This study uses two data sources that measure human rights by applying various criteria. Both indices are composite indexes and include many other variables. These indices have generated their own literature. The purpose of this study is not to review this literature. For economists, the problem with these indices is that they are based on people's opinions. Even if they are the best experts in this field, by definition, their judgments are subjective. Human rights are not bought and sold in the market, so their prices and volume of transactions cannot be directly observed.

These indices have also been criticized for not incorporating important aspects of the rights dimension, such as the right to education, health, etc. In my opinion, the crudest index of human rights is poverty, which in its extreme manifestation occurs when people are dying from starvation or very simple curable diseases. The number of people in extreme poverty is an objective indicator of how well a society treats its citizens. I have examined this issue in more detail and provided empirical evidence in Papanikos (2024). Despite their disadvantages, the subjective indices of human rights have their own merit and, in some cases, are effective in exerting pressure on national authoritarian regimes by both national and international agents to improve the provision of human rights. If these indices serve this purpose, then subjective or not, they should be more than welcome.

The first index is provided by V-DEM (Varieties of Democracy), which reports data for 164 countries. More information on their methodology is available at: <https://ourworldindata.org/vdem-human-rights-data>. The data are collected by the University of Gothenburg in Sweden and funded, among other agencies, by the Swedish Research Council and the European Commission. V-DEM's human rights index is actually a civil liberties index, which is decomposed into three subindices: physical integrity rights (people are free and no torture or killings by the government occur); private civil liberties (no forced labor, property rights exist, freedom of movement and religion); political civil liberties (political parties and civil society organizations are formed and operate freely, and media are free). This index has certain shortcomings, but the most important one is that it does not account for

absolute (extreme) poverty, and the basic needs of the population are not met, such as the rights to food, health, education, welfare, etc.

Countries are ranked between zero and one, but in this study, we transform the measurement by multiplying each score by 100. Thus, countries with a zero score have no provision of human rights, while countries with a score of 100 have reached the maximum possible provision of human rights. No country has scored either of these two extremes.

The second index is supplied by U.S. News & World Report. Professor David Reibstein from the Wharton School of the University of Pennsylvania is overseeing the entire project. The methodology of the index is available at <https://www.usnews.com/news/best-countries/articles/methodology>, which is based on a survey of 17,000 people. It is interesting to note that this index uses 73 country characteristics grouped into 10 categories, which are then correlated with the expected income as reported by the International Monetary Fund. In any case, this index reports data only for 87 countries and is used here to test the robustness of our findings based on the V-DEM index.

Tables 2-5 present summary statistics of the two variables used in this study. Table 2 displays the geographical distribution of the 164 countries included in the V-DEM index. Africa and Europe each account for 25% of the total number of countries used in the index. The maximum number of countries (51) comes from Asia, representing 31% of the total. North and South America together account for 15% of the countries, and Oceania is represented by six countries, or 4% of the total. Overall, the geographical distribution is well-balanced. A table in the appendix of the paper provides all countries of the data set, their ranking and score of human rights, and their per capita GDP of 2021 and 2022. We use the 2021 per capita GDP because data for three countries were not available for the 2022 per capita GDP, but the results, not reported here, were not different from what was found using the 2021 data.

Table 3 presents the descriptive statistics of the two variables of interest to this study. The range of the index is between 4 and 97, with a mean value of 69 and a median value of 80. Table 3 also reports various measures of dispersion of the data on human rights. The average value of per capita GDP is \$23,595, taking into consideration PPP differences between the 164 countries. The median is much lower at \$15,135. The data are skewed to the right, as expected for an income distribution. The minimum per capita GDP was \$788 (Burundi), and the maximum was \$131,511 (Luxembourg), showing the unequal distribution of per capita GDP across the globe.

Table 2. *Geographical Distribution of Countries by Continents*

Continent	Number of Countries	Percentage of Total
Africa	41	25%
Asia	51	31%
Europe	41	25%
North America	14	8%
South America	11	7%
Oceania	6	4%
Total	164	100%

Table 3. Descriptive Statistics

Statistic	Human Rights (2022)	GDP per capita in PPP US\$ (2021)
Mean	69	23,595
Standard Error	1.94	1,907
Median	80	15,135
Standard Deviation	25	24,423
Kurtosis	-0.53	3.59
Skewness	-0.85	1.73
Range	93	130,723
Minimum	4	788
Maximum	97	131,511

Table 4. Distribution of Human Rights Performance (2022)

Value	Count	Percent	Cumulative Count	Cumulative Percent
[0-10)	1	0.61%	1	0.61%
[10-20)	6	3.66%	7	4.27%
[20-30)	10	6.10%	17	10.37%
[30-40)	15	9.15%	32	19.51%
[40-50)	8	4.88%	40	24.39%
[50-60)	7	4.27%	47	28.66%
[60-70)	18	10.98%	65	39.63%
[70-80)	17	10.37%	82	50.00%
[80-90)	42	25.61%	124	75.61%
[90-100)	40	24.39%	164	100.00%

Table 4 shows the distribution of the human rights performance of the 164 countries. Half of the countries (82 in total) scored more than 80. If this is the expected “consumption” of human rights, then one may conclude that the world is doing very well. On the other hand, 28.66% of the countries scored less than 50 in their human rights record. In many of these countries, but not all, wars and political instability may explain why they lag behind in the provision of human rights. However, the most important reason, as argued in this paper, is poverty, which is the main factor preventing these countries from keeping up with others in the provision of “acceptable” human rights. The level of poverty is related to per capita GDP. The latter variable is considered and empirically tested here as an important determinant of the supply of human rights.

Table 5 illustrates the distribution of per capita GDP in PPP US\$. Almost half of the countries (48.78%) had a per capita GDP less than \$15,000. About 25% of the countries had a per capita GDP of more than \$35,000.

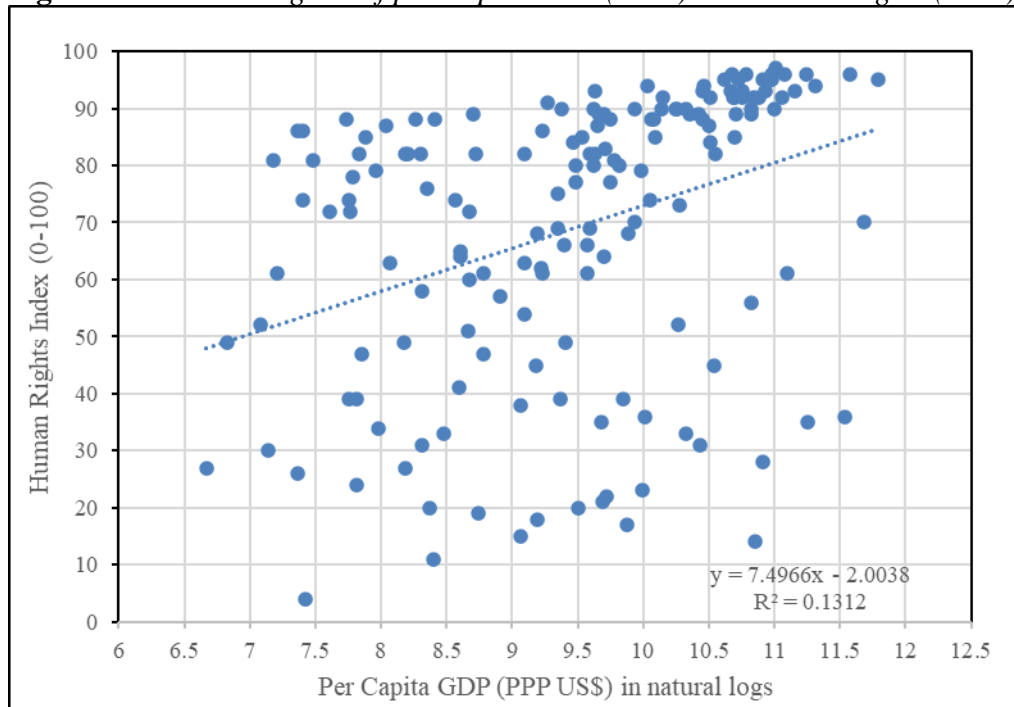
Table 5. Distribution of Per Capita GDP in PPP US\$ (2021)

Value	Count	Percent	Cumulative Count	Cumulative Percent
[0-5000)	40	24.39%	40	24.39%
[5000-10000)	21	12.80%	61	37.20%
[10000-15000)	19	11.59%	80	48.78%
[15000-20000)	19	11.59%	99	60.37%

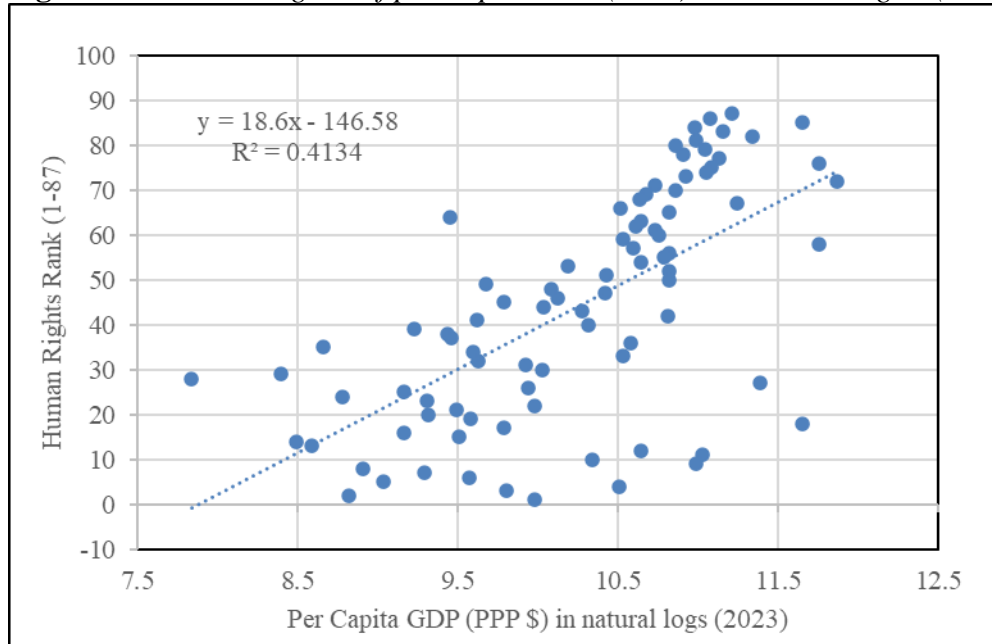
[20000-25000)	10	6.10%	109	66.46%
[25000-30000)	6	3.66%	115	70.12%
[30000-35000)	7	4.27%	122	74.39%
[35000-40000)	6	3.66%	128	78.05%
[40000-45000)	7	4.27%	135	82.32%
[45000-50000)	5	3.05%	140	85.37%
[50000-55000)	7	4.27%	147	89.63%
[55000-60000)	5	3.05%	152	92.68%
[60000-65000)	3	1.83%	155	94.51%
[65000-135000)	9	5.49%	164	100.00%

The question asked in this study is: what is the association between human rights and per capita GDP? Figure 1a is a scatter diagram between the human rights index and per capita GDP in natural logs. Figure 1a shows a positive relationship, but there is very high dispersion of human rights around the regression line. Figure 1b shows the same scatter diagram and the regression line using the second database of the 87 countries. Both pictures look the same. The type of data dispersion might be the result of the existence of heteroscedasticity. In the estimation of the regression line, we correct for heteroscedasticity.

Figure 1a. Scatter Diagram of per Capita GDP (2021) and Human Rights (2022)



Note: 164 countries are included. The human rights index has been rescaled from 0-1 to 0-100. Source: The human rights data were retrieved from V-DEM, and the data for per capita GDP in PPP US\$ were retrieved from the World Bank.

Figure 1b. Scatter Diagram of per Capita GDP (2023) and Human Rights (2023)

Note: 87 countries are included.

Source: <https://www.usnews.com/news/best-countries/rankings/cares-about-human-rights>.

The two scatter diagrams are the first step in visually examining the relationship between human rights and per capita GDP. The purpose of this study is to find the income elasticity of demand for human rights, and this can be observed by examining the scatter diagrams. The next section estimates the parameters of a simple empirical model, which will permit the identification of whether human rights, as a commodity, are a luxury or a normal good.

The Empirical Evidence

Economic theory treats human rights as a commodity, typically supplied by the government. In this simplistic approach, it is assumed that human rights depend on the level of economic development, measured by per capita output (per capita GDP). This study utilizes cross-sectional data from countries with different purchasing parities measured in US dollars. Additionally, alongside economic development, several other variables may play crucial roles in the provision of human rights. These variables are accounted for using a dummy variable representing the continent to which each country belongs. It is assumed that this dummy variable serves as a suitable proxy for other variables such as cultural differences, religions, languages, and political systems.

The choice of functional form for the equation to be estimated is also significant. Five common functional forms were tested: linear, hyperbolic, quadratic, logarithmic, and semi-logarithmic. The coefficient of determination adjusted for degrees of freedom was employed as a criterion for selecting the best functional form. The semi-log specification yielded the best fit for the largest dataset, as reported in Table 6.

Another point to consider is the role of the constant term. While it is customary to include a constant term in a simple regression model like the one presented here, in the context of this study, the constant term holds no significance. When per capita income is zero, there is no supply and demand for human rights. Even at very low levels of per capita GDP, the supply of human rights is severely limited, rendering the constant term effectively zero. As evident from the scatter diagram in the preceding section, there seems to be no significant issue of heteroscedasticity. Nonetheless, the standard errors of the regression parameter estimates reported in Table 6 are adjusted for heteroscedasticity.

The theoretical functional form is provided as follows:

$$e^{HR} = e^{\beta_0} Y^{\beta_1} e^{DV}$$

Where e represents Euler's number (approximately 2.71828), HR denotes human rights, Y stands for per capita GDP, DV signifies dummy variables, and β_0 and β_1 represent the coefficients to be estimated. By taking the natural logarithms, the function described above can be estimated using a linear regression method. The equation in natural logs becomes:

$$HR = \beta_0 + \beta_1 \ln(Y) + DV(\text{Dummy Variables})$$

The theoretical arguments presented above assume that β_0 is not statistically different from zero. Furthermore, the parameter β_1 , representing the coefficient of the natural logarithm of per capita output, can be utilized to estimate the income elasticity of demand for the commodity "human rights." The income elasticity is given as follows:

$$E_{HR} = \beta_1 / HR$$

We distinguish three ranges of possible values of the income elasticity of demand for human rights:

1. If $0 < E_{HR} < 1$, then human rights are a "normal" good. If it tends to zero then it is a normal good that can be considered a "necessity".
2. If $E_{HR} > 1$, then human rights are a "luxury" good.
3. If $E_{HR} < 0$, then human rights are an "inferior" good.

This issue then becomes an empirical question. Table 6 presents three specifications of the same semi-log functional form.

Table 6. Regression Results (Dependent Variable: Human Rights)

Variables	Specification	(1)	(2)	(3)
Constant		-2.00 (0.15)	28.72 (1.66)	---
Per Capita GDP in logs		7.5*** (5.34)	5.49*** (3.27)	8.27*** (56.59)
ASIA		---	-30.64*** (7.27)	-28.93*** (-7.23)
AFRICA		---	-13.12*** (-2.55)	-7.51** (-2.27)
Adjusted R ²		0.1258	0.3557	0.3494
F-statistic		24.46***	30.99***	---

***significant at 1%. **significant at 5%. Note: t-statistics of the estimated parameters in parentheses. HAC standard errors and covariances.

Specification (1) includes a constant term and per capita GDP in natural logs. The hypothesis that the constant term is zero cannot be rejected, which supports the argument made earlier that the constant term should not be included in the regression of human rights. This is because if per capita GDP is zero, human rights provision is also zero, signifying dire circumstances such as people starving to death. Regardless of how the indices of human rights are constructed, in situations like these, human rights are essentially nonexistent.

The variable per capita GDP is statistically significant at the 1% level of significance. However, this specification exhibits a very low coefficient of determination. The model explains only 12.58% of the variations in human rights.

Specification (2) retains both variables from specification (1) but adds the two dummy variables for Asia and Africa. If a country belongs to a specific continent, it takes the value of one; otherwise, it is zero. Dummy variables for other continents, either alone or in combination with others, were tested. However, only the dummy variables for Asia and Africa were statistically significant. The t-statistic for the constant term increased, but it remains statistically insignificant at a level of significance less than 10%. Per capita GDP remains statistically significant. Notably, there's an increase in the coefficient of determination in this specification. Now, the model can explain 35.57% of the variance in human rights. This suggests that geographical variables, represented by continent dummy variables, play a significant role in the provision of human rights. Continents, as dummy variables, encompass various country characteristics such as culture, religion, and political systems.

Specification (3) drops the constant term. Now, all variables are statistically significant. This is the specification that will be used in the remainder of this paper to estimate elasticities, the number of countries that overperform in the provision of human rights, and the number of countries that underperform in human rights achievements when considering the effect of economic development.

The effect of per capita GDP is positive, implying that human rights are not an inferior good. A quadratic functional form was also estimated, which would have allowed for testing of an inferior good. While human rights were found to increase at a decreasing rate with income, per capita GDP squared was not statistically significant at the 7% level, and the coefficient was very small (0.00000000289). Even with these

estimates, a negative income elasticity was not observed within the range of per capita incomes in the dataset. Mathematically, a negative elasticity was obtained only when per capita income exceeded one million US dollars. It is worth noting that the maximum per capita income in the dataset was 131,511 US dollars.

The coefficients of the dummy variables are statistically significant at the 1% level. A significance test of the two coefficients for Asia and Africa shows that this difference is statistically significant, implying that the effect of Asia's countries differs statistically from the effect of African countries.

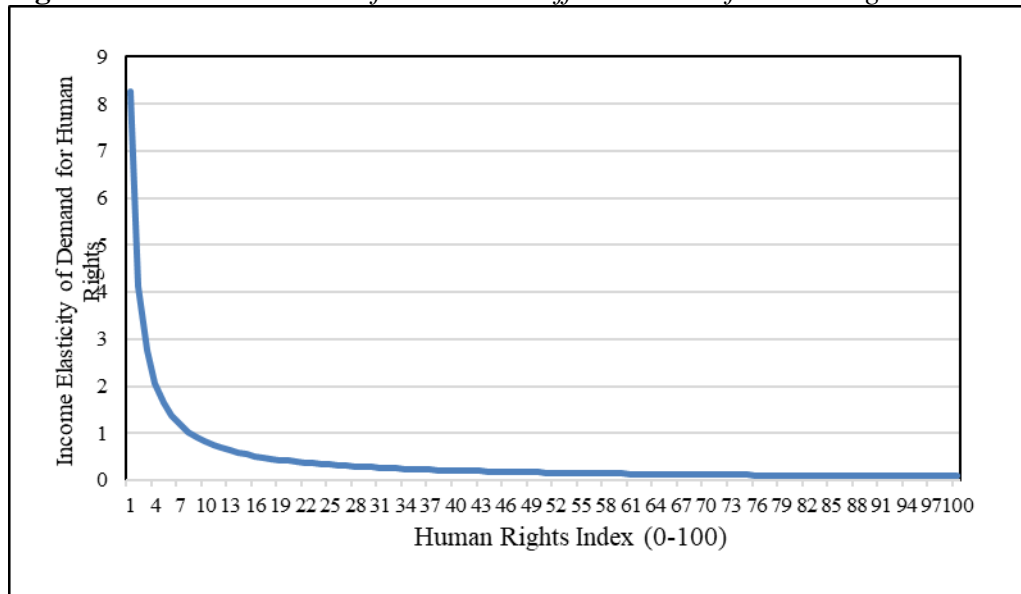
It is interesting to note that in the Bangkok Declaration on human rights in 1993 (see UNESCO 1994, p. 44), the ministries and representatives of Asian countries "recognize that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural, and religious backgrounds".

This may offer an explanation for the underperformance in human rights achievement in the Asian continent, as indicated by the coefficient of the Asian dummy variable and as demonstrated in the analysis below (see Figure 3). Similar results are observed for Africa, although the negative effect is much lower than that of Asian countries. The values held by African countries regarding what constitutes human rights may differ from those of countries on other continents. Their philosophy might be different, and this has deep historical roots, as explained by Nicolaidis (2022).

What is the income elasticity of demand for the commodity human rights? Using the formula ($E_{HR} = \beta_1/HR$) and evaluating the elasticity at the average value of human rights (69), the income elasticity for demand was estimated to be equal to +0.22. However, the income elasticity for human rights, like many other goods, depends on per capita income. For some goods considered necessities, the income elasticity is higher at low levels of income but decreases as income rises. This is because the percentage increase in income is not followed by a proportional increase in the demand for human rights. Figure 2 illustrates the demand for human rights and the income elasticity, while Table 7 categorizes them into three values: greater than one, between zero and one, and very close to zero.

Table 7. *Types of Demand for Human Rights Based on Income Elasticities*

Human Rights is ...	Consumption of Human Rights ranges ...	The Elasticity ranges...
... a Luxury Good	...from 1 to 8	...from 8.27 to 1.03
... a Normal Good	...from 9 to 87	...from 0.99 to 0.1
... a Necessity	...from 88 to 100	...from 0.09 to 0.0

Figure 2. *Income Elasticities of Demand at Different levels of Human Rights*

The shape of this curve has a sound economic interpretation and can be considered as parallel to the Kuznets curve. At low levels of economic development, the percentage increases in human rights are substantial. For example, an increase from 1 to 2 corresponds to a 100% increase, from 2 to 3 a 50% increase, from 3 to 4 a 33% increase, and so on. Income at low levels of economic development may rise at a very high rate but cannot match these rates of increases in human rights achievement. Given that the income elasticity of demand is the ratio of percentage increases in the "consumption" of human rights over the percentage change in per capita income, the elasticity at these low levels of economic development is higher than one. As income rises, the elasticity decreases. It can even become negative, but this is only the case if human rights as a commodity were an inferior good.

Depending on the value of the elasticity, human rights as a commodity can be a luxury good, a normal good, or an essential good. Table 7 shows the ranges of human rights consumption and the corresponding income elasticity. At a very low level of economic development, human rights as a commodity become a luxury good. As economic development picks up, the demand for human rights is, percentage-wise, below the percentage increase in per capita income. The elasticity is below one but above zero. In this range, two types of goods are distinguished: normal goods and necessities. A good becomes a necessity when an increase in income does not lead to an increase in the demand for the good. No matter how rich one becomes, their demand for souvlaki, for example, will not increase. In this case, the income elasticity is zero or very close to zero. In the table, we assume that this low number is below 0.1. Values between 0.1 and less than one characterizes a normal good.

The estimation of specification (3) permits the grouping of countries into overperformers and underperformers in human rights. The demarcation point is the regression line and the difference between what is expected from their current level of per capita GDP and what is the actual number obtained from the survey of experts and reported in the V-DEM database.

Table 8a lists the overperformers and Table 8b all those which were underperformers. Most countries (103) had an actual human rights record above what one would predict from their level of per capita GDP. On the other hand, Table 7b lists the countries which underperformed. In total, 61 countries had a human rights achievement below what one would have expected from the level of their per capita GDP. It goes beyond the purpose of this paper to analyze country-by-country cases, but every year the organization Human Rights Watch publishes an extensive report on human rights by country. The most recent one (2024) is available at <https://www.hrw.org/world-report/2024>.

Table 8a. Overperformers in Human Rights

Rank	Country Name	HR(2022)	Fitted Log Linear	Residual	Y(2021)
1	Armenia	89	50.96	38.04	15662
2	Georgia	88	51.68	36.32	17089
3	Nepal	76	40.18	35.82	4252
4	Mongolia	84	49.34	34.66	12876
5	Japan	93	59.29	33.71	42834
6	Liberia	86	53.37	32.63	1570
7	Malawi	86	53.75	32.25	1645
8	Gambia	88	56.49	31.51	2291
9	Niger	81	51.86	29.14	1309
10	South Korea	92	63.03	28.97	46875
11	Indonesia	77	49.48	27.52	13086
12	Senegal	88	60.84	27.16	3875
13	Sierra Leone	81	54.41	26.59	1782
14	Sao Tome and Principe	88	62.02	25.98	4471
15	Israel	85	59.52	25.48	44065
16	Lesotho	82	57.31	24.69	2530
17	Ghana	89	64.45	24.55	5998
18	Kyrgyzstan	65	42.22	22.78	5444
19	Zambia	82	60.17	21.83	3572
20	Benin	82	60.38	21.62	3665
21	Burkina Faso	78	56.89	21.11	2405
22	Tanzania	79	58.30	20.70	2851
23	Vanuatu	87	66.47	20.53	3090
24	Madagascar	74	53.71	20.29	1636
25	Solomon Islands	85	65.19	19.81	2645
26	Sri Lanka	69	50.39	18.61	14622
27	Mali	74	56.67	17.33	2340
28	Bhutan	66	48.79	17.21	12036
29	Namibia	86	68.81	17.19	10161
30	Malaysia	73	56.08	16.92	29058
31	Maldives	70	53.27	16.73	20707
32	Guinea-Bissau	72	55.45	16.55	2021
33	Lebanon	66	50.23	15.77	14331
34	Togo	72	56.73	15.27	2358
35	Jamaica	91	76.67	14.33	10601
36	Jordan	61	47.38	13.62	10155
37	Barbados	93	79.64	13.36	15178
38	Papua New Guinea	82	68.71	13.29	4050
39	Ecuador	90	77.54	12.46	11773
40	India	57	44.73	12.27	7368
41	Seychelles	90	77.91	12.09	30503
42	Costa Rica	94	82.95	11.05	22643
43	Kenya	74	63.33	10.67	5237
44	Moldova	90	79.55	10.45	15010

45	Botswana	83	72.80	10.20	16449
46	South Africa	82	71.86	10.14	14689
47	Honduras	82	72.16	9.84	6149
48	Gabon	82	72.17	9.83	15244
49	Mozambique	61	52.14	8.86	1354
50	Suriname	89	80.22	8.78	16294
51	Pakistan	51	42.71	8.29	5773
52	Uruguay	92	83.98	8.02	25663
53	Dominican Republic	90	82.15	7.85	20553
54	Cote d'Ivoire	72	64.27	7.73	5866
55	Philippines	54	46.32	7.68	8933
56	Estonia	96	88.34	7.66	43477
57	Latvia	94	86.55	7.45	35018
58	Spain	95	87.79	7.21	40662
59	Albania	87	79.83	7.17	15533
60	Bolivia	82	75.21	6.79	8885
61	New Zealand	96	89.24	6.76	48444
62	Slovakia	93	86.44	6.56	34529
63	Czechia	95	88.74	6.26	45630
64	Peru	85	78.87	6.13	13831
65	Trinidad and Tobago	90	83.90	6.10	25421
66	Sweden	97	91.03	5.97	60127
67	Bulgaria	90	84.74	5.26	28113
68	Chile	90	84.80	5.20	28337
69	Tunisia	75	69.82	5.18	11471
70	Belgium	96	90.85	5.15	58841
71	Portugal	92	86.93	5.07	36638
72	Montenegro	88	83.23	4.77	23440
73	Finland	95	90.24	4.76	54706
74	Argentina	88	83.34	4.66	23754
75	Denmark	96	91.65	4.35	64884
76	Iceland	95	90.75	4.25	58195
77	Germany	95	90.84	4.16	58799
78	Italy	93	88.94	4.06	46705
79	Lithuania	92	88.40	3.60	43797
80	Slovenia	92	88.44	3.56	43974
81	Greece	89	85.62	3.38	31295
82	Bangladesh	47	43.72	3.28	6523
83	Switzerland	96	92.96	3.04	75980
84	Panama	89	86.20	2.80	33564
85	Australia	93	90.43	2.57	55947
86	France	92	89.72	2.28	51364
87	Singapore	70	67.73	2.27	118888
88	Canada	92	89.99	2.01	53023
89	Kosovo	80	78.43	1.57	13114
90	Croatia	88	86.48	1.52	34722
91	Guyana	85	83.49	1.51	24194
92	Democratic Republic of Congo	52	51.04	0.96	1185
93	United States	93	92.31	0.69	70219
94	Netherlands	92	91.46	0.54	63369
95	Malta	90	89.50	0.50	49975
96	Cyprus	89	88.52	0.48	44405
97	Norway	94	93.58	0.42	81867
98	Paraguay	80	79.59	0.41	15091
99	Nigeria	64	63.63	0.37	5432
100	Ireland	96	95.76	0.24	106570
101	Romania	87	86.85	0.15	36277
102	Bosnia and Herzegovina	81	80.91	0.09	17706
103	Central African Republic	49	48.98	0.02	924

Table 8b. Underperformers in Human Rights

Rank	Country Name	HR(2022)	Fitted Log Linear	Residual	Y(2021)
104	United Kingdom	89	89.51	-0.51	50056
105	Austria	90	91.00	-1.00	59963
106	North Macedonia	80	81.21	-1.21	18344
107	Mauritius	74	75.59	-1.59	23064
108	Hong Kong	61	62.89	-1.89	66249
109	Iraq	45	47.00	-2.00	9696
110	Luxembourg	95	97.50	-2.50	131511
111	Hungary	84	86.96	-2.96	36773
112	Cameroon	58	61.27	-3.27	4083
113	Serbia	79	82.57	-3.57	21647
114	Colombia	77	80.63	-3.63	17105
115	Haiti	63	66.71	-3.71	3179
116	Kazakhstan	52	56.01	-4.01	28812
117	Angola	61	65.15	-4.15	6523
118	Mauritania	60	64.26	-4.26	5857
119	Kuwait	56	60.63	-4.63	50375
120	Morocco	63	67.71	-4.71	8892
121	Poland	82	87.26	-5.26	38135
122	Uzbekistan	38	46.01	-8.01	8608
123	Guatemala	68	76.06	-8.06	9851
124	Cambodia	33	41.19	-8.19	4805
125	Fiji	69	77.29	-8.29	11431
126	Vietnam	39	48.57	-9.57	11728
127	Ethiopia	47	57.41	-10.41	2559
128	Comoros	49	60.15	-11.15	3563
129	Oman	45	58.26	-13.26	37843
130	Thailand	39	52.50	-13.50	18855
131	Mexico	68	81.74	-13.74	19578
132	El Salvador	62	76.30	-14.30	10143
133	Azerbaijan	35	51.10	-16.10	15927
134	Brazil	64	80.21	-16.21	16260
135	Zimbabwe	39	56.65	-17.65	2334
136	Uganda	39	57.14	-18.14	2479
137	Ukraine	61	79.14	-18.14	14289
138	Tajikistan	20	40.30	-20.30	4315
139	Burundi	27	47.66	-20.66	788
140	Algeria	49	70.31	-21.31	12170
141	Somalia	30	51.51	-21.51	1254
142	Djibouti	41	63.62	-22.62	5421
143	Turkiye	33	56.46	-23.46	30452
144	Guinea	34	58.48	-24.48	2914
145	Chad	26	53.38	-27.38	1573
146	Afghanistan	4	32.47	-28.47	1674
147	United Arab Emirates	35	64.13	-29.13	76948
148	Iran	22	51.42	-29.42	16557
149	Myanmar	11	40.55	-29.55	4450
150	Sudan	31	61.27	-30.27	4084
151	Qatar	36	66.50	-30.50	102470
152	Laos	15	46.06	-31.06	8659
153	Rwanda	24	57.11	-33.11	2469
154	Congo	27	60.16	-33.16	3569
155	Bahrain	28	61.34	-33.34	54902
156	China	17	52.77	-35.77	19484
157	Libya	36	75.34	-39.34	22371
158	Saudi Arabia	14	60.79	-46.79	51407
159	Eswatini	18	68.49	-50.49	9773

160	Egypt	20	71.13	-51.13	13441
161	Equatorial Guinea	21	72.65	-51.65	16151
162	Nicaragua	19	72.34	-53.34	6281
163	Russia	31	86.32	-55.32	34043
164	Belarus	23	82.68	-59.68	21929

The regression results indicate that human rights achievement depends on the geographical area of the country. It was found that it is more challenging to achieve high rates of human rights in Asia than in Africa. The dummy variables for other continents were not statistically significant. One way to compare the three curves is to keep the level of per capita income constant and evaluate the performance in human rights. This is depicted in Figure 3. For example, if per capita GDP is \$50,000, an Asian country is expected to score 60 on the human rights index, an African country 82, and a non-African and non-Asian country close to 90.

Further research will explore how these differences might be explained on a country-by-country case study.

As mentioned above, there is a second database with fewer countries (87 in total). The same estimations were applied to this database as well. Table 9 reports the estimation parameters using the database of the 87 countries.

Applying the same criterion as previously in selecting the best functional form, i.e., the one that maximizes the coefficient of determination (the best fit), the log-log function yielded the highest R^2 and this is reported in Table 9. This is a more convenient functional form because the income elasticity of demand for the commodity human rights is equal to the coefficient of per capita GDP.

Similar to the previous database, the constant term is not statistically significant. When per capita GDP is zero, human rights "consumption" is zero. Even though both databases produced a non-significant constant term, the sign is different. The second database gives a negative sign.

Figure 3. Differences between Continents

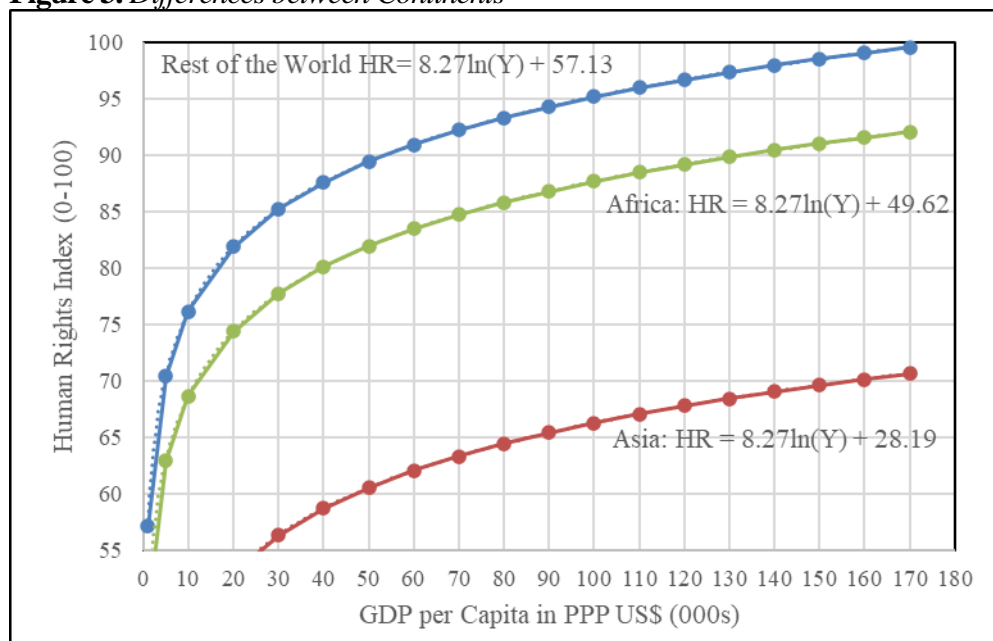


Table 9. Regression Results of the 87 Countries (Dependent Variable: Natural Log of Human Rights)

Variables	Specification	(1)	(2)	(3)
Constant		-1.94 (1.36)	-0.16 (-0.15)	---
Per Capita GDP in logs		0.53*** (4.00)	0.37*** (3.40)	0.36*** (27.299)
ASIA		---	-0.87*** (-4.34)	-0.86*** (-7.23)
EUROPE		---	0.30*** (2.01)	0.32** (2.14)
Adjusted R ²		0.2450	0.5081	0.5137
F-statistic		28.91***	30.60***	---

***significant at 1%. **significant at 5%. Note: t-statistics of the estimated parameters in parentheses. HAC standard errors and covariances.

The dummy variable for Africa was not statistically significant as in the first database, but the dummy variable for Europe has a positive effect. A European country is expected to have a more positive effect on human rights “consumption” than what would have been predicted by the country’s per capita GDP. Asia has a negative impact as in the previous database. An Asian country is expected to have, on average, less demand for human rights than what one would have expected from its per capita GDP. The coefficient of determination is higher than in the first database, as was also reported in the scatter diagram of Figure 1b. The variations of the explanatory variables account for 51.37% of the variations in human rights.

As mentioned above, the elasticity of income demand for human rights is simply the coefficient of per capita GDP, which is 0.36. In the previous regression, it was estimated to be equal to 0.22. In this second database, a 10% increase in per capita GDP will increase the demand for human rights goods by 3.6%. The good “human right” is a normal good. In the case of the log-log estimation, the elasticity is constant and is restricted not to vary with income.

In concluding this empirical section of estimating income elasticities of demand for human rights, the evidence does not reject the hypothesis that the human rights commodity becomes a normal good. At relatively high per capita incomes, human rights become a necessary good.

Discussion and Conclusions

Human rights can be considered an economic good, as explored in this paper. Economic goods utilize scarce resources, meaning resources with an opportunity cost. However, human rights differ from private commodities like souvlaki, possessing characteristics of impure or even pure public goods. The responsibility for supplying human rights lies with the government, whose policies determine the extent of

provision through political processes, whether through free elections or the prevailing political system.

National governments are not entirely free to determine their human rights provision due to international legal and political obligations. Pressure from international organizations, such as the European Union, compels adherence to specific human rights rules. Even isolated countries face pressure to respect basic human rights provisions.

In addition to political constraints, countries face economic limitations, where the level of economic development may influence human rights provision. This study examines the economic constraints on human rights provision, using per capita GDP in US dollars as a key determinant. Basic economic theory is applied, and a simple empirical model is estimated using two well-known databases: V-DEM and US News. The former includes 164 countries, while the latter includes 87.

The study's main findings suggest that per capita GDP positively affects human rights provision within the income and human rights ranges of the sample. On average, human rights are considered a normal good, with an elasticity of 0.22 in the larger dataset and 0.36 in the smaller dataset. This implies that a 10% increase in per capita income leads to a 2.2% or 3.6% rise in demand for human rights, depending on the dataset. Dummy variables for continents reveal significant differences, with Asian countries showing a negative impact on human rights provision, while European countries exhibit a positive effect.

An important conclusion is that the income elasticity of demand for human rights varies with per capita income, with elasticity initially greater than one at lower income levels, increasing as income rises, and eventually tending toward zero at higher incomes. Further research could explore country-specific variables to better explain variations in human rights provision, although the fundamental argument remains that economic development determines human rights.

In summary, the policy implication is clear: governments should aim for high GDP growth trajectories to increase per capita income, thereby enhancing the supply of human rights. However, it's acknowledged that additional research may refine these findings, but the core argument remains unchanged: there is a strong statistical relation between economic development and human rights provision.

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Appendix

Table A1. Human Rights Measurement and Per Capita GDP

Country	Rank	HR(2022)	GDPCAP2021(PPP)	GDPCAP2022(PPP)
Sweden	1	97	60127	64578
Estonia	2	96	43477	46697
New Zealand	3	96	48444	51967
Belgium	4	96	58841	65027
Denmark	5	96	64884	74005
Switzerland	6	96	75980	83598
Ireland	7	96	106570	126905
Spain	8	95	40662	45825
Czechia	9	95	45630	49946
Finland	10	95	54706	59027
Iceland	11	95	58195	69081
Germany	12	95	58799	63150
Luxembourg	13	95	131511	142214
Costa Rica	14	94	22643	24923
Latvia	15	94	35018	39956
Norway	16	94	81867	114899
Barbados	17	93	15178	17837
Slovakia	18	93	34529	37459
Japan	19	93	42834	45573
Italy	20	93	46705	51865
Australia	21	93	55947	62625
United States	22	93	70219	76399
Uruguay	23	92	25663	28842
Portugal	24	92	36638	41452
Lithuania	25	92	43797	48397
Slovenia	26	92	43974	50032
South Korea	27	92	46875	50070
France	28	92	51364	55493
Canada	29	92	53023	58400
Netherlands	30	92	63369	69577
Jamaica	31	91	10601	11822
Ecuador	32	90	11773	12822
Moldova	33	90	15010	15238
Dominican Republic	34	90	20553	22834
Trinidad and Tobago	35	90	25421	27778
Bulgaria	36	90	28113	33582
Chile	37	90	28337	30209
Seychelles	38	90	30503	35228
Malta	39	90	49975	55928
Austria	40	90	59963	67936
Ghana	41	89	5998	6498
Armenia	42	89	15662	18942
Suriname	43	89	16294	17620
Greece	44	89	31295	36835
Panama	45	89	33564	39280
Cyprus	46	89	44405	49931
United Kingdom	47	89	50056	54603
Gambia	48	88	2291	2510
Senegal	49	88	3875	4209
Sao Tome and Principe	50	88	4471	4738
Georgia	51	88	17089	20113
Montenegro	52	88	23440	26984
Argentina	53	88	23754	26505
Croatia	54	88	34722	40380

Vanuatu	55	87	3090	3289
Albania	56	87	15533	18552
Romania	57	87	36277	41888
Liberia	58	86	1570	1725
Malawi	59	86	1645	1732
Namibia	60	86	10161	11206
Solomon Islands	61	85	2645	2654
Peru	62	85	13831	15048
Guyana	63	85	24194	40642
Israel	64	85	44065	49509
Mongolia	65	84	12876	14230
Hungary	66	84	36773	41907
Botswana	67	83	16449	18323
Lesotho	68	82	2530	2695
Zambia	69	82	3572	3894
Benin	70	82	3665	4056
Papua New Guinea	71	82	4050	4447
Honduras	72	82	6149	6741
Bolivia	73	82	8885	9684
South Africa	74	82	14689	15905
Gabon	75	82	15244	16471
Poland	76	82	38135	43269
Niger	77	81	1309	1505
Sierra Leone	78	81	1782	1931
Bosnia and Herzegovina	79	81	17706	20377
Kosovo	80	80	13114	14723
Paraguay	81	80	15091	15977
North Macedonia	82	80	18344	20162
Tanzania	83	79	2851	3097
Serbia	84	79	21647	23911
Burkina Faso	85	78	2405	2546
Indonesia	86	77	13086	14653
Colombia	87	77	17105	20287
Nepal	88	76	4252	4725
Tunisia	89	75	11471	12490
Madagascar	90	74	1636	1774
Mali	91	74	2340	2517
Kenya	92	74	5237	5764
Mauritius	93	74	23064	26906
Malaysia	94	73	29058	33434
Guinea-Bissau	95	72	2021	2190
Togo	96	72	2358	2608
Cote d'Ivoire	97	72	5866	6538
Maldives	98	70	20707	24772
Singapore	99	70	118888	127565
Fiji	100	69	11431	14125
Sri Lanka	101	69	14622	14405
Guatemala	102	68	9851	10818
Mexico	103	68	19578	21512
Bhutan	104	66	12036	
Lebanon	105	66	14331	
Kyrgyzstan	106	65	5444	6133
Nigeria	107	64	5432	5860
Brazil	108	64	16260	17822
Haiti	109	63	3179	3305
Morocco	110	63	8892	9519
El Salvador	111	62	10143	11096
Mozambique	112	61	1354	1468
Angola	113	61	6523	6974

Jordan	114	61	10155	11003
Ukraine	115	61	14289	12671
Hong Kong	116	61	66249	69049
Mauritania	117	60	5857	6424
Cameroon	118	58	4083	4408
India	119	57	7368	8379
Kuwait	120	56	50375	58056
Philippines	121	54	8933	10133
Democratic Republic of Congo	122	52	1185	1337
Kazakhstan	123	52	28812	30810
Pakistan	124	51	5773	6437
Central African Republic	125	49	924	967
Comoros	126	49	3563	3832
Algeria	127	49	12170	13210
Ethiopia	128	47	2559	2812
Bangladesh	129	47	6523	7395
Iraq	130	45	9696	10862
Oman	131	45	37843	41724
Djibouti	132	41	5421	5893
Zimbabwe	133	39	2334	2531
Uganda	134	39	2479	2694
Vietnam	135	39	11728	13457
Thailand	136	39	18855	20672
Uzbekistan	137	38	8608	9533
Libya	138	36	22371	23375
Qatar	139	36	102470	114648
Azerbaijan	140	35	15927	17764
United Arab Emirates	141	35	76948	87729
Guinea	142	34	2914	3187
Cambodia	143	33	4805	5349
Turkiye	144	33	30452	37274
Sudan	145	31	4084	4216
Russia	146	31	34043	36485
Somalia	147	30	1254	1364
Bahrain	148	28	54902	61228
Burundi	149	27	788	836
Congo	150	27	3569	3791
Chad	151	26	1573	1668
Rwanda	152	24	2469	2792
Belarus	153	23	21929	22591
Iran	154	22	16557	18075
Equatorial Guinea	155	21	16151	17396
Tajikistan	156	20	4315	4885
Egypt	157	20	13441	15091
Nicaragua	158	19	6281	6875
Eswatini	159	18	9773	10782
China	160	17	19484	21476
Laos	161	15	8659	9384
Saudi Arabia	162	14	51407	59065
Myanmar	163	11	4450	4870
Afghanistan	164	4	1674	

Human Rights between Non-governability and Political Culture – A New Approach in Human Rights Analysis

By Assaf Meydani*

This article calls for a new approach in human rights analysis. It points out on a new definition of human rights as a collection of practices in the policy areas of a given specific human right. The article analyzes the politics and strategies of defending human rights. To do so, it integrates the tools of social choice theory with a unique institutionalist perspective that looks at both formal and informal factors. The analysis is novel in two important aspects. Based on institutional theory and social choice, we develop a theory that explains the political aspect of human rights policies in general as well as the functions of several players in the political arena, particularly politicians, bureaucrats, interest groups and the public. These political players operate amid three structural variables. The first is non-governability, that is the inability of the political system to formulate and implement systematic policy plans. Non-governability arises in an environment with a sectarian electoral system that is restricted to a particular group and a traditional public management system that is not oriented towards outcomes and efficiency. The second characteristic is a political culture that promotes short-term calculations over long-term goals. In its extreme form, this culture gives rise to alternative politics, a semi-legal pattern of do-it-yourself behavior that favors outcomes over process. The third characteristic is the judicialization of politics, the situation in which the legal system partially replaces the other authorities in a state. A case study in this paper attempts to examine the factors explaining the Mehadrin' buses policy making on public transportation in Israel. The separation between men and women on these buses harms the constitutional principles of equality, human honor and dignity and freedom of religion and conscience.

Introduction

Philosophers and political theorists tend to regard human rights as political rather than universal ideals grounded in comprehensive moral doctrines. Human rights theory has taken to following human rights practice, which has always been non-committal on the issue of justification (Cranston, 1983; Sened, 1997; Forst, 1999; Ignatieff, 2001; Rawls, 2001; Simmons, 2001; Cohen, 2004; Williams, 2005; Raz, 2007; Ackerly, 2008; Cohen, 2008; Baynes, 2009; Madsen and Verschraegen, 2013). This global process has caused many researchers to focus on intra-state research, in the understanding that the promotion of human rights cannot be achieved by international means only, and that political pressure on leaders as well as the creation of a local culture that respects human rights are essential as supplemental and perhaps even preliminary measures. Furthermore, human rights

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require the state to act positively to remove barriers and facilitate the exercise of these freedoms (see for example: Risse, Ropp and Sikkink, 1999; Falk, 2000; Freeman, 2002; Halliday and Schmidt, 2004; Fredman, 2008; Oomen, 2011).

Most of the current studies dealing with the domestic arena emphasize the normative evolution of the promotion and protection of human rights (see for example Donnelly, 1998; Alston and Crawford, 2000; Twining, 2009a), the notion that human rights are grounded in human needs (Miller, 2007; Papanikos, 2025) and the concept of human rights as rooted in the understanding of the social function of such norms (Galligan and Sandler, 2004; Twining, 2009b). By highlighting the institutional and socio-cultural context of human rights (Madsen and Verschraegen, 2013), these studies also underscore the link between democracy and human rights (Fredman, 2008), yet, some would argue that human rights can exist without democracy, since Human rights are considered to be inherent to all individuals by virtue of their humanity, although democratic governance can provide a framework for their protection through the rule of law, independent judiciaries, and systems of checks and balances. Other studies have used a detailed anthropological perspective (Slyomovics, 2005), focusing on the attempts to rebuild human rights through public accountability, compensation, educational policy, constitutional reform, and debates about national history and collective memory (Roniger and Sznajder, 1999). They have also established the connection between the denial of human rights and violent conflict (Azar, 1990; Bunch, 2000), the impact of bureaucracy (Barak-Erez, 2002), and the limitations of concepts about human rights in a complex domestic context (Harvey, 2005; McCrudden, 2007; Sikka, 2023). Finally, these studies have focused on the activities of non-governmental organizations (henceforth: NGOs), their effect on the political culture and on the legal arrangements in the state, their strategies and identities (for example: McCann, 1994; Camiel, 1999; Risse, Ropp and Sikkink, 1999; Freeman, 2002; Keith, 2002; Maimon, 2004; Morris, 2006; Pinto-Duschinsky, 2011; Vanhala, 2011).

This article calls for a new approach in human rights analysis focusing on a new definition of human rights as a collection of practices in the policy areas of these rights by analyzing the politics and strategies of defending human rights (see also Gready 2023). To do so, it integrates the tools of social choice theory with a unique institutionalist perspective that looks at both formal and informal factors (Landmann, 2006; Meydani, 2016). A case study in this paper attempts to examine the factors explaining the Mehadrin' buses policy making on public transportation in Israel. The separation on these buses harms the constitutional principles of equality, human honor and dignity and freedom of religion and conscience. Buses on which Orthodox rules are customary are called "Mehadrin" (Kosher) buses, where men and women are separated. The men sit in the front and the women in the back. Usually, the women enter and exit the bus through the back door; the men, through the front. Additional rules include modest clothing, listening to Hasidic music or none at all. On January 2011, the Israeli Supreme Court has established that gender segregation is allowed only if it is carried out willingly.

A New Approach in Human Rights Analysis: Human Rights as a Collection of Practices in the Policy Areas of a specific Human Right

Human rights stand at the core of the social and political debate as well as the academic research in these fields because they have significant educational value, they impose limitations on government authorities (Rosenthal, 1990; Finer, Bogdanor and Bernard, 1995; Kretzmer and Hazan, 2000) and on private institutions (Donnelly, 1998), and they are very important for individual self-fulfillment, social stability and democratic regimes (Kremnitzer, 1991; 1999). The understanding that human rights will be guaranteed is related to the social and governmental structure in a given society, led researchers to understanding that the strategies that will enable better protection of human rights must be studied. This centrality creates the need to develop effective strategies for defending human rights. Ruth Gavison (1991) discusses two such strategies: the legal strategy and the political strategy. While the literature emphasizes the dual struggle on both the legal and political fronts in the international arena as well as the domestic arena, Gavison draws an important distinction between narrow and broader defenders of human rights who act via the legal or the political channel respectively. The narrow strategy of defending human rights via the legal channel may prove ineffective in cases where there is no public consensus regarding the importance of human rights (Gavison, 1991; McCann and Silverstein, 1998; Gavison, Kremnitzer and Dotan, 2000).

The analysis in the article defines human rights as the collection of policy practices in the areas of the specific right. For example, the right to women's equality is the collection of policy decisions that have been made that enable the advancement of women's equality, such as the Convention on the Equality of Women's Rights, the laws on the equality of women's rights passed in Parliament, as well as precedent rulings that protect women's equality. This view leads to the analysis of these policy processes, which include the activity of policy actors in the political and social sphere operating against the background of structural and social conditions.

The analysis suggested in this article is novel in two important aspects. Based on institutional theory and social choice, we develop a theory that explains the political aspect of human rights policies in general as well as the functions of several players in the political arena, particularly politicians, bureaucrats, interest groups and the public (Robins, 2009). These political players operate amid three structural variables.

The first is *non-governability*, the inability of the political system to formulate and implement systematic policy plans. Non-governability arises in an environment with a sectarian electoral system that is restricted to a particular group and a traditional public management system that is not oriented towards outcomes and efficiency (Dror, 2001; Arian, Nachmias and Amir, 2002; Doron, 2006; Vigoda-Gadot and Mizrahi, 2010). Under these conditions of constant instability and uncertainty, players adopt strategies that will maximize their self-interests (Manuel Castillo Lopez, 2022). One result is the harm done to human rights, even though, ironically, the main strategy utilized is intense litigation with the expectation that the High Court of Justice will provide policy decisions about human rights. Non-governmental organizations that fails to receive their demands from the government, turn to the

Court because it has traditionally enjoyed high levels of trust and legitimacy due to its image as a stable and objective entity. This process positions the Israeli Supreme Court as a central player in the political scene with significant influence on policy making processes as well as on the way Israel chooses to state its human rights policy (Meydani, 2011; Ben-Porat, 2012). The dual issues of security and nationality inhibit the creation of an atmosphere that makes human rights a priority (Barak-Erez, 1999). The activity of non-governmental organizations in Israel is not an isolated case. Rather, it is part of a global process that has been at work since the 1970s in which non-governmental organizations have been shaping human rights as a legal, political and social product (Steinberg, Herzberg and Berman, 2012).

Non-governability arises from a sectarian electoral system that is restricted to a particular group and results in the inability to design and implement quality public policies, goods and services (Doron and Harris, 2000; Arian, Nachmias, and Amir, 2002; Rosenthal, 2012). It also leads to the entrenchment of traditional public management systems that are not oriented towards outcomes and efficiency through improved management of the public budget and do not focus on the role of public agencies in working with citizens (Galnoor, 2011).

The second characteristic is a *political culture* that promotes short-term calculations over long-term goals. In its extreme form, this culture gives rise to alternative politics, a semi-legal pattern of do-it-yourself behavior that favors outcomes over process. Israel is plagued by a *non-liberal political culture*, which prompts people to find ways around bureaucratic obstacles. Such a situation results in an alternative political cultural characterized by semi-legal, do-it-yourself behavior. The goal of such behavior is on achieving outcomes, rather than on the process of achieving these goals.

The third factor is the *judicialization of politics* - the situation in which the legal system partially replaces the other authorities in a state (Holland, 1991; Shamir, 1991; Barzilai, 1999; Hofnung, 1999). These variables help explain the processes through which Israel is struggling to promote human rights within a specific institutional environment in general, thus determining the scope of human rights in particular. From this twofold analysis we draw conclusions about the future of Israeli democracy and its attitude towards human rights.

Thus, we suggest various insights on the theoretical level. We elaborate on the processes of social learning and their impact on the institutional setting. We also discuss the place and role of policy makers in defending human rights in light of cultural and structural variables.

In the next section we examine the politics of implementing and defending human rights as part of the process of policy making. We present a theoretical framework using a public choice theorem for analyzing the political process of policy making in which we emphasize the politics of defending human rights. First, we discuss the phenomena of collective action and free riding in mobilizing NGOs. Then, we elaborate on the role that NGOs play as part of the process that includes politicians, bureaucrats and interest groups. Finally, we investigate the role of the court as a central player. This analytical framework will subsequently lead us to the next part of this chapter in which we will analyze the reality for human rights amid a particular socio-legal environment.

The Relationship Between the Public and Politicians

Public choice theory has undergone significant development since the seventies, primarily concerning the use of economic tools in the study of society and politics. The theory integrates structural and individual aspects in the sense that the social reality is determined by the acts of individuals who are acting rationally under the influence of structural factors (Von Neumann and Morgenstern, 1947; Taylor, 1987; Mueller, 1989; Hargreaves Heap and Varoufakis, 1995). The politics of defending human rights is a complex area that includes the numerous decisions of several actors under a certain set of structural and cultural circumstances. For this reason, in order to provide an empirical explanation of the politics of human rights, we must break the politics down into specific actions and decisions and analyze the process that gave rise to the pertinent legislation and regulations.

The models proposed by public choice theory work on the assumption that any policy decision made by a politician in connection with human rights is underpinned by the reciprocal relations between the politician and the electorate (Downs, 1957). In other words, the public make demands for a certain policy on human rights, and politicians respond positively solely to those demands that are beneficial to them. Thus, the politicians supply the products that match the position of the median voter most closely (Weimer and Vining, 2010). Consequently, politicians in office need information about the distribution of public preferences regarding the various policy alternatives in a specific case as well as information regarding credible measures that will bring themselves in line with the position of the average voter.

Interestingly enough, in many cases, the public does not make demands to change the situation until a catastrophe occurs. This problem is known in the literature as the problem of collective action (Weimer and Vining, 2010). It means that most of the public will tend not to be involved in defending human rights. However, in a related action, the public will engage in free riding, meaning it will benefit as many of these rights as it can without paying for it (Andersen and Lindsnaes, 2007; Felice, 2010). The centrality of self-interest and the fact that Not all people benefit the same from a given public policy, create the motivation to become a free rider who remains uninvolved in the efforts to advance and promote human rights (Olson, 1965; Axelrod, 1984; Taylor, 1987). In the absence of demand by the general public, those groups that do manage to overcome the problem of collective action and form interest groups increase their power substantially. However, these NGOs are not the only players (Howlett, Ramesh, and Perl, 2009).

Non-Governmental Organizations Advocating for Human Rights

Researchers into political economics have engaged in extensive study of the actions and influence of interest groups in the field of public policy. They have determined that there is a reciprocal relationship through which the interest groups provide financial or electoral support to the politicians. In return, the latter supply preferential policies and privileges to the interest groups in the form of rules and regulations such as price controls and monopolies (Stigler and Friedland, 1962;

Olson, 1965; Posner, 1971; Peltzman, 1976; Buchanan, Tollison and Tullock, 1980; Mitchell and Munger, 1991).

As noted above, politicians attempt to shape policies that benefit them. To do so, they need to be well acquainted with the distribution of preferences in society. In many cases, however, due to the problem of collective action, the public is passive with respect to most issues, as long as they have not yet reached catastrophic proportions. For this reason, the politicians' main source of information is the activity of interest groups (Ainsworth and Sened, 1993; Lohmann, 1993; 1995; Austen-Smith, 1998; Saba, 2014).

Thus, from a practical point of view, examining the role of non-governmental organizations in advancing and promoting human rights provides insight into the relationship between the public and politicians. These groups, such as the Association for Civil Rights in Israel (ACRI), B'tselem and the Public Commission against Torture in Israel manage to overcome the problem of collective action and advocate for human rights. However, this advocacy may conflict with the activities of other interest groups that are seeking to limit the scope of human rights to safeguard their own interests. Thus, paradoxically, the promotion of human rights is explained by the dominance of interest groups, where their interests are undermined by the implementation of policies aimed at increasing the provision of human rights.

The Involvement of Bureaucrats in Human Rights Policies

Thus far, our analysis has been concerned with the way in which problems requiring government intervention are created, and the way in which politicians identify the problems and the public's preferences with respect to the possible solutions. These details enable the politicians to take a stand concerning the policy alternative that will serve their own interests. However, there is another political actor who could influence their preferred policy. These are the bureaucrats, who are motivated by interests different from those of the politicians. By virtue of their position, these administrators allocate budgets to various activities and thus determine, in practice, whether certain activities will take place. The relationship between these bureaucrats and the politicians affects the determination of specific policies (Peters, 2010).

Public choice theory proposes an extensive range of models demonstrating that the reciprocal relationships between politicians and the bureaucrats subordinate to them are characterized by a built-in conflict (Niskanen, 1971; Bendor, 1990). Politicians adopt various strategies in order to control the bureaucrats (Miller and Moe, 1983; Bendor, Taylor and van Gaalen, 1987a, b). Therefore, this built-in conflict usually results in the swinging of public policy in the direction of the interests of one of the parties, in accordance with that party's relative power. This process illustrates the power of bureaucratic players to undermine initiatives put forward by politicians, as well as the changing of political objectives as a function of political interests.

There is one other key bureaucratic player in the determination of human rights policies--- the Supreme Court. Here there is a complex process at work that both influences and is influenced by the political culture in Israel. Its influence is

particularly strong at the stage of making decisions, rather than at the stage of understanding the problem and formulating a position. The Justices of the Supreme Court cannot initiate a hearing. They are dependent on whatever petitions are filed in the Court. Given that the Justices of the Supreme Court are not elected to their position by the general public, but are appointed by a political entity, we may consider the Supreme Court to be a bureaucratic player striving to maximize its powers and its authority over the politicians, who act within the executive and legislative authority. The method of appointment and the appointing entity affect the degree of politicization of the Supreme Court. However, according to public choice theory, from the moment they have been chosen, the Justices of the Supreme Court act in order to maximize their power and influence, within the limits of the rules of the game. In the US, for example, broad constitutional powers are vested in the Supreme Court, allowing it to influence legislation and public policy. In contrast, in Israel (and in Britain), the rules of the game are not well defined in this context. Therefore, by virtue of its actions and decisions, the Supreme Court takes part in shaping these rules. This is particularly true with respect to petitions of a moral, social or political nature on which the law remains silent, so the Court is required to intervene.

Notwithstanding its definition as a bureaucratic player, the relations of power between the Supreme Court and the politicians in the executive and legislative authority differ from those in the models analyzing the public administration. Public choice theory therefore proposes a separate discussion of these reciprocal relations according to a separation-of-powers model (Marks, 1988; Segal, 1997; Epstein and Knight, 1998). According to this model, while it is true that the Supreme Court has the ability and power to interpret the decisions of the legislative authority, and thus to change a decision, to a certain extent, the legislative authority has the ability and power to annul that interpretation by enacting new legislation. It follows that there is a built-in conflict in these reciprocal relations, similar to the reciprocal relations between the politicians and the bureaucrats subordinate to them. The difference is that not all of the politicians' means of control over the bureaucrats, such as political appointments, are available to the politicians in their relationship with the Supreme Court. To conclude, the politics of defending human rights is a complex realm consisting of several actors who are motivated by different means and interests. Thus, policy makers must consider the input of these actors if they want to determine a suitable policy.

An important branch of public choice theory is the study of institutions and constitutional arrangements within the discipline of new institutionalism. Understanding institutions as the rules of the game, this field studies the ways in which institutions evolve and their impact on political and economic outcomes. In Israel, many of the processes are informal in the sense that special behavioral conduct becomes part of the reality without being formally institutionalized in the rules of the game.

Most human rights violations are perpetrated by the state through the exercise of its administrative power or the failure to exercise its power to implement the law (Galligan and Sandler, 2004: 51). Furthermore, the expression of human rights in the constitution of a country is part of a wider issue concerning their relationship to other features of constitutionalism. Galligan and Sandler refer to constitutionalism

as the recognition of and respect for the values of respect for persons, democracy, the rule of law, and related ideas within a country, and the existence of institutions and mechanisms for upholding them. Such a situation implies an institutional structure that reflects these values in a general way and provides mechanisms for their protection in particular cases (Galligan and Sandler, 2004: 50).

The Mehadrin' Buses Policy Making: Rhetoric versus Practice – Case Study

During the 1990s the Orthodox public had used private and local transportation without a public transportation license called “Mehadrin buses” on which gender segregation was customary¹. In order to encourage Orthodox Jews’ use of public transportation, the Langental committee was established. In 2007, it recommended experimenting with two buses labeled “Mehadrin” in Bnei-Brak. The buses may be entered from both the front and the back doors; gender segregation will be voluntary; drivers will not take part in the segregation. Eventually, the experiment wasn’t implemented; Mehadrin buses were used for inter-city and inner-city transport in Jerusalem, the only city where they have been used². Between 2003 and 2006, Egged had introduced new buses (most of which were Mehadrin buses) in accordance with the needs of the Orthodox public. In order to attract this population, bus fares were reduced³. In 2009, there was a Mehadrin bus in Beit Shemesh, run by Superbus company.

Bus number 140 is an inner-city bus run by Dan Company, running between Bat-Yam, Holon, Tel-Aviv, Ramat Gan and Bnei-Brak. A young woman who took the bus says “I had asked to sit on the last available seat left on it, next to an Orthodox man. The man wouldn’t let me sit next to him. He said he wouldn’t stand so I could sit, started cursing me and accused me of being promiscuous and insolent, and the reason for all the trouble Jews ever had, only because I had asked to sit in a vacant seat for which I paid a full bus fare (Suruzo, a Blog, room 404, 29.1.2010)⁴. This is just one example of what has been happening. It led to a public discussion regarding the legality of the segregation buses. The opponents claim that:

The “Egged” company running the buses, receives public funding. It prefers that a certain sector of the population would use these buses, since the bus fare in some of them is significantly lower than buses with similar routes (Cohen, nrg Maariv site 31.3. 2010).⁵

¹Final Report, Committee to examine public transit arrangements for Orthodox sector, page 14. for further study on competition in public transport see Shiftan Yoram & Sharabi Nir, competition in bus public transport, *the Ministry of Transportation*, Jerusalem, 2007, p.5.

²Final Report, *Committee to examine public transit arrangements for Orthodox sector*, Jerusalem, pp. 31-32.

³Final Report, *Committee to examine public transit arrangements for Orthodox sector*, Jerusalem, p. 33.

⁴Suruzo Eti, from a Blog, room 404, <http://room404.net> 29 January 2010 (accessed 14/5/13)

⁵Sagi Cohen, Mehadrin’ buses – The same bus at half the price, nrg Maariv site <http://www.nrg.co.il/online/16/ART2/085/635.html>, 31 March, 2010 (accessed 21.6.14)

These buses are public transportation. Therefore, there is no place for Orthodox rules on them.

Orthodox Jews use regular buses as well and they are not harmed by that. Therefore, there is no genuine need for 'Mehadrin' buses.

The proponents of the 'Mehadrin' lines respond:

These buses are profitable, since the Orthodox population is a major user of public transportation. 'Mehadrin' buses and reduced prices aim to encourage the use of public transportation.

Services such as public transportation should match the customer's culture and lifestyle.

Rabbis of the Orthodox sector had appointed a transportation committee which had decided that 'Mehadrin' transport Orthodox population in accordance with the demands of modesty (Gelhar, Mynet site, 24.8.2008).⁶

The ministry of transportation prevents the Orthodox sector from operating its own buses. Therefore, public transportation companies should provide specific buses for it (Stern, ynet site, 19.8.2009).⁷

The debate took place not only on the public level, but also inside the 'Mehadrin' buses and sometimes led to violence. As a result, the ministry of transportation has opened a "hot line" where people can report irregularities occurring on these buses as well as cases of physical or verbal assault Hezelcorn, ynet site 25.8.2010).⁸

In 2007, 5 women petitioned the HCJ against the Ministry of Transportation and the transit companies Egged and Dan claiming that the segregation buses damage the principle of equality, the right for human dignity and freedom of conscience and religion – since they are operated on a lawless basis. The Center for Jewish Pluralism - the Movement for Progressive Judaism in Israel had joined the petition as the sixth petitioner. The HCJ enabled five other parties to join the petition as 'friends of the court' – public petitioners, in order to enable them to participate in the decision making, on the basis of the need for representation of relevant positions in the matter: Zedek Association – the American-Israeli center for the promotion of Justice in Israel, Kolech – Religious Women Forum, Torah and Work Trustees Movement, Yaacov Herzog Center and Yerushalmim Movement.

This is how the petitioners described the customary behavior on 'Mehadrin' buses:

"It is nine years since the public transportation companies – especially respondent number 2 - are operating 'Mehadrin' buses. On those buses...the women are asked to enter through the back door and sit in the back of the bus while the men enter it through the front door and sit in the front. The women are also asked to dress modestly... women who do not comply with these restrictions or rebel against them - such as

⁶Gelhar Ari, Rabbis: "The Train is a Disaster to Orthodox Jews", Mynet site <http://www.mynet.co.il/articles/0,7340,L-3585879,00.html>, 24 August 2008, (accessed 21.6.14).

⁷Stern Shimon, Separation on a bus? Respect the Women, ynet site <http://www.ynet.co.il/articles/0,7340,L-3764027,00.html>, 19 August 2009, (accessed 21.6.14).

⁸Hezelcorn Shahr, "Hot line" for victims of 'Mehadrin' buses separation, ynet site <http://www.ynet.co.il/articles/0,7340,L-3943662,00.html>, 25 August 2010, (accessed 21.6.14).

petitioners 1-5 – are humiliated and suffer verbal violence, expulsion from the bus or threats of physical violence”⁹.

The ruling was given 4 years later, on January the 5th, 2011. It said that gender segregation on buses should depend on passengers’ wish. We shall analyze the interactions between the different players based on the structural and cultural conditions. Such analysis would enable us to comprehend the different factors that reveal the complex political reality which results in the policy of gender-based separation on public buses in Israel; it means an operative definition of the principle of equality, the right for human dignity and freedom of conscience and religion.

The court is very clear about the principle of equality and the right for human dignity and freedom of conscience and religion in Israel allowing personal liberty to be the supreme ideal. However, the structural condition of non-governability of arrangements in Israel, i.e. a clear enforcement of the Supreme Court will interfere with the actual practice of ‘Mehadrin’ buses. Without clear enforcement or teaching of essential democracy culture, the result would be erosion of the principle of equality and freedom of conscience and religion (see also Papanikos, 2022).

Israeli Non-governability and determining Facts Policy – “We don’t want any Favors from this State”

The ruling stated it was the ministry of transportation’s responsibility to oversee bus companies’ activities. This represents the non-governability of the political system. When there is no enforcement, it enables Orthodox Jews to determine facts in the form of ‘Mehadrin’ buses. This behavior reflects a disengagement of the Orthodox public from democratic norms (Israel-Vleeschhouwer, 2023). Knesset member, Israel Eichler from Yahadut HaTorah had said a year after the ruling: “what are we asking? Let us have our own transportation company It is the most profitable thing. We don’t want any favors from the state”¹⁰

Non-governability exists not only on the level of supervision, but on a deeper level, due to the nature of the state of Israel. It has already been set in the scroll of independence read at the declaration of independence ceremony on May 14th, 1948.

In this document the state of Israel is defined as a Jewish state in the land of Israel. The word “democracy” is absent, yet there is commitment to bestow equal rights upon all, regardless of race, gender or religion; due representation to non-Jewish citizens in temporary and permanent state institutions. The debate on the Jewish/democratic nature of the state hasn’t yet been settled. In 1992, the state of Israel had been officially defined as a Jewish, democratic state in the freedom of employment basic law and human dignity and liberty basic law. Nevertheless, the meaning of “Jewish, democratic state” remains debatable.

Given the circumstances, the policy makers, i.e. publicly elected politicians choose to preserve the status quo in order to maximize their chances of being

⁹HCI 746/07 Naomi Ragen and others versus the ministry of transportation and others, given on January 5th, 2011. <http://elyon1.court.gov.il/files/07/460/007/t38/07007460.t38.htm>

¹⁰Knesset Protocol, meeting number 129, Jerusalem, 19 December 2011, page 6.

elected. A well-known practice is transferring the responsibility to government officials, the knowledgeable professional bureaucrats. Controversial issues are usually handled with short-term crisis solutions in a way which preserves the status quo whereas public policy is managed in an additive fashion, as mentioned by Aharon Wildavsky (1979).

The Position of the Bureaucrats – Status Quo

In 1997 the minister of transportation, Itzhak Levi from Mafdal (a religious party) had appointed a committee led by the head of the ministry of transportation Langental (hereafter the Lagental Committee). Its role was to formulate ‘recommendations for increased use of public transportation by the Orthodox population’. Its name reflects the interest of preserving the status quo or finding a way to embed gender-based separation in buses. The committee included 12 men and one woman, 4 from the Orthodox sector, 5 representatives of the bus companies Dan and Egged and 4 workers of the ministry of transportation. It was clear from the panel of the committee what its recommendations would be. In May, 1997, the committee offered to allow special transit arrangements for intra-city buses where gender-based segregation exists for Orthodox people. The report of the committee read:

“In the buses included in the arrangement, passengers may enter and exit the bus from all doors. The Orthodox public will voluntarily persuade the users to implement a gender-based separation, so that the men enter the bus in the front and the women in the back. Moreover, the men and the women will implement voluntary separation inside the bus. The driver or any other worker from the bus company will not enforce the separation between the men and the women. Also, they will not refuse to serve any passenger who decides to enter the bus through any door. In order to ease the orientation in entering and exiting the bus, it will be especially marked”.

Later, as a result of the committee recommendation, it had been decided in a meeting in the minister of transportation’s chamber on 9/7/1997 to start an experimental program (pilot) - two buses in completely Orthodox neighborhoods in Bnei Brak. This will be a voluntary program, without coercion, upholding the women’s right to sit in the front of the bus. If the pilot is a success, it will be implemented in Jerusalem as well.

In fact, the pilot program, turned into a much broader phenomenon, including dozens of public buses. This happened despite the fact that the arrangement wasn’t reevaluated; no authorized personnel reached a formal decision; therefore no lessons were learnt from the experimental program.

Non-governmental Organizations as Interest Groups over Human Rights-The Israeli Supreme Court as an Alternative Governor

The nineties mark a rise in civil interest groups involvement in the HCJ. Towards the year 2000 they have become major public petitioners, although they are also a part of an informal arrangement –expansion of the standing right by the HCJ. In 2007, due to the recurring instances of harassment on ‘Mehadrin’ buses and

secularization of the public agenda in matters concerning state and religion, a group of petitioners together with the Center of Jewish Pluralism petitioned the HCJ claiming that 'Mehadrin' buses damage the equality principle, the right for human dignity and freedom of conscience and religion, since they operate on a lawless basis. They also claimed that the Ministry of Transportation renounces its duty to supervise the operation of transit companies.

Among the petitioners is the Orthodox writer Naomi Ragen who experienced verbal and physical harassment on number 40 'Mehadrin' bus in Jerusalem, after she had refused to sit in the back; Another victim is Mor Lidor, who took a bus from Jerusalem to Ofakim (a town in the south of Israel) on 5.9.2006. She had been verbally attacked by the passengers and was ordered to get off the bus by the bus driver. Tali Goldring lives in Petah Tikva and studies in Jerusalem. On 25.10.2006 when she took bus number 426 to Jerusalem, she had been asked to sit in the back contrary to her beliefs. Eliana Avitzur has taken bus number 40 on 25.12.2006 in Jerusalem to go to her workplace at Har Chotzvim. However, the driver refused to open the front door and made her enter the bus through the back door against her will. Efrat Ofir wanted to take bus number 999 from Kiryat Tivon to Jerusalem. However, the bus driver wouldn't let her in, since he thought she wasn't dressed modestly enough. Therefore, she had had to take two buses and pay a double bus fare in order to arrive at her destination. The 5 petitioners were joined by a sixth one, the Center of Jewish Pluralism – the judicial, public branch of the Israel Progressive (Reform) Judaism Movement. It aims to promote pluralism, tolerance, equality and justice in Israel based on liberal democratic Judaism.

It is noteworthy that both the petitioners and the managers of the aforementioned organization are all women. This defines the struggle as feminist in nature. Could the public opinion have been different if the struggle was led by men as well? Has its definition as feminist evoked antagonism? In the Center for Jewish Pluralism's report concerning gender segregation, it says that "the center had received requests from both men and women"¹¹. The petitioners were joined by other organizations – "friends of the court" – public petitioners seeking to formalize rules for the 'Mehadrin' buses: Betzedek non-profit organization – the American-Israeli Center for the Promotion of Justice in Israel, Kolech – Religious Women Forum, Torah and Avoda Trustees Movement, Yaacov Hertzog Center and the Yerushalmim Movement. Note that when human rights organizations petition the HCJ, its decision might not be well accepted by general population or the political system. There had been cases in which the HCJ was criticized for its decisions, such as recruiting Yeshiva students in 2009. As a result of this decision the political system stormed and laws were suggested to limit the HCJ's power. The public trust in the HCJ has dropped from 80% to 60% (which is still higher than the trust in the Knesset or the political parties which is 15-20%). These laws didn't pass the legislation barrier. Yet they reflect the political system's limits. Indeed, since the 2000s, the HCJ has been limiting its rulings and searching for legitimacy for the ones it issues (Meydani, 2011).

¹¹Shapira – Rosenberg Riki, 'Mehadrin' report, Center for Jewish Pluralism, Jerusalem, 2010, p. 11.

One characteristic of the aforementioned organizations is expressing different positions as well as attempting to find an arrangement which would increase HCJ legitimacy. For instance, Betzedek non-profit organization – the American-Israeli Center for the Promotion of Justice in Israel works with the government, Orthodox Knesset members and the legal system, to protect the unique Jewish style of Israel. Kolech – Religious Women Forum, was established in order to promote gender equality among the religious community in Israel. Torah and Avoda Trustees Movement, is a Zionist movement which aims to restore religious Zionism and attempts to integrate Torah with science and modernity. Yaacov Hertzog Center is an Orthodox Pluralist Center that aims to foster a dialogue between different groups in the Jewish community; the Yerushalmim movement includes secular and religious people who desire to turn Jerusalem into a pluralist city.

While mentioning different groups and their influence on the ‘Mehadrin’ buses policy, it is also worth mentioning ‘Dan’ and ‘Egged’ bus companies who have got economic interest. ‘Dan’ company had ceased operating the ‘Mehadrin’ lines and the ruling is mostly aimed at ‘Egged’ and its economic interest in operating those buses:

“We wouldn’t like to assume that the desire to earn money operating those buses – answers everything”. It seems that it indicates Egged’s enterprises to develop transit for the Orthodox sector during the nineties, since it could turn a profit.

The first discussion of the petition took place on 14/01/08 in which the petitioners maintained that the arrangement itself “might be legitimate. However, the [existing] arrangement isn’t”. The ruling (on 21/1/08) indicated – in due course – that “we assume that there is nothing wrong with separation on buses that attempts to supply what the Orthodox public needs”, but the difficulty of the current situation was stated:

“Separation which isn’t agreed on, on a normative level, is problematic...we shall recount some of the problems and claims mentioned in this court. For instance, the need for a normative basis for these buses...where will separate buses be; a reasonable transit alternative for those who aren’t interested in taking these buses; the question of appropriate signs... the driver’s duties...the price; effective supervision and complaint managing; the approach of the Orthodox leadership regarding the behavior...”

Justice Rubinstein recounts the petitioners’ words:

“Relying on Langental report isn’t enough, as time had passed and changes occurred since 1997. Also, the operating rules are different than the ones Langental committee had approved. Under these circumstances we claim that there is a place for a new forum to assess the actual situation and learn lessons from the years that had passed, recommending (among the rest) tolerance and common sense with respect to the issues at hand”.

The Bureaucrats again – Langer Committee and the HCJ: Rhetoric of Rights or Practice of the Status Quo?

The suggestion of the Supreme Court was adopted by the minister of transportation who appointed a committee led by his office manager Alex Langer (May 11th 2008) “to check the transit arrangements on Orthodox sector buses”. The committee asked for public opinion. It has received about 6000 letters for the ‘Mehadrin’ buses and only dozens against them¹². On October 26th, the committee submitted its conclusions¹³ and recommendations:

- According to the committee, each passenger may sit in any vacant seat, except for seats reserved for disabled people; also, each passenger is to be permitted to enter and exit the bus from any passenger door, regardless of gender.
- No arrangement will be made with the public transportation companies on whose buses gender segregation is being practiced, or any other arrangement which makes them different than other buses in Israel.
- On the other hand, the committee doesn’t attempt to prevent a situation where men and women desire to enter or sit in the bus in a certain way as long as they are interested in separation. This is their right as long as they follow the law and avoid any signs of physical or verbal violence toward people who disagree with their way”.

On October 20th, 2010 the minister of transportation announced that he “decided to adopt all of the recommendations of the committee, based on a detailed status report of the period and the recommendations of the transportation supervisor”. The petitioners weren’t satisfied claiming the HCJ should “ban entering the bus through the back door” altogether.

On January, 2001, the HCJ has made its decision: “Since the minister decided to adopt the recommendations of the committee, we will not intervene with his decisions on a level of principle. These recommendations (appearing on the ministry’s site), will become the obliging arrangement – including increasing supervision”. In accordance with this the HCJ ruled that forced separation between men and women on ‘Mehadrin’ buses is illegal and any harassment of passengers on the matter, for instance clothing, may constitute a criminal offence. The HCJ allowed passengers to enter the bus through the back door to allow separation based on free will. Moreover, it ruled that the drivers are to enforce the decision; Egged will have to publish the cancellation of the ‘Mehadrin’ arrangement both in secular newspapers as well as Orthodox ones and put up signs in buses that were used in ‘Mehadrin’ arrangement saying that: “Each passenger is entitled to sit wherever he or she

¹²Stern Shimon, Separation on a bus? Respect the Women, ynet site <http://www.ynet.co.il/articles/0,7340,L-3764027,00.html>, 19 August 2009, (accessed 21.6.14).

¹³Final Report, committee to examine public transportation transit arrangements on buses serving the Orthodox sector, <http://www.news1.co.il/uploadFiles/441250026226044.pdf>, Jerusalem, 26 October 2009, p.5. (accessed 21.6.14).

chooses (except for seats marked for disabled people); harassing a passenger in the matter, may constitute a criminal offence”¹⁴

The Supreme Court does recount the limitations of Langental committee and relates to the fiction of the voluntary dimension which characterized its recommendations. It offers the Langer committee to maintain a more balanced representation of positions. However, it seems that the difference between the recommendations of these committees is semantic in principle, since what has been started as a pilot by the former, became a fixed arrangement by the means of the latter. One should inquire how deeply was the ministry of transportation affected by the clear economic interest of the “Egged” company which aims to please the go-getter Rabbis to increase its circle of customers. Note that since the eighties, Israel has been adopting an economic approach similar to the free market approach. One result of this approach, is promoting the status of private companies in the market and the Ministry of Finance. Since 1997 the latter has chosen to lead a free market policy more than once using the arrangement law – a legal instrument essential for the design and implementation of social-economic policy as well as the promotion and implementation of structural reforms on the Israeli market. One of those reforms, is the transportation reform – opening the public transportation field to competition. According to Nachmias and Klein (1999) the Ministry of Finance is greatly affected by public policy, due to the professional and public status of its members as well as their experience working with the political system (Nachmias, and Klein, 1999). In fact, senior government officials oppose the arrangement law. However, the rise of the free market agenda in matters concerning the supply of economic and social products that Israel lacks, has turned finance officials - with the support of the various Prime Ministers, Ministers of Finance and leaders of the economy- to leading proponents of this position (Meydani and Uriely, 2006).

Another noteworthy matter in this regard, relates to the position of the public in Israel. The Supreme Court does not function in an empty space, but is “living inside its people” despite the fact that it often rules on issues that the public has no clear position about. For instance, in Din Shalit ruling in 1968 regarding “who is Jewish”, the HCJ ruled that whoever subjectively feels he is Jewish is to be considered a Jew. Then in 1970 the Knesset had legislated a law that bypasses the HCJ for the first time – ha Shvut law (the law of return) which stipulates that whoever was born to a Jewish mother or converted to Judaism is to be considered Jewish (Meydani, 2011). It seems that when the public position is clear on a given issue the HCJ doesn’t attempt to top down value decisions. This was the case with the issue of religious beliefs of religious groups versus liberal values. The HCJ tried to arrive at a compromise to enable religious groups: Jewish Orthodox, Muslim or Christian groups to behave according to their desires as long as it does not harm the population. The limits describing what is considered doing harm, are controversial and are in the process of being determined. Israel is unusual since a large proportion of its values are based on Jewish, Muslim or Christian religions. Historically speaking, since the Ottoman Muslims were against other groups being subject to 'Sharia' law, the Turkish Millet system was created. This is a legal

¹⁴Ibid HCJ 746/07 Naomi Ragen and others versus the ministry of transportation and others.

system established in the Ottoman Empire since the 19th century as a part of the Tanzimat reforms. It maintains that a person is to be subject – in family laws – to the laws of his religion, or even subject solely to the jurisdiction of his or her own religious court. The Millet was adopted in Israel as well - in matter concerning family laws - by the British Mandate authorities. Later on, the law was embedded in the Israeli law system as well. This system allows Jewish, Muslim, Christian or Druze religions to have their own religious courts where they enforce their own family laws, without state involvement. For instance, the Jewish court rules on the basis of the Hebrew law and the Muslim one, on the basis of 'Sharia' law.

The public Mentalite (set of values; world-view) affects the Supreme Court position of the compromise of values, when core issues related to religious beliefs of groups in the Israeli society, are at stake. The Mentalite isn't adopted only by the justices, but by all of the citizens as well as politicians interested in maximizing their chances of being elected. This is part of the explanation why politicians prefer to transfer the decision to government officials when controversial issues are on the table. To this one might add the security dimension in Israel that affects policy in different areas as well as in the area of human rights. A detailed account follows.

The Public – A Decline in the Belief in Human Rights

In the period between 1999 and 2003, Arian and others (Arian *et al.* 2003) have noted distinct erosion in the support of the Jewish public for democratic values in various matters such as political and civil rights, social and economic rights, gender equality and minority rights. The erosion occurred largely in the wake of various security-related events including the eruption of The Al-Aqsa Intifada in September 2000 and the outbreak of the "October Riots" later that year in which thirteen Arabs were killed. The latter event led to the establishment of the Or Commission, a state commission of inquiry chaired by Supreme Court Judge Theodore Or. The years 2001-2003 saw a wave of terrorism aimed at civilians which included the March 27, 2002 bombing at the Park Hotel in Netanya on the eve of the Passover holiday. Two days after the attack the IDF launched "Operation Defensive Shield", and later on April 3, 2002, Israel commenced fighting in Jenin. UN commissions of inquiry and reports of human rights organizations, including Amnesty International, criticized this action. Arian (Arian *et al.* 2003) indicated that only 81 percent of the Jewish population supported the claim that every person should have the same rights under the law regardless of their political viewpoint, in contrast to 95 percent who supported this claim in 2001. With regard to three other values – respect for human rights, the rule of law and freedom of speech – the percentage of the general population who believe that these values are being practiced in Israel declined by 4 percent between 1999 and 2003. Needless to say, such a decline in the belief in human rights is an obstacle for rights activists advocating a policy which deals with the protection of human rights.

The HCJ ruling was based on the Langer committee report. We shall analyze the guiding politics of bureaucrat policy makers in the case of 'Mehadrin' buses. The Langer report stated that most of the letters that the committee received, as a result of their publication of the issue, were written by Orthodox public supporting

the separation arrangement. Most of those who wrote the letters were women and not men. We ask whether the secular population thought the issue irrelevant. Have 'Mehadrin' buses been perceived as an inter-community issue? The researcher, Menachem Friedman claims that due to the radicalization phenomenon, the struggle is led by the minority, while the majority doesn't take part in it. He adds that most of the Orthodox community doesn't actively oppose the decision, since it might be interpreted as shaking off religious values. That is why, the moment the struggle for 'Mehadrin' buses began, the Orthodox community chose not to interfere with what is being presented as a religious obligation (Friedman, 2006).

As to the secular population, the public choice theory provides an explanation based on the 'public good' concept. Freedom of conscience and religion in relation to 'Mehadrin' buses isn't perceived by the secular population as a private good. Therefore, most of the population is quite indifferent viewing the HCJ petitioners' actions as a free-rider (Olson, 1965; Taylor, 1987; Axelrod, 1984).

In contemporary economics, goods are usually defined as public goods if and only if they are *both* non-rivalrous and non-excludable (Varian 1992: 414). Rivalrous and excludable goods are called private goods. National defence is a paradigmatic example of a public good. Not only does Sally's consumption of national defence not reduce Bob's consumption; she could not prevent him from consumption if she tried. Food, clothes and flats are paradigmatic examples of private goods. Political economist regard public good as a product whose use, from the very moment it has been supplied, may not be prevented, and as a consequence, it is not possible to collect the real payment due in respect of its supply (Weimer and Vining, 1998).

In actual fact, we may consider public policy, as a whole, and public policy on human rights, in particular, to be a public good, since from the very moment the decision is made concerning the product, even people who were not involved in the decision both benefit and suffer from it. The decision concerning the National Health Law, for example, is applied to all citizens, even those who were not involved in this decision, and the same is true with respect to the decision regarding the interrogation methods used by the General Security Service, which is basically applied to all citizens.

If we apply this rationale to the area of public policy on human rights, we may say that the fact that human rights are a public good from which anyone can benefit without being involved in its production creates motivation to become a free rider, and as a consequence, none of the players gets involved with the others in efforts to advance and promote specific human rights.

The latter, which wield significant influence over public policy on human rights, are the non-governmental organizations which act to advance and promote human rights (Benvenisti, 1999).

The petitioners as an interest group took the side of freedom from religion, while the Orthodox group opposed it. The responses of politicians are predictable in cases a liberal decision could harm their chances of reelection; especially since the religious parties are a deciding force in the formation of a coalition in the Knesset. Indeed, through all the milestones of the policy making process of 'Mehadrin' buses – from 2007 with the Langental committee, the Langer committee

in 2008, to the ruling in 2011 – the religious parties had been part of the coalition. It is well-known that any harm that comes to the religious status quo, means that these parties would drop out of the coalition which would, in turn, lead to the dispersion of the Knesset.

Note that there were several occasions when coalitions didn't include religious parties. However, policies related to state and religions, haven't changed. Thus, as long as the common beliefs haven't changed, policies will continue to reflect them.

Politicians –The Motivation of Re-election

As in the market model, the interactions between politicians and the electorate are based upon the mechanism of supply and demand. The public recognizes a need and demands a certain policy, while the politician will respond only to those demands that in his mind would maximize his chances of being elected (Downs 1957). David Mayew compares politicians' motivations in democracies to the profit motive of businesses. Just as businesses engage in behaviours designed to maximize their profits, so too do politicians engage in activities designed to get them re-elected (Mayew 1974; Bueno De Mesqita 2003). On the basis of this assumption, we can understand the behavior of the politicians with regard to the legal issue outlined above.

The minister of transportation in 1997 was Rabbi Itzhak Levi from the Mafdal (religious party). He chose to appoint the Langental committee, which initiated the 'Mehadrin' buses experiment. This step maximizes the chances of the minister's reelection. On the one hand, he doesn't harm religious values thereby appeasing religious population. On the other hand, he appeases the secular population, since this is only a matter of several buses. During his term, the committee chose the additive system, recommending an experimental pilot that moderated the disagreement around this value conflict.

In 2007, the year the petition against the ministry of transportation and 'Mehadrin' buses was submitted to the HCJ, the minister of transportation was Israel Katz from the Likud party. In both the 27th and 32nd governments, Orthodox parties were part of the coalition. Minister Katz's behavior represents a strategy of blurring or sending a double message as a strategy meant to ensure his political survival. On January, 2010, in a Knesset committee discussing the issue, he had said, "a reality of separating men and women which is against the state's basic laws and its democratic character, will not be allowed...I will not take part in issuing instructions and regulations embedding such separation, or prevent women from sitting wherever they please". Nevertheless, he said, in the same place and at the same time, that the separation between men and women on 'Mehadrin' lines is to become a permanent arrangement¹⁵.

An analysis of Minister Katz's words, reflects several characteristics of the Israeli voters. First, Likud is a big party aiming at the central position; therefore it cannot allow itself to adopt any marginal position risking losing the bond with the religious parties; on the other hand, as a party of the masses, interested in putting

¹⁵Hezelcorn Shahar, Thus separation on buses has been turned into a norm, ynet site <http://www.ynet.co.il/articles/0,7340,L-3988164,00.html>, 22 November 2010, (accessed 15.5.2013).

together a government, it signals the secular population that it upholds the state's democratic character. The lack of a clear definition of what constitutes a Jewish, democratic state, serves it in such cases. Minister Katz, one of Likud's seniors, chooses expressions which portray him as a strong leader. He says, "I will not let" the separation to take place addressing women as the biggest voters sector and declares: "each woman shall sit wherever she pleases; I will not let anything else happen".

The Guttman Center survey showed that young people want to have a strong leader who would be "above the law". These findings are part of the Democracy Measurement project that the Israel Democracy Institute holds each year. The survey included 1,200 adults and 600 teenagers. Its findings were submitted to the president.

The inclination of teenagers is for "a strong leader" who would rule the state instead of "having discussions and laws". According to scholars, such a widespread opinion reflects strong anti-democratic tendencies. Sixty percent of teenagers shared this opinion, while 58% of adults felt the need for a strong ruler. The fact that this attitude is so prevalent among young people is quite disconcerting.

Paradoxically, however, teenagers were more optimistic than adults in their assessment of Israeli democracy. They agreed less than adults with statements such as: "politicians do not take public opinions into account", "one needs to be corrupt in order to reach the political top", "it does not matter who you vote for, since it changes nothing" and "spokesmen are not allowed to criticize the state". Arab teenagers perceive the political system as less corrupt and also express less desire for "a strong leadership". Perhaps these opinions reflect a lower level of interest in politics among teenagers compared to adults.¹⁶

Analysis of the Knesset protocol from 19.11.2011¹⁷ discussing mistrust proposition regarding 'Mehadrin' buses, reflects the behavioral patterns of politicians in controversial issues in the Israeli society. The mistrust proposition was issued by Kadima, Meretz, Avoda, Hadash, Raam, Balad and Taal parties (the last 4 being Arab parties) due to the ineffectiveness of the Likud government's treatment of the rising violence and radicalization in the Israeli society. These parties were identified as leftist, liberal secular parties. It is interesting to observe the Knesset members' confession in the non-governability of the political system; the minister's of the environment faulty reference to the 'Mehadrin' lines as a legal arrangement, as well as the mutual accusations of hypocrisy and utilization of the gender-based segregation issue for political profit maximization.

Knesset member Nachman Shai (Kadima) says: "We are so proud of our democracy until we discover we cannot enforce its laws; for instance, basic law: human freedom and dignity ... our government had to set up a committee, and we all knew it wasn't to promote a given matter, but to end it... and there is another, new one in this family, Tania Rozenblit, 28 years old, a hero for one day or maybe more. She got on the bus to Jerusalem on a Friday. She was dressed modestly,

¹⁶Yoaz, Yuval, A Strong Leader instead of Laws, *Walla News* http://news.walla.co.il/?w=/90/546_825, 13 May 2004 (accessed 21/6/14); see also Arian Asher, Atmor Nir & Hadar Yael, *Israeli Democracy Measurement -2006*, Guttman Center, Israel Democracy Institute, Jerusalem, 2006, p. 73.

¹⁷Knesset protocol 19.12.2011, meeting number 297 of the 18th Knesset, Jerusalem

since she was on her way to a meeting in an Orthodox neighborhood. She sat behind the driver. Maybe she didn't know or maybe she did, thinking a woman can sit in the front of a bus. Unfortunately, in Israel 2011, women are not in the front but at the back...her sitting in the front, angered the Orthodox passengers, two of whom stopped the bus and then many of them gathered round and yelled at her. The policeman, who came, attempted to persuade her to move to the back of the bus. It went on for half an hour, a scene from another world, until the bus resumed its route... Tania Rozenblit received many compliments yesterday. The prime minister mentioned her in a meeting, the minister of transportation invited her in, Tzipi Livni, the minister of law and Limot Livnat, the minister of culture, have spoken to her as well. She is just like most of us, doesn't understand what she did; all she wanted was to get to Jerusalem in peace... Under this government and the leadership of Binyamin Netanyahu, things we couldn't imagine happen in Israel. The prime minister shakes off his responsibility, which is to ensure that in this good state democracy exists not only in the declaration of independence or laws, but also in daily life"¹⁸.

Ilan Glion, a Knesset member from Meretz (a secular) party, adds to Knesset member Nachman Shai's words: the prime minister – yesterday I heard him say that he had heard about a young woman who was removed from her seat in a bus and that he opposes such behavior. Well, hello. This has been going on for 10 years already. Minister of transportation Katz, who expressed his objection to this, was the one who gave permission to segregation buses.

This kind of talk reflects the duality in Israel. On the one hand, there are laws which bestow equality upon women – liberal basic laws such as human freedom and dignity; and human rights agreements are being signed. On the other hand, everyday practice enables behavior of certain groups, which contradicts these rights. The average citizen then starts wondering – if these groups are permitted by law to behave in a way that harms human rights, due to their tradition, why shouldn't I adopt behaviors which reflect my position even though it contradicts Israeli laws.

Minister of the environment from the Likud, Gilead Ardan, responds to the criticism of the leftist parties: “attack is probably the best defense strategy... you are right, this is all wrong, Knesset member Gilon... if you look up ‘Mehadrin’ buses on Google or Wikipedia you’ll see - ‘Mehadrin’ buses are officially embedded in law since 2003...so with all due respect, neither you, nor Knesset member Tzipi Livni (Kadima) has never asked the minister of transportation, Shaul Mofaz, who was from your own party to battle against ‘Mehadrin’ phenomenon... it actually grew under your government with Shaul Mofaz as minister of transportation... and Mrs. Tzipi Livni has never talked about it...”. Gilead Ardan's strategy is to lay fault on the opposition, maintaining “I am not to blame, you are”. No practical discussion is held, no understanding of the problematic nature of the issue from the point of view of human rights. This constitutes a conscious decision not to choose.

Nisim Zeev from the religious party Shas in the coalition, comprised of Sephardic Jews, was the one who rushed to defend Minister Arden: “Mr. chairman,

¹⁸Knesset protocol 19.12.2011, meeting number 297 of the 18th Knesset, Jerusalem.

respectable Knesset members, each night we listen to such Arabian Nights stories. Women's singing, segregation of women, 'Mehadrin' buses. Are these the issues of the state of Israel? Where the woman entered the bus, where she got off, where she sat, and suddenly we have a hero who has won the respect of the minister of transportation ... all this issue, the segregation of women is incitement, a provocation aimed at the Orthodox population".

Hearing this, Knesset member Itzhak Hertzog from the Avoda party (opposition) interrupted saying: "this is where the failure of the government lies, since it in fact allows such things in public transportation. Israel Aichler from the Ashkenazi 'Siat HaTorah' party (in the coalition) responded by citing a survey conducted by Tel-Aviv municipality: "It is a survey by the Unit for the Promotion of Women's Status from the prime minister's office. It reveals that half of the women come across instances of sexual harassment in public transportation. Instead of fighting these harassments or give the women an opportunity to have defined space in the back of the bus, and as far as I'm concerned, in the front, and thereby to protect them; some people choose to attack the Orthodox community for its disrespect of women. Is there a greater way to honor women than have men and women crowd together on one bus? Where are the men's rights? Men don't want to be crowded... What do we ask? Let us start a public transportation company of our own. It is the most profitable. We don't want any favors from this state¹⁹.

Analyzing the Reality for Human Rights – Summary and Conclusions

We maintain that the protection of human rights is the product of the activity of several players: politicians, bureaucrats, non-governmental organizations and the general public. In Israel, these groups act within the structural conditions of non-governability, the judicialization of politics and an outcome-directed, participatory political culture that advocates a do-it-yourself approach to solving problems. Regarding future research, this hypothesis allows us to make comparisons between countries. In countries where the structural and cultural conditions are not outcome-directed, i.e more governability as well as fundamental liberal democratic culture, the viewpoint of the players will be long-term. Thus, it would be easier to create a human rights commission, for example, and the effectiveness of such a commission would be greater.

In the Israeli context, given its outcome-directed structural and cultural conditions, it is apparent that in spite of the fundamental differences between NGOs and state institutions, they both use similar tools. For example, human rights NGOs adopted legal tools to handle social issues. This factor, which expresses the social and cultural characteristics of Israeli society, is accepted as a component in political considerations and in the struggle between the political players. Thus, in societies in which structural and cultural conditions emphasize outcomes, there is a greater tendency to adopt legal strategies. Even though they were seemingly

¹⁹Knesset protocol 19.12.2011, meeting number 297 of the 18th Knesset, Jerusalem.

interested in changing the political culture, the NGOs still adopted the same methods because they had to function in that particular political culture.

Regarding the issue of promoting human rights, it is apparent that the meeting point between the state, which often represents the body that violates human rights, and the non-governmental organizations is not as contentious or challenging as one might expect. This identity between human rights NGOs and the state institutions is evident in the cooperation between the organizations and certain politicians with liberal agendas. For these politicians, the promotion of human rights could be translated into electoral capital, maximizing these politicians' chances of re-election. In this context, results are emphasized over process. Actions adopted by the non-governmental organizations reflect the reality of the political culture in Israel where short-term goals that are outcome-directed are supreme. Indeed, in an environment of non-governability characterized by the quick turnover of politicians in ministerial positions and the agendas they promote, organizations must move swiftly to realize their goals. The small window of opportunity works against the promotion of thoughtful, long-term goals. Such an environment also favors lobbying over more lengthy procedures that involve pilot projects, public hearings and education. Furthermore, non-governability and judicialization result in the struggle's being transferred to the organizations and the courts. Therefore, lawyers at both the NGO level and the political and bureaucratic level spearhead initiatives. Even though representatives of human rights NGOs are interested in promoting long-term proposals, short-term considerations, namely, the maximizing of immediate results will shape their political perceptions and force them to narrow the scope of their proposals to ensure success.

Under these conditions, major strategies are goal-oriented ones. However, in order to succeed they should accord with the viewpoints of the public and the politicians on the subject, and the interests of the bureaucrats (especially those of the Minister of Finance).

It seems there is no alternative to adopting a dual strategy that includes understanding and acting within the structural and cultural rules in order to promote the institutionalization of human rights, possibly even in their broad, universal context. At the same time, human rights advocates must include a processual local culture, which includes long-term activities such as local and community initiatives, public hearings and involvement in education, in their efforts to alter perceptions about the guarantee of human rights in Israeli society.

In the last two decades in Israel, numerous attempts at reform in the government arena have been made in various areas, but have not left a significant mark. In order to regain governability, there is a need for three intertwined reforms: reform in government – emphasizing the responsibility of holders of public office, reform in the relationship between the High Court of Justice and the Knesset, and reform that empowers the Israeli consumer – the consumer of public services. A system of checks and balances is essential in order to overcome the structural and cultural obstacles that impede the guarantee of human rights in Israel. Such reforms would also change the clear preference in the majority of public systems in Israel for favoring personal interests over those of the public, thus creating a lack of trust between the citizens and their government, and a lack of trust in

democracy together. Behaving in accordance with personal interests is a natural part of all human behavior (Wildavsky, 1979). A British parliamentary committee sums up this phenomenon as follows: "The essence of the problem...is that the balance of advantage between Parliament and Government in the day-to-day working of the Constitution is now weighted in favor of the government to a degree which arouses widespread anxiety and is inimical to the proper working of our parliamentary democracy."²⁰

Nevertheless, public systems in the modern world, especially the new public management reforms recently adopted in many developing countries, are based on and seek to increase the checks and balances intended to prevent players from acting solely in their own interests. Indeed, in some cases they might even benefit from acting in the interests of the public. In Israel this is not the case.

In his book *Public Management in Israel: Development, Structure, Functions and Reforms* Itzhak Galnoor raises an interesting paradox with regard to democracy. Israel does well on all the general indicators of democracy, including political competition, orderly regime change, a high level of citizen involvement, and freedom of the press. These scores should rank Israel high on the scale regarding its public service ethic, but this is not the case. Galnoor provides a persuasive explanation of that paradox—"the weakening of the central governance authority was not accompanied by a change in the rules of the game, nor were sufficient resources allocated to it" (Galnoor, 2011: 137). Indeed, the view that a public service ethic is less important to the Israeli state than are other interests, such as financial or political gain, apparently continues to prevail.

Such a realization depends on the existence of an internal enforcement system that makes the players understand that acting solely in their own interests would be thwarted by other players and thus actually harm their own personal interests. Such a system is rooted in public responsibility and accountability, which in the broad sense does not, in fact, exist in public systems in Israel. Indeed, these systems have assimilated the alternative political culture, leading to a situation where everyone attempts to find ways to increase his or her personal benefits at the expense of the implementation of human rights without fearing any internal enforcement mechanisms. Thus, non-governance, an alternative political culture, the increased judicialization of politics, and the placing of personal interests over those of the public typify the problems in the current system and serve as the major obstacles to correcting them.

Our examination of the politics of defending human rights at the national domestic level results in several key conclusions. First, despite the many normative justifications for human rights, there are a large number of impediments to the establishment of human rights in law. These impediments do not necessarily arise from a lack of awareness on the subject, or from a desire to deprive minorities of their rights, but are part of the structural factors that affect every political process.

²⁰First report from the Select Committee on Procedure (1977-1978) HC 588 par. 1.5. quoted in Gavin Drewry "Select Committees and Back-Bench Power," in Jeffrey Jowell and Dawn Oliver, eds., in *The changing constitution*, Clarendon Press, Oxford, 1985, p. 136; and in András Sajó, *Limiting government. An introduction to constitutionalism*. CEU Press, Central European University Press, 1999. p. 199.

Thus, for example, the lack of demand by the public for human rights could arise from a lack of awareness, but could equally arise from the problem of collective action. Second, the politics of defending human rights is very complex, involving the Court and the NGOs as well as the relationships between the politicians, bureaucrats (military and intelligence organizations; labor and immigration authorities, the police) and the public. Neglecting the strategies and interests of these players may prove fatal in terms of defending human rights. Third, the political culture that has been established in Israeli society since the 1980s favors a bottom-up orientation. Therefore, changes in political culture and society cannot be imposed from the top down but must evolve from the bottom up. Directing all human rights strategies toward an elitist institution such as the Supreme Court may have results in the short term, but in the long run changes in attitudes as well as policy decisions about defending human rights are likely to emerge due to demands from society.

Fourth, our analysis highlights the activity of non-governmental organizations in promoting human rights and their focus on the legal channel. The analysis points out the potential harm that such activity could cause to attempts to establish democratic and liberal norms and a strong civil society. Furthermore, non-governmental organizations must concentrate their efforts on putting direct pressure on the political system at the same time as designing a comprehensive framework for action, targeted at the general public. By empowering the court, human rights organizations disconnect these issues from the vast majority of Israeli citizens, abandoning efforts at changing their attitudes. Therefore, the strategies of the NGOs must also include attempts at mass mobilization that will create the basis for these organizations to turn to the legislative authorities.

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Care and Community in Euro-Atlantic Diplomacy: A Discourse Analysis

By Amber Brittain-Hale*

Traditional International Relations (IR) theories emphasise power politics, often overlooking human-centric socio-political factors like care and community. In contrast, recent approaches in other social sciences have compensated by overemphasising empathy, neglecting the complex security concerns critical to navigating modern geopolitical environments. This creates both a contextual gap—where IR models inadequately address human factors—and a disciplinary gap between IR and emotion-driven frameworks in social sciences, which blunt the strategic clarity essential for effective diplomacy. This research explores leadership psychobiography and geopolitical pragmatism through a foreign policy analysis framework. The study examines the public diplomacy discourse of female Euro-Atlantic leaders during the Russia-Ukraine War. Their leadership—marked by rational compassion and democratic values—deviates from conventional models. The scope and unity of this female cohort, shaped by their shared temporal and geographic context, present a unique contribution and address an existing gap in the literature. These leaders, opposing Russia's aggression, integrate dignity, solidarity, and resilience into their public diplomacy, challenging traditional paradigms. By blending compassion with strategic calculation, they transcend political alignment and advocate for a perspective that recognizes both the human and community aspects of geopolitical conflicts. This study demonstrates the value of incorporating gendered leadership perspectives in diplomacy, where care and community complement traditional strategic considerations in complex geopolitical situations. It paves the way for further exploration of female-led diplomacy and a gendered understanding of foreign policy, advocating for leadership models that stress both strength and humanity.

Keywords: *Female Leadership, Foreign Policy, Diplomacy, Trait Analysis, Discourse Analysis*

Introduction

Research in International Relations (IR) has traditionally emphasised power politics and strategic objectives, often overlooking the significant impact of socio-emotional dynamics in shaping geopolitical outcomes. This oversight has prompted a reevaluation of conventional methodologies that predominantly view diplomacy through a male-dominated lens grounded in established power frameworks. Another consideration in extant research is the view of women as principally peacemaking and coalition building, rather than defensively oriented. Recent interdisciplinary shifts

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underscore the importance of integrating human-centric variables such as care¹ and community² into international commerce and global security framework analysis.³

Increasingly, empathy has been framed not just as a counterpoint to strategic decision-making but as a vital component of modern diplomacy. Social scientists and policymakers have elevated it as a key priority, embedding it into the operational code of contemporary diplomatic practice. However, this emphasis on emotionality carries significant risks that are frequently overlooked. While emotions can enhance diplomatic engagement by fostering more profound understanding and connections, it also introduces specific challenges that necessitate careful management. Over-reliance on feelings can undermine accountability and rational decision-making, potentially compromising the integrity and effectiveness of diplomatic strategies.⁴

Previous research has foregrounded Zelenskyy as the lead diplomat on the Russia-Ukraine front lines due to his role as Ukraine's President and prominence in leading public diplomacy efforts. While Zelenskyy's engagements often involve direct and assertive communication strategies, recent studies have highlighted how Euro-Atlantic female leaders' diplomacy shows a quantifiable divergence from both Zelenskyy and conventional rhetoric. Active on platforms like X (formerly Twitter), these leaders emphasise strategic alliances, defence investment, and strong messaging for a pro-European stance against Russian aggression. Although some female leaders have been criticised as being too "hawkish" or "Eastern" in their public messaging, there is more complexity and consideration.⁵

Alongside their firm stance against Russia's war of aggression and demonstrative foreign policy actions to increase defensive postures, the Euro-Atlantic cohort of female leaders also communicates the need for Ukrainian sovereignty, a robust defence, and the importance of care and community. This shift calls for an investigation into how the gradation of socio-political needs are addressed within the framework of international relations, incorporating a refined foreign policy analysis lens to understand this leadership phenomenon linked by geography and conflict.⁶

¹Care: In the realm of international relations, it involves a comprehensive approach to addressing individuals' needs, considering their physical, mental, emotional, social, and geopolitical dimensions. It prioritises tailored strategies that foster trust and cooperation while acknowledging diverse circumstances, values, and aspirations (Dowrick et al., 1996; Risdon & Edey, 1999; Thomas & Rich, 2018;).

²Community: Within the framework of global interactions, community denotes a collective of individuals interconnected by shared human experiences and citizenship, transcending traditional state boundaries. It embodies a sense of belonging and mutual responsibility, where identity and culture are unifying factors. Communities prioritise the well-being of their members, encompassing physical, emotional, and social dimensions. Through tailored initiatives, they strive to foster solidarity, trust, and cooperation while respecting diverse backgrounds, values, and upholding a universal morality. See also Sharpcott, 2001; Walzer, 1983.

³Cassidy, 2017; Cornut, 2017; Enloe, 2014; Enloe, 2017; Niklasson, 2020.

⁴A qualified search on Google Scholar for "Empathy" from 2022 to 2024 revealed approximately 89,000 entries. This volume of research, in informal network analysis, indicates a significant concentration on the topic, suggesting a heightened scholarly interest and ongoing discourse in the field during this period. See also: Kazaris, 2021; Serri, 2021; Walker, 1990; Walker et al., 1998.

⁵Lau, S., & Moens, B. 2024.; Aggestam & Svensson, 2018.

⁶Brittain-Hale, 2023b

Building on previous research, this study explores the subtle interplay between geopolitical pragmatism and diplomatic engagement, addressing the gap often described as the "emotional dog and its rational tail."⁷ Furthermore, it explores a contextual gap in the literature for a cohort of female diplomats in the Euro-Atlantic zone during the Russo-Ukrainian War

Notably, this study employs the Brittain-Hale Foreign Policy Analysis Model © (2023c), which, unlike traditional approaches, incorporates computational analysis and enhanced atmospheric scanning, prioritising comprehensive data gathering and context over large-n data, thereby providing a more finessed understanding of geopolitical dynamics. Specifically, this study analyses leadership, highlighting the distinct and novel contributions of female leaders in the Euro-Atlantic region to diplomacy and security. Of the twelve leaders considered in the study, ten are the first females to hold their elected positions, with only the leaders of Latvia and Finland as exceptions.⁸

Using Hermann's Leadership Trait Analysis, this study probes the cognitive and behavioural foundations of this female Euro-Atlantic cohort's diplomatic strategies and policy development.⁹ This methodological approach allows for a validated psychobiographical exploration of how these leaders, with their unique viewpoints and leadership methods, have incorporated the principles of care and community into international policymaking. It is hypothesised that this has contributed to a more meaningful diplomatic conversation and improved strategic results. Nonetheless, many of these leaders have faced significant political risks in demonstrating unambiguous support for Ukraine or the broader ideal of a fully integrated European community that extends to the Republic of Georgia.¹⁰

Within the dynamic landscape of Euro-Atlantic geopolitics, a significant cohort of female leaders has emerged, wielding substantial influence and markedly impacting international relations and diplomacy within their respective nations. This group includes prime ministers and presidents known for their resilience, strategic insight, and dedication to embedding community and humanity in their governance and decision-making. This introduction sets the stage for a detailed analysis of these leaders' roles, countries, and tenures, provided later in Table 3.1, emphasising the cardinal role of female leadership in transforming global diplomacy and statecraft in the 21st century. It underscores the critical need for an integrated approach that combines compassion with strategic decision-making in diplomatic strategies, setting a new direction for future research in international relations.¹¹

⁷Haidt, J., 2001

⁸The Brittain-Hale Foreign Policy Analysis Model is a modern and computational approach that considers a multitude of factors by integrating FPA principles, applied history, and environmental scanning. By categorising qualitative data across various domains such as history, international relations, socio-political factors, technology, open-source information, risk assessment, intercultural dynamics, capital and economics, and legal considerations, it offers a comprehensive framework (2023b).; Bosnia has its first female leader (Reuters, 2022).

⁹Hermann, M.G., 2002; 2005.

¹⁰წლის საპარლამენტო მოხსენება, 2024.

¹¹Amante, 2021; Bleiker & Hutchison, 2008; Hutchison & Bleiker, 2014; European Parliament, 2023.

Introduction to the Literature Review

As the dynamics of the Russia-Ukraine War evolve, the rise of female leaders from the Euro-Atlantic region in this high-stakes geopolitical crisis signifies a pivotal shift in the landscape of global diplomacy. Women have traditionally been viewed as more peaceful and inclined towards peacemaking; however, this assumption is not consistently supported by empirical evidence, especially in the context of conflict leadership. This literature review examines the intersection of gender, leadership traits, and public diplomacy, emphasising how leaders such as Finnish Prime Minister Sanna Marin, Italy's Giorgia Meloni, and European Commission President Ursula von der Leyen navigate and redefine international crises.

Marin's unequivocal demand during a critical press conference to withdraw Russian troops exemplifies a clear and decisive diplomatic approach, diverging sharply from the often ambiguous traditional male-dominated diplomacy¹². Similarly, Meloni's assertive support during her visit to Ukraine underscores the growing influence and unique strategic perspectives brought by female leadership. The engagement of EU leaders like Metsola and von der Leyen further illustrates how female leadership at the supranational level is reshaping policy and diplomatic narratives within the EU and globally.¹³

These instances highlight a broader trend towards integrating action, ethical leadership, and a community-centric approach, reflecting a transformative era in Euro-Atlantic diplomatic leadership. Focusing on the psychological traits and strategic calculations that characterise their diplomacy, this review advocates for reevaluating traditional IR theories in light of new empirical evidence on female leaders' effective and impactful roles in addressing contemporary global challenges.

This analysis introduces these leaders' discrete contributions. It also sets the stage for further exploration of how gender dynamics can redefine leadership effectiveness and international policy-making in times of global crisis.

The Gendered Lexicon of Geopolitical Strategy

Within the traditionally male-dominated realm of geopolitics, digital technology and social media have begun to transform established power structures. Despite significant transformations, the implications of gender on the language and strategies employed in geopolitics remain underexplored. While initial studies, such as those by Abduljaber and Kalin, have found no apparent disparities in attitudes toward war based on gender, Schramm and Stark provide evidence that societal expectations and credibility pressures can lead female leaders to adopt performative governance strategies, including initiating conflicts to display toughness. Aggestam

¹²Government Communications Department, 2022; Husu, 2023.

¹³European Commission, 2022.

and Towns agree that women have a unique conflict between governance and sex-based exemplars in governance.¹⁴

In essence, how gender shapes public perception of leadership during crises—and their aftermath—highlights society's tendency to ascribe masculine and feminine qualities to male and female leaders, respectively. These gender-based ascriptions significantly influence public expectations about which leaders are most suitable for managing specific crises. Kernell traced the evolution of direct-to-public diplomatic approaches, paralleling contemporary shifts observed in digital and female-led diplomacy.¹⁵ Building on this, Enloe examines this evolution and underscores a transformative change in how diplomatic engagements are conducted, predominantly through the lens of gender.¹⁶ This further complicates traditional narratives within International Relations, suggesting that gender roles and perceptions are deeply embedded in the mechanics of global diplomacy.

Even as feminist scholarship challenges binary and essentialist gender concepts, these stereotypical associations endure in public consciousness.¹⁷ In their investigation of the complex interplay between gender stereotypes and crises, O'Brien and Piscopo demonstrated the significant linkages and transformative opportunities crises can provide.¹⁸

Extant literature predominantly features a male-centric lens across various geopolitical contexts, a phenomenon not just limited to recent conflicts like the ongoing Russian-Ukraine War, thereby overlooking female leaders' contributions and strategies. In this respect, Lasswell's contributions to political psychology have left a lasting impact, shaping our understanding of propaganda, power dynamics, and policymaking. His influential theories serve as a foundational framework for analysing the psychological dimensions inherent in foreign policy and leadership styles.¹⁹

Prior research into female leadership primarily employs traditional methodologies, often overlooking the potential of computational analysis and Natural Language Processing (NLP) for computational insights.²⁰ For instance, Schafer and Lambert's work on the Psychological Characteristics of Leaders (PsyCl) offers a methodological framework that has yet to be applied to a female cohort.²¹ Its dataset notably includes a limited representation of female leaders, underscoring a more significant literature gap that necessitates methodological and

¹⁴Abduljaber, M., & Kalin, I., 2019; Schramm, M., & Stark, A., 2020; Aggestam & Towns, 2018; 2019.

¹⁵(1986).

¹⁶Enloe, 2014; 2017.

¹⁷Achilleos-Sarll, C., 2018.

¹⁸O'Brien and Piscopo, 2023.

¹⁹Lasswell's foundational contributions to political psychology include seminal propaganda and power dynamics theories that serve as critical frameworks for foreign policy and leadership studies (Lasswell, 1930, 1936, 1938, 1948).

²⁰Computational analysis and NLP offer fertile ground for advancing the study of diplomatic discourse, enabling a fine-grained analysis of lexico-semantic strategies that have been largely unexplored in the context of female leadership.

²¹Schafer & Lambert, 2022

thematic expansion.²²

Cortellazzo and Bruni, focusing on European female leaders during crises, suggest a shift toward political adroitness, strategic emotions, and effective collaboration.²³ These preliminary findings advocate for a deeper exploration into how European female leaders utilise rhetorical strategies that blend strength with a strong respect for sovereignty and human rights, further enriching our understanding of modern statecraft. This gap underscores the critical need for expansive academic research into the psychobiographical dimensions of female-led diplomacy, an area ripe for further scholarly exploration.

Speech data reveals that the selected leaders employ rhetorical architectures infused with concord and collaboration, adding substantive layers to our understanding of modern statecraft while upholding sovereignty and human rights principles. Executing without compromising sovereignty and human rights principles is vital. This amplification of the extant literature substantiates the imperative of further academic inquiry into the psychobiographical aspects of female-led diplomacy—a field conspicuously lacking in comprehensive study.

Strategy and Discourse in a Politicised Context

Building on this foundation, the exploration focuses on the synergy between psycholinguistic analysis and political contexts, examining how leaders' language choices reflect their psychological profiles and influence their diplomatic interactions. This nexus has garnered attention in previous research. This interdisciplinary exploration underscores the capacity of a multidisciplinary approach to yield robust insights into the realms of IR and Foreign Policy Analysis (FPA).

For example, Danish Prime Minister Mette Frederiksen's statement during a press conference — “In all its horror, the war reminds us that freedom comes with obligations, that democracy does not come by itself, and that we in Europe have a common destiny.” — exemplifies how political discourse can reflect and influence geopolitical realities, encapsulating the profound interconnectedness between a leader's language choices and the broader political context. By melding psycholinguistic analysis with political contexts, this hybrid approach provides critical insights extending IR and FPA's boundaries.²⁴ Examining the intricate interactions between language and political action shows how leaders utilise linguistic constructs to convey their intentions and shape their identities on the global stage. Lexical analysis is particularly salient in the era of social media, described as the public square of modern statecraft, where computational analysis elucidates correlations between political dialogue and individual leader characteristics.²⁵

²²Schafer and Lambert's work represents a methodological cornerstone, but its applicability to female-led diplomacy remains an open question, marking a compelling avenue for future research; See also: Erlandsen et al., 2021

²³ 2021.

²⁴Brittain-Hale, 2023b; Brittain-Hale Foreign Policy Analysis Model: HISTORICAL.

²⁵George, 1989; Hermann & Hermann (1989), examine how a network of actors, not just leaders, influences foreign policy decisions. See also: Hermann, M.G. et al., 2001; Hermann, M.G., 2019

Power Dynamics and Rhetoric: Discourse in Action

The study of leadership decision-making in foreign policy is a complex field, drawing on a variety of frameworks and methodologies to examine its many dimensions.²⁶ George's seminal work on the "operational code" is a foundational pillar, illuminating the cognitive maps that political leaders utilise when making pivotal decisions.²⁷ Broadening the foundational framework by Hermann and Hermann, their empirical exploration enriches our comprehension by spotlighting a network of actors collaboratively moulding foreign policy decisions. This dynamic observation introduces complexity to the conventional wisdom that attributes these decisions exclusively to particular leaders. This complete perspective surfaces the complex web of interactions in diplomatic spheres, where several stakeholders collaborate to devise and implement foreign policy agendas.

As an example, Prime Minister Meloni firmly declared, "Italy has consistently shown its unwavering solidarity with Ukraine's territorial integrity and sovereignty, emphasising the country's plight as a result of the Russian Federation's brutal and unjust aggression." The statement "This unwavering dedication characterises Italy's future course" emphasises the critical role that national leaders play in communicating official stances.²⁸ Nevertheless, it is crucial to understand that these proclamations originate from the leader's personal beliefs and symbolise the unified position of the nation-state, which is shaped by numerous domestic and international factors.²⁹

Therefore, the conceptual framework proposed by Hermann and Hermann supports the notion that a more sophisticated analytical approach is necessary to comprehend the complex interaction between systemic forces and individual agencies that influence foreign policy outcomes.³⁰ This paradigm shift encourages a more profound exploration of the intricate realm of IR, where psychological insights and psycholinguistic analyses converge to provide a more holistic comprehension of diplomatic phenomena.

Adding another layer of complexity, Hansen et al., explored the factored gender and partisan gaps in American attitudes toward the use of force.³¹ Their work opens a window into the social and psychological factors that influence and constrain leadership decision-making.³² Schafer's "at-a-distance analysis" further contributes methodological flexibility to understanding how leaders' characteristics affect policy outcomes.³³ Similarly, Snyder et al. revisit and update classic models of foreign policy decision-making, offering a modern take for today's analysts.

²⁶Kampf (2015) provides frameworks for political discourse analysis research; See also: Tannen et al., 2015

²⁷Hermann and Hagan (1998) explore the influence of leadership on international decisions, arguing that leaders' styles and beliefs significantly impact foreign policy.

²⁸The Guardian, 2024; Regeringskansliet, 2022a; Regeringskansliet, 2022b

²⁹Steele, B.J. 2019a; 2019b

³⁰Hermann & Hermann, 1989

³¹Hansen, M., Clemens, J., & Dolan, K., 2022.

³²Budd (2016) Discusses historiography as a tool of political discourse; Panahi et al. (2021) studied presidential rhetoric in speeches for legitimization.

³³Schafer, M., 2014

³⁴These seminal works set the stage for a more focused examination of the use of language in foreign policy decision-making. The results of this study contribute to the broader dialogue in the realm of FPA. Complementing this perspective, Hudson and Day emphasise that the language used by political leaders can be a lens into their decision-making processes, revealing the underlying motivations and intentions behind their policies.³⁵ This observation is particularly pertinent when considering how Zelenskyy's language choices reflect the complex nature of foreign policy decisions and the communicative strategies that uphold them.

Discourse analysis in psychobiographical studies, as outlined, offers invaluable insights into the personalities, decision-making processes, and ideological leanings of noteworthy figures.³⁶ By assessing their language and speech patterns, it is possible to unveil fresh perspectives on leadership styles, communication strategies, and their influences on policy and governance. For example, Brittain-Hale employs a multi-dimensional lens to examine Zelenskyy's leadership style and its potential impact on democratic processes in Ukraine, underscoring the interconnectedness of leadership communication, psychobiography and their ramifications on democratic principles and electoral integrity.³⁷

Framing the Community: Legitimation and Identity in Female Leadership

Regarding the impactful role of rhetoric in power dynamics, female leaders face additional complexity due to gendered expectations and biases. To navigate this intricate terrain, they employ legitimation strategies — such as authorisation, moralisation, rationalisation, and mythopoesis — to craft dialogues that synergise with national branding and identity.³⁸ These dialogues form a national psychobiographical landscape that fosters social cohesion and establishes moral foundations for citizenship.³⁹

Authorization and Moralization (Task Orientation)

Female leaders often find themselves in a double bind. Even when their authority is formally sanctioned through democratic or constitutional means, their gender can pose an additional hurdle to perceived legitimacy.⁴⁰ Authorisation is a strategy to mitigate this tension, often invoking traditional, religious, or constitutional narratives

³⁴Snyder, R. C., Bruck, H. W., & Sapin, B.), 2002)

³⁵Hudson & Day, 2019

³⁶Danowski et al. (2021) employ lexicographic analysis to study the change in discourse in U.S. presidential speeches, offering insights into how political language has evolved.

³⁷In her 2023 research, Brittain-Hale employs a multimodal analysis of President Zelenskyy's diplomatic approaches in the Russo-Ukrainian conflict. She utilises the LIWC-22 (Linguistic Inquiry and Word Count) tool, developed by Boyd et al. (2022a), to assess linguistic patterns, along with descriptive statistics and norms also provided by Boyd et al. (2022b). This analysis builds on the concept of "The Personality Panorama," conceptualised by Boyd, Pasca, and Lanning (2020), to create a multidimensional portrait of Zelenskyy's diplomatic style.

³⁸Mirhosseini (2017) analyses legitimation strategies and national identity construction in political discourse, contributing to understanding regime stability and international standing.

³⁹Aronczyk (2008) investigated the role of branding consultants in shaping national identities, highly relevant in the context of soft power.

⁴⁰Towns, 2020

that validate their leadership roles.⁴¹ Moralisation complements this approach by leveraging moral imperatives and ethical norms to bolster legitimacy, challenging and capitalising on gendered stereotypes.⁴²

Exploring Psychobiographical Landscapes (In-group Bias)

Beyond strategic manoeuvring, "framing the nation" deeply informs the psycholinguistic landscapes crafted by female leaders.⁴³ Language, laden with power dynamics, not only shapes national identity through standard terms, symbols, and myths but also becomes a vehicle for influencing public opinion and policy. In this vein, Tulis's work on the "rhetorical presidency" serves as a foundational framework directly applicable to female-led diplomacy.⁴⁴ His research offers transferable insights, enriching our understanding of how female leaders deploy specific communication strategies to navigate complex geopolitical landscapes.

Strategic Intent versus Empathetic Engagement

While human connection enriches relational dynamics within diplomacy, it also necessitates a cautious approach due to potential risks related to accountability and manipulation. Empathy has transcended its traditional role as merely a counterbalance to strategic decision-making and has become a weighty part of operational code within social sciences and policymaking.⁴⁵ However, this evolution risks overly prioritising emotional alignment over strategic interests, potentially compromising objective decision-making processes.⁴⁶

Compassion, when used strategically, enables policymakers to understand other actors' motivations and anticipate potential actions, thereby enhancing decision-making. However, this strategic application must not overshadow the necessity for clear-headed, principled decisions that align with national and international objectives. While valuable for drawing lessons from past experiences, historical sentiments must be tempered with a critical assessment to prevent the romanticisation of past events, which could skew contemporary policy decisions.⁴⁷

In conflict resolution and humanitarian interventions, the role of feelings is double-edged. While it fosters reconciliation and shapes humanitarian-focused policies, overemphasising emotional solidarity can sometimes inhibit decisive action and lead to policy paralysis. It is crucial in diplomatic communications and strategic planning but must be balanced with leadership qualities such as wisdom and integrity.⁴⁸

The strategic integration of in-group framing in foreign policy requires a sophisticated understanding of its limitations and potential for exploitation.

⁴¹Brittain-Hale (2023a; 2024) examines the rising role of female diplomats in the Russo-Ukrainian War, highlighting their increasing influence in shaping outcomes.

⁴²Burns, 1978

⁴³Brittain-Hale (2024) discusses the transformation of foreign policy in the Russo-Ukrainian war through the lens of feminine influence, challenging traditional diplomatic paradigms.

⁴⁴Tulis, 2007

⁴⁵Holmes & Yarhi-Milo, 2016, Žilinčík, 2022

⁴⁶Brookings Institution, 2017

⁴⁷The Atlantic, 2015; Bloom, 2016

⁴⁸National Review, 2015

Policymakers must navigate the delicate balance between empathetic engagement and the imperative to uphold strategic and ethical standards. This perspectival take underscores its role as a facilitator of diplomatic engagement and a complex element requiring careful management within the broader spectrum of international relations.

Conclusion of Literature

Thus, understanding the strategic use of language in diplomacy enriches our comprehension of individual leaders' approaches and prepares the ground for a deeper exploration of how these strategies manifest in crises, as discussed in the following sections on power dynamics and rhetoric.

Methodology

The methodology section outlines a targeted analysis of twelve female leaders, either heads of state or government, from various Euro-Atlantic entities from 2022 to 2024. These leaders represent Moldova, Italy, Georgia, Denmark, Sweden, Finland, Latvia, Lithuania, Estonia, the European Union, and the EU Parliament. The speeches selected are pertinent to the war in Ukraine, reflecting each leader's or organisation's specific engagement with this significant geopolitical crisis, providing insights into their diplomatic strategies and handling of complex international issues.

Table 1 outlines the leaders under study, noting their roles and tenures, providing a framework for understanding their contributions to Euro-Atlantic diplomacy. This setup contextualises their leadership within the current geopolitical landscape and underscores the strategic importance of their communications in shaping policy and international relations.

Leader	Country	Role	Dates in Office
Mette Frederiksen	Denmark	Prime Minister	2019–Present
Kaja Kallas	Estonia	Prime Minister	2021–2024
Sanna Marin	Finland	Prime Minister	2019–2023
Salome Zourabichvili	Georgia	President	2018–Present
Ursula von der Leyen	Germany	President of the EU Commission	2019–Present
Katalin Novák	Hungary	President	2022–2024
Giorgia Meloni	Italy	Prime Minister	2022–Present
Evika Silina	Latvia	Prime Minister	2023–Present
Ingrida Šimonytė	Lithuania	Prime Minister	2020–Present
Roberta Metsola	Malta	President of the EU Parliament	2022–Present
Maiia Sandu	Moldova	President	2020–Present
Magdalena Andersson	Sweden	Prime Minister	2021, 2022

The methodology integrates Natural Language Processing (NLP) tools from the Leadership Trait Analysis (LTA) program in Profiler Plus to assess speeches quantitatively. This approach categorises leadership discourse into qualitative variables, enabling evaluation of linguistic markers related to "care and community," highlighting a new paradigm of female-led diplomacy.

The combination of qualitative and quantitative methods allows for data analysis, identifying patterns and trends elucidating broader impacts of leaders on public diplomacy and the Russo-Ukrainian War. This methodological rigour ensures that the study captures the complex interplay of leadership traits and diplomatic engagement, setting the stage for a deeper understanding of how gender influences leadership styles and international policy decisions.

Analysing Care and Community in Female-Led Diplomacy through LTA

This research adopted a unique approach to female-led diplomacy, distinct from traditional masculine diplomatic methods and the principles commonly associated with feminist foreign policy. The analysis focused on identifying markers of care and community within LTA variables, highlighting their importance in shaping diplomatic strategies beyond conventional frameworks. This exploration aimed to uncover how these elements are woven into the discourse of sample leaders, contributing to the evolution of diplomatic practices in response to contemporary geopolitical challenges.

Table 2. *Leadership Traits from Leadership Trait Analysis (M. G. Hermann, 2005)*

CODE	Trait	Trait Description
BACE	Belief in One's Ability to Control	<i>Perception of having control and influence over events, situations, and developments</i>
PWR	Need for Power and Influence	<i>Aspiration to control, influence, or impact other actors</i>
CC	Conceptual Complexity	<i>Ability to perceive nuances in one's political environment, differentiate things and people in one's environment</i>
SC	Self Confidence	<i>Sense of self-importance as well as perceived ability to cope with one's environment</i>
TASK	Task Focus/Orientation	<i>Focus on problem-solving or group maintenance/relationships</i>
DST	General distrust or suspiciousness of others	<i>Tendency to suspect or doubt the motives and deeds of others</i>
IGB	In-group bias	<i>Tendency to value (i.e., socially, politically, etc.) defined group and place the group front and centre</i>

It is essential to focus on components prioritising group-oriented values and reflecting relational dynamics to identify psychobiographical indicators of 'care' and 'community' within the Leadership Trait Analysis framework. The traits from Table 2 categorise these orientations. Notably, In-group Bias (IGB) illustrates a leader's propensity to value their defined group, manifesting a sense of community and potential care. A pronounced in-group bias may indicate a leader's dedication to the welfare and interests of their identified group, aligning with efforts to nurture community cohesion.

The speeches analysed in this study are predominantly oriented towards supporting Ukraine, suggesting that 'community' should be construed broadly beyond the geographical confines of the leader's state. In supranational contexts, as evident with leaders like Metsola and Von Der Leyen, the discourse shifts from a broader European community to emphasise stronger ties with Ukraine. Rhetorical strategies under Meloni's leadership in bilateral security agreements, like those between Ukraine and Italy, exemplify and unify these groups.

Task Focus/Orientation (TASK) relates to group maintenance, where leaders prioritise cohesion and relational dynamics to demonstrate care and foster community engagement. This commitment is crucial for expanding the notion of 'community' as discussed in the selected speeches.

Conceptual Complexity (CC) raises an empirical question: Although it may show consistent levels across cohorts, the critical variable is the nature of the discourse in the selected speeches, which diverges from typical political rhetoric, as observed in the Euro-Atlantic diplomatic corps.

Other components, such as Belief in One's Ability to Control (BACE), Need for Power (PWR), Self-confidence (SC), and General distrust (DST), also exert influence on leadership styles. However, they exhibit a less direct connection to care and community. For instance, high self-confidence or a strong belief in one's ability to control events can influence how a leader implements policies or interacts with their in-group, thus indirectly moulding community dynamics. Collectively, self-confidence and BACE may showcase a leader's confidence in their allies' capacity to offer significant support and care.

Methodological Rigour and Object of Study: Selected Speeches

This section contains the carefully chosen assortment of speeches given by women in leadership positions across different Euro-Atlantic organisations from 2022 to 2024.⁴⁹ These speeches were selected for their relevance to the Russian-Ukraine War and the significance of the speaker's country or organisation in the conflict. Each speech offers essential information about diplomatic tactics, foreign policy decisions, and leadership styles during heightened geopolitical unrest.

⁴⁹Euronews, 2021

Speeches Selected

1. Magdalena Andersson, Swedish Prime Minister - Crimea Platform Summit.⁵⁰
2. Mette Frederiksen, Danish Prime Minister - "A Light in the Dark".⁵¹
3. Kaja Kallas, Estonian Prime Minister - "16th Berlin Speech on Freedom".⁵²
4. Sanna Marin, Finnish Prime Minister - Speech at the European Parliament.⁵³
5. Giorgia Meloni, Italian President - Press statement with President Zelensky of Ukraine.⁵⁴
6. Roberta Metsola, President of EU Parliament - Speech on Ukraine.⁵⁵
7. Katalin Novák, Hungarian President - Inauguration speech.⁵⁶
8. Maia Sandu, Moldovan President - Independence Day speech.⁵⁷
9. Elīna Silina, Prime Minister Latvia - Warning about Putin's trap.⁵⁸
10. Ingrida Šimonytė, Lithuanian Prime Minister - Speech to AJC Forum.⁵⁹
11. Ursula von der Leyen, European Commission President - Statement in response to the Russian invasion of Ukraine.⁶⁰
12. Salome Zourabichvili, Georgian President - Speech at the New Security Architecture for Europe Conference.⁶¹

Data Set Comparison

The dataset employed in this research was adapted from the PsyCI dataset by

⁵⁰Andersson, M. (2022, August 24). Address by the Prime Minister at the Crimea Platform Summit. Retrieved from <https://www.government.se/contentassets/3374f6ad48014949b0db11e9b685203d/pri-minister-magdalena-andersson-speeches-2021-2022.pdf>

⁵¹Frederiksen, M. (2022) Danish prime minister mette frederiksen speech. A light in the dark. (n.d.). Retrieved March 24, 2024, from <https://ukraine.um.dk/en/news/danish-prime-minister-mette-frederiksen-speech>

⁵²Kallas, K. (2022, April 25). 16th Berlin Speech on Freedom. Prime Minister of Estonia.

⁵³Marin, S. (2022, September 13). Prime Minister Sanna Marin's speech at the European Parliament. Government Communications Department.

⁵⁴Meloni, G. (2023). President Meloni's press statement with President Zelensky of Ukraine. (2023, May 15). [Www.Governo.It. https://www.governo.it/en/articolo/president-meloni-s-press-statement-president-zelensky-ukraine/22619](https://www.governo.it/en/articolo/president-meloni-s-press-statement-president-zelensky-ukraine/22619)

⁵⁵Metsola, R. (2022, February 24). Aggression is confrontation with Europe: speech on Ukraine. Press Releases, European Parliament.

⁵⁶Novák, K. (2023). The inauguration speech of Katalin Novák, President of the Republic of Hungary. Ministry of Foreign Affairs and Trade of Hungary <https://bejrut.mfa.gov.hu/eng/news/novak-katalin-koeztarsasagi-elnoek-beiktatasi-beszede>

⁵⁷Sandu, M. (2022, August 27). Moldova's Sandu condemns Russia, presses EU bid in Independence Day speech. RFE/RL's Moldovan Service.

⁵⁸Silina, E. (2024) in an interview with Brennan, D. (2024, February 21). NATO must "wake up" to Putin's trap, Russia's neighbor warns. Newsweek. <https://www.newsweek.com/nato-wake-putin-trap-russia-neighbor-latvia-1871886>

⁵⁹AJC Forum, (2023). Prime Minister of Lithuania Ingrida Šimonytė remarks to AJC Global Forum 2023. (2023, June 11). Retrieved from <https://www.ajc.org/news/prime-minister-of-lithuania-ingrida-simonyte-remarks-to-ajc-global-forum-2023>

⁶⁰European Commission. (2022, February 27). Statement by President von der Leyen on further measures to respond to the Russian invasion of Ukraine.

⁶¹Zourabichvili, S. (2022, May 30). President Zourabichvili's Speech at the New Security Architecture for Europe Conference [Speech audio recording]. https://president.ge/index.php?m=206&appeals_id=293

Schafer and Lambert, further augmented by Brittain-Hale. This enhanced global leader dataset not only retains the original data from Schafer & Lambert and incorporates new Leadership Trait Analysis (LTA) data for Zelenskyy, broadening the dataset's applicability to contemporary geopolitical contexts.

The current study undertook a comparative analysis between a targeted sample of 12 female leaders and a more extensive dataset of 113 global leaders, categorised into gender-specific groups: GL-male and GL-female. The selection criteria for these leaders did not hinge on specific factors such as temporality, geography, or crisis-related contexts, allowing for a broader examination of leadership traits.

This methodological approach highlights sex-specific leadership traits across leadership in various geopolitical environments, focusing on the understudied contributions of female leaders and the leadership styles of female leaders during the Russo-Ukrainian War. This aims to elucidate the variable differences and potential impacts of gender on leadership within the international arena.

Findings: Care as a Strategic Element in Diplomatic Leadership

Leader discourse can help illuminate the psychobiographical dimensions underpinning their leadership approaches and styles. Hermann's Leadership Trait Analysis (LTA) framework development, based on foundational works, offers a structured methodology to decode the underlying traits evident in leaders' diplomacy. By applying this framework, this study seeks a deeper understanding of divergent and convergent tendencies in the public diplomacy discourse of Euro-Atlantic female leaders.⁶²

The data presented in Table 3 illustrate the LTA scores for the study's sample, systematically capturing a spectrum of traits. This systematic capture allows an analytical exploration of how these traits manifest in diplomatic engagements and decision-making processes.

Historical approaches to assessing leaders' traits rely on anecdotal accounts or overarching character evaluations. However, this study employs a rigorous methodology, leveraging Hermann's LTA framework and Schafer and Lambert's development of the PsyCI dataset. This open dataset provides a comprehensive collection of leadership traits, which Brittain-Hale further aggregated and enhanced to include contemporary leaders like Zelenskyy.

Brittain-Hale's comparative analysis of this aggregated data against Zelenskyy's speeches is particularly salient. Zelenskyy, bearing the significant responsibility of steering Ukraine through its challenges vis-à-vis Russia, offers a potent benchmark against which the traits of Euro-Atlantic female leaders can be contextualised.⁶³

The following sections present the preliminary findings, drawing on key concepts from the literature. The goal is to discern the patterns and implications of these scores in the evolving tapestry of global diplomacy and leadership dynamics.

⁶²Hermann, M.G. (2002; 2019)

⁶³Brittain-Hale (2024)

*Diplomatic Discourse in Geopolitical Crises: Insights from LTA***Table 3.** *LTA Scores for Euro-Atlantic Leaders - Female**

Leader	HD	LD	DIS	HT	LT	TASK	IC	EC	BACE	HB	LB	IGB	HS	LS	SC	HC	LC	CC	HP	LP	PWR
Andersson	32	303	0.09	246	191	0.56	81	122	0.39	43	196	0.18	14	43	0.25	312	273	0.53	60	147	0.3
Fredericksen	6	22	0.21	10	21	0.32	15	15	0.5	5	22	0.19	1	9	0.1	23	33	0.41	11	20	0.4
Kallas	31	63	0.33	35	58	0.38	12	34	0.26	8	45	0.15	4	20	0.17	64	48	0.57	14	31	0.3
Marin	8	122	0.06	49	32	0.6	28	51	0.35	28	82	0.25	0	3	0	70	73	0.49	33	50	0.4
Meloni	2	5	0.29	4	4	0.5	1	4	0.2	2	1	0.67	0	3	0	8	6	0.57	1	4	0.2
Metsola	4	42	0.09	16	14	0.53	14	23	0.38	4	45	0.08	1	1	0.5	16	23	0.41	14	22	0.4
Novák	10	75	0.18	46	54	0.46	43	95	0.31	17	106	0.14	15	58	0.21	97	49	0.66	40	100	0.3
Sandu	11	38	0.22	30	64	0.32	30	60	0.33	37	77	0.32	1	11	0.08	52	56	0.48	36	52	0.4
Silina	0	11	0	6	3	0.67	5	9	0.36	1	18	0.05	0	1	0	14	3	0.82	3	11	0.2
Šimonytė	10	21	0.32	21	23	0.48	8	22	0.28	5	34	0.13	8	6	0.57	92	61	0.6	8	19	0.3
von der Leyen	7	31	0.18	10	6	0.63	6	15	0.29	2	23	0.08	1	1	0.5	13	14	0.48	6	17	0.3
Zourabichvili	5	20	0.2	15	11	0.58	4	12	0.25	1	22	0.04	1	1	0.5	26	23	0.53	3	13	0.2

Note: HD=High Distrust, LD=Low Distrust, DIS=Distrust of Others, HT=High Task Focus, LT=Low Task Focus, TASK= Task Focus, IC=Internal Control, EC=External Control, BACE=Belief can Control Events, HB=High Bias, LB=Low Bias, IGB=In-group Bias, HS=High Self-Confidence, LS=Low Self-Confidence, SC=Self-Confidence, HC=High Complexity, LC=Low Complexity, CC=Conceptual Complexity, HP=High Power, LP=Low Power, and PWR=Need for Power.

- **ProfilerPlus LTA** Levine & Young (2014).

*Differential Analysis Findings*Distrust of Others

The analysis of distrust among leadership groups revealed nuanced variations in the perception of trust across three distinct cohorts: the sample population, the GL-female group, and the GL-male group (see Table 4). The data indicated subtle differences in the average distrust scores among these groups, which may reflect broader leadership and trust dynamics trends.

Table 4.

Sample	0.18083
GL-female	0.18611
GL-male	0.18537

Sample Population. Average Distrust Score: 0.18083. This score, the lowest among the three groups, represents the average level of distrust among the specific group of female leaders selected for this study. The relatively lower distrust score suggests that these leaders may generally exhibit a more trustful attitude than their global counterparts.

GL-Female Group. Average Distrust Score: 0.18611. This score indicates a slightly higher level of distrust among the broader group of female leaders globally than the sample population, suggesting a marginally more significant distrust among female leaders globally.

GL-Male Group. Average Distrust Score: 0.18537. This score, very close to that of the GL-female group, suggests that male leaders globally exhibit a level of distrust marginally less than their female counterparts yet still higher than the sample group of female leaders.

Task Focus (TASK)

Examining task focus scores across leadership groups highlights the degree to which leaders emphasise problem-solving and group maintenance (see Table 5). Differences in average scores among the sample population, the GL-female group, and the GL-male group indicate varying priorities in strategic leadership practices.⁹⁴

Table 5.

Sample	0.5025
GL-female	0.54333
GL-male	0.63407

Sample Population. Average Task Focus Score: 0.5025. This score represents the average emphasis on task-oriented activities among the selected group of female

⁹⁴Schafer & Lambert (2022)

leaders. The relatively lower score suggests that, compared to their global counterparts, these leaders might place a slightly lesser emphasis on task-focused activities, potentially indicating a balanced approach that includes considerable attention to relational dynamics.

GL-Female Group. Average Task Focus Score: 0.54333. This score, moderately higher than the sample population, indicates a slightly greater emphasis on task-oriented activities among the broader group of female leaders globally. Female leaders generally prioritise task completion and problem-solving more than the specific sample studied.

GL-Male Group. Average Task Focus Score: 0.63407. The highest score among the groups suggests that male leaders globally emphasise task-oriented activities. It indicates a strong focus on problem-solving and operational aspects of leadership, which might suggest less relative emphasis on relational or maintenance aspects compared to their female counterparts.

Belief in Control of Events (BACE)

The comparison of belief in control levels among different leadership cohorts shows variations in leaders' perceptions of their ability to influence events (see Table 6). These differences between the sample population, the GL-female group, and the GL-male group may reflect distinct approaches to managing and influencing external circumstances.

Table 6.

Sample	0.325
GL-female	0.33389
GL-male	0.31722

Sample Population. Average Belief in Control Score: 0.325. This score indicates that the sample population, comprising female leaders, perceives a moderate level of control over events, slightly lower than the global female leader average but higher than that of male leaders.

GL-Female Group. Average Belief in Control Score: 0.33389. Female leaders globally report a marginally higher belief in their ability to control events than the sample group, suggesting a slightly stronger perception of influence among the broader female leader population.

GL-Male Group. Average Belief in Control Score: 0.31722. This is the lowest score among the groups, indicating that male leaders, on average, perceive slightly less control over external events compared to their female counterparts.

In-group Bias (IGB)

The assessment of in-group bias scores provides insights into how leaders prioritise and value their defined groups (see Table 7). The analysis reveals that the sample population, the GL-female group, and the GL-male group exhibit varying degrees of preference towards their in-groups, which may influence their leadership dynamics and decision-making.⁹⁵

⁹⁵Note: Hermann's lexical selections for her trait categories, such as "bias," "distrust," and "low confidence," might appear to carry negative connotations at first glance. However, it is essential to

Table 7.

Sample	0.19
GL-female	0.18056
GL-male	0.13972

Sample Population. Average In-group Bias Score: 0.19. This score indicates a moderate level of in-group bias among the selected female leaders, suggesting a balanced approach to valuing their group while maintaining broader diplomatic and leadership interactions.

GL-Female Group. Average In-group Bias Score: 0.18056. Slightly lower than the sample population, this score reflects a similar but marginally less pronounced in-group bias among the broader global female leadership, indicating a slight tendency towards inclusive or broader community-oriented strategies.

GL-Male Group. Average In-group Bias Score: 0.13972. The lowest among the groups, this score suggests that male leaders globally exhibit less in-group bias, potentially indicating a more expansive approach to leadership that might not as strongly prioritise close group ties as female leaders do.

Self-Confidence (SC)

The evaluation of self-confidence levels across different leader groups indicates how leaders perceive their efficacy and decision-making prowess (see Table 8). Variations in average scores between the sample population, the GL-female group, and the GL-male group highlight different confidence levels that could impact leadership style and effectiveness.⁹⁶

Table 8.

Sample	0.24
Female	0.24722
GL-male	0.35917

Sample Population. Average Self-Confidence Score: 0.24. This score indicates a moderate self-confidence level among the selected female leaders, suggesting a balanced approach to their self-perception in handling leadership responsibilities.

GL-Female Group. Average Self-Confidence Score: 0.24722. Slightly higher than the sample group, this score shows that female leaders globally possess a marginally greater self-confidence, which could translate into more assertive leadership styles.

GL-Male Group. Average Self-Confidence Score: 0.35917. Significantly higher than both female groups, this score suggests that male leaders globally feel more confident

understand that these terms are used descriptively and not evaluatively. They are not intended to steer perception or ascribe intrinsic value judgments. For instance, "bias" can be neutrally interpreted as a predilection or inclination towards a specific "group or people." In the context of geopolitical leadership, this "bias" can represent a leader's focus on national interests or the welfare of their citizens, a natural inclination for individuals in positions of national leadership.

⁹⁶Brittain-Hale, (2023c)

in their roles, potentially influencing a more decisive or authoritative approach to their leadership practices.

Conceptual Complexity (CC)

The study of conceptual complexity scores among leaders examines the depth and sophistication of their thought processes (see Table 9). Differences among the sample population, the GL-female group, and the GL-male group suggest variations in how leaders handle complex issues and articulate strategic responses.

Table 9.

Sample	0.54583
GL-female	0.55333
GL-male	0.57389

Sample Population. Average Conceptual Complexity Score: 0.54583. This score reflects a nuanced approach to complexity, indicating that the selected female leaders can handle intricate issues thoughtfully.

GL-Female Group. Average Conceptual Complexity Score: 0.55333. Slightly higher than the sample suggests a general tendency among global female leaders to engage deeply with complex situations, showcasing their strategic depth.

GL-Male Group. Average Conceptual Complexity Score: 0.57389. This score, the highest among the groups, indicates a robust approach to handling complex issues. It suggests that male leaders engage deeply with complex situations, which may be influenced by diverse experiences or specific leadership training.

Need for Power

The examination of the average need for power scores, as shown in Table 10, assesses the extent to which female leaders exhibit a desire for power and influence within their roles. This analysis offers insights into the motivational dynamics that underpin their leadership behaviours.

Table 10.

Sample	0.30833
GL-female	0.30889
GL-male	0.27556

Sample Population. Average Need for Power Score: 0.30833. Indicates a moderate desire for power, reflecting a leadership style that balances influence with collaboration.

GL-Female Group. Average Need for Power Score: 0.30889. Nearly identical to the sample, suggesting a consistent approach to power among female leaders.

GL-Male Group. Average Need for Power Score: 0.27556. Surprisingly, it is lower than both female groups, indicating a less aggressive approach to power among global male leaders or a different prioritisation of how power manifests in leadership.

Discussing Care and Community: Impacts on Euro-Atlantic Diplomacy

This study's in-depth but limited analysis of diplomatic discourse hinges on the premise that "human agency" is a fundamental aspect of IR, best considered through FPA—the only theory that conceptually incorporates human behaviour and its impacts, emphasising care and community.⁹⁷ This approach, emphasising actor-specificity and incorporating geographical, historical, and socio-political contexts, aligns with the Brittain-Hale Foreign Policy Analysis Model. Traditional theoretical frameworks such as constructivism and realism often overlook the subtle gender differences in public discourse; this research addresses this gap by examining a distinct cohort of female diplomats shaped by variables like geography, temporality, war, and gender.⁹⁸

The application of Hermann's Leadership Trait Analysis (LTA), traditionally limited to eras with few female heads of state, such as Margaret Thatcher, is extended to this unique cohort. This extension enriches the understanding of leadership by exploring psycholinguistic dimensions, revealing similarities and differences in traits like self-confidence, conceptual complexity, and the need for power.

Investigating how these leadership traits manifest in real-world scenarios and their implications for policy-making and international relations is crucial. This study examines how varying self-confidence, conceptual complexity, and power orientation affect leaders' abilities to navigate complex geopolitical landscapes and contribute to or hinder effective diplomacy and crisis management. This analysis is particularly pertinent in contexts requiring collaborative and inclusive leadership to address multifaceted international challenges.

The insights from this comparative analysis of leadership traits challenge traditional notions of leadership and power dynamics. These findings are contextualised within contemporary gender and leadership debates in international relations, emphasising the transformative potential of diverse leadership styles in global diplomacy.

Impacts of Leadership Traits on Diplomatic Strategy

In this study, the LTA reveals intricate psycholinguistic dimensions that, when linked to public diplomacy discourse, can be associated with strategic foreign policy positions taken by Euro-Atlantic leaders in the Russia-Ukraine War.⁹⁹ Whether overseeing smaller nations like Lithuania or guiding larger entities like the EU, these leaders' positions profoundly shape their diplomatic and IR strategies.

The sequencing of their public pronouncements provides a psychobiographical snapshot of the sample group's positions, revealing the dynamic nature of their collective leadership amidst evolving geopolitical landscapes. Expanding on established research, this analysis demonstrates how these leaders confront historical gender

⁹⁷Brittain-Hale, 2023b, p. 34

⁹⁸Waltz, 1959; Wendt, 2012

⁹⁹Tannen et al., 2015

biases and redefine leadership norms during crises. This approach emphasises the importance of recognising and integrating the unique contributions of female leadership in shaping responses to international crises, thereby challenging traditional diplomatic and leadership paradigms.

Furthermore, the Russia-Ukraine war serves as a poignant backdrop, challenging entrenched power and potentially paving the way for transformative leadership. While crises can temporarily amplify women's leadership, the overarching question persists: Will these shifts endure, heralding a new paradigm in leadership norms and expectations?

Differential Analysis and Leadership Traits

Distrust of Others

The comparison between the sample and GL-female groups reveals the lowest distrust in the sample group, suggesting a more trustful attitude among these specific female leaders. This could have significant implications for trust dynamics in international relations. Similarly, the sample group displays a lower distrust level than the GL-male group. The minimal difference between the GL-female and GL-male groups highlights a marginally higher distrust among female leaders globally than male leaders. The slight differences in distrust scores among these groups indicate sex-based variations in how trust and distrust are perceived across global leadership. This suggests that fundamental leadership styles influence distrust levels more than specific crisis contexts. Crises may elevate distrust but do not fundamentally alter leaders' general dispositions. These findings highlight the complexity of trust dynamics within global leadership.

Task Orientation across Genders

Task orientation scores show that male leaders (GL-male) have the highest average scores, suggesting a stronger focus on task-oriented leadership. The GL-female group shows a moderately high score, indicating a significant emphasis on task orientation but less so than male leaders. The sample group of female leaders exhibits the lowest scores, suggesting a more balanced approach integrating task orientation with relational management. These findings indicate psychobiographical differences in leadership focus across genders. Male leaders may prioritise operational efficiency, while female leaders, especially the sample group, adopt a more comprehensive strategy that values tasks and relationships. This balanced approach could foster more sustainable leadership outcomes, challenging traditional perceptions of leadership and signalling a shift towards integrative leadership.¹⁰⁰

Perceived Control and Leadership Efficacy

Belief in control scores reflects leaders' perceived ability to influence events and outcomes. Female leaders in the sample and GL-female groups report slightly higher scores than their male counterparts, indicating a stronger belief in their ability to manage and direct events effectively. This higher sense of control among female leaders could indicate their proactive and engaged leadership style. The

¹⁰⁰Žilinčík, (2022)

consistently higher scores among female leaders suggest they may adopt strategies to enhance their agency and effectiveness in leadership roles. This aspect is crucial for understanding how gender dynamics influence perceptions of efficacy and control in high-stakes environments like international diplomacy.

In-group Bias in Leadership

In-group bias scores are higher in the sample population of female leaders than in the broader GL-female group and significantly higher than in GL-male groups. This suggests that the sample of female leaders may prioritise and value their immediate groups more intensely, reflecting a leadership style that emphasises community and internal group solidarity. The pronounced in-group bias among the sample group of female leaders highlights their focus on fostering strong, cohesive internal dynamics within their teams and constituencies. This trait might contribute to more collaborative and supportive leadership practices essential in crisis management and diplomacy. It underscores the role of female leadership in enhancing group cohesion and community orientation, leading to more effective and empathetic governance.

Concluding Reflections: The Role of Female Leadership in Shaping Diplomacy

Female leaders demonstrate distinctive traits across metrics—distrust, task orientation, control, and in-group bias—that could redefine leadership effectiveness in international relations. These insights challenge traditional leadership paradigms, highlighting the potential of female-led diplomacy to introduce more considered, community-focused, and balanced approaches to global leadership, thereby underscoring the strategic importance of gendered perspectives in foreign policy. These findings are educative for developing leadership theories that recognise female leaders' unique contributions and designing leadership development programs that harness these strengths.

In this study, the LTA reveals intricate lexical patterns in public diplomacy discourse amid the tumultuous context of the Russia-Ukraine war. Whether overseeing smaller nations like Lithuania or guiding larger entities like the EU, these leaders' positions profoundly shape their diplomatic and IR strategies. The sequencing of their public pronouncements provides a psychobiographical snapshot of the sample group's positions, revealing the dynamic nature of their collective leadership amidst evolving geopolitical landscapes. Drawing upon existing literature, this analysis highlights how these leaders confront historical gender biases and redefine leadership norms during crises.

This approach underscores the importance of recognising and integrating the sex-specific traits of female leadership in shaping responses to international crises, thereby challenging traditional diplomatic and leadership paradigms. Furthermore, the Russia-Ukraine war serves as a poignant backdrop, challenging entrenched power structures and potentially paving the way for transformative leadership. As the studies cited in this paper indicate, while crises can temporarily amplify women's leadership, the overarching question persists: Will these shifts endure, heralding a new paradigm in leadership norms and expectations?

The Emergence and Implications of Female-Led Diplomacy

This research focused on the changing complexion of global diplomacy and leadership, characterised by the rise of female leaders as governing voices shaping international narratives regarding the Russia-Ukraine War. These leaders have transcended traditional communication constructs and platitudinous offerings, opting for strategies rooted in collaboration and a principled stance against Russian imperialism. Such an approach not only delineates the contours of the conflict and its broader implications but also mobilises international support for Ukraine, emphasising the critical importance of sovereignty and human rights.

Sex-specific manifestations in communication strategies signify a transformative change in foreign policy discourse. The findings underscore the potential of female-led diplomacy to introduce greater certainty into IR, particularly during crises. These leaders promote principled and practical diplomacy by prioritising sustainable solutions and advocating for sovereignty and territorial integrity. This approach represents a noticeable change from the often limited support of more considerable Western powers. It challenges assumptions regarding a "feminist" foreign policy that prioritises non-violence and peacemaking as the universal objective of women.

The leadership approaches exhibited by these European female leaders may signify a novel paradigm in diplomatic leadership. This paradigm marks a resolute dedication to rational security, diplomacy, and humanitarian advancement. It extends beyond rhetoric, indicating a broader trend towards a leadership framework prioritising alliances and unwavering adherence to the fundamental tenets of international law. This framework has the potential to redefine norms in diplomatic engagement, presenting fresh avenues for conflict resolution and international collaboration.

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Appendix A. Global Leader Trait Analysis Scores (Adapted from Brittain-Hale, 2023b)

Name	Distrust	TASK	BACE	IGB	SC	CC	PWR
Tansu Ciller*	0.17	0.58	0.39	0.18	0.28	0.59	0.39
Gloria Arroyo*	0.28	0.61	0.40	0.15	0.20	0.54	0.31
Corazon Aquino*	0.20	0.62	0.35	0.20	0.23	0.56	0.33
Chandrika Kumaratunga*	0.20	0.67	0.29	0.16	0.27	0.54	0.29
Indira Gandhi*	0.21	0.64	0.37	0.15	0.34	0.62	0.27
Margaret Thatcher*	0.12	0.63	0.31	0.13	0.25	0.56	0.27
ZELENSKY	0.19	0.28	0.24	0.16	0.35	0.37	0.31

* Ciller, Arroyo, Aquino, Thatcher, I. Gandhi, and Kumaratunga comprise the female leader group

The Role of International Non-Governmental Organizations (INGOs) on State Compliance with Environmental Regulations: A Critical Analysis

*By Tarannum Rashid**

*This paper critically examines the impact of International Non-Governmental Organizations (INGOs) on states' compliance with environmental regulations. In the face of urgent global ecological challenges, the role of INGOs in shaping state behavior and ensuring adherence to regulatory frameworks becomes crucial. This study's central research question is: **How do International Non-Governmental Organizations (INGOs) effectively use naming and shaming strategies to influence state compliance with environmental regulations, particularly in the context of varying levels of economic development, democracy, and existing environmental agreements?** Acknowledging as influential entities, INGOs play a pivotal role in advocating for environmental protection and influencing states to comply with these regulations. This research aims to critically analyze the impact of INGOs on state compliance, focusing on both positive contributions and potential challenges within international environmental governance. Acknowledging a research gap about the long-term effects and sustainability of INGO-driven initiatives, this paper aims to address this deficiency. While existing research provides valuable insights, there is a prevalent focus on short-term impacts and immediate policy changes. The research design adopts a comparative case study approach, examining a chosen sample of countries representing diverse geographical regions and regulatory contexts. Employing a blend of qualitative and quantitative methods, the study leverages primary and secondary resources, including documents, reports, policy materials, and interviews. In summary, this research proposal presents a critical analysis of the role of INGOs in influencing state compliance with environmental regulations, guided by a central research question. The study seeks to contribute insightful perspectives, filling gaps in existing research and offering valuable knowledge for policymakers and environmental advocates. By scrutinizing the intricate dynamics between INGOs and states, the research aims to enhance our understanding of effective strategies for promoting global environmental governance.*

Keywords: *INGOs, environment, compliance*

Introduction

In today's world, where we face significant global issues like environmental damage, poverty, and political instability, international non-governmental organizations (INGOs) play a crucial role. These organizations work across borders to push for policy changes, protect human rights, and tackle pressing problems such as environmental decline and social injustice. One key strategy they use is called

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"naming and shaming," where they publicly call out individuals or groups for unruly behavior to pressure governments into following rules and agreements set by the international community. This study aims to fill that gap by looking at how INGOs' naming and shaming strategies influence governments to pass environmental laws. This paper will use both theories and real-life examples to understand how INGOs' public criticism affects what governments do about environmental issues. By looking at how environmental shaming campaigns interact with government actions and the introduction of environmental laws, we hope to learn more about how global environmental policies are shaped.

Using a mix of qualitative and quantitative research methods, this paper will explore how INGOs' actions influence governments, what factors affect how governments respond to environmental shaming, and what this means for creating environmental laws. By understanding how naming and shaming drives government action on environmental problems, it can be better understood that the role INGOs play in global environmental efforts and find ways to make those efforts more effective. In summary, this study highlights the importance of INGOs in tackling environmental challenges and calls for further research to understand how they influence governments' compliance with environmental rules. By uncovering how INGOs' actions shape environmental policy making, we can develop better strategies for protecting the environment and promoting sustainability worldwide.

Background

Now, the global governance system is fractured, and our political landscape is characterized by populism, skepticism, and partisan competition. Conversely, the challenges we confront have reached unprecedented levels, including issues such as widespread poverty, environmental deterioration, terrorism, unchecked population growth, and global economic instability. Jeffrey Sachs contends that the fate of our global society in the 21st century depends on our ability to unite common objectives and practical strategies for achieving them (Ronalds 2012). International non-governmental organizations (INGOs) are poised to play a pivotal role in addressing these challenges. While there are ongoing debates about the rightful role of INGOs in tackling global problems, they are rapidly expanding their involvement across various vulnerable sectors.

INGOs have emerged as prominent actors on the global stage, extending their reach across various regions and sectors to address critical issues (Mitchell 2003). The significant growth in the number of INGOs over the past fifty years is commonly attributed to factors such as decolonization, globalization, and the rise of global challenges (Edward 2010). Their contributions to advocacy for policy changes, promotion of human rights, and mitigation of global challenges like poverty, inequality, and environmental degradation are widely acknowledged (Carpenter 2017). INGOs have become indispensable partners in worldwide initiatives, significantly advancing sustainable development goals (Smith 2019).

In their multifaceted approaches, INGOs have demonstrated remarkable effectiveness in tackling diverse issues, ranging from environmental degradation to social injustice and humanitarian crises (Keck & Sikkink 1998). International Non-Governmental Organizations (INGOs) operate within intricate networks of relationships spanning various actors such as NGOs, activists, experts, and sometimes governments across borders. Together, these networks form Transnational Advocacy Networks (TANs), which collaborate to advance specific causes or issues globally. TANs harness their combined resources, knowledge, and influence to enact change (Barnett & Finnemore 2004).

One notable strategic approach employed by TANs is the Boomerang Model. In this model, local NGOs or activists facing challenges in directly influencing their own government due to limited resources or political constraints seek support from international NGOs or foreign governments. These external actors then advocate on behalf of the local NGOs or activists, effectively “boomeranging” their influence back to the local government. The Boomerang Model proves particularly effective in scenarios where domestic political conditions hinder local advocacy efforts, offering a means to navigate obstacles through external assistance and pressure (Keck & Sikkink 1998).

A notable example of the boomerang model in action occurred in Argentina during the 1970s and 1980s. Under military rule, widespread human rights abuses, including disappearances, prompted domestic outcry and the emergence of grassroots human rights organizations. Responding to domestic pressure and international scrutiny, Amnesty International documented these abuses in 1976, leading to increased pressure from governments like the United States, Sweden, Italy, and France on Argentina to cease human rights violations. This combination of domestic and international pressure contributed to a significant improvement in human rights practices, with a notable decrease in disappearances by 1979 and the eventual democratization of the country in 1983 (Keck & Sikkink 1998, pp. 103–110). Another example is Doctors Without Borders (Médecins Sans Frontières, MSF), a renowned INGO recognized for its medical humanitarian efforts, which has made significant contributions during the health crises in Europe. Amidst the refugee influx, particularly in nations like Greece, MSF delivered vital medical care, mental health services, and humanitarian aid to migrants and refugees facing dire circumstances. Through the deployment of mobile clinics, establishment of shelters, and extensive outreach activities, MSF ensured that vulnerable populations received timely assistance despite the challenges posed by the crisis and strained healthcare systems (Doctors Without Borders n.d.). Oxfam, an international NGO dedicated to combating poverty and injustice has played a significant role in Latin America. In countries like Guatemala, Oxfam has initiated projects focusing on enhancing agricultural methods and ensuring food security among marginalized communities (Oxfam International n.d.). These instances exemplify how INGOs contribute to addressing a wide array of challenges and fostering positive change across different regions, including Latin America and Europe. These examples illustrate how INGOs employ the Boomerang model, utilizing their skills,

connections, and resources to tackle local issues through collaboration with local actors and governments (Risse et al. 1999).

Another potent strategy employed by INGOs is naming and shaming, which involves publicly exposing instances of misconduct or violations of international norms (Simmons 2009). In the norms model of foreign policy, INGOs play key roles in both norm creation and the subsequent cascade of norms. Acting as norm entrepreneurs, INGOs continue to exert influence by publicly denouncing non-conformity through this method, thereby encouraging greater adherence to established norms. By publicly identifying and condemning individuals or entities responsible for undesirable behavior, INGOs aim to pressure governments to adhere to established standards and commitments (Florini 2017). This approach seeks to tarnish the reputation of offending actors and compel them to take corrective actions to avoid further scrutiny and condemnation (Hafner-Burton 2008).

The impact of naming and shaming on important security issues, such as human rights violations and environmental degradation, has been substantial (Zacher & Keefe 2016). Through this strategy, INGOs contribute to the deterrence of harmful practices and the promotion of accountability and transparency (Goodman & Jinks 2004). Naming and shaming during the Saffron Revolution in Myanmar (Burma) in 2007 had a notable impact. As protests erupted against the military junta's oppressive rule, international condemnation from INGOs and governments intensified, focusing on human rights abuses. This scrutiny resulted in heightened global pressure on Myanmar's government, leading to economic sanctions and diplomatic isolation. Consequently, the regime was compelled to implement some political reforms and release political prisoners, highlighting how naming and shaming can effectively influence change in certain situations (Esarey & Demeritt 2016). Again, the Rana Plaza collapse in Bangladesh in 2013 exemplifies the impact of naming and shaming by INGOs. After the tragedy, INGOs like Human Rights Watch and Clean Clothes Campaign pressured multinational corporations like H&M, Walmart, and Gap to improve working conditions, leading to significant reforms in the garment industry.

INGOs naming and shaming is not limited to human rights violations, in recent years, environmental security has emerged as a priority area for INGOs, reflecting the increasing global urgency to address environmental challenges (Haas 2002). While there has been notable progress in terms of state compliance with environmental regulations, further research is needed to assess the specific impact of INGOs; naming and shaming strategies in this context (Gulbrandsen 2007). This paper aims to address this gap by analyzing the effectiveness of INGOs; and advocacy efforts in promoting state compliance with environmental regulations and fostering sustainable development.

INGOS Naming and Shaming and State Compliance with Environmental Regulations

INGOs are international groups of people from various countries who unite to tackle global issues. While they aren't linked to any government, they still wield considerable influence on governmental decisions. Historically, they have prioritized safeguarding human rights worldwide, contributing to positive changes for everyone's well-being and safety. Today, these organizations are playing a significant role in addressing environmental challenges, crucial for the future of our planet. They are dedicated to preserving the environment, ensuring clean air and water, and fostering a healthy ecosystem for current and future generations (Koliev et al. 2022). For example, Greenpeace has been working on protecting the environment by focusing on climate change, deforestation, and ocean conservation. The Worldwide Fund for Nature's impactful work in conservation spans from establishing protected areas to fostering sustainable practices among businesses, contributing significantly to the preservation of endangered species and habitats. Both the Nature Conservancy and The Environmental Defense Fund have been working for land and water conservation (Turner 2010).

Firstly, INGOs strategy of naming and shaming involves publicly exposing the shortcomings of government leaders, especially democratic leaders, through media campaigns, particularly concerning widely accepted environmental norms or formal international agreements like the Paris Agreement (Swed 2018). Instead of relying solely on economic sanctions, this approach primarily focuses on inflicting reputational costs. For example, environmental INGOs like the World Wildlife Fund (WWF), Greenpeace, and Conservation International consistently advocate for proper regulations and openly criticize governments that fall short of fulfilling their international obligations. This method has been documented to cause reputational damage to state leaders, potentially resulting in consequences such as the loss of foreign aid, decreased foreign direct investment, and pressure from multinational corporations (MNCs). One study supporting the effectiveness of INGOs; naming and shaming approach is (Koliev et al. 2022).

Secondly, in addition to the reputation damage at international level and losing all the incentives, when state leaders are publicly named and shamed by INGOs, it often provides an opportunity for domestic opposition parties to leverage this information to exert pressure or mobilize public sentiment to advance their own objectives. This can manifest in various forms, such as utilizing the information to fuel their political campaigns, rallying public support behind specific policy agendas, or criticizing the incumbent government for its perceived failures on the international stage. Environmental INGOs like International Rivers and Amazon Watch played a pivotal role in rallying global opposition against the construction of the Belo Monte Dam in Brazil, citing environmental and social concerns. Through advocacy campaigns and media outreach, they spurred both international condemnation and domestic opposition, showcasing their significant influence in shaping environmental discourse.

Besides domestic opposition, INGOs naming and shaming amplify the effect and as a result other actors in the target states get engaged in pushing states to comply with environmental regulations. For instance, in 2021, Germany's Constitutional Court deemed the federal Climate Action Law inadequate, prompting immediate government

action to amend the legislation. Prior to this ruling, environmental NGOs like Greenpeace and German watch had initiated legal proceedings against the German government and publicly voiced criticisms of German climate laws.

Ultimately to evade both international and domestic scrutiny, leaders are inclined to adhere to environmental regulations. Failure to do so may result in their removal from power. Consequently, this pressure motivates leaders to shift their stance on environmental issues and actively advocate for environmental security. Based on this discussion, I formulate the hypothesis:

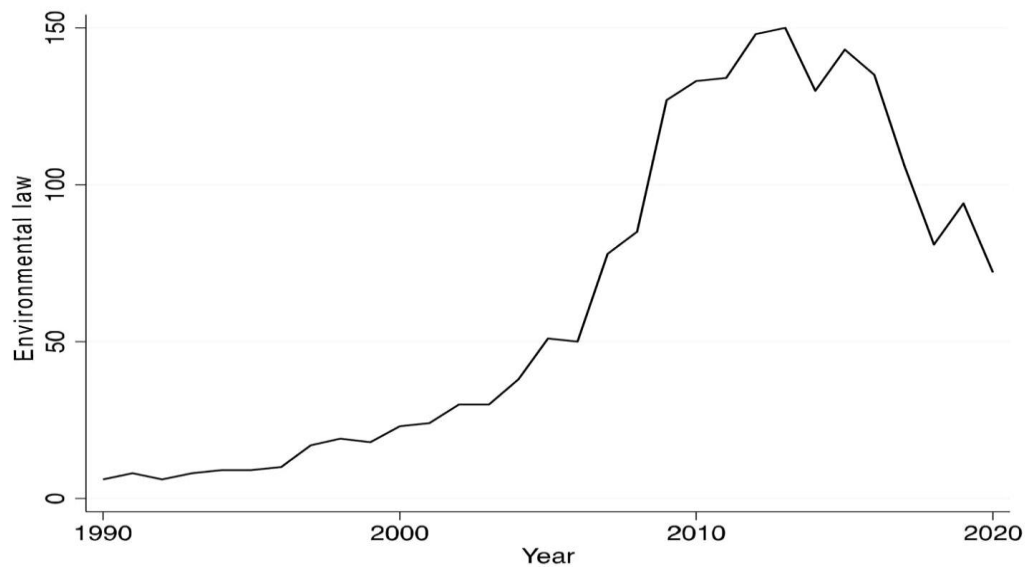
INGOs naming and shaming significantly influence state compliance with environmental regulations.

Research Design

The Dependent Variable

The dependent variable, environmental laws, captures whether governments enact environmental laws (=1) or otherwise (=0) each year. This paper utilizes data from the Climate Change Laws of the World (CCLW) database, covering 1990–2020 and spanning over 190 countries (CCLW 2022). The database includes laws related to various environmental concerns, such as energy reduction, low-carbon energy promotion, and deforestation. This sample consists of many environmental law events. The trend shows a rise in laws until 2015, peaking in 2014 with 150 laws passed, followed by a decline. Top adopters include Germany, Italy, Brazil, Spain, and Ireland. Some countries, like Kuwait and Sudan, have fewer laws, while others, such as Burma and North Korea, have none. The database's limitations include a lack of qualitative distinctions among laws, such as strictness. This study provides a preliminary analysis of the link between environmental shaming and laws, with future research needed to explore the impact further.

Figure 1. *Number of Environmental Laws Passed Per Year*



Source: CCLW database 2022.

The overall data is stated in Table 1. This data is collected from the CCLW database 2022. Figure 1 shows the numerical number of average environmental laws and the percentage according to the regions over the world. It shows the highest level of passed environmental laws in Asia and the Pacific region and the lowest number in the Middle East and North African region.

Table 1. *Distribution of Environmental Laws by Region and Corresponding Percentage Share of Global Environmental Legislation*

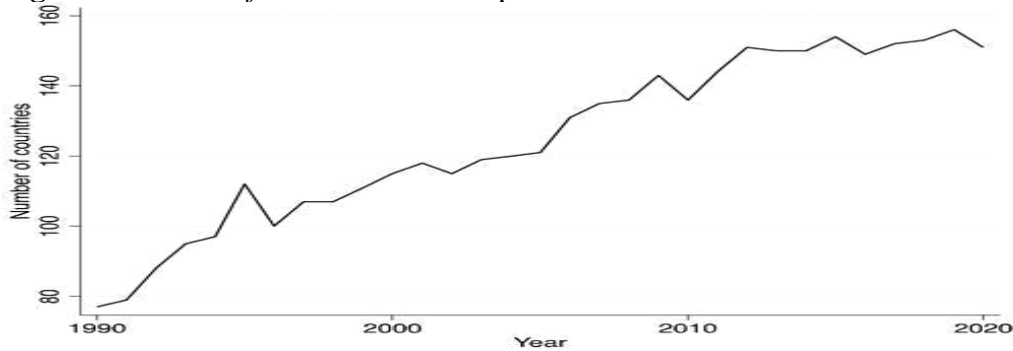
Region	Average Environmental Laws	Percentage
Asia and Pacific	293	22%
Western Europe & North America	271	21%
Sub Saharan Africa	247	19%
Latin America & the Caribbean	2391	18%
Eastern Europe & Central Asia	162	12%
Middle East & North Africa	103	8%

Source: CCLW database 2022.

In order to assess the hypotheses, an original dataset that captures the overall environmental naming and shaming by environmental INGOs has been used. To compile the dataset, a two-step process is followed. First, the identification of environmental international non-governmental organizations (INGOs) is done by using the Yearbook of International Organizations (YBIO), resulting in a sample of organizations focused on environmental issues (Hadden & Bush 2021). Secondly, to identify environmental shaming events by INGOs, environmental shaming events across 176 countries from 1990 to 2020 have been used. Notably, the number of countries targeted by environmental shaming has increased over time. Descriptive statistics reveal that wealthier and more populous countries, such as the US, Brazil, and China, are most frequently targeted. This paper also incorporates a variable representing the number of international environmental agreements signed by governments to examine how this interacts with environmental shaming. It is

anticipated that countries with more international environmental agreements ratified may be more responsive to environmental shaming due to reputational risks and their commitment to environmental issues.

Figure 2. *Number of Shamed Countries per Year*



Source: CCLW database 2022.

The list of topmost and least 10 named and shamed countries that have been collected from the CCLW database 2022 is stated in Table 2. It's quite surprising that the countries that should be more careful about implementing the environmental laws are highly shamed for not showing enough responsibility in enacting them.

Table 2. *Most and Least Shamed Countries*

Top 10 most shamed	Top 10 least shamed
USA	Togo
UK	Moldova
Australia	Mauritania
Germany	Uzbekistan
France	Slovenia
Poland	Djibouti
India	Uzbekistan
Brazil	Yemen
Argentina	Serbia
China	Gabon

Control Variables

To assess the hypotheses, control variables like GDP per capita, environmental vulnerability, presence of domestic environmental NGOs are taken into consideration. A country's economic status may affect its capacity and inclination to enact environmental laws. Wealthier nations might allocate more resources to environmental protection or face different economic pressures influencing their environmental policies. Besides, those countries that face heightened environmental vulnerabilities, such as susceptibility to natural disasters or possession of fragile ecosystems, may accord higher priority to environmental protection. This variable captures the unique environmental challenges countries face and their impact on policy making. On top of this, the existence and strength of domestic environmental NGOs can independently

influence a country's environmental policymaking. Strong domestic advocacy may complement or bolster the pressure exerted by INGOs.

Empirical Analysis

Since this paper is interested in whether governments introduce environmental laws or not, the nature of the dependent variable is binary. So, the estimated model will employ logistic analysis. To control aggregate changes in both dependent and independent variables, year-fixed effects variables are determined. The findings from the logistic regression models are given below. This generated model is influenced by the article, named. “The Impact of INGO Climate Shaming on National Laws” (Koliev et al. 2022).

Table 3. Regression Results

Variables	Model 1	M 2	M 3
INGO climate shaming	1.000***	1.720***	1.481***
	(0.000)	(0.138)	(0.138)
Democracy			3.110***
			(0.896)
Climate agreements			1.09
			(0.169)
Economic development			0.889
			(0.172)
Trade openness			0.999
			(0.001)
CO ₂ per capita			1.23
			(0.351)
Federal			0.403**
			(0.163)
Urbanization			0.998
Constant	0.053***	0.020***	0.066*
	(0.027)	(0.011)	(0.103)
Year-fixed	Yes	Yes	Yes
Country-fixed	No	No	No
Observations	3564	3564	2877

The initial two models present bivariate analyses using both the raw count and the logged version of the INGO climate shaming variable. These models aim to examine the relationship between INGO climate shaming and the outcome variable independently, without the influence of control variables. By conducting bivariate analysis in models 1-2, we can ensure that the main statistical inference remains unaffected by the inclusion of control variables in subsequent models. Model 3 introduces the full model, incorporating all relevant control variables along with the main variable of interest. Following the hypothesis, the results presented below indicate a significant and positive relationship between INGO environmental shaming and the enactment of environmental laws by governments. These findings are consistent across various model specifications, including the inclusion of country-fixed effects. To evaluate the conditional-effects hypotheses, the interaction of terms between the INGO environmental shaming variable and Democracy, Trade openness, and environmental agreements is done. The conditional marginal effects are illustrated in Figure 3.

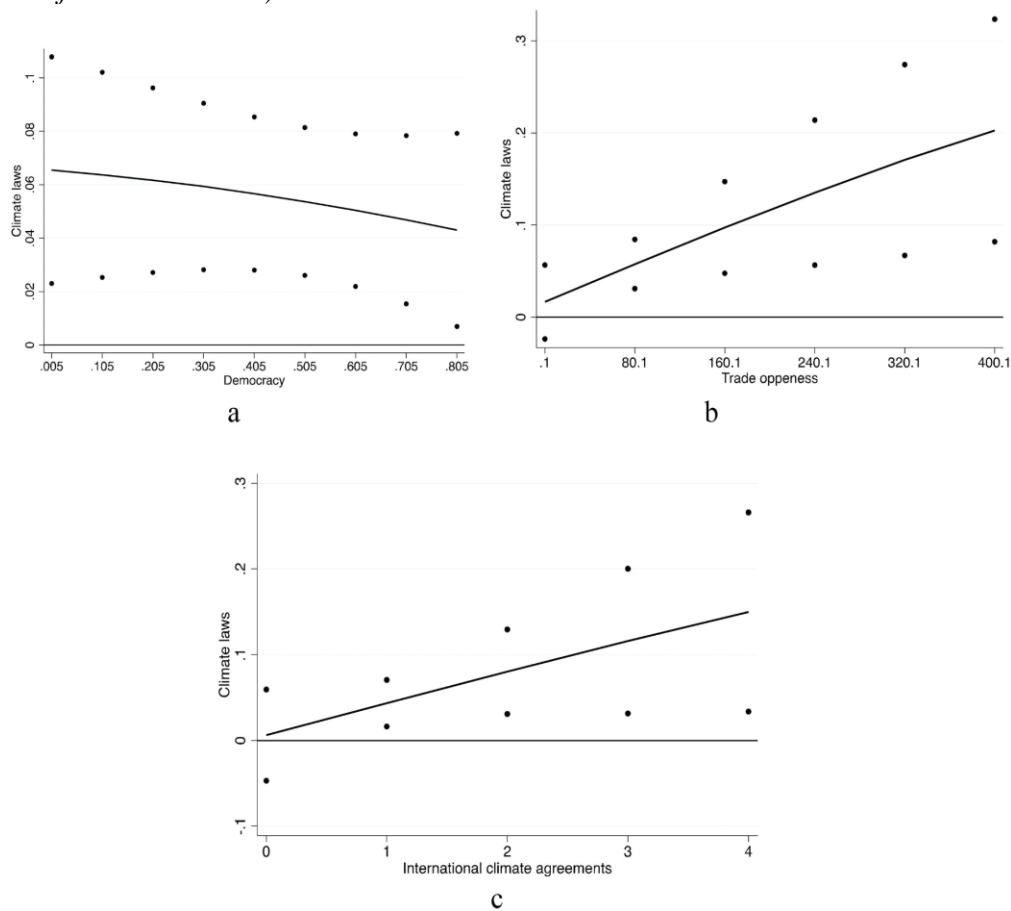
Figure 3 (a–c). *Conditional Marginal Effects of INGO Climate Shaming (95% Confidence Intervals)*

Figure 3 is collected from the regression analysis done by Koliev et al. (2022). The interaction between environmental shaming and democracy appears to have a negligible negative influence on the likelihood of enacting environmental laws as governments become more democratic. Despite the individual positive effect of democracy on the probability of environmental legislation, Figure 3a indicates that shaming more democratic countries may have a negligible impact. Figure 3b shows that INGO climate shaming is more effective when governments are trade-dependent. Figure 3c suggests that the influence of climate shaming is influenced by the number of climate agreements a government has endorsed. This suggests that governments committed to climate initiatives may face constraints both domestically and internationally, making it challenging for them to maintain; their current stance on climate action.

Conclusion

Researchers emphasize the urgency of reducing reliance on fossil fuels to combat environmental change, stressing the need for governments to enact and enforce ambitious policies. However, recent events, such as the Russian invasion of Ukraine,

have clouded the European Union's path towards renewable energy. Despite calls for stronger commitments, the EU's classification of natural gas as a “green fuel” hints at continued reliance on fossil fuels. This could undermine global efforts to meet the Paris Agreement goals. A study explores the impact of non-governmental organizations (NGOs) on government climate policy through shaming campaigns. It suggests that such campaigns can influence governments to enact climate laws, but questions remain about the effectiveness of these laws. While governments may respond to reputational pressures, they may also prioritize minimizing costs and opt for less ambitious policies. This raises concerns about potential greenwashing rather than meaningful action. Future research should delve into the ambition and enforceability of national climate laws to better understand the effectiveness of climate shaming. By examining these factors, scholars can provide insights into when and how such campaigns can truly drive government action on climate change.

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