

Compliance or Camouflage?

Foreign Aid, International Norms, and Incentives for Women's Rights in
Dictatorships

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September 24, 2018

Abstract

International democracy promoters now treat elections and women's rights as "bundled norms:" states' performance is evaluated, and rewards distributed, in response to compliance on either dimension. Dictatorships that fail to make progress toward electoral competition can therefore attempt to camouflage their noncompliance by introducing advances in gender equality; and such measures are often entirely consistent with the perpetuation of uncompetitive autocratic rule. We term this strategy *obfuscation*, and we present a theory that identifies the conditions under which incentives to obfuscate are strongest. Using a new dataset of *de jure* advances in women's rights in 90 countries from 1996-2015, we show that dictatorships make greater progress when they are more susceptible to international (Western) economic pressure. We find that in dictatorships, aid dependence is associated with legal advances in women's rights but not with advances in electoral liberalization. In democracies, we find the opposite pattern: aid dependence is associated with political liberalization but not women's rights. Moreover, consistent with our theory of obfuscation, closed dictatorships (which do not hold multiparty elections) have been surprisingly active in advancing women's *de jure* rights. Our account therefore demonstrates clear differences in how dictatorships and democracies respond to international economic pressure, and highlights the potentially perverse consequences of issue linkage in international regimes.

Introduction

In 2004, Laos passed a comprehensive Law on the Development and Protection of Women. It guaranteed equality in political, economic and social rights, including progressive articles granting women priority in children’s custody, an equal right to matrimonial property, and a right to equal pay. Yet, Laos’ general political climate is anything but progressive: a poor, single-party state in which dissent is strictly prohibited, associational freedom nonexistent, and elections tightly controlled by the ruling Lao People’s Revolutionary Party (LPRP). The state-sponsored Lao Women’s Union (LWU), which played a role in drafting and implementing the 2004 law, is the only recognized women’s organization in the country (OHCHR 2009). Thus, in Laos, legal progress toward gender equality has not been the result of an autonomous push from civil society. Rather, Laos is part of a cohort of post-Cold War regimes in which entrenched autocracy co-exists with increasingly progressive policies on women’s rights. Other examples include Rwanda, Algeria, Ethiopia, Jordan, Uganda, and perhaps even Saudi Arabia, which is now taking important symbolic steps such as allowing women to drive. Such countries challenge the view that advances in gender equality primarily result from bottom-up societal pressure (Htun and Weldon 2012; Gelb and Palley 1996; Kang 2015; Kang and Tripp forthcoming; Krook 2009; Randall and Waylen 1998; Weldon 2002a). Here, we explore the role of external forces, specifically, how international pressure for democracy has, among some autocracies, translated much more narrowly to progress on women’s rights.

For decades, the primary focus of international democracy promotion has been on multiparty elections. Yet, women’s rights are now integrally “bundled” into the regime. Democracy promoters evaluate states’ performance based in part on their respect for women’s rights, while donors have incorporated gender concerns into their priorities, allocation decisions and even their conditions for lending. For the U.S., linkage of women’s rights with democracy took off particularly after 9/11 under the George W. Bush administration’s new approach to democracy promotion (Ottaway 2004). Yet, this linkage can lead to paradoxical outcomes, in that advancing gender equality is often entirely consistent with the perpetuation of uncompetitive autocratic rule. Sarah Bush refers to this as the “taming” of democracy assistance, as dictatorships seek to make progress in a policy area (women’s rights) that is less politically costly than undertaking liberalization of the electoral sphere.¹ Here, we explore an implication of this state of affairs: regimes that fail to make full progress toward electoral competition can attempt to compensate by demonstrating progress on women’s rights.

We present a theory of normative issue linkage that produces novel insights about how leaders strategically adapt to external pressure. In marketing, multiple products or services can be “bundled” and sold as a single package, as with cable and Internet service. Applying this idea to the international arena, norm bundling occurs when two distinct issue areas are linked within the same overarching regime. Unlike competing norms, which make opposing prescriptions in a given situation, bundled norms can be thought of as moving in parallel: they fall within the same family of ideas and their promotion is linked within one international regime.

However, bundled norms are not necessarily functionally linked: compliance with one norm may

¹ Under some conditions, progressive gender policies may even serve to strengthen an autocrat’s domestic support (Donno and Kreft 2018).

not cause or even contribute to improvements in the other. Such a scenario creates new strategy spaces for governments. Leaders seeking to signal adherence to the over-arching regime may pick and choose from the menu of bundled norms, and advances in one area can serve to deflect criticism from a lack of progress in another. We term this strategy *obfuscation*. We expect incentives for obfuscation to be high when (a) the international costs of noncompliance are high (*susceptibility* to international pressure); and (b) the government is the target of public international opprobrium (*visibility* of norm noncompliance). We explore two sources of susceptibility and visibility: a country's dependence on foreign economic assistance, and the intensity of international shaming for human rights violations.

Our theory also produces counterintuitive predictions about when we are likely to see more intense government-led activity for the advancement of women's rights in dictatorships. Whereas most accounts attribute progress on gender equality to bottom-up societal demands, and hence to some degree of political openness, we expect that, among dictatorships, electoral liberalization and progress on women's rights should be substitutes, rather than complements. And we expect that progress on women's rights should be high even among closed dictatorships that repress independent associational activity.

Our empirical analysis, which makes use of a novel dataset on the adoption of laws pertaining to women's rights, lends support to our theoretical expectations and, taken as a whole, demonstrates important differences in the drivers of *de jure* women's rights change in dictatorships versus democracies. Among dictatorships, we do find that susceptibility to Western economic pressure (as measured by aid dependence) is associated with greater *de jure* advances in women's rights. Human rights NGO shaming—our measure of the visibility of norm noncompliance—is more marginally significant. However, in dictatorships, aid dependence is not associated with liberalization of the electoral sphere. Nor is electoral liberalization associated with subsequent women's rights legislation, lending support to the idea that these two policy areas may be substitutes, rather than complements. In other words, dictatorships are responding to international economic pressure by making advances in women's rights, but not by allowing for increased political competition. In democracies, we see precisely the opposite: aid dependence (marginally) predicts electoral liberalization but has no effect on legislative activity for women's rights. Moreover, in democracies, electoral liberalization *does* predict subsequent progress in *de jure* rights for women. A final piece of evidence in support of our theory of *obfuscation* stems from our exploration of closed dictatorships, which experienced the most rapid increase in *de jure* activity for women's rights over time. By the mid-2000s, closed regimes were passing as much legislation annually as democracies and electoral authoritarian regimes—a pattern that would be puzzling without considering the role of external economic incentives highlighted here.

Our account has implications for the study of international cooperation. Issue-linkage is typically cast in a positive light as a means of achieving and enforcing mutually-beneficial international bargains (Axelrod and Keohane 1985; Davis 2004; Haas 1980). We highlight a potential perverse consequence of issue linkage, in that it can create opportunities for governments to adapt to pressure and engage in only partial compliance with a regime's underlying principles. We also contribute to research on international norms. A large body of work examines competing

norms which make opposing behavioral prescriptions,² such as sovereignty and human rights norms (Dembinsky 2017; Donnelly 2007; McFaul 2004; Reus-Smit 2001); or norms in ‘tension’ with one another, in which the implementation of one undermines the other (Grimm and Leininger 2012; Krook and True 2012). Such accounts have sought to explain which norm “wins out” (Bailey 2008, Panke and Petersohn 2011). In contrast, bundled norms are characterized not by their opposition, but by their linkage—which allows governments to engage in selective compliance. Our account therefore joins those who explore how various actors strategically adapt to international norms, whether domestic activists (Hughes, Krook and Paxton 2015, 358), bureaucrats (Kelley and Simmons 2015, 58), or governments (Donno and Simpser 2012).

The paper proceeds as follows. We first document how electoral competition and women’s rights have been bundled within the international democracy promotion regime. We present our theory of obfuscation, and we derive testable hypotheses. We then introduce our dataset of country-level legislation related to women’s rights, and we use these data to explore our hypotheses about the conditions under which authoritarian regimes are most active in advancing *de jure* gender equality.

Women’s Rights and the Democracy Promotion Regime

The international democracy promotion regime comprises the network of organizations, both governmental and nongovernmental, that seeks to promote democracy around the world. ‘Democracy’ is a broad construct that can be understood—sometimes quite differently—in terms of political competition, individual rights, fairness, rule of law, inclusion, and equality. Accordingly, the democracy promotion regime seeks to advance a range of policies, and different actors may emphasize different goals (Kopstein 2006; Wolff 2012). Yet, based on the widely accepted view that elections are the bedrock of democracy, the primary focus has been on advancing political competition through multiparty elections.³ The electoral milestones sought by democracy promoters in target countries are (1) the transition to a multiparty system; (2) the holding of multiparty elections; followed by (3) ensuring the quality and integrity of these contests. Transitions to multiparty systems concentrated toward the end of the Cold War (particularly in Africa), and was followed closely by the holding of elections in most states. Attention then turned in the mid- to late-1990s to the third, and thornier, task of improving electoral integrity (Norris, Frank and Martinez i Coma 2014).⁴

In parallel with this electoral focus, however, women’s rights have emerged as a set of bundled norms. This flows from their association with the higher-order democratic principles of equality

² Finnemore and Sikkink (1998, 897) discuss the process whereby emerging norms must “compete with other norms and perceptions of interest.” In their seminal work on world society, Meyer et al (1997, 172) note the “rampant inconsistencies and conflict within world culture itself,” such as those between “equality versus liberty, progress versus justice. . .”

³ The fixation on elections has been both defended and criticized (Carothers 2007; Kalandadze and Orenstein 2009; Karl 1986; Mansfield and Snyder 2007; Seligson and Booth 1995.).

⁴ Favored tools include technical assistance for the reform of election laws and administration; monitoring media freedom; assistance with election organization and management; political party training; civic education; building capacity of domestic election observers; and pressuring countries to invite international election observers.

and inclusion (Inglehart and Norris 2003; Rizzo et al 2007; Tremblay 2007).⁵ More practically, it also flows from the desire of foreign donors to identify measurable and ‘regime-compatible’ goals which even dictatorships are willing to implement (Bush 2015). Women’s rights can be broadly conceived as encompassing political, economic and social rights. Women’s *political rights* include the right to vote, to join or lead political parties, to be represented in government, to petition the government and to run for political office. Women’s *economic rights* include the right to freely and autonomously seek employment in an occupation of one’s choosing, to own and inherit property, to engage in economic exchange, to be free from sexual harassment, free from discrimination in hiring, and to enjoy a right to equal pay. Women’s *social and family rights* include rights to make free choices about marriage and divorce, to retain custody of children, to seek redress for domestic violence, and to be free from harmful gender-based practices such as FGM.

A milestone in the linkage of women’s rights with democracy was the 1995 Beijing World Conference on Women, whose Plan of Action boldly stated that “No government can claim to be democratic until women are guaranteed the right to equal representation.” Beyond representation, the Platform proclaims improvement in women’s social, economic and political status as essential for achieving “transparent and accountable government” (Chapter 4, Pillar G number 7). This was, to some extent, a response to the perceived over-emphasis on elections as the primary mark of democratic progress (Moghadam 2008). The Beijing conference thus marked a shift in international discourse, with transnational activists, international organizations, and powerful states then taking steps to put these ideas into practice. Below, we catalogue, briefly, how women’s rights have been incorporated into the core functions of *performance evaluation, assistance, and conditionality* exercised by key actors in the democracy promotion regime. We describe how this bundling has increased in frequency and scope over time, particularly after 2000.

Performance Evaluation: A host of entities issue periodic reports in which evaluation of countries’ overall democratic performance includes consideration of their respect for women’s rights. For example, of the 17 indexes that Cooley and Snyder (2015) identify for rating the quality of democracy, 10 include clear criteria for the evaluation of women’s rights.⁶ These ratings have serious consequences for states: international performance evaluation “seeks to enact change through assessment, reporting and ranking,” and “invites international intervention and management” (Merry 2016, 5-11); it “exerts normative pressures on states” and provides benchmarks for aid distribution or other policy decisions (Cooley 2015: 2, 7).

Among the most prominent performance evaluators in the democracy promotion regime is Freedom House, whose annual reports are used by governments, scholars and activists for evaluating, rewarding and punishing governments. Freedom House employs a series of questions and sub-questions in determining countries’ scores,

⁵ Hughes, Krook and Paxton (2015) refer to this as the “new global norm of women’s political inclusion” (see also Ramirez et al 1997; Paxton et al 2006).

⁶ See Appendix 1. Author’s coding of the indexes identified in Cooley and Snyder’s (2015) Appendix. Note that of the 17, two indexes were not definitively classified due to vague coding rules.

including the following: “Do laws, policies, and practices guarantee equal treatment of various segments of the population? Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?”⁷ This is followed by sub-questions about violence against women; trafficking; gender discrimination in property and inheritance rights; and marriage and reproductive rights.

The U.S. State Department’s annual human rights reports include an integrated assessment of electoral quality, democratic performance, and respect for women’s political, social, economic and physical integrity rights. Each report contains a designated section on women which assesses *de jure* and *de facto* respect for women’s rights. The State Department reports are not only used directly by governments and IOs when making decisions about shaming, punishment and rewards; they also constitute a primary source for quantitative human rights indexes, including the widely-used CIRI index.

Perhaps the most direct example of linking the evaluation of electoral performance and women’s rights comes from international election monitors themselves, who regularly report on women’s political and social standing when evaluating electoral quality. The Carter Center, NDI, ANFREL, OAS, and OSCE are among those that report on gender-based outcomes, including discrimination or obstacles to women’s political participation; the percent of women running for political office; and women’s participation in political party activities.⁸ Observation reports hail increases in women’s political representation⁹ and criticize lagging progress or reversals.¹⁰ In 2004, the OSCE released a handbook for monitoring women’s participation in elections which includes guidelines for assessment of countries’ legal framework and “constitutional entrenchment” of women’s rights.¹¹

Assistance. The key players in democracy assistance have also embraced gender equality as a goal of their programs. Promoting women’s rights became a more prominent goal of U.S. foreign policy under George W. Bush, who viewed women’s empowerment as crucial for democracy promotion, particularly in the Muslim world (Hester Eisestein 2015). He regarded the “freedom deficit” as fundamentally linked to a state of affairs in which “women lack rights and are denied schooling,” and noting that “[w]e’re seeing the rise of democracy in the Middle East. We’re

⁷ Question 3 under *Personal Autonomy and Individual Rights*.

⁸ See for example, the OAS report on the 2016 election in the Dominican Republic: <http://www.oas.org/eomdatabase/default.aspx?lang=en>. The Carter Center report on Ghana (2008): https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/ghana-2008-election-rpt.pdf.

⁹ See the Carter Center report on Ecuador’s 2007 constituent assembly election, which hails the high percent of female candidates: https://www.cartercenter.org/resources/pdfs/peace/americas/ecuador_carter_center_electoral_report_final_website.pdf.

¹⁰ NDI’s report on barriers to participation in Guatemala: https://www.ndi.org/sites/default/files/2328_gt_report_elec_061908.pdf.

¹¹ (<http://www.osce.org/odihr/elections/13938?download=true>).

seeing women take their rightful place in societies that were once incredibly oppressive and closed.”¹² It was believed that these developments for women would pay security dividends, as first lady Laura Bush explained in a 2001 broadcast: “...the fight against terrorism is also a fight for the rights and dignity of women.” These ideas translated to new policy initiatives and funding priorities. Bush increased funding for the National Endowment for Democracy, which refocused its mission on the Middle East and stepped up efforts to advance women’s rights. The 2003 U.S.-Middle East Partnership Initiative (MEPI), a grant-making entity housed in the State Department, features women’s rights as one of the four “pillars” for promoting democracy in the region. Specifically, MEPI prioritizes projects to increase women’s political participation, economic empowerment and educational advancement, which it holds as being linked to the goal of “strengthening democratic institutions.”¹³

Changes took shape within USAID as well, whose updated 2012 Policy on Gender Equality and Female Empowerment justifies a focus on women’s rights in the following terms: “When women participate in civil society and politics, governments are more open, democratic and responsive to citizens” (USAID 2012). USAID now requires a full gender impact analysis during the design of each country strategy and project. Standards for performance evaluation are explicit: the 2011 revised foreign assistance indicator suite evaluates countries’ progress on gender equality and female empowerment, including, notably, the number of gender-related laws drafted, proposed or adopted by the country during the project period. Other performance markers include the proportion of female participants in USAID programs; and the proportion of women who report increased self-efficacy at the conclusion of USAID-supported training or programming.

Beyond the U.S., the European Union’s 2005 “Development Consensus” commits the EU to include a stronger gender component in all of its aid programs, including in its political dialogue with partner country governments, which is the instrument through which the EU exercises aid conditionality (Commission 2007, 6). The stated “key priorities” of EuropeAid are “human rights, democracy, governance...including gender equality,”¹⁴ and a 2007 communication from the Commission further reinforced that “[w]omen’s empowerment is a key aspect of governance” (Commission 2007, 3). The EU and USAID have implemented comprehensive gender action plans for their external assistance,¹⁵ while a number of other regional organizations have jumped on the ‘gender mainstreaming’ bandwagon, including the Commonwealth and SADC.¹⁶

Conditionality. International donors regularly make aid conditional on “good

¹² <http://www.presidency.ucsb.edu/ws/index.php?pid=64747&st=Human+Rights&st1=speech>

¹³ <https://mepi.state.gov/about-mepi/gender-womens-empowerment/>

¹⁴ http://ec.europa.eu/europeaid/policies/european-development-policy/agenda-change_en

¹⁵ http://ec.europa.eu/europeaid/sites/devco/files/staff-working-document-gender-2016-2020-20150922_en.pdf

¹⁶ See <http://thecommonwealth.org/about-us/gender-equality-policy> and <http://www.sadc.int/issues/gender/women-politics/>

governance.”¹⁷ Women’s equality and political participation are an essential element of many governance ratings due to their prominence within the Millennium Development Goals. Perhaps the most explicit example of this type of conditionality is the Millennium Challenge Corporation, established in 2004, which represents “one of the most important developments in the evolving regulatory role of ‘ratings and rankings organizations’” (Cooley 2015, 19). The MCC selects recipient countries through a scoring system that includes assessments of “gender in the economy” (from the World Bank); female school enrollment rates (from UNESCO); as well as the Freedom House civil liberties indicator and State Department human rights reports, both of which include assessments of women’s economic and social rights. Germany’s Ministry for Economic Cooperation and Development (BMZ) scores countries based on their progress on indicators, including “recognition and promotion of women’s rights” (BMZ 2009, 23). Other prominent donors, like USAID, the EU, and World Bank, may exercise conditionality in a less overtly formulaic manner, but it is clear that considerations of democratic performance, women’s rights, and election observer reports have influenced their decisions to award or withdraw aid and loans (Lu and Breuning 2014; Woo and Parke 2016). Further evidence of conditionality at work stems from the finding that foreign aid from Western sources is associated with changed policies on women’s political rights, particularly the introduction of legislative gender quotas (Bush 2011; UNDP 2009).

We proceed to make three observations about the bundling of electoral and women’s rights norms. First, the integration of women’s rights into the democracy promotion regime, and the extent to which gender equality has acquired a central role in foreign aid projects and conditionality, has increased over time. As outlined above, changes in U.S. foreign policy priorities post-9/11 were a consequential shift, with other developments among U.S. and Europe-based aid organizations following in the mid-2000s.

Second, electoral and women’s rights norms are not necessarily related, in that progress toward *de jure* gender equality can occur without concomitant progress on electoral competition.¹⁸ Indeed, approximately 25 percent of present-day autocracies perform as well or better on respect for women’s rights than the average developing democracy; and the average proportion of female legislators is now equal across democracies and dictatorships in the developing world.¹⁹ Historically, many of the better-performing regimes for women’s rights have been politically closed. This includes not only communist and socialist states (Gal and Kligman 2000; Tripp 2013), but other dictatorships in which the regime has prioritized (or controlled) women’s empowerment as a means to signal modernity, encourage economic growth, or bolster its popular support (Htun 2003, Ch.3; Donno and Kreft 2018; Lorch and Bunk 2016; Salhi 2010; Sater 2007).

¹⁷ For an example of the rewards of improved governance ratings, see Schueth’s (2015) account of Georgia under president Mikhael Saakashvili.

¹⁸ Though Wang et al. (2017) find that women’s civil liberties may be a precondition for democracy, this does not imply that women’s rights cause (or are a sufficient condition for) democracy.

¹⁹ Data on women’s rights from Cingranelli, Richards and Clay (2014); on women legislators from Coppedge et al. (2015); and on regime type from Geddes, Wright and Frantz (2014).

Third, the domestic political costs of electoral competition versus women’s rights are quite different. For an autocrat, each step toward more competitive elections makes retaining power more difficult: Allowing multiple parties brings opposition into the open. Holding elections creates a risk of losing power. Manipulating elections, in turn, requires costly and often elaborate campaigns of intimidation, media bias, institutional meddling, stealing votes or outright repression. Such efforts are also risky, in that success can never be guaranteed, and overt fraud can backfire (Kuntz and Thompson 2009; Tucker 2007). Opening up elections to international assistance and scrutiny—as regimes are now universally pressured to do—further increases the difficulty of successful manipulation. In short, compliance with international electoral norms makes political survival more difficult.

In contrast, advancing women’s rights is less politically costly. Policies such as instituting a legislative gender quota can be designed in a way that does not threaten—and may even bolster—the regime’s control of the legislature (Bjarnegaard and Zetterberg 2016; Bush 2015). Advancing women’s core economic rights, including the rights to inherit and own property, to work and to own businesses, also pose no direct threat to an autocrat’s political survival, and may even be used as a means of coopting societal support (Donno and Kreft 2018). Indeed, many of the most stable autocracies exhibit high female economic activity. Our claim is not that advancing gender equality is costless for an autocrat, but simply that it is less directly costly than other types of rights concessions. We should therefore expect dictatorships to undertake women’s rights reforms more readily than other types of civil and political rights.

Data on regime performance on different rights indicators backs up this claim. Figure 1 shows that over time, dictatorships have experienced a rapid upsurge in the introduction of women’s rights legislation (our measure of *de jure* women’s rights change, explained in the “Data” section). In fact, dictatorships surpassed democracy in their rate of passing new laws in the early 2000s. However, dictatorships have not exhibited a similar upsurge in other areas of civil, economic, or political rights. Figures 2, 3, and 4 show average values over time for freedom of association, property rights, and free/fair elections (all measured using V-Dem). In all three areas, we observe a persistent separation across regime types, with democracies exhibiting better performance than autocracies.

Obfuscation

Rationalist accounts of international norms emphasize their influence on governments’ cost-benefit calculations, either through linking material benefits to compliance or through activating more diffuse reputational concerns. States may desire to gain international prestige or to be perceived as “modern” (Townes 2012). Kelley summarizes the social benefits of a good reputation as providing “states and their governments a sense of belonging, facilitates cooperation with other states, and allows them to consider themselves as upright members of the international community” (2017, 39). International ratings and performance evaluation reinforce these “social judgments” by comparing countries to their neighbors and regional rivals (Cooley 2015, 21). Instrumental concerns also come into play, as a host of studies on the conditionality of aid, trade, FDI and IO membership have shown (Benassy-Quere et al. 2007; Gray 2009, 2013; Gliberman and Shapiro 2002; Hermes and Lensik 2001; Hyde 2011; Nanda 2006; Stein and

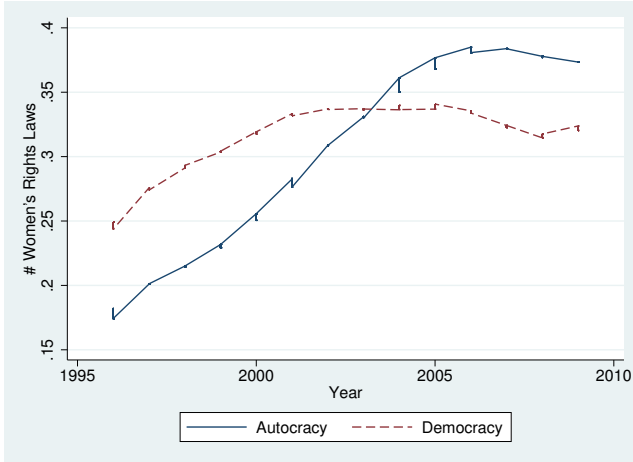


Figure 1: Number of Women’s Rights Laws Introduced Over Time, by Regime Type

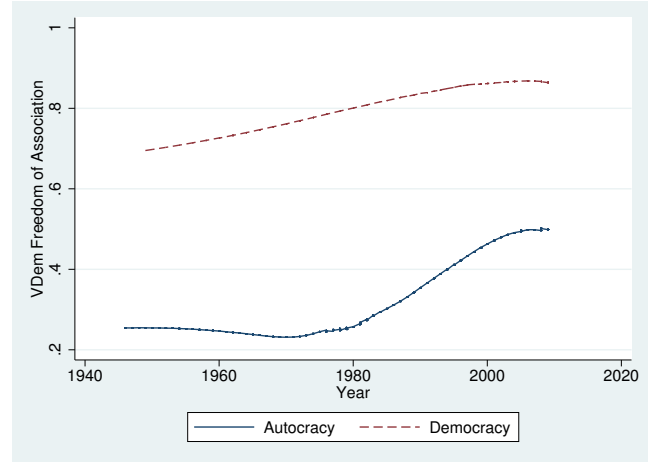


Figure 2: Freedom of Association Over Time, by Regime Type

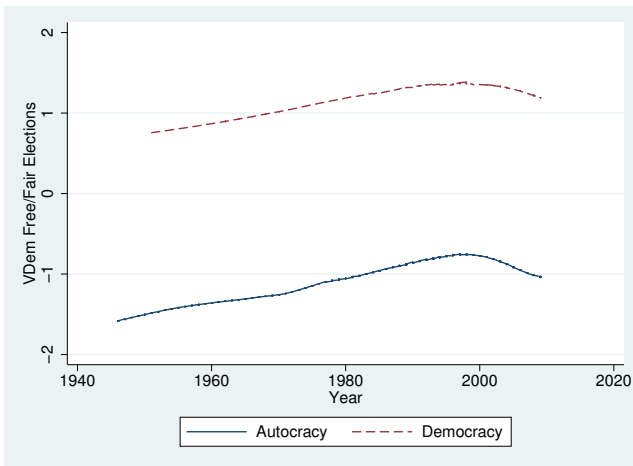


Figure 3: Free and Fair Elections Over Time, by Regime Type

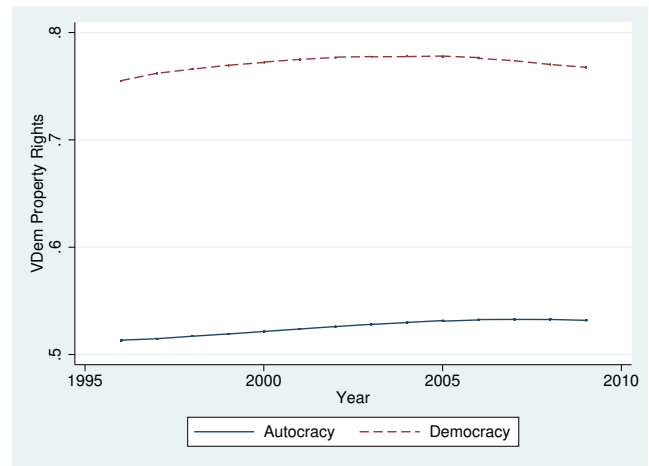


Figure 4: Property Rights Over Time, by Regime Type

Daude 2001; Schimmelfennig and Sedelmeier 2004; Pevehouse 2002; Meunier and Nikolaidis 2006). Poor ratings from performance evaluators have real consequences for the allocation of international benefits and, thus, for state behavior (Kelley and Simmons 2015).²⁰

Given the range of material, social or even psychological benefits attached to compliance, autocratic governments face an obvious problem: they do not comply with international democratic norms. True compliance, in the form of free and fair, multiparty democratic elections, would pose immeasurable risks to the regime’s grip on power. Instead, autocrats seek alternative coping mechanisms as a way to adapt to international norms.²¹ Here, we highlight

²⁰ Cooley (2015, 31) documents, for example, how Kyrgyzstan’s deputy prime minister complained that MCC funding was withheld due to a poor Freedom House rating in 2013.

²¹ See Donno and Simpson (2013) on strategic adaptation; Subotic (2009) on superficial compliance. Work on human rights treaties has long noted the problem of insincere treaty adoption, particularly among dictatorships (Hathaway 2007; Simmons 2009).

one such strategy, that of *obfuscation*, understood as an attempt to alleviate international pressure by complying with some norms, but not others. Obfuscation is made possible by norm “bundling”: governments that eschew compliance in one area can nevertheless make progress in the other (bundled) area, and still claim movement toward overall compliance with the values and goals of the international regime. In other words, governments may advance women’s rights as an attempt to compensate for a lack of progress on electoral liberalization. When Saudi Arabia announced its intention to allow women to drive in September 2017, many commented that the change was largely for external consumption, feeding into the narrative of Crown Prince Mohammad bin Salman as a modernizer. Yet, these reforms are decidedly not spurred by political liberalization; to the contrary, they have been accompanied by increased repression of civil society and centralization of power.

Hypotheses

When should we expect to see obfuscation by dictatorships? We begin with the simple point that incentives to obfuscate increase with pressure for compliance with international norms. As our discussion of the democracy promotion regime made clear, one source of pressure stems from economic conditionality. The material consequences of flouting democratic norms—and, thus, incentives to demonstrate progress on women’s rights—are higher for countries that are economically dependent on the West. Aid dependence is perhaps the most obvious source of vulnerability. A growing body of research does find that Western aid is held conditional on democratic performance, though this is likely limited to the post-Cold War era, and to countries not shielded by a competing geopolitical interest.²² This has consequences for state behavior, as governments seek to “avoid opprobrium by introducing policy changes” (Kelley and Simmons 2015, 58). Highlighting the particular set of incentives facing developing countries, Cooley explains that “small states that are economically dependent on international donors or capital flows will care more about international rankings. . .” (2015, 4-5).

We expect autocratic governments to respond to pressure for democracy by making *de jure* changes in women’s rights—that is, changes in laws, but not necessarily changes in enforcement or practice. Because legal change is concrete and measurable, international organizations, donors, election monitors and performance evaluators focus on this above all else. In contrast, more diffuse measures, such as increasing resources or training for the enforcement of existing laws, tends to receive less focused attention. Schueth’s (2015) account of how Georgia’s government employed legal reform to improve its ranking in the World Bank’s Ease of Doing Business Index (DBI) demonstrates this dynamic. Cooley describes this as “teaching to the test,” whereby states “target the most malleable measures and indicators on which they are actually ranked,” thereby improving their reputation without necessarily adopting new standards of behavior (2015, 5).²³ For dictatorships, *de jure* concessions on women’s rights serve as a less costly alternative to sustained and institutionalized improvements to electoral competition. Consistent with this idea, Murdie and Peksen (2015, 1) find that governments respond to pressure from advocacy groups by promoting “only the rights that do not threaten their own power and status.” Note that the *de jure* change that we are interested in could be either real (i.e.,

²² Donno and Neureiter (2017); Dunning (2004); Girod (2012); Hazelzet (2005); Hyde (2011); Kreutz (2015).

²³ See also Kelley and Simmons (2015) for a defense of *de jure* measures of response to international pressure.

enforced, implemented) or cosmetic (our theory is agnostic on this point), as long as its intended goal is to alleviate international pressure.²⁴

In other words, we predict changes in law; this could lead to *de facto* improvements for women, or remain merely symbolic. In a later section, we explore this question empirically.

Hypothesis 1 (*Susceptibility*): Among autocratic regimes, advances in women’s rights will be higher in states dependent on Western aid.

A second source of pressure stems from negative publicity. Shaming by Human Rights Organizations (HROs) plays a crucial role in many theoretical models of human rights improvement (Keck and Sikkink 1998; Simmons 2009). Shaming provides an increased level of visibility to human rights violations, and offending states may change their practices to avoid the domestic and international “spotlight” that shaming encourages (Murdie and Davis 2012). Human rights shaming may work on multiple levels, by calling on third-party states, individuals and organizations to pressure a target-state “from above,” making appeals to “moral consciousness”, or by in turn influencing aid distribution and foreign direct investment (Keck and Sikkink 1998; Risse and Ropp 1999; Risse and Sikkink 1999). Empirical studies of human rights shaming find, indeed, that it is associated with reduced foreign aid (Lebovic and Voeten 2009) and FDI (Barry et al. 2013), as well as changing human rights practices (though not always unambiguous improvements) (Franklin 2008; Hafner-Burton 2008; Krain 2012; Murdie and Davis 2012; Murdie and Peksen 2015). We therefore expect that in response to international criticism for poor democratic performance, dictatorships have an incentive to obfuscate by making progress on women’s rights.

Hypothesis 2 (*Visibility*): Among autocratic regimes, advances in women’s rights will be higher as the amount of targeted NGO shaming increases.

Hypothesis 1 and 2 predict *de jure* improvements in women’s rights in response to international pressure for democracy. Support for these hypotheses would provide evidence consistent with obfuscation, but it would not constitute a direct test (which would require knowledge of the motivations of the government). We now consider two additional implications of our theory which provide more discerning tests of our claims about *obfuscation*. First, if it is true that progress on women’s rights is a strategy of obfuscation—of deflecting attention from a lack of progress in electoral competition—we should also observe that among dictatorships, advances in women’s rights and advances in electoral liberalization tend to be substitutes, rather than complements. That is, on average, we should not expect a close link between the timing of liberalization and women’s rights change. Note that if one begins from the assumption that advances in women’s rights result from ‘bottom-up’ societal or electoral pressure—as is argued by those studying gender-related policies in open societies—one would have the opposite expectation. We highlight, instead, external ‘top-down’ incentives that play a comparably greater role in dictatorships which are, by nature, insulated from societal pressures.²⁵

²⁴ Risse and Sikkink (1999) show, for example, that making “cosmetic changes” can temporarily work to stop international criticism.

²⁵ In dictatorships, women’s movements tend to be either closely affiliated with or controlled by the government (Donno and Kreft 2018; Lorch and Bunk, 2016), and policies such as legislative gender quotas rarely results

Hypothesis 3 (*Substitution*): Among autocratic regimes, advances in women’s rights are not associated with political liberalization.

Second, incentives to obfuscate by making progress on women’s rights should be particularly pronounced for closed authoritarian regimes that do not hold multiparty elections. Electoral authoritarian regimes—which hold multiparty, yet undemocratic, elections—are in a state of partial compliance with international norms.²⁶ Internationally, there can be real benefits to attaining this status. Elections, even if manipulated, may be viewed as progress toward democracy. And problems in election administration may be chalked up to weak state capacity or lack of democratic experience, rather than to intentional violations by the incumbent (Kelley 2009; Norris 2017).²⁷

In other autocracies, however, there is no such ambiguity: closed regimes do not allow opposition parties and do not hold multiparty elections for national political office. Examples of present-day closed regimes include China, Vietnam, Cuba, Sudan, Eritrea, Saudi Arabia and Uzbekistan, but historical examples are far more numerous. Such regimes avoid the risk of losing power (or losing face) via multiparty elections, but they do not reap the international benefits of partial liberalization.²⁸ They can, however, avail themselves of the benefits of *obfuscation* by demonstrating progress on women’s rights. And in the absence of electoral liberalization, they may have particular incentives to adopt this strategy as an alternative path toward partial compliance with democratic norms. Our point is certainly not that closed regimes have been the only countries introducing *de jure* advances in women’s rights in response to external pressure. All developing countries may reap reputational benefits from demonstrating progress on gender equality. But, at minimum, we expect to see closed regimes making progress on women’s rights at rates similar to that of their electoral authoritarian counterparts, particularly in response to international pressure for democracy.

Hypothesis 4 (*Closed Authoritarianism*): All else equal, advances in women’s rights in response to pressure for democracy will be higher in closed authoritarian regimes compared to other regimes.

from independent civil society action (Dahlerup, 2006; David and Nanes, 2011; Howard-Merriam, 1990; Tripp and Kang, 2008).

²⁶ We consider an authoritarian regime to be ‘electoral’ if it holds minimally competitive elections, defined as those in which multiple parties are legal, opposition is allowed, and more than one party/candidate appears on the ballot (Hyde and Marinov 2012).

²⁷ We see this ambiguity in the verdicts of election observers, who may proclaim that the election reflected the “will of the people” despite irregularities, or that the election represented a “step in the right direction.” Even meager progress toward more open or less violent elections—despite persistence of the underlying authoritarian pattern—can be met by praise, financial rewards, or the easing of international pressure, as Cambodia’s experience throughout the 1990s demonstrates (Donno 2013, Ch.7).

²⁸ The reasons some autocracies are able to resist liberalization are the subject of intense debate among scholars but beyond the scope of this paper.

Dependent Variable: Women’s Rights Legislation

We assess our hypotheses using a new dataset of *de jure* legal change in 15 areas of women’s rights.²⁹ The data cover 89 countries, with yearly entries from 1996-2015. Data are coded for the entire period using the U.S. State Department’s annual Human Rights Reports and, beginning in 2011, supplemented using the U.S. State Department’s Trafficking in Persons Reports.³⁰ A country is coded as experiencing a change in law if (a) new legislation pertaining to women’s rights is adopted; (b) existing legislation is modified by legislative or judicial actors; or (c) changes are made to relevant criminal and/or civil codes. The inclusion of judicial action is to identify cases in which existing or new laws are overturned by the judiciary, rather than being changed through further legislative action. Typical examples of changes in legislation include Bangladesh’s 2010 law that criminalized domestic violence; or Burkina Faso’s adoption of a gender quota for legislative and municipal elections in 2009.

Legislation change is coded in the following thematic areas:³¹ education, female genital mutilation (FGM), human trafficking, violence against women, economic empowerment, political representation, civil society participation, healthcare, domestic work, employment rights, marital rights, and property rights.³² Only legislative changes at the national level were included; any changes specific to regional governments were excluded. The number of thematic areas experiencing legislative change serves as our main dependent variable, however we also use a measure of the total count of laws adopted as a robustness check.

Our primary dependent variable, coded for each country-year, is:

1. A count of the *number of women’s rights issue areas* which are covered by one or more relevant new laws.

The advantage of examining the number of issue areas is that provides a precise tally of the scope of legal reforms introduced each year. Some countries may pass “omnibus” laws that address multiple areas related to gender equality simultaneously, whereas other countries—for reasons specific to the political or legislative process—may pass unique pieces of legislation for

²⁹ The coding effort also includes policy (defined as any change explicitly adopted by the executive or an executive agency that modifies the behavior of the government in ways relevant to women’s rights), but we save this analysis for future research.

³⁰ 2011 is the first year in which Trafficking in Persons (TIP) reports appeared. We chose these reports as supplements to the HR reports, because some information previously available in HR reports was moved to the TIP reports and no longer made available through the State Department’s HR reports.

³¹ These 15 thematic areas map closely onto areas of women’s rights addressed in CEDAW, grounding them in international law and suggesting their relevance to the signatories of the convention.

³² A team of 6 research assistants were trained to scan the State Department country reports, paying particular attention to sections on: *Discrimination, Societal Abuses, and Trafficking in Persons*, which includes the primary section devoted specifically to women’s rights; *Respect for Political Rights*; and *Political Association*. In addition, for each report, research assistants conducted targeted searches on a list of keywords. The reports sometimes mentioned policies and legislation without being clear about when they were adopted. In cases where the first year of a policy or piece of legislation was unclear, it was excluded; only cases in which a change to the status quo could be clearly assigned to a specific year were included. In cases where subjective assessments were required, researchers were asked to identify the policy or legislative change in question, provide context, and include a reference to its location in the report. One of the authors would then review the observation in question and decide whether to include it.

each issue area. A count for the number of laws, without considering the number of issue areas, would therefore undercount countries that pass “omnibus”-type laws. Nevertheless, as a robustness check, we also employ:

2. A count of the *number of relevant new women’s rights laws*.

Our data differ from other data sources on women’s rights in three ways. First, our coding is limited to *de jure* change. We do not account for women’s *de facto* social status—such as their labor market participation, fertility rates or access to health care. Nor do we account for whether laws on the books are enforced, which is a somewhat subjective judgment and difficult to code for in information-poor contexts. Our approach therefore differs from other widely used measures, such as the CIRI index, V-Dem indicators and UN Gender Inequality Index, which consider both *de jure* and *de facto* status in their coding of women’s status.³³ One advantage of focusing only on *de jure* change is that such developments are under the government’s direct and proximate control. This is important for our purposes, since it is the government’s actions that are the focus of our theory. In contrast, women’s *de facto* status is influenced by social and cultural norms, which are slowly-changing and largely outside the government’s control.

Second, our coding is an event-based record of legal change that does not assign a composite rating to a country’s overall status.³⁴ This stands, again, in contrast to the CIRI index which rates countries on 4-point scales based on the degree of respect for women’s rights; as well as the UN Gender Inequality Index, which generates an aggregate score from component indicators. Our approach, instead, does not require subjective judgments about the importance of any given legal or policy change. It also has the advantage of clarity, in contrast to the merging and weighting required to create composite indexes, after which it is difficult to know what is being “picked up” by an increase or decrease in the measure.³⁵

Third, compared to other indicators of *de jure* provisions, our data have substantially broader temporal and country coverage.³⁶ Temporally, this allows us to identify more precise correlations between the timing of *de jure* change and our theoretical (time-varying) factors of interest.

Our data collection yields 321 distinct pieces of legislation. Here, we analyze only laws that

³³ Cingranelli, Richards and Clay (2014); Coppedge et al (2015); <http://hdr.undp.org/en/content/gender-inequality-index-gii> (accessed January 2018).

³⁴ Other event-based databases include the Social Conflict Analysis Database (SCAD) (<https://www.strausscenter.org/ccaps/research/about-social-conflict.html>).

³⁵ For such a critique of the democracy indicators, see Vreeland (2008) and Gunitsky (2015). As Merry (2016, 15-16) explains, all indicators—even ‘simple’ counts—are framed by implicit theories about how to categorize phenomena and are therefore subjective to some extent; but composite indicators are more problematic in that they require the greatest theoretical elaboration and “are farther from the underlying data than either counts or ratios.” See also Cooley (2015, 28-29).

³⁶ The UN Global Gender Equality Constitutional Database is cross-sectional only (See <http://constitutions.unwomen.org/en>). Htun and Weldon (2012, 2015) code for policies related to violence against women and family law for 70 countries at five-year intervals, from 1975-2005. The World Bank’s Women, Business and the Law project records women’s legal status in a time-series cross-sectional format (See <http://wbl.worldbank.org/>) but does not record which (or how many) laws are introduced in a given year, which is important for capturing the government’s level of effort toward complying with international norms.

advance women’s rights, excluding those that restrict women’s rights. Many laws cover more than one issue area. Table 2 summarizes their distribution by area. The issues most often addressed are human trafficking (in 231 pieces of legislation), violence against women (188), and women’s employment rights (91). High legislative activity is also seen for marital rights (addressed in 82 pieces of legislation) and women’s political representation (50). The frequency of human trafficking as a policy priority reflects its growing prominence as a global normative issue, including for the United States (see Kelley and Simmons 2015; Kelley 2017). While trafficking affects men and women alike, we consider it a “women’s issue” that is relevant to our coding effort, since the majority of trafficking victims are women and girls.³⁷

Table 1: Positive Legislation & Policy, by Region

Region	Legislative Areas	Policy Areas
Post-Communist States	141	206
Latin America & Caribbean	104	144
Middle East & North Africa	107	145
Sub-Saharan Africa	159	253
Asia	109	105

Table 2: Positive Legislation & Policy, by Issue Area

	Legislation	Policy
Civil Society	6	19
Domestic Workers	9	22
Economic Empowerment	8	39
Education	16	54
Employment Rights	91	71
FGM	24	51
Healthcare	21	68
Judicial Rights	43	67
Marital Rights	82	21
Parental Rights	39	10
Political Representation	50	40
Property Rights	42	14
Trafficking	231	463
Violence	188	248
Other	79	188

Legislative activity is widely dispersed across regions, as Table 1 illustrates. If one considers the average number of laws related to women’s rights that are introduced per country, our data reveal quite a high level of activity. Post-communist states and those in the Middle East/North Africa (MENA) have been most active overall, with an average of about 5 pieces of legislation per country between 1996-2015. They are followed by Latin America (~4.5), Asia (~3.9) and Sub-Saharan Africa (~3.5). There is, of course, considerable variation masked by these regional averages. In Sub-Saharan Africa, for example, countries such as Cameroon and Nigeria passed no relevant laws during the period under study, whereas Uganda and Ethiopia passed eight.

³⁷ <http://www.un.org/sustainabledevelopment/blog/2016/12/report-majority-of-trafficking-victims-are-women-and-girls-one-third-children/>

Analysis

Hypotheses 1 and 2 predict that, among dictatorships, *susceptibility* to international pressure for democracy and *visibility* of noncompliance with democratic norms should be associated with increased *de jure* activity for the advancement of women’s rights. To test our arguments, we rely on our discrete count dependent variable: *legislation_areas*, which counts the number of issue areas in which relevant legislation was adopted in a country-year. We estimate a series of negative binomial panel models with random effects. We opt for the negative binomial model over the poisson because our dependent variable exhibits overdispersion.

To operationalize our concepts of *susceptibility* and *visibility*, we would ideally like measures of international pressure and shaming that are specific to democratic performance. Unfortunately, no such measures exist for the temporal and country coverage that we need. We instead opt for more diffuse measures of international pressure and visibility. For *susceptibility*, we use a variable for official development assistance (ODA) from OECD countries, as a percent of recipient country GDP, lagged by one year.³⁸ Many have documented the ways in which foreign aid is conditional on democratic performance, making this a good measure of the extent to which a country is vulnerable to economic pressure for democracy. The more a government depends on aid from the West, the greater its incentives to demonstrate progress on democratic norms. Second, we measure *visibility* of non-compliance with norms using Murdie and Peksen’s (2013) variable for human rights NGO shaming. Utilizing the events data from the IDEA project, the variable is the yearly count of the number of times a country was negatively targeted by a human rights organization for their practices involving physical integrity rights. We employ a cumulative shaming measure that sums the total number of shaming incidents that targeted the country in question over the previous three years (years t-4 to t-1). Shaming in response to physical integrity violations is not directly measuring the visibility of violations of democracy, but it is a good proxy, given the close relationship between general respect for human rights and democratic performance.

Next, we create measures of regime type. We first classify each country-year as either a *democracy* or a *dictatorship* based on Geddes, Wright and Franz’s (2014) dichotomous coding. They define democratic regimes as those which come to power using “direct, reasonably fair competitive elections,” and autocratic regimes as those which come to power via any other means, for example, via hereditary succession, military coups, single party elections, or elections that are otherwise not competitive enough to meet the democratic threshold.³⁹ Among dictatorships, we then distinguish between electoral and closed regimes. We code a regime as electoral authoritarian if it held a minimally-competitive multiparty election within the previous six years under that regime.⁴⁰ We employ Hyde and Marinov’s (2012) three-part criteria for classifying elections as minimally competitive, i.e., when at least one opposition group is allowed

³⁸ Our data on official development assistance come from AidData (www.aiddata.org).

³⁹ Transitional regimes or regimes governed by provisional governments are excluded. See Geddes, Wright and Frantz’s (2014) codebook.

⁴⁰ If one regime is replaced by a different autocratic regime, the variable is reset to “0” until a competitive election is held under the new regime. The six-year window is wide enough to capture the 4- to 5-year electoral cycle employed by countries that hold regular elections. Regimes in which elections are not held for more than 6 years because they are indefinitely or repeatedly postponed by autocrats are therefore excluded by our measure, but the coding re-sets to “1” in the year in which an election is eventually held.

to exist, multiple political parties are allowed to exist, and the ballot contains a choice between more than one party/candidate. All other dictatorships are coded as closed authoritarian. Common types of closed regimes are military regimes that come to power through a coup (e.g., Mali in 2012); unelected monarchies (e.g., Saudi Arabia); or civilian regimes in countries that hold single-party elections (e.g. present-day China, Vietnam).

We include a number of control variables that we expect may also influence governments' incentives and capacity to advance women's rights. First, we control for GDP per capita (logged), since economic development may unleash processes of modernization that increase pressure for gender equality. We include one control intended to capture the country's 'starting point' with respect to women's status in the society and in law, on the logic that this should influence the degree to which further legislation is sought and/or needed. This is a cumulative count of the previous number of women's rights laws that were passed in the country, since 1996 (the year our data begin). Note that it is not clear a priori whether these variables should exhibit a positive or negative sign: on the one hand, there may be more opportunity (and more low-hanging fruit) for women's rights legislation in countries that begin from a worse starting point; on the other hand, countries with higher starting levels of gender equality and stronger track records of passing legislation may exhibit more favorable conditions (and more momentum) for further legal advances.

We also include variables to capture international and domestic pressure for progress on women's rights. First, we control for whether the country has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which should be associated with heightened scrutiny from both international and domestic groups. To get at diffusion effects, we include a measure of global women's rights legislation, measured as the (lagged one-year) proportion of states in the world that passed at least one law related to women's rights. Research on the diffusion of human rights and democracy notes the reputational costs of failing to adopt a norm or policy which most other countries have adopted (Gleditsch and Ward 2006; Przeworski 2009; Hughes, Crook and Paxton 2015). For example, Simmons and Elkins discuss the "intangible costs of nonconformity" if a state resists implementing policies around which there exists a growing global consensus (2004, 173). Finally, in some models, we include further controls for civil society freedom, to capture the potential for domestic mobilization for women's rights; as well as a measure of women's political empowerment.⁴¹

⁴¹ These are the V-Dem measures for civil society repression (v2csreprss), where higher values equate to greater freedom; and for women's political empowerment (v2x_gender).

Table 3: Human Rights Shaming and Women’s Rights Legislation

	(1)	(2)	(3)	(4)	(5)
	M1_full	M2_full	M3_full	M4_auth	M5_dem
Cumulative shaming over 3 years	0.03* (0.01)	0.03* (0.01)	0.03* (0.01)	0.03 (0.02)	0.03 (0.02)
Authoritarian Regime	-0.19 (0.12)				
L.Aid % GDP	0.57 (0.59)	0.66 (0.57)	0.75 (0.54)	2.18* (1.15)	0.45 (0.79)
L.GDP per capita (log)	0.11* (0.06)	0.12** (0.06)	0.14** (0.07)	0.21* (0.12)	0.22* (0.12)
L.Sum of previous women’s rights legislation	0.06** (0.03)	0.06** (0.03)	0.03 (0.03)	0.02 (0.04)	-0.00 (0.04)
L.CEDAW	0.19 (0.23)	0.13 (0.22)	0.05 (0.24)	0.04 (0.27)	-0.06 (0.59)
L.Global women’s rights laws	2.29 (1.56)	2.17 (1.50)	2.25 (1.53)	4.47* (2.50)	2.16 (2.08)
Closed authoritarian regime		-0.56*** (0.18)	-0.27 (0.23)	-0.26 (0.21)	
Electoral authoritarian regime		-0.05 (0.12)	0.17 (0.15)		
L.WPEI			0.49 (0.54)	1.38** (0.68)	-0.67 (0.99)
L.CSO repression			0.13* (0.07)	0.20** (0.10)	0.13 (0.11)
Region dummies	Yes	Yes	Yes	Yes	Yes
Constant	-2.69*** (0.56)	-2.69*** (0.54)	-3.34*** (0.62)	-4.48*** (1.04)	-2.77*** (1.07)
/					
ln_r	4.49 (3.83)	12.18 (662.35)	13.09 (612.03)	16.77 (507.38)	3.25** (1.31)
ln_s	4.74 (3.95)	12.44 (662.36)	13.27 (612.03)	16.98 (507.38)	3.27** (1.44)
Observations	1458	1456	1379	693	686

Standard errors in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Table 3 presents the results with five models, varying by sample, regime type controls, and the inclusion of variables measuring civil society openness. All right-hand-side variables are lagged by one year, and all models include region fixed effects, since the propensity to undertake *de jure* women’s rights reform varies by region. Models 1 through 3 are run on the full sample of democracies and dictatorships, excluding OECD members. Model 4 presents results for dictatorships only, and Model 5 for democracies only. The baseline model (M1) includes a general control for autocratic regime type, while M2 through M4 include more specific controls for closed and electoral authoritarian regimes (which are two mutually exclusive and exhaustive categories of dictatorship). Our base model takes the following form:⁴²

$$Y_{it} = \alpha + \beta_1 L.Aid_{it} + \beta_2 Shaming + \beta_3 Region_{it} + \beta_4 Regime_{it} + \beta_n Controls_{nit} + U_i + \epsilon_{it} \quad (1)$$

We find clear support for our claim that among autocracies advances in women’s rights will be higher in states dependent on Western aid (the *susceptibility* hypothesis). Aid dependence is a

⁴² The vector of controls includes global women’s rights laws adopted in the same year, the women’s political empowerment index (WPEI), repression, and GDP per capita.

significant predictor of women’s rights legislation in dictatorships (Model 4), but not in democracies (Model 5) or in models run on the full sample. We also find support for our hypothesis about the *visibility* of noncompliance, though this effect is actually weaker in dictatorships. Human rights shaming is significantly associated with passage of women’s rights legislation in the full sample (Models 1-3) and marginally so in the democratic sample (at $p=0.16$), but becomes less significant in the autocratic sample (at $p=0.23$). Overall, then, these results indicate that international shaming may be a stronger incentive for democracies, while dictatorships react more readily to implicit or explicit conditionality that is tied to aid dependence. This makes sense if one considers that democratic societies are more open and therefore more amenable to processes of spiraling international and domestic pressure that NGO shaming may initiate. Dictatorships, in contrast, respond more readily to economic incentives that directly impact the government’s coffers.

Our results also reveal some interesting baseline differences across regime type. While dictatorships on average are not passing women’s rights legislation at a different rate than democracies (Model 1), closed regimes are introducing fewer laws compared to democracies and electoral authoritarian regimes (Model 2). Yet, once we control for civil society repression, the significance of closed authoritarian regimes disappears (Model 3). This suggests that it is variation in the openness of civil society that is responsible for the lower rate of *de jure* women’s rights change in closed regimes. The next section explores in more detail how the results for closed authoritarian regimes change drastically over time.

We now consider whether aid dependence and shaming predict *electoral liberalization* in dictatorships. If our theory is correct that autocrats tend to respond to international normative pressure by advancing women’s rights rather than electoral competition, we should expect to see a weaker relationship between aid dependence/shaming and political liberalization. We therefore re-run Models 4 and 5 of Table 3, substituting change in the V-Dem electoral democracy index for women’s rights change as the dependent variable. In support of our expectations, we find that aid dependence and shaming do not predict electoral liberalization in dictatorships. Interestingly, aid dependence is a (marginally) significant predictor of liberalization in democracies—yet another way in which we find differences across regime type in response to international pressure.

Thus, dictatorships that are more susceptible to international (Western) pressure are passing women’s rights legislation at a more rapid rate, but they are not responding to pressure by undertaking political liberalization. We now consider the relationship between liberalization and women’s rights from a different angle. *Hypothesis 3* predicts that, in dictatorships, women’s rights and electoral liberalization—easing up repression of opposition, allowing more free, fair and competitive elections—should be substitutes, rather than complements. This flows from our theory of obfuscation. If autocrats use advances in women’s rights at least in part to deflect attention from a lack of electoral liberalization, the two should not go hand in hand. We explore this claim with a simple model that regresses our variable for *de jure* women’s rights legislation on a variable for liberalization, measured as the lagged 3-year change in the V-Dem electoral democracy index. We employ the same negative binomial model with random effects featured in Table 3. We also control for GDP per capita (logged), since economic development also predicts advances in women’s rights. Table 5 presents results for three samples: democracies (Model 1),

Table 4: Human Rights Shaming and Aid Dependence

	(1) D.Electoral democracy index	(2) D.Electoral democracy index
Cumulative shaming over 3 years	-0.000 (0.00)	-0.000 (0.00)
L.Closed authoritarian regime	0.003 (0.00)	
L.Aid %GDP	0.008 (0.02)	0.031* (0.02)
L.GDP per capita (log)	0.002 (0.00)	0.004 (0.00)
L.WPEI	0.047** (0.02)	-0.034* (0.02)
L.Sum of previous women's rights legislation	0.000 (0.00)	0.001 (0.00)
L.CSO repression	-0.003 (0.00)	0.005** (0.00)
L.CEDAW	-0.004 (0.01)	0.021 (0.01)
L.% of world passed women's rights legislation	-0.031 (0.03)	-0.063 (0.04)
Region dummies	Yes	Yes
Constant	-0.036 (0.03)	-0.018 (0.02)
Observations	693	686

Standard errors in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

electoral authoritarian regimes (Model 2), and closed authoritarian regimes (Model 3). The findings are striking: in democracies, (prior) political liberalization is associated with significantly greater legislative activity for women's rights. This indicates that in democracies, there is a link between more open political competition—and the civil society activity that this implies—and legal advances in gender equality. In dictatorships, however, there is no such link, providing further support for the idea that the provision of women's rights by autocrats accords to a more “top-down” logic that is not a function of liberalizing political competition. Put differently, what our results reveal is that even those autocracies that do liberalize do not exhibit a greater propensity to pass laws for gender equality. Liberalization and women's rights change are not complements as they are in democracies.

We now explore the final implication of our theory of obfuscation. *Hypothesis 4* predicts that closed authoritarian regimes should be particularly likely to advance women's rights, because they cannot use elections as a means of deflecting pressure. While Table 3 shows that closed authoritarian regimes are doing less on average to advance women's rights, we may expect them to be more sensitive to shifting incentives on democracy and women's rights over time. For closed regimes, the consequences of noncompliance with electoral norms—and thus incentives to obfuscate—have grown as the visibility of violations relative to other states has increased. Figure 5 shows that over time, the number of autocracies holding multiparty elections has steadily risen, and electoral authoritarianism is now the modal form of dictatorship. As a result, failing to hold multiparty elections now sends a more obvious signal of resistance to global democratic norms. As this resistance becomes more visible over time, we expect that incentives

Table 5: Political Liberalization and Women’s Rights Legislation in Democracies and Dictatorships

	(1) Democracy	(2) Electoral Auth.	(3) Closed Auth.
L.Liberalization	2.301*** (0.60)	-0.934 (1.30)	0.723 (3.14)
L.GDP per capita (log)	0.228*** (0.06)	0.099 (0.08)	0.149 (0.14)
Constant	-1.466*** (0.50)	-0.551 (0.63)	-1.757* (1.00)
/			
ln_r	3.464*** (0.54)	3.289*** (0.68)	2.011** (0.81)
ln_s	2.365*** (0.58)	2.219*** (0.74)	1.219 (1.04)
Observations	783	519	270

Standard errors in parentheses
 * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

to engage in obfuscation should increase.

Consider now the patterns of legislative activity for women’s rights, by regime type. Figure 1 shows smoothed estimates of the average number of women’s rights laws introduced over time in closed autocracies, electoral autocracies, and democracies. It reveals clear temporal trends: while legislative activity for women’s rights in democracies has been broadly flat since 2000, it has been increasing in dictatorships and particularly in closed dictatorships. By 2006, activity among closed authoritarian regimes had matched that among their electoral authoritarian counterparts. Moreover, legislative activity for women’s rights among closed regimes appears to have experienced a particular upsurge after 2000, corresponding to the post-9/11 shift in U.S. foreign policy discussed above. These patterns are counterintuitive if one departs from the assumption that legal advances in gender equality are the result of robust civil society activity (c.f., Htun and Weldon 2012); if this were the whole story, we would expect to see consistently higher performance in democracies and electoral autocracies, rather than the (eventual) clustering that we observe in Figure 6. Rather than pressure from civil society, in closed authoritarian regimes, policy changes adhere to a much more “top-down” logic in which initiatives are led by the government, including, as we argue, in response to incentives from outside actors.

One might counter that the trends we observe in Figure 6 are explained by different starting points. If closed authoritarian regimes have weaker legal protections for women’s rights to begin with, their higher levels of *de jure* activity may simply reflect the fact that there are more possible reforms for them to undertake, compared to democracies. However, in regressions that control for “starting point”—measured both as the CIRI women’s right score as well as a count of laws passed in previous years—closed authoritarian regimes still exhibit a significantly higher rate of *de jure* women’s rights change over time (the interaction term between closed autocracy and time is positive and significant, as the pattern in Figure 6 suggests).⁴³

⁴³ Results not presented here.

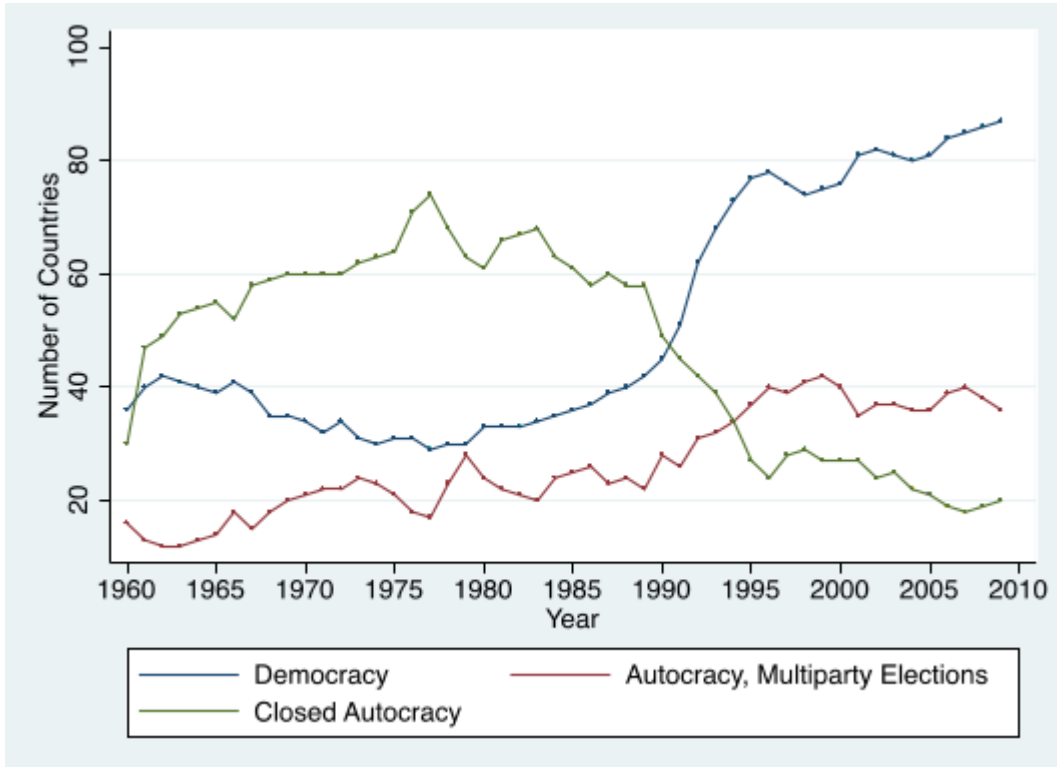


Figure 5: Regime Types over Time

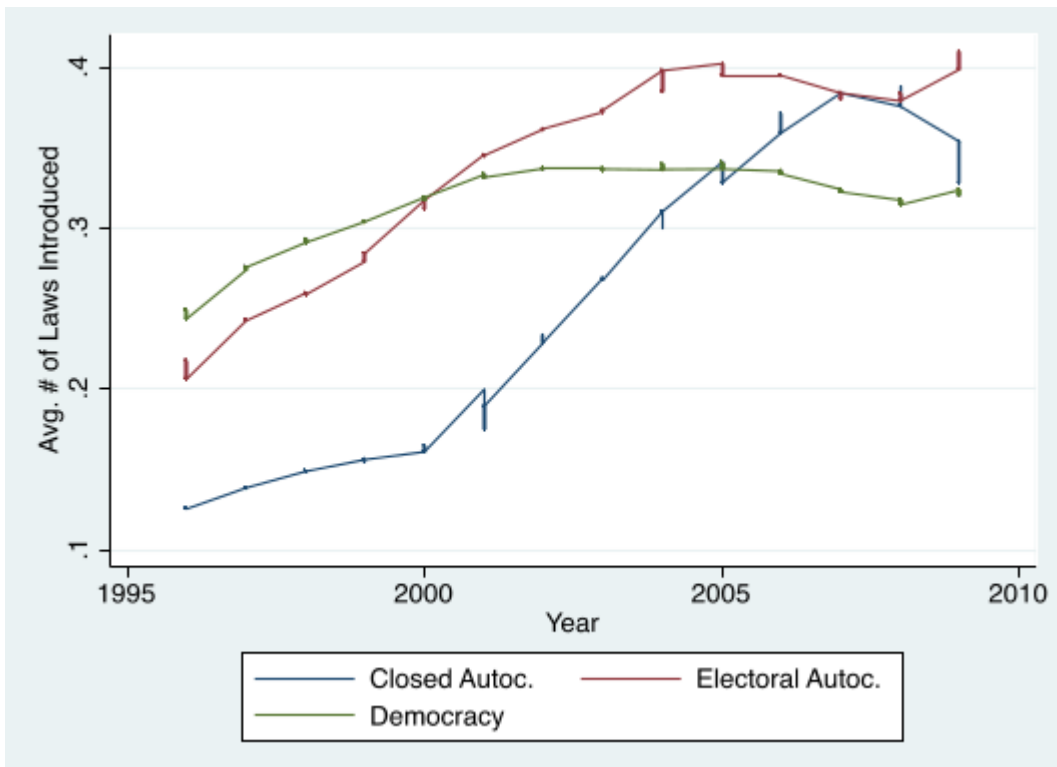


Figure 6: Adoption of Legislation, by Regime Type over Time

Does *De Jure* Reform Lead to *De Facto* Change?

Are changes in women’s rights legislation simply window dressing or do they lead to changes in real outcomes? Beyond the possibility that some states might use advances in women’s rights to obfuscate a lack of progress on other types of human rights, it is also plausible that some leaders attempt to create the appearance of women’s rights reforms without making the requisite effort to turn legislation into real change. A failure to implement legislation may also be due to lack of capacity, particularly in weak states; or it may be that there is a compliance “lag,” requiring months or years for relevant actors in local government and the judiciary to enact the policies required to implement new laws. It is also plausible that civil society—particularly a robust women’s movement—increases pressure for implementation of laws and therefore that the link between *de jure* and *de facto* change is stronger in more open, democratic societies. To remind, our dependent variable is based only on *de jure* changes in women’s rights legislation. Whether this translates to *de facto* change is an empirical question. Unfortunately, we lack a single measure of *de facto* women’s rights. However, one possibility is to use the residuals from regressing the Cingranelli-Richards (CIRI) women’s rights index on our measure of legislative change. CIRI combines both *de facto* and *de jure* indicators into three indices (social, political, and economic rights); specifically, it is coded based on laws (*de jure*) and the degree to which they are enforced (*de facto*). Here, we use the CIRI women’s political and economic rights, since the social rights index was discontinued in 2005. In order to approximate *de facto* change, we can regress the CIRI index on our *de jure* indicator and use the residuals as a proxy for *de facto* variation. To the extent that both CIRI and our data accurately measure and represent the *de jure* status of women’s rights, the remaining variation in CIRI can be attributed to *de facto* status.

It should be noted that these data are virtually certain to suffer from some degree of measurement error. Our data are based on U.S. State Department reports, which in turn receive input from relevant local and international NGOs. Access to information on human rights performance varies across countries and over time. As a result, there is likely some variation in levels of reporting, both in actual and relative terms. Because we have no evidence of *systematic* bias in the reporting of women’s rights in the data, we assume any measurement error is random rather than systematic. That being said, the validity of using residuals from regressing CIRI on our data as a proxy for *de facto* rights depends on the accuracy of our data as a representation of *de jure* rights.

Figure 7 plots the smoothed residuals of regressing CIRI on *legislative_areas* and controlling for GDP per capita (which is a baseline predictor of capacity for enforcing laws). The residuals show the country-year deviation (positive or negative) from what the model predicts should be the CIRI score *given the legislative changes to women’s rights in that country-year*. A negative residual therefore suggests lower-than-expected *de facto* change resulting from legislation and a positive residual suggests a higher relative impact of legislation. The plot shows our measure of these *de facto* outcomes over time. After calculating the residuals, we divide the data by regime type. Whereas figure 1 previously showed that both closed and electoral autocracies are catching up to democracies in terms of *de jure* women’s rights legislation, the residuals analyzed here tell a different story about patterns of *de facto* change. Here, we see a consistent and improving above average *de facto* response to *de jure* measures in democracies, and a consistently below

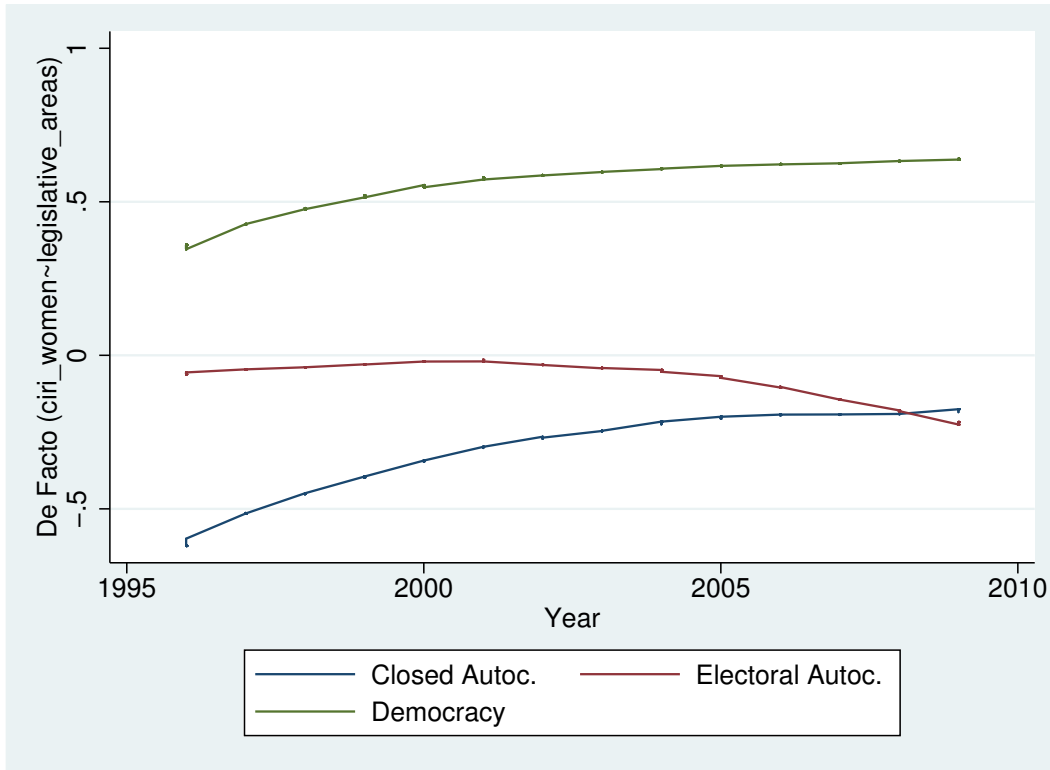


Figure 7: Adoption of Legislation, by Regime Type over Time

average response in autocracies. Interestingly, the period during which autocracies made the largest legislative gains relative to democracies (2002-2007) corresponds to the period in which the *de facto* outcomes stagnated in closed autocracies, and actually worsened in electoral autocracies. In brief, this evidence deepens our understanding of how autocratic governments are engaging with, and strategically using, women’s rights: while they have made rapid advances on paper, they clearly lag behind their democratic counterparts in enforcement and implementation of these legal changes. The dependent variable used here is the composite CIRI index. We also conducted the same analysis using change in the CIRI index and found results broadly mirrored these. In the case of change in CIRI, we still observe democracies outperforming autocracies, albeit by a smaller margin. This is likely due to their already high starting point on the CIRI index.

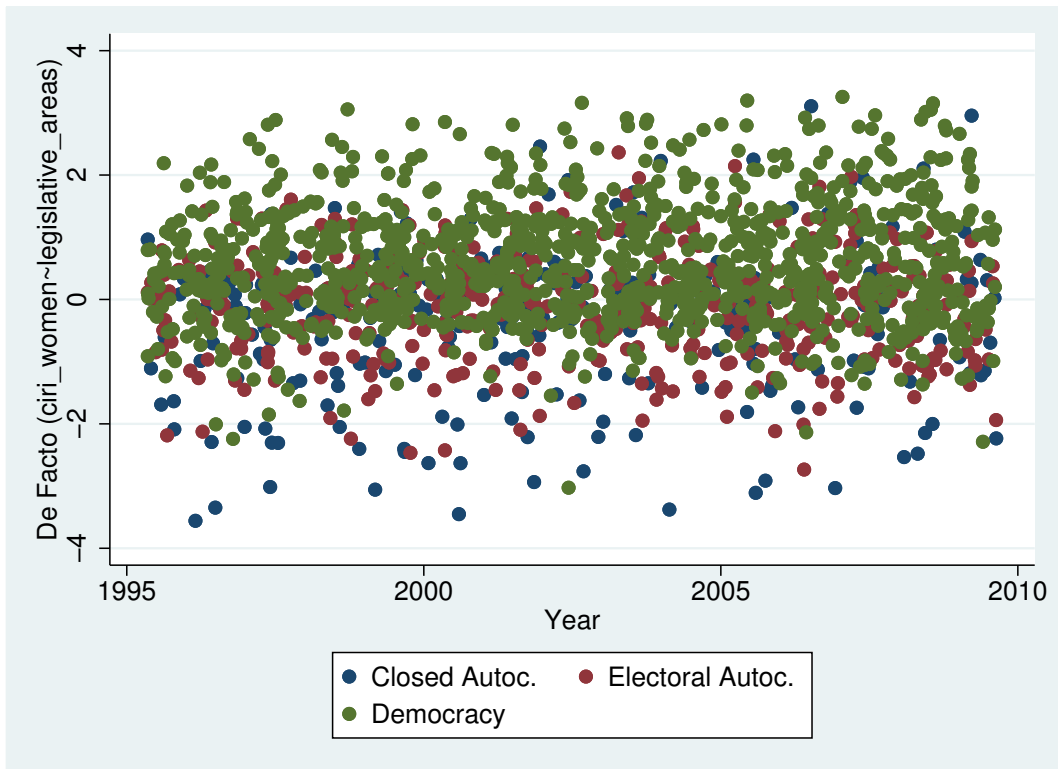


Figure 8: De jure scores over time (all regimes)

Conclusion

Analysts, and critics, of democracy promotion have noted that international actors face a number of conflicting objectives in their efforts to promote political transformation abroad, including the tension between promoting democracy and promoting peace in war-torn societies; the potentially anti-democratic consequences of power-sharing and state-building; as well as the possible trade-off between stability and democracy.⁴⁴ We draw attention, instead, to the interplay between the objectives of promoting women's rights and electoral competition—two areas that are increasingly bundled within the same international regime. Because implementation of women's rights is less directly costly than electoral liberalization, autocrats may seek to make progress on the former in order to camouflage, or deflect attention from, lack of progress on the latter. Our point is not that international democracy promoters are naive or are “fooled” by such a strategy; rather, because women's rights are genuinely valued, progress toward gender equality tends understandably to be met with praise, rewards and an easing of pressure. Further work in this research agenda will explore the preferences and beliefs of those working in foreign aid and democracy promotion more directly. Do they in fact view progress on gender equality as progress toward democracy? Do they support rewarding legal advances in women's rights in dictatorships? Does this willingness to reward—if present—differ for closed versus electoral authoritarian regimes?

Another consequential aspect of our findings is the contrast between how democracies and dictatorships respond to international normative pressure. Among democracies, we see that Western aid and negative publicity for human rights violations is associated with political liberalization that deepens electoral competitiveness, but less so with *de jure* progress on women's rights. Dictatorships, however, respond in the opposite manner: aid dependence and (more marginally) human rights shaming are associated with women's rights reforms but not with electoral liberalization. Moreover, when liberalization does occur in dictatorships, it is not linked with a subsequent increase in legislative activity for women's rights, whereas in democracies it is. Thus, in democracies, political reform and women's rights are complements but in dictatorships, the two are substitutes. This supports the idea that reforms for gender equality are primarily driven by government-led initiatives in dictatorships rather than resulting from processes of open political contestation. This is not to say that societal pressure does not matter in authoritarian regimes, but due to their high degree of insulation, leaders retain far more discretion as to the depth and timing of reforms than in democracies. The story of Saudi Arabia's recent reforms for women's rights depicts this dynamic, in which pressure from the women's movement certainly played a role by drawing out negative publicity but does not appear to be the proximate or direct cause of Mohammad bin Salman's decision to initiate steps toward the modernization of gender relations.

Finally, our theory, and our measures, relate to the *de jure* advancement of women's rights. As we show, progress on paper does not necessarily imply progress in practice, particularly in autocracies. In a sense, this is precisely our point. We expect governments to take the types of steps that will be noticed and rewarded by the international (Western) community, and ample evidence indicates that aid organizations, lenders and foreign governments pay the most

⁴⁴ See the special issue of *Democratization*: <http://www.tandfonline.com/doi/abs/10.1080/13510347.2012.674355>

attention to changes in laws. More subtle—and difficult to measure—outcomes relating to implementation, enforcement, and the actual status of women in society receive less focused attention and certainly have less impact on the allocation of loans, aid and other international benefits. This is perhaps why critics deride the impact of international normative pressure as being superficial and fleeting. Yet, we believe such criticism is misplaced. While legal change is not an immediate panacea for gender inequality, it can set long-term processes of mobilization and enforcement in motion. It creates an opportunity structure more favorable for women to press their claims by pointing to the government’s own commitments (Simmons 2009). It can spark processes of “spiraling” transnational pressure (Risse, Ropp and Sikkink 2000, 2013). Future work will do well to examine in greater detail the relationship between *de jure* and *de facto* change for women living in dictatorships—a subject that we gave only preliminary attention to here—including whether factors such as rule of law, state capacity or feminist mobilization mediate the relationship between changes in law and *de facto* changes in women’s lived experience.

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Appendix I

Inclusion of Women's Rights Criteria in Democracy Indexes

Index	Women's Rights?
Arab Democracy Index	No
Bertelsmann Transformation Index – Management Index	Yes
Bertelsmann Transformation Index – Status Index	Yes
CIRI Human Rights Project	Yes
Civil Society Index	Unclear
Civil Society Organization Sustainability Index	No
Democracy Improvement Ranking	Yes
Democracy Index	Yes
The Democracy Ranking	Yes
Failed States Index	Unclear
Freedom in the World	Yes
Ibrahim Index of African Governance	Yes
Index of State Weakness in the Developing World	No
Nations in Transit	Yes
Polity	No
Rule of Law Index	No
Transition Indicators	No
Worldwide Governance Indicators	Yes

**Indexes reported in Cooley and Snyder (2015, Appendix xx)*