Decoupling International Agreements from Domestic Policy: The State and Soft Repression

Kathleen M. Fallon
Anna Liisa-Aunio
Jessica Kim

Over the past twenty years, the dramatic shift in attention by activists and scholars toward international institutions has been predicated, in part, by the potential for transnational mobilization to achieve global social change. Yet despite a host of successes in institutionalizing new international norms, and a dramatic expansion in states' adoption of UN agreements, mobilization efforts often fail to deliver on compliance within national contexts. This failure creates an unintended "hypocrisy paradox" for weak states[1], who, attracted to international agreements' perceive the ability to strengthen their legitimacy by ratifying new norms – even though they may have no intention or capacity to implement them (Smith & Wiest 2005). Meyer et al. (1997), in fact, propose that this is what leads to *decoupling* between international commitments and actual policy.

Existing studies indicate that the non-alignment between national polices and UN agreements is often related to lack of resources (and hence the ability to comply) (Chayes and Chayes 1993; Swiss 2009), or the lack the will (and thus the desire to comply) (Levitsky and Murillo 2009). This is coupled with the relatively weak institutional requirements for compliance, which encourages many states to ratify international agreements as a "window

---

[1] We define weak states as those with *relatively* lower levels of state power and resources as compared to major powers (Morgenthau 1948; Mearshimer 2001).

dressing" on the world stage, while simultaneously engaging in domestic policy violations (Cole and Ramirez 2013; Frank, et al. 2009).

The need by some nations for global legitimacy contrasted with the inability or will to comply is further compounded by the type of governments found across developing countries. The 'third wave' of democratization (1970s - 1990s) led some developing countries, first appearing successful in their democratic transitions, to later backslide into semi-authoritarian practices (Huntington 1991). These countries, no longer categorized as fully integrated democracies, nor as absolute autocracies, took on the composition of hybrid regimes (Carothers 2002; Levitsky and Way 2010; Zakaria 1997; Zakaria 2003) – containing some institutional aspects of democracy (such as regular elections and democratic constitutions), but still maintaining authoritarian functional components (including corruption and patronage, illegitimate elections, and a lack of state capacity to meet its citizens' needs) (Carothers 2002). Hybrid regimes therefore exude democracy in *form*, but often fail to uphold basic democratic *functions,* including practical accession to treaty commitments. Given the relatively weak institutional requirements for compliance, democracies combined with a lack of structural capacity and checks on corruption offer the ideal conditions for decoupling.

We argue that states – particularly hybrid states – not only fail to comply, but also *actively resist* implementation to their international commitments—even in the face of strong domestic mobilization. We highlight one specific mechanism of non-compliance: soft repression – defined as "the mobilization of nonviolent means to silence or eradicate oppositional ideas" (Ferree 2005, p. 141). We additionally identify two components contributing to this process of soft repression: 1.) the mobilization of state resources (i.e., state actors, government branches, etc. to support the state's position), and 2.) counterframing techniques (reframing public demand to discredit it in favor of the state's position). By using mechanisms employed traditionally by

countermovements,[2] states can resist compliance while avoiding negative international attention. Drawing on over one year of ethnographic fieldwork, 6 in-depth interviews with key actors, and the analyses of 38 newspaper articles, we analyze the passage of the Domestic Violence Bill in Ghana to provide insight into the process and mechanisms contributing to the hypocrisy paradox.

In Ghana, the government ratified CEDAW in 1986 and acceded to the UN Declaration on the Elimination of Violence against Women in 1993. After Ghanaian activists returned from the 1995 Fourth World Conference on Women in Beijing, they aligned with state actors to draft the bill under the auspices of international commitments to address human rights as they applied to gender-based violence. Shortly thereafter, however, the state's actions belied their publicly stated intentions. Using tactics to stall the passage of the bill, state actors delayed the bill by 8 years, and successfully transformed its contents. Given the state's privileged position as mediator between international agreements and domestic populations, and its position as a hybrid regime, *soft repression* became a powerful means to stall international compliance.[3]

Recognizing components of soft repression is one step toward understanding and addressing the hypocrisy paradox and decoupling process. We highlight the circumstances under which international norms may be modified – ultimately providing insight into how decoupling may be corrected in the future, whether by activists or international institutions.

Transnational Activism and the Hypocrisy Paradox

Some of the best efforts to explain changes in state behavior focus on the role of activists in closing the gap between a state's symbolic commitment to new norms and their potential implementation. Domestic activists, emboldened by transnational mobilization, can socialize the

---

[2] Mottl (1980) defines countermovements as "a particular kind of protest movement which is a response to the social change advocated by an initial movement… a conscious, collective, organized attempt to resist or reverse social change" (p. 620).

[3] We are not suggesting that soft repression only takes place in hybrid regimes. However, we suggest that hybrid regimes make the process of soft repression easier.

state to comply by mobilizing in transnational and national venues in order to hold governments accountable to international agreements (Boli and Thomas 1997; Carpenter 2007; Keck and Sikkink 1998; Pierotti 2013). International commitments thus legitimate and empower domestic movements to work as partners in governance with nation-states (Finnemore and Sikkink 1998; Keck and Sikkink 1998; Risse, Ropp, and Sikkink 1999; Risse-Kappen 1995; Tarrow 2012; Tarrow 2005; Tarrow and McAdam 2005). In some cases, this process is successful. Coupling is more likely to occur in states where local conditions and beliefs resonate more deeply with the global norms embedded in international treaties (Keck and Sikkink 1998; Checkel 1999; Cortell and Davis 2000).[4] Similarly, local compliance is more likely to occur dependent on the type of right conferred (Cole and Ramirez 2013)[5], the treaty type ratified (Hill Jr. 2010),[6] adherence to optional complaint mechanisms (Cole 2012)[7], and levels of trade and investment linking countries to the broader world polity (Clark 2016).

Yet, despite the fact that international agreements may create opportunities between activists and the state, potentially legitimate nation-states within the world polity, and provide access to resources (through foreign aid and investment), their implementation may simultaneously threaten or pose impractical demands on state power within the nation-state (Keck and Sikkink 1998; Meyer et al. 1997; Tarrow 2012). These impractical demands vary according to their position within world society, where policy diffusion is unequal between states depending on their relative reputational, political, or economic standing (Beckfield 2003). States less 'integrated' into a world society dominated by Western and universalist norms may be more

---

[4] When norms are a poor fit, norm entrepreneurs engage in localization to achieve a "cultural match" between ideal global norms and on the ground realities (Acharya 2004; Zimmerman 2016).

[5] Physical, but not civil or political rights practices are improved by human rights institutions.

[6] Ratification of the Convention Against Torture and International Convention on Civil and Political Rights are associated with increased levels of repression, whereas ratification of the Convention on the Elimination of all Forms of Discrimination Against Women renders positive outcomes.

[7] States that agree to the complaint mechanisms allowing them to report human rights abuses are less likely to experience decoupling.

attracted to the benefits world society offers in terms of international legitimacy and authority, yet, also less capable or inclined to comply when challenged to adhere to them (Meyer, Boli, Thomas, & Ramirez, 1997; Meyer 2010).

This process of decoupling between international commitments and their implementation is anticipated by world polity scholars, who acknowledge that diffusion is a complex and multi-step process, and that idealized models "cannot simply be imported wholesale as a fully functioning system" (Meyer et al. 1997, p. 154). In terms of state capacity, scholars demonstrate that nations with lower levels of democracy (Neumayer 2005; Simmons 2009), and those with fewer political access points for activists and strong elites to create change (Risse, Ropp, and Sikkink 2013), are more likely to experience decoupling. In terms of willingness to comply, research shows that highly repressive states with high levels of autonomy over domestic forces and few executive constraints are not only more likely to commit to human rights treaties than moderately repressive states, but they are also more likely to decouple from their commitments. This is often due to the disconnect between ruling structures and constraints on the state typically posed by civil society, national legislatures, interest groups, political parties, or other groups (Hafner-Burton, Tsutsui, and Meyer 2008). Hafner-Burton (2004; 2005) also finds that states "forum shop" for human rights, often choosing to commit to preferential trade agreements that include human rights provisions leading to variation in compliance. Therefore, states that promote hard human rights enforcement (and are less likely to decouple) often do so as a side payment to achieve access to important global markets, whereas those who engage only in "cheap talk" do so to appease local demand for human rights while not actively pursuing enforcement.

Though these explanations describe the conditions that predict decoupling, they rarely addresses the *active* strategies employed by domestic actors in rejecting human rights practices.

Recognizing this gap, Zimmerman (2016) in her study on rural and indigenous Guatemalans in rejecting global human rights norms, advocates for the consideration of local actors' agency in decoupling, arguing, "This can be the basis for better explanations of how and why certain conditions brought about certain types of translation results, a field that has hardly been explored thus far" (p. 111). Examining the *active role of the state and the <u>specific</u> mechanisms it employs to decouple* can highlight how states take advantage of local circumstances to prevent coupling, and why some state mechanisms may be used over others. We fill this gap by offering a deeper analysis that pinpoints two specific state-led decoupling mechanisms: resource mobilization and counterframing.

We further argue that hybrid regimes facilitate the use of soft repression since they generally allow elected leaders more power (Frank, Hardinge, and Wossick-Corea 2009; Smith and Wiest 2005, 2012). For example, one hybrid regime – the imperial presidency – is described by Van de Walle (2003) as a governance structure where, "power is intensely personalized around the figure of the president…[he] is literally above the law, controls in many cases a large proportion of state finance with little accountability, and delegates remarkably little of his authority on important matters" (p. 309-310). Cabinet positions, meetings, and even competitive elections, while extant, are largely ceremonial and used to appease the press and international donors. As a result, the allocation of state resources is often determined by the president's clientelistic and patronage networks – not constituent need (Menocala, Fritz, and Rakne 2008). It is perhaps not surprising then that lack of compliance with international agreements may move beyond a state's capability and desire to act.

Because the nation-state is where negotiations for compliance with international agreements occur, current literature could benefit from additional analysis of the local or domestic context, where decoupling policy from commitment derive. We build on existing

studies by focusing our attention on the role of the hybrid state and its use of soft repression.

State Power and Soft Repression

State responses to mobilization typically focus on the use of coercive and/or violent tactics to respond to protest – employing *hard* repression in response to mobilization (Nettl 1968; Risse-Kappen 1995; Weber 1978). This may be overt and coercive, in the form of disappearances, and extend to the use of state agents, such as local police in controlling protests (Earl 2003, 2011; Earl, Soule, and McCarthy 2003; Keck and Sikkink 1998). Yet, use of coercion can backfire by drawing additional pressure from critical states, media, or international institutions and lead to, rather than restrict, change (Bob 2001; Hafner-Burton and Tsutsui 2005; Risse et al. 1999). Soft repression, on the other hand, emphasizes legitimacy, autonomy, and authority as a significant constitutive aspect of state power (Mann 1986).[8] Similar to Nye's (2004; 2008) comparisons between hard and soft power, hard repression embodies the "carrot and stick" mentality of hard power, whereas soft repression, like soft power, makes use of ideals, values, and propaganda to compel others to "want what you want."

Myra Marx Ferree (2005, pp. 141-146) provides an analytic framework for soft repression to explain non-state responses to mobilization. Defined as "the mobilization of nonviolent means to silence or eradicate oppositional ideas," Ferree (2005) argues that countermovement adherents succeed through "the collective mobilization of power . . . to limit and exclude ideas and identities in the public forum." Repression operates non-violently in three ways: (1) Micro-level *ridicule* is targeted against individuals, used in everyday interactions, and is used "to diminish and disarm cultural challengers who are mobilizing or mobilized;" (2) Meso-level *stigma* is aimed at damaging a group by challenging its collective identity and devaluing how the group as a whole is viewed in order to prevent its mobilizing potential; and

---

[8] Mann (1986) notes that social power originates from four distinct conceptual domains—military, economic, political and ideological—all of which the state may employ to exercise authority and sovereignty.

(3) Macro-level *silencing* suppresses voices through institutional practices that block mobilization. Although not excluding the possibility that states may engage in such actions, Ferree emphasizes civil society as the locus of soft repression because of the relative inability for these actors to employ legitimate coercive means.

States, however, do employ soft repression to block mobilization. In Denmark, for example, state elites and news media outlets successfully demobilized a campaign decrying anti-Muslim political cartoons by stigmatizing, silencing, and alienating members of the protest coalition, and excluding key Muslim leaders from offering input on government projects (Lindekilde 2010). In Spain, anti-corruption protests were met with tactics of soft repression, such as administrative sanctions (fines, identity checks, red tape, etc.) against those engaging in protests that violated civic order or did not receive prior approval, as well as municipal by-laws to limit collective action in public spaces (Garcia 2014).

While this suggests soft repression is indeed a useful tool for states to avoid "backfire" against traditional mechanisms of hard repression (Hess and Martin 2006), scholars have been silent on its utility in avoiding international treaties and human rights commitments. We hypothesize that soft repression also enables government authorities in domestic contexts to silence, label, stereotype, and discriminate against activists, contributing to the decoupling process of signing and adhering to international agreements (Adler-Nissen, 2014). Further, as we are interested in state actions, we specifically focus on Ferree's **macro and meso levels** of soft repression, with attention given to the *mobilization of state resources* (working at the macro-level to silence activists) and *counterframing techniques* (working at the meso-level to stigmatize activists) (Meyer & Staggenborg 1996; Mottl 1980).[9]

---

[9] Although previous scholars have laid out the mechanisms of state repression, none suggest a broad theoretical frame of *soft* repression. Instead, studies focus on mechanisms that are time or place specific (see Carley 1997; Cunningham 2003), and only focus on domestic as opposed to transnationally motivated activism. For example,

Mobilizing State Resources

Activists' ability to translate grievances into collective action is predicated on their ability to mobilize resources in support of their cause. These resources may be tangible (e.g. money) or intangible (e.g. leadership) (Freeman, 1979). However, resources must first be recognized and then mobilized to be of benefit (McCarthy & Zald, 1977; Tilly, 1978). When activists are successful and form a social movement, they may give rise to countermovements seeking to thwart social change. States face many of the same pressures to mobilize support in responding to collective action (Earl, 2006; Irons, 2006). Mobilizing state resources to gain support from other state actors and agencies, as well as local populations, may therefore be an effective way to limit the impact of international commitments on domestic policy (Meyer, 2003). Further, states presumably have the legitimate bureaucratic and rational authority to institutionalize new norms within the nation-state (Irons, 2006; Zald & Useem, 1987). Legitimacy affords state actors privileged access to state agencies, bureaucracies, and authorities (leaders), as well as access to the media (Schudson & Waisbord, 2005). In mobilizing these resources, states may effectively silence new challengers and their claims.

Framing and Counterframing

Frames are "action-oriented sets of beliefs and meanings that inspire and legitimate the activities and campaigns of a social movement organization" (Benford & Snow, 2000, p. 614). Successful frames resonate with existing cultural ideas, norms, and values; activists thus attempt to frame their grievances to appeal to a broader audience with the goal of strengthening their cause. Global frames should therefore resonate with state and non-state actors in transnational spaces by referencing the universal discourses of global civil society. Upon return to the domestic arena, both activists and governmental officials may bring these global frames

---

Boykoff (2007) focuses on resource depletion, stigmatization, divisive disruption, and intimidation, and Earl (2003) highlights coercion vs. channeling.

with them and make "use of external symbols to orient local or national claims" (Tarrow 2005:60; see also Merry 2006). If activists employ global framing to pressure states to abide by international norms, states that are unwilling to comply must limit the efficacy of these frames. To do so, counterframing, or "rhetorical strategies that challenge the original claims or frames", is important in limiting the resonance of new norms in domestic politics (Benford & Hunt, 2003, p. 160). Most notably, access to and control over the message in the media plays an important role in shaping political responses to protest (Gitlin 1980; Warren 2014). Counterframing may be a particularly effective weapon of soft repression in stigmatizing domestic activists, as media studies demonstrate how the state, via its special access to media outlets and thus privileged role amplifying counterframes, shapes public opinion (Boykoff, 2007; Smith, McCarthy, & McPhail, 2001).

Situating Ghana

The State

Modern African presidential hybrid regimes can be traced back to their colonial and post-colonial histories. Colonial rulers often doled out patronage resources to those who reinforced their legitimacy and rule, typically favoring traditional male leaders (Thomson 2010). With the rise of nationalist independence movements, it was often these same traditional rulers who assumed positions of power and quickly centralized their power in their newly sovereign states – not dissimilar to previous colonial practices of patronage and personal rule (Thomson 2010). The new authoritarian leaders often considered themselves "fathers of the nation" above the law with unrestricted term limits and maintaining power by providing state resources to loyal clients (Prempeh 2008; Jackson and Rosberg 1982).

As the third wave of democratization set in, African governments began to set term limits and institutionalize competitive elections, allowing for political turnover to occur (Bratton and

Van De Walle 1997). Additionally, constitutionalism began to hold more weight than in the period immediately following independence (Posner and Young 2007). Yet, the impacts of *de jure* constitutionalism remain limited. As Prempeh (2008) states, "where an authoritarian regime was strong enough at the time of transition to have retained control of the transition timetable and the reform agenda, as was the case in *Ghana,* [italics added] Tanzania and Uganda, the ensuing constitutional revisions were often done with regime continuity in mind" (p. 812). In the case of multiparty elections, opponents often had opportunistic motives and were in reality "recycled elites" seeking similar ends as the ousted incumbents (Joseph 2003). Today, while some political opposition exists and accountability has increased, democratic institutions are still dominated by heavy presidential influence (Diamond 2002).

The establishment of African presidential autocracy itself has been deeply tied to Ghana's own Kwame Nkrumah, who centralized the executive, consolidated party control over state apparatus, and was considered by observers to hold "the fourth branch" of Ghanaian government (Bretton 1966). Although Nkrumah only ruled until 1966, his legacy remains. Saaka (1994) notes the continuity of Nkrumah-like politics among Ghana's various heads of state – Jerry Rawlings (1981-2001) in particular – and deems Nkrumah's style "the fundamental basis of contemporary politics in Ghana" (p. 263). In terms of President Kufuor's reign specifically (2000-2008), Wong and Friedman (2008) note the maintenance of Article 108 in the Ghanaian constitution that "gives the President the upper hand if not a virtual monopoly in the making of the national budget and the allocation of public funds, including determining the size of Parliament's operating budget" (Ghana Centre For Democratic Development 2005, p. 9). This, in addition to the unchecked power to create new Ministries, protects the President from Parliamentary oversight and allows him to expand his patronage networks (Wong and Friedman 2008). Mustapha and Whifield (2009) further cite Kufuor's reshuffling of cabinet members and creation

of new districts to maintain control over Parliament and gain electoral support, respectively. With a corruption index rating of 2.7-5.9 (on a scale of 1-10 with 10 indicating perfect transparency) in 2002, patronage and clientelism remains a problem in Ghana (Transparency International 2002).

This power transferred to the media as well. As a participant-observer at the Daily Graphic from 1995-2000, Hasty (2005) witnessed an exclusion of private journalists from state assignments and the use of state-owned media to promote positive images of the state. Specifically, she emphasizes the use of media to publicize government-led development programs, trade fairs, or acceptance of aid, and the existence of propriety between journalists and politicians. She notes, "state journalists on assignment…only ask friendly questions because they would never want to embarrass the president" (p.73). With access to a passive state-influenced media and considerable power to direct state funds, manipulate state apparatus, and move and remove undesirable party personnel, it is clear that in 2000, President Kufuor remained the primary state policy and agenda-setter. This political environment set the stage for local Ghanaian activists as they drew attention to the domestic violence bill.

Women's Activism

The women's movement in Ghana emerged in the 1990s, after the transition to democracy in 1992. Prior to 1992, the December 31st Women's Movement, a large state run organization, either coopted or stifled women's non-governmental organizations (Manuh 1993; Tsikata 1989). Although mistrust between different organizational members remained after the transition, by 1999, women's organizations began to form coalitions (Fallon 2008; Tsikata 2009). They were emboldened by the fact that President Rawlings was required to step down in the next elections in 2000, that they recognized they had more visibility if they worked together, and that domestic circumstances allowed for the creation of a strong and organic network. The

domestic violence campaign in Ghana emerged within this time frame of increased activism and strong coalitions.

Simultaneously, activists linked their domestic efforts to transnational mobilization and the discourse of international conventions post Beijing 1995. As indicated by two Ghanaian organizers in 1999:

> It must be recognized that shifts in the international climate, around the issue of violence against women, opened up national spaces for local initiatives…One result has been the gradual recognition by international bodies such as the United Nations, of violence against women as a pressing social issue. . . [They] helped to shape a national climate of readiness for our work on violence (Coker-Appiah & Cusack, 1999).

The 1995 UN Fourth Women's World Conference in Beijing further contributed to this climate (Berkovitch & Bradley, 1999; Keck & Sikkink, 1998; Thompson, 2002). Several observers noted that the international agenda was the result of regional planning priorities—all of which mentioned violence against women as one of the top five concerns. Two major preparatory meetings were held in Ghana: a consensus-building meeting for the region, and a strategy regional meeting (Agyemang-Mensah, 1998). The Center for Women's Global Leadership (CWGL) at Rutgers University also built momentum to recast "women's rights as human rights" in the UN Declaration of Human Rights and, as part of this, spearheaded an effort to include violence against women as a violation of women's human rights (Thompson, 2002).

Ghanaian activists' actions appeared to influence the language used by government officials in Ghana as well. When a marital rape bill was first discussed in 1999, human rights and CEDAW language was deployed by government officials (Dovlo 2005). The state's presentation of the bill demonstrated that, in the beginning, state actors were in accordance with activists in framing domestic violence as an international human rights concern.

Events in the domestic sphere also contributed to discourse surrounding domestic violence. From 1997 until 2000, approximately 30 women were murdered in Accra, the capital

13

of Ghana, and activists began to openly organize against the state for the first time in 1999 to address the killings (Fallon 2008). A coalition of women's groups formed to place pressure on the police and the government to solve the murders, and also tied these murders to violence against women more broadly, calling upon men to protect their sisters. With continued pressure, a perpetrator was arrested, the murders stopped, and President Kufour created a ministry that addressed women's and children's affairs.

Drawing on both international and domestic events, activists and state actors demonstrated their support for addressing the legal concerns of domestic violence within the Ghanaian context (Sarpong, 2002). This set the backdrop for the DV Bill.

Methods

The data for this article are based on ethnographic observations within Ghana, in-depth interviews with six central Ghanaian individuals involved in the debate surrounding the Domestic Violence Bill (DV Bill), analysis of 38 newspaper articles, and secondary sources. In addition to two previous years spent in Ghana, the first author also spent one year in Ghana from 1997-98, collecting in-depth interviews among members from women's organizations. During this time, the Gender Centre was beginning to conduct the nationwide survey of the prevalence of domestic violence. The first author returned in the summer of 1999 to conduct additional interviews among members to understand their organizational activities. During this period, the Law Reform Commission was constructing a bill on domestic violence. Because of the regular interaction with activists, and by witnessing the progression of the DV Bill, the author chose to collect specific and detailed interviews. Most of the respondents were familiar with the author and welcomed interest in their on-going activities. The organizations chosen for the interviews were all highly involved in working to bring attention to domestic violence and the bill. A representative from the Ministry was included to provide a voice from the state. The interviews

were conducted in Ghana in December of 2004 during the period of the 4th Presidential elections. The issue of the DV Bill, because of the electoral timing, was at its height.

In-depth interviews were conducted with a representative of the Gender Centre (founded in 1994, to focus on domestic violence issues. The organization was involved in conducting a nationwide survey on domestic violence in 1997, and published a book on the results), WISE (Women's Initiative for Self Empowerment, founded in 1999, to provide counseling and support programs for survivors of violence), ABANTU for Development (established in 1997 for the primary goal of focusing on research and policy implications, with domestic violence as one facet), NETRIGHT – Network for Women's Rights (founded in 1998 to bring women's organizations together to work toward common goals), the Domestic Violence Coalition (created in 2003 to provide a coalition of organizations interested in placing pressure on the government to push the DV Bill through), and the Ministry of Women and Children's Affairs (created in 2000, and the key ministry involved in engaging the DV Bill). Additionally, a number of the above representatives were active members of Federacion Internacional de Abogadas (FIDA) – a non-profit lawyer organization supporting women, and an active participant in the creation of the DV Bill. Of the above interviews, one interview was conducted by phone in July 2006, and the rest were conducted in private offices in 2004. Each interview lasted between 1 – 2 hours.

The interviews are supplemented with the analysis of 38 local newspaper reports on the domestic violence bill collected on-line from April 22, 2002 (the moment attention was brought to the DV Bill) until February 23, 2007 (when the bill was passed). The articles were analyzed to verify if the press corroborated the patterns found in the interviews, and to determine how the bill was presented within the public purview. Many of the articles were collected from AllAfrica.com, which warehouses sub-Saharan African articles over time, but are taken from main national Ghanaian newspapers. Others were collected directly from newspaper on-line

sources. The newspaper sources include The Ghanaian Chronicle, The Public Agenda, The Daily Graphic, The Daily Guide, The Accra Daily Mail, and The Statesman.

In the following section, we provide a brief overview of the evolution of the DV Bill within Ghana, before drawing on these data to reveal how the mechanisms of counterframing and the mobilization of state resources were used as a form of soft repression. We end by presenting the activist limited responses to the soft repression tactics.

Overview of the Domestic Violence Bill

In the late 1990s, according to a former employee of the Law Reform Commission, the government requested work on a Marital Rape Bill. The government wanted the Law Reform Commission to address the issue since marital rape and domestic violence was legal according to a criminal code rooted in British common law. Specifically, section 42(g) of the Criminal Code, 1960 (Act 29) states, "The use of force against a person may be justified on the ground of his consent, but a person may revoke any consent which he has given to the use of force against him, and his consent when so revoked shall have no effect for justifying force; save that the consent given by a husband or wife at marriage, for the purposes of marriage, cannot be revoked until the parties are divorced or separated by a judgment or decree of a competent Court." In this instance, consent is interpreted as providing the husband the right to physically assault and rape his wife. Theoretically, the wife has the same claims. The Marital Rape Bill, however, was put on hold by the government. Members of local NGOs thus decided to take up the issue.

In the creation of the DV Bill, which was spearheaded by the FIDA and other NGOs, the goal was to define domestic violence, the process of protection orders, and other miscellaneous provisions. Although the bill was comprehensive, there were two primary points of contention between state actors and activists. One was simply repealing section 42(g) of the Criminal Code, and the other was wording used in Section 1(b)(ii) of the new Bill. This section stated, "sexual

abuse, namely the forceful engagement of another person in any sexual contact whether married or not which includes sexual conduct that abuses, humiliates or degrades the other person or otherwise violates another persons sexual integrity whether married or not or any sexual contact by a person aware of being infected with HIV or any other STD with another person without the other person being given prior information of the infection."

After members of NGOs drafted the DV Bill, they submitted it to the Attorney General in 2000,[10] where the bill should have made its way to parliament. However, this did not happen and little information surfaced on its whereabouts or progress for nearly two years. In 2003, when members of women's organizations recognized that nothing had been done with the DV Bill, they formed the Domestic Violence Coalition (DV Coalition) to place pressure on the government to move the bill through. Once formed, members of the DV coalition learned that the bill was with the Ministry for Women and Children's Affairs (MOWAC), and publicly drew attention to the bill to bring it before parliament.

The government's initial public response came during a sensitization workshop hosted by FIDA in 2003. During the workshop, Minister Asmah, of MOWAC, made the claim that domestic violence concepts originating from Western nations, particularly Europe and the United States, may not be suitable for Ghana (Public Agenda 2003). She specifically drew attention to marital rape, which she suggested should not be imported without considering local context, and appealed to Ghanaian nationalism by stating, "We are first and foremost Ghanaians, and so we must first of all find home brewed solutions to our problems" (Public Agenda 2003). She ends by stating that an extensive national survey be implemented to determine the opinions of the Ghanaian public (Public Agenda 2003).

After Minister Asmah made the public statement, the Ministry began to translate the bill

---

[10] FIDA has recorded documents at 2000, and the Attorney General has documents at 2001 (Adomako Ampofo 2008). Activists believe the dates at the Attorney General were altered to fit their story line.

into 8 different dialects, before conducting educational reviews in all ten regions of Ghana. For the first 5 educational reviews, which took place before the 2004 presidential elections, activists were not invited to attend and participate. In the same year, the government ran out of money to complete the reviews, which prevented the bill from returning to the Attorney General. The reviews were halted, and then reinstated nearly one year later, in 2005.

Meanwhile, during the 2004 presidential elections, activists went into high gear to place pressure on the government to make changes to MOWAC, due to the Ministry's handling of the bill. In January, President Kufour replaced the previous minister with a new minister.[11] Activists were generally happier with the new appointment of Minister Hajia Alima Mahama, since she came from within the movement. In the beginning, relations between the Ministry and the activists were collegial, and the Ministry invited the DV coalition to participate in the educational reviews in the remaining regions in Ghana. However, the new minister also made it clear that she still had to please the President. As a member of NetRight explained,

> Once the minister changed, people were more hopeful . . . In the end, I think it turned out to be a disappointment . . . She would always remind us about her constraints. Eventually she came out and announced . . . she had spoken to her president about the marital rape clause and they were clear that they wanted it out and that there was nothing she could do about it. [July 25, 2006]

Although the struggle initially appeared to be between activists and the Minister of MOWAC, the stance and actions were clearly supported by the President, and his executive branch.

The bill was eventually sent to parliament in May 2006 and referred to two committees for comment: the joint committee on gender and children, and the committee on constitutional, legal and parliamentary affairs. The bill was sent, however, without the repeal of Section 42(g) of the Criminal Code, which was the initial reason for the development of the Marital Rape Bill, and later the DV Bill. Eventually, in February of 2007, the bill was passed in parliament,

---

[11] He moved Minister Asmah to the Ministry of Fisheries.

without the repeal of section 42(g), and with no inclusion of sexual abuse within marriage in Section 1(b)(ii).

In June 2007, activists discovered that Section 42(g) had silently been repealed. Justice V.C.R.A.C. Crabbe was appointed to revise all statutes of Ghana from the 19th Century to current times to make certain they were in line with the current Constitution, as well as International Human Rights Laws. Parliament had to approve the repeals; however, they were not informed of the inclusion of 42(g). The repeal may have come simply to keep laws in-line with the Ghanaian constitution and international laws, or it may have come to silence gender activists. There was also no public announcement of this change, and it did stop activists' public pressure on the state in relation to the repeal. The result is bittersweet. *Although marital rape is no longer constitutionally justified, it still remains unrecognized legally.*

Because most of the negotiations happened outside of parliament, and the primary goal of activists was to simply get the bill to parliament, the focus of the analysis is on the soft repression mechanisms used to prevent the bill from going forward to parliament: the *mobilization of state resources* and *counterframing techniques*.

Soft Repression

Mobilizing State Resources

Representatives of the state mobilized resources through the use of government structures, the implementation of educational reviews, and the media. The state first relied on institutional mechanisms to stall the bill when it was initially submitted. After the Attorney General received it, the bill should have made its way to parliament. The DV Bill, however, was initially "lost" within the branches of the government. Only after the DV Coalition formed to place public pressure on the state did activists discover that the bill had been moved to MOWAC. It was within this ministry that the bill faced scrutiny, and the time needed to move

the bill to parliament continually increased.

After publicity called attention to the bill, the need to conduct educational reviews prevented the bill from returning to the Attorney General before moving to parliament. Although state resources had never been used to conduct national educational reviews for other bills, the Ministry argued that because the content affected all Ghanaians, educational reviews must be conducted. Time was needed to translate the bill into 8 dialects. Without warning, after 5 reviews were finally conducted, funds ran dry, delaying the bill further. Nearly one year later, the reviews were reinstated. [12] The process of translations, conducting reviews, and running out of funding prevented the bill from moving to parliament.

Additionally, the reviews, once implemented, appeared to propagate the position of the state. During Minister Asmah's address to an audience in Tamale, a city in northern Ghana, Ghana News reported, "She drew the attention of the participants to the marital rape issue and urged them to look at it critically and come out with the best alternative suggestions." She further stated, "'For instance, where do we draw the line? At what level do we say a husband has raped his wife? . . . such issues may be easily explained in other cultures but we have to be careful in our environment. . . should a case like this occur and a husband goes to jail for raping his wife, what happens to that marriage and children?'" (Modern Ghana 2004). Minister Asmah set the terms of the discussion by drawing attention to the idea of martial rape as foreign and destructive to Ghanaian families.

Finally, state representatives used and relied on the media to amplify their stance. Beginning from the time that Minister Asmah made the first claim about the DV Bill until the moment she left office, 8 out of 12 articles addressing the DV Bill were written from the

---

[12] This is most likely due to presidential elections, with President Kufour concerned about re-election. Newspaper articles indicate that some male parliamentarians, traditional male rulers (Chiefs), and men in general were against the bill. Nonetheless, the tactics used demonstrate how state resources can delay moving a bill to parliament.

perspective of the state, while only 4 out of the 12 articles were written from the perspective of the activists.[13] Not only did the media cover Minister Asmah during events, such as during the FIDA workshop and the Tamale review, but statements she made were often referred to when the DV Bill was discussed in other venues. For example, during a presidential debate in 2004, the topic of domestic violence was covered and Minister's Asmah's stance was presented in the press (Orhin 2004). Minister Asmah would also take advantage of events, such as the government's weekly press meetings to spread her perspective (Garblah and Haase 2004).[14] A representative for the Gender Centre summarized the position and tactics of the state very well. She said,

> I think that . . . the bill has been misinterpreted . . . because of the kind of leadership we have at the ministry for women and children's affairs- yes- who seem to be brought into this media campaign on the bill . . . But if we have a leadership that is prepared to champion this and see this through, all these things (debates and arguments) will die out. [December 13, 2004]

The representative of the Gender Centre links the struggles with the state back to Minister Asmah, the connection the Ministry has with the media – acknowledging a media campaign – as well as, to the lack of action taken (and suggested support) by President Kufour.

Although Minister Asmah and the Ministry became the target of the activists, the activists also recognized that it was the larger state structure that was impeding them. If government representatives wanted to support the bill, they could have influenced the ministry's actions, as well as the media reports on the issue. Instead, President Kufour and others remained silent on the issue. Those embedded within state institutions instead used state resources to resist change. Drawing on institutional structures, educational reviews, and the media, the submission of the

---

[13] Outside of the articles listed, there were 3 that addressed domestic violence or the need for a bill before Minister Asmah mentioned the bill. There were also an additional 23 articles that addressed the DV Bill after she stepped down. The latter is addressed later in the paper.

[14] In contrast, the articles representing activists' views were published as a reaction to definitions of "marital rape", or formed in response to statements made by the Minister.

bill to parliament was stalled. These actions were further supported through the use of counterframing techniques.

Counterframing Techniques

The counterframe of domestic violence (and in particular marital rape) as (1) an import that was (2) "unGhanaian" and (3) destructive to families combined three concerns within a larger holistic frame that resonated with Ghanaians. This master counterframe was espoused within MOWAC and amplified through the media.

During an interview with a Ministry's representative, when asked broadly about the DV Bill and with no prompting of Section 42(g), the representative focused her attention specifically on the issue of marital rape. She said,

> The bill seeks to repeal section 42(g) of our criminal code . . . and by a necessary implication it means that the husband is capable of raping the wife and that is what there is all this noise about martial rape – can a husband rape the wife and can he be prosecuted for raping his wife? . . . I don't know whether we should call it foreign . . . because marital rape, until recently, was not part of our vocabulary. It's a new concept that is fast catching on, developed and people believe that it has some foreign connotation . . . I want to believe that in a traditional setting when a person marries . . . the difference between a sister and a wife is that you can go to bed with your wife. So there's nothing like raping your wife in bed because you've consented to live as husband and wife. [December 14, 2004]

For the representative, the term and practice of marital rape is deemed foreign since it cannot be translated and the topic has not previously been discussed. She also suggests that, within cultural understandings among Ghanaians, a man has a right to forced intercourse within marriage. Similar to this response, Ghanaian exceptionalism combined with the influence of alien concepts were the dominant perspectives presented within the media.

In April 2004, during a Meet the Press program, Minister Asmah added family to the mix (Otu 2004). When she explained the rationale for the national survey, she stated that "it is only proper and democratic to create the enabling conditions for the majority of stakeholders, the Ghanaian family and people, to contribute their own views to a proposed law" (Otu 2004). She

22

argued that if a woman were to charge her husband, how would this affect her marriage and family? Given that extended families are important for economic and social survival, the destruction of families resonated well with Ghanaians.

Minister Asmah further widened the counterframing to stigmatize the activists, along with the bill, by arguing they were challenging Ghanaian values and destroying families. In October 2004, members of the DV coalition, along with other local organizations organized a vigil and protest march to bring attention to the DV Bill. After the march, Minister Asmah was quoted in the Daily Guide Newspaper describing the protests, "as a mercenary act by dishonest girls and women – few of whom were married before . . . but want to be seen as champions or the cause of women in this country" (Public Agenda 2004).[15] By creating an image of the activists in this manner, the government portrayed them as young women who did not value families and who thrust foreign ideas on Ghanaians to destroy Ghanaian society.

When Minister Asmah left her post, she continued to draw on alien concepts, nationalism and family. She stated,

> " 'They (activists) want me to confront the men, but that is wrong . . . It will destroy marriages and more children will be thrown on the streets. I will not encourage a law that will destroy marriages', she stressed. She noted that countries that have the Domestic Violence Law have a backlash of divorce cases and that was the last thing Ghana needed at this time of her development. . . She said, Ghanaians must draw their identity from their culture and not copy blindly any concept that comes from the west" (Safo 2005).

In framing the bill as un-Ghanaian, she appealed to the larger public to make the bill as their own. In addition, the family played a role within the larger frame of foreign imports and nationalism. In a country where extended families have a strong role in society and often work together to contribute to livelihoods, the threat of family breakup is particularly powerful. *Notably, before she counterframed the bill as an issue of marital rape and thus a cultural import,*

---

[15] This perspective was reinforced when the second in command at the Ministry referred to members of the DV Coalition as small girls, during a meeting with the first author.

she argued that acts of domestic violence (not the bill) destroyed families and that domestic violence needed to be stopped.[16] Therefore, former Minister Asmah drew on her existing framing of the family when she introduced the notion of marital rape. She flipped her perspective by arguing that the bill, as opposed to the act of violence, would now destroy families. Minister Asmah's appeal to Ghanaian values, in addition to her call to reject foreign concepts and prevent the destruction of families, stigmatized the bill and activists and spurred a strong countermovement – a countermovement that resonated with the broader society.

Activist Responses to Mechanisms of Soft Repression

Activists had no defense against the use of state structures used to stall the DV Bill, nor were they able to halt the educational reviews. The only tool they had at their disposal was the media. Unfortunately, activists did not have the same access to the media as the state. Nor did they have the same authority and legitimacy of the state. Instead, activists reacted to Asmah's counterframing of the DV Bill in a piecemeal fashion on three fronts: 1) Using a universalist frame, 2) Focusing on the reparation of broken families, and 3) redefining the bill in terms of physical and sexual abuse.

From the time that Minister Asmah first mentioned the DV Bill until the time that the DV Bill was passed (and inclusive of the period after she had stepped down), 10 out of 35 articles in the media represented the reframing efforts from the perspective of activists, in response to the 14 of the 35 articles from the state perspective.[17] These articles presented activists as responding to their now questionable position, as opposed to pro-actively challenging the state. Their response was similarly not imbued with the same state authority often given to the state.

---

[16] This was observed in on-line newspapers before her presentation at the FIDA workshop in 2003. This is also in-line with the earlier position the state took before the counterframing began.

[17] Of the 35 articles, 11 of these articles were neutral – presenting both sides, or speaking about the content of the DV Bill. Once Minister Asmah stepped down, state perspective articles decreased, though, still focused on marital rape. Three articles, not included in the 35, are articles discussing the importance of addressing domestic violence or implementing a domestic violence bill before Minister Asmah first mentioned the bill.

Activists first attempted to argue that the bill was not foreign. The head of the DV coalition attempted to combat this perspective by stating,

> What the people who argue [against the repeal of section 42(g)] just forget is that this is actually a foreign law. . . So the argument they have used does not make sense to me because truly that clause is a foreign clause.[December 14, 2004]

She along with all of the other organization representatives (exclusive of the representative from the ministry), agreed that marital rape constructed as an imperial imposition was an excuse to frame the bill in a negative light. Activists thus attempted to respond to the counterframe by presenting the bill within the media as a universalist concern. In a public statement, issued by the DV Coalition in the *Public Agenda*, activists stated that domestic violence laws had been passed in sub-Saharan African countries, and should, therefore, not be viewed as Western, as the minister hoped to propagate (Public Agenda 2004). Similarly, in *The Ghanaian Chronicle*, the program manager for WISE requested that "the Ghanaian public not to view aspects of the bill, such as marital rape, as an imposition of foreign cultures. Violence, he insisted, was an issue of grave concern, no matter where it occurred and had to be tackled" (The Ghanaian Chronicle 2004). Even after the bill was passed, an article explained that in contrast to the former Minister's position, the DV Coalition advocated that "Domestic violence is universal and wife beating, defilement and rape among others are not foreign to this country, therefore a law to punish perpetrators cannot be alien to the nation's culture" (Orhin 2007).

While activists attempted to disabuse Ghanaians of the idea that the DV Bill was a foreign import, they similarly worked to reframe the bill in defense of the family. Male figureheads used the media to temper the Minister's position on the bill. Adolf Awuku-Bekoe, a clinical psychologist and later the coordinator for the DV coalition further emphasized that "the bill does not seek to break families but rather seeks to rectify some of the mishaps that have been tearing families apart for some time now" (The Accra Daily Mail 2004). After the passage into

law, Mr. Tackie, a senior attorney at the Ministry of Justice and Attorney General's Department in 2004, emphasized that "The bill is not coming to destroy families, but to bring love, concern and mutual understanding within families than before and to prepare families for better future development" (Orhin 2004).

Finally, activists attempted to reframe the debate over the bill around the definition of domestic violence. In April 2004, the Executive Director of FIDA clearly stated that "the DV Bill does not talk about marital rape, but rather about forced sexual contact that abuses, humiliates or degrades an individual within or outside of marriage" (Public Agenda 2004). Similarly in the public statement given by the DV coalition in November 2004, activists emphasized that domestic violence incorporates everyone within the household, and is not limited to marriage, and that it protects anyone within the household from abuse (Public Agenda 2004).

Put on the defensive, activists attempted to counter the state's masterframe – combining foreign influences, Ghanaian nationalism, and the destruction of families, which appealed to broader societal norms and values. Adding to this effect was the state's use of institutional resources, such as government branches, educational reviews, and media coverage—efforts which activists had little control over. Unfortunately, activists were limited by access to resources, such as media, and by lack of authority and legitimacy tied to their statements.

Discussion: Movements, States, and Soft Repression

Although world-polity theorists suggest that hybrid states such as Ghana may be unwilling or unable to act, as demonstrated by the failure to bring the bill to parliament, few studies examine the specific mechanisms states might use to actively resist movements without resorting to hard repression. We add to the literature by highlighting the use of soft repression through the mobilization of state resources and counterframing techniques.

<u>Soft Repression: Mobilizing Resources and Framing</u>

Actors of states may draw on soft repression at the macro level, through the use of resources to silence voices, and at the meso-level, by devaluing and damaging a group's collective identity to create stigma. We further argue that stigma may be expanded to devalue or damage *the goal* of the mobilizing group.

From the beginning, the state, and especially one categorized as an imperial presidency, was placed at an advantage because it had the capacity to *mobilize resources* for its benefit, which led to the *silencing* of activists. The state silenced the advancement of the bill, and the activists, by simply not taking any action. Once activists brought the bill into the public sphere, the state turned to material resources and authority. Material resources were significant in undermining implementation by both providing funds for actively stalling the bill in translation services, travel costs, and governmental review meetings, as well as through depriving the ministry of the capacity to complete these reviews during an election year. Simultaneously, state actors took advantage of the educational reviews and the media to propagate their message. Elected officials and bureaucratic agencies worked as allies to the president in mobilizing material, human and organizational resources to effectively suppress the voices of activists via institutional means.

The macro-level silencing through resource mobilization worked in tandem with the meso-level of creating *stigma* through *counterframing* techniques. One key player was Minister Asmah. By drawing on her particular position as minister and her relationship to the media, she was able to use the state's authority and create a counterframe to the DV Bill by shifting it from international universalist language to that of local challenges. The counterframing of the DV Bill created three obstacles for activists. First, in applying a foreign frame to the bill, and later holding a specific press conference targeting activists, both were delegitimized, and

27

characterized as un-Ghanaian with the intent to destroy families. Second, in the creation of the master counterframe, the activists were forced to move from pro-active to reactive, which strengthened the state's capacity to thwart the DV coalition's mobilization efforts. Third, activist access to media was limited and not imbued with state authority, which placed them on the defensive. Stereotypes associated with western feminism as anti- Ghanaian and anti-family impaired activists' mobilizing potential within Ghana. State authorities damaged the collective identity of activists and repositioned themselves as anti-colonial resisters to the threat of western hegemony.

The use of soft repression at both the macro and meso level left the activists in a compromising position. They could not stop the mechanisms of silencing, and they further had to struggle against the stigma that was created via the state. The activists did attempt to reject the stigma that was placed on them and the DV Bill. However, given their limited resources, limited authority, and inability to adequately counter the master counterframe, their efforts were limited. Activists did eventually get the DV Bill to parliament, where it was passed. However, due to the stance of the president and his executive committee – enforced through the imperial presidency – one section that opposed an existing law that legalized marital rape, and another section that addressed sexual violence within the family, were removed.

The State's Toolkit of Resistance

Soft Repression

Unfortunately, the state process of meso- and macro-level soft repression are not limited to Ghana. The mechanism of *mobilizing state resources* is often used to *suppress activist voices* by preventing them from mobilizing. Dupuy, Ron, and Prakash (2013), for example, demonstrate how laws have been put in place restricting the work of international groups in one-third of sub-Saharan African countries since 1995. In Ethiopia, NGOs no longer receive

financial support for issues related to human rights, leading to the demise or severe downsizing of some NGOs. In Cote d'Ivoire, legislation has been passed to prevent Lesbian Gay Bisexual Transgender Intersex (LGBTI) organizations from registering with the state, and, therefore, limiting access to funding (Currier 2012). These examples demonstrate how institutional resources of the state may be used to prevent the mobilization around issues linked to human rights without garnering much international attention.

Additionally, if states *counterframe* the concerns that speak to nationalism, while also mobilizing state resources, they may astutely discount activists' global or universalist frames. Similar to Ghana, many domestic violence bills faced resistance by national governments across sub-Saharan Africa. In Kenya, the Sexual Offences Bill went through a number of revisions, with resistance often coming from male members of parliament whose objections to the bill within the media were often couched in terms of "holding onto African cultures," and rejecting "alien and foreign practices" (Odhiambo, 2006). In Botswana, a bill aimed to make marital rape illegal was thrown out in 2005 in deference to cultural and traditional practices (Mmegi Reporter, 2006). In Malawi, the drafting of a domestic violence bill came under attack for the inclusion of marital rape since the concept did not exist in Malawian culture, and some legislators suggested it threatened the stability of the nation (Semu, 2002). Similarly, outside Africa, in Lebanon, a domestic violence bill sat with a parliamentary sub-committee, where any reference to marital rape was removed. Top religious leaders likewise decried that the domestic violence law would "break up the family similar to Western ways, which are foreign to our society and values" (Neumann 2012). These struggles demonstrate how the mechanisms of counterframing, combined with state resources, can be used by states to stall their own compliance with international norms.

Activists' legitimacy and actions are similarly curtailed through *stigmatization*. Women

29

across developing countries who participate in conferences and use international frames often become discredited by state officials as "those lost, polluted women [i.e., feminists] who want to cause trouble with our women who are happy where they are" (Adeleye-Fayemi 2004:111). Writing as a leader of an organization in Pakistan, Nighat Said Khan (2004:87) states, "The Institute, and myself by name, were continuously accused (through the press and television) among other things of being anti-state, anti-government, anti-Islam, of leading women astray, of immorality, debauchery and of being pro-Hindu and pro-Jewish." These examples demonstrate the use of local reframing by state institutions to both silence and stigmatize local activists, particularly women.

Hard Repression

Examples from Nigeria and Russia illustrate how the shift from soft to hard repression leads to this increased attention, and why states would, therefore, gain from limiting actions within the confines of soft repression. Despite both countries signing onto human rights conventions,[18] both Nigeria and Russia passed laws to limit activism on the ground by human rights organizations (Dupuy, Ron, and Prakesh 2013). In Russia, organizations had to register with the state to receive foreign funds, and in Nigeria restrictions were placed on the type of work done by human rights NGOs. In both cases, when the states mobilized resources to apply these restrictions, little international attention was gained. Nonetheless, despite the states' efforts to curtail activism, support for human rights concerns, and particularly those tied to LGBTI rights, continued to increase (Hazelwood 2014). In order to counter the increased activism, both states instituted laws that banned non-traditional (in Russia) and gay (in Nigeria) sexual relations, while simultaneously counterframing LGBTI rights according to nationalist needs. For

---

[18] Nigeria ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Political Rights in 1993, and the Russian Federation did so in in 1973 and 1969 respectively. Nigeria has also ratified the African Charter on Human and People's Rights in 1983 and its protocol in 2004, and Russia ratified the European Convention on Human Rights in 1998.

example, in Russia, the state claimed the law would protect Russian tradition and the Russian Orthodox Church from Western liberalism, and in Nigeria, the spokesperson for President Goodluck Jonathon stated that "the law is in line with our cultural and religious beliefs as a people" (Aljazeera 2014; CBS News 2013).

Unlike the laws that limited NGO resources (and, therefore, voices), these new laws legitimated the use of hard oppression, and LGBTI individuals and activists were rounded up and arrested.   Once hard repression was legitimated and used, both countries gained international attention and pressure to amend their actions (Block 2014; Crary 2014). These examples demonstrate, first, how soft repression through the mechanisms of mobilizing state resources and counterframing was used to limit activist pressure, and, second, how soft repression often escapes international attention, while hard repression frequently draws international attention. State implementation of soft repression therefore becomes increasingly significant as it is used to thwart campaigns of local and transnational activism.

Conclusion

Relying on soft repression becomes useful to states – particularly hybrid states – in stalling compliance to global agreements, while simultaneously avoiding international attention. Our study reveals the importance of understanding the process of soft repression via the two mechanisms of mobilizing state resources and counterframing as they pertain to the hypocrisy paradox. There is no doubt other processes and mechanisms could further contribute to our understanding. We hope future studies continue to engage the different processes and mechanisms contributing to the hypocrisy paradox and the decoupling of international agreements from national compliance.

References

Acharya, Amitav. 2004. "How Ideas Spread: Whose Norms Matter? Norm Localization and
Institutional Change in Asian Regionalism." International Organization 58(2): 239-275.

Adeleye-Fayemi, Bisi 2004. "Creating and Sustaining Feminist Space in Africa." Pp. 100-121 in
Feminist Politics, Activism and Vision: Local and Global Challenges, edited by Luciana
Ricciutelli, Angela Miles, and Margaret McFadden. New York, NY: Zed Press.

Adler-Nissen, Rebecca. 2014. "Stigma Management in International Relations: Transgressive
Identities, Norms and Order in International Society." International Organization
68(1):143-176.

Adomako Ampofo, Akosua. 2008. "Collective Activism: The Domestic Violence Bill Becoming
Law in Ghana." African and Asian Studies 7(2008):395-421.

Agyemang-Mensah, Naana 1998. "An Overview of Ghanaian Gender Activity." Pp. 38-54 in
Maintaining the Momentum of Beijing: The Contribution of African Gender NGOs,
edited by Nana A Apt, Naana Agyemang-Mensah, and Margaret Grieco. Aldershot, UK:
Ashgate.

Aljazeera. 2014. "Nigeria Passes Law Against Gay Relationships." Aljazeera. January 13,
2014. Retrieved January 16, 2014
(http://www.aljazeera.com/news/africa/2014/01/nigeria-passes-law-banning-gay-
marriage-2014113151626685617.html)

Beckfield, Jason. 2003. "Inequality in the World Polity: The Structure of International
Organization." American Sociological Review 68:401-424.

Benford, Robert D. and Scott A. Hunt 2003. "Interactional Dynamics in Public Problems
Marketplaces: Movements and the Counterframing and Reframing of Public Problems."
Pp. 153-186 in Challenges and Choices: Constructionist Perspectives on Social Problems,

edited by James A. Holstein and Gale Miller. New York, NY: Aldine de Gruyter.

Benford, Robert A. and David A. Snow. 2000. "Framing Processes and Social Movements: An Overview and Assessment." Annual Review of Sociology 26:611-639.

Berkovitch, Nitza and Karen Bradley. 1999. "The Globalization of Women's Status: Consensus/Dissensus in the World Polity." Sociological Perspectives 42(3):481-498.

Block, Melissa (Host). 2014. "Reports of Arrests and Torture Under Nigeria's Anti-Gay Law." All Things Considered. National Public Radio. January 15, 2014. Retrieved January 16, 2014 (http://www.npr.org/2014/01/15/262788915/reports-of-arrests-and-torture-under-nigerias-anti-gay-law)

Bob, Clifford. 2001. "Marketing Rebellion: Insurgent Groups, International Media, and NGO Support." International Politics 38(3):311-334.

Boli, John and George Thomas. 1997. "World Culture in the World Polity: A Century of Non-Governmental." American Sociological Review 62:171-190.

Boykoff, Jules. 2007. "Limiting Dissent: The Mechanisms of State Repression in the USA." Social Movement Studies: Journal of Social, Cultural, and Political Protest 6(3):281-310.

CBS News. "Russian Anti-Gay Bill Passes, Protesters Detained." CBS News. June 11, 2013. Retrieved January 16, 2014 (http://www.cbsnews.com/news/russian-anti-gay-bill-passes-protesters-detained/)

Carley, Michael. 1997. "Defining Forms of Successful State Repression of Social Movement Organizations: A Case Study of the FBI's COINTELPRO and the American Indian Movement." Research in Social Movements, Conflict, and Change 20: 151:176.

Carpenter, R. C. 2007. "Studying Issue (Non)-Adoption in Transnational Advocacy Networks." International Organization 61(3):643-67.

Chayes, Abram, and Antonia Handler Chayes. 1993. "On Compliance."International

Organization 47(2): 175-205.

Checkel, Jeffrey T. "Norms, Institutions, and National Identity in Contemporary Europe."
International Studies Quarterly 43(1): 83-114.

Clark, Rob. 2016. "Technical and Institutional States: Loose Coupling in the Human Rights
Sector of the World Polity." The Sociological Quarterly 51(1): 65-95.

Coker-Appiah, Dorcas and Kathy Cusack, eds. 1999. Breaking the silence and challenging the
myths of violence against women and children in Ghana: Report of a national study on
violence. Accra, Ghana: Gender Studies Documentation Centre.

Cole, Wade M. 2012. "Human Rights as Myth and Ceremony? Reevaluating the Effectiveness of
Human Rights Treaties, 1981-2007." American Journal of Sociology 117(4): 1131-1171.

Cole, Wade M. and Francisco O. Ramirez. 2013. "Conditional Decoupling: Assessing the Impact
of National Human Rights Institutions, 1981 to 2004." American Sociological Review
78:702-725.

Cortell, Andrew P. and James W. Davis. 2000. "Understanding The Domestic Impact of
International Norms." International Studies Quarterly 40: 451-478.

Crary, David. 2014. "Protests Over Russian Anti-Gay Law Focus On Sochi." The Associated
Press: National Public Radio. January 31, 2014. Retrieved January 31, 2014
(http://www.npr.org/templates/story/story.php?storyId=269497425&ft=1&f=).

Cunningham, David. 2003. "State Versus Social Movement: FBI Counterintelligence Against the
New Left." Pp. 45-77 in States, Parties, and Social Movements, edited by J. A. Goldstein.
Cambridge: Cambridge University Press.

Currier, Ashley. 2012. Out in Africa. Minneapolis, MN: University of Minnesota Press.

Donnelly, Jack. 2007. "The Relative Universality of Human Rights." Human Rights Quarterly
29(2):281-306.

Dovlo, Elom. 2005. "Religion in the Public Sphere: Challenges and Opportunities in Ghanaian
　　　Lawmaking, 1989-2004." Brigham Young University Law Review 629:625-658.

Dupuy, Kendra, James Ron, and Aseem Prakesh 2013. "Reclaiming the Political Terrain: The
　　　Regular Crackdown on Overseas Funding for NGOs." Unpublished Paper.

Earl, Jennifer. 2003. "Tanks, Tear Gas, and Taxes: Toward a Theory of Movement Repression."
　　　Sociological Theory 21(1):44-68.

Earl, Jennifer. 2006. "Introduction: Repression and the Social Control of Protest." Mobilization
　　　11(2):129-143.

Earl, Jennifer. 2011. "Political Repression: Iron Fists, Velvet Gloves, and Diffuse Control."
　　　Annual Review of Sociology 37:261-284.

Earl, Jennifer, Sarah A. Soule, and John D. McCarthy. 2003. "Protest Under Fire? Explaining the
　　　Policing of Protest." American Journal of Sociology 68(4):581-606.

Ferree, Myra M. 2005. "Soft Repression: Ridicule, Stigma and Silencing in Gender-based
　　　Movements." Pp. 138-155 in Repression and Mobilization, edited by Christine
　　　Davenport, Hank Johnston, and Carol Mueller. Minneapolis, MN: University of
　　　Minnesota Press.

Finnemore, Martha and Kathryn Sikkink. 1998. "International Norm Dynamics and Political
　　　Change." International Organization 52(4):887-918.

Frank, David J., Tara Hardinge, and Kassia Wossick-Corea. 2009. "The Global Dimensions of
　　　Rape-Law Reform: A Cross-National Study of Policy Outcomes." American Sociological
　　　Review 74:272-290.

Freeman, Jo 1979. "Resource Mobilization and Strategy: A Model for Analyzing Social
　　　Movement Organizations." Pp. 167-89 in The Dynamics of Social Movements: Resource
　　　Mobilization, Social Control, and Tactics. Cambridge, MA: Winthrop.

Garblah, Othello B. and Constanze Haase. 2004. "Ghana: Gladys Asmah Dismisses Gender
    Activists' Fears." All Africa. Retrieved July 31, 2012
    (http://allafrica.com/stories/200404020592.html).

Garcia, Oscar Jose Martin. 2014. "Soft Repression and the Current Wave of Social Mobilisations
    in Spain." Social Movements Studies 13(2): 303-308.

Gitlin, Todd. 1980. The Whole World is Watching: Mass Media in the Making and Umaking of
    the New Left. Berkeley, CA: University of California Press.

Hafner-Burton, Emilie M. 2004. "Forum Shopping for Human Rights: Who Chooses Preferential
    Trade?" Paper presented at the workshop on Forum Shopping and Global Governance at
    the European University Institute, Florence, Italy.

Hafner-Burton, Emilie M. 2005. "Trading Human Rights: How Preferential Trade Agreements
    Influence Government Repression." International Organization 59: 593-629.

Hafner-Burton, Emilie M. and Kiyoteru Tsutsui. 2005. "Human Rights in a Globalizing World:
    The Paradox of Empty Promises." American Journal of Sociology 110(5):1373-1411.

Hafner-Burton, Emilie M., Kiyoteru Tsutsui, and John W. Meyer. 2008. "International Human
    Rights Law and the Politics of Legitimation." International Sociology 23(1):115-141.

Handel, Michael I. 1990. Weak States in the International System. Portland, OR: International
    Specialized Book Services, Inc.

Hazelwood, Phil 2014. "Nigeria's Gay Marriage, Union Ban Legalizes Homophobic Violence,
    Activists Say." Agence France Press. January 14, 2014. Retrieved January 16, 2014
    (http://www.voanews.com/content/some-african-countries-pushing-for-tougher-anti-gay-
    laws/1831413.html)

Hess, David and Brian Martin. 2006. "Repression, Backfire, and the Theory of Transformative
    Events." Mobilization 11(2): 249-267.

Hill Jr., Daniel. 2010. "Estimating the Effects of Human Rights Treaties on State Behavior." The Journal of Politics 72(4): 1161-1174,

Irons, Jenny. 2006. "Who Rules the Social Control of Protest? Variability in the State-Countermovement Relationship." Mobilization 11(2):165-180.

Keck, Margaret and Kathryn Sikkink. 1998. Activists Beyond Borders: Advocacy Networks in International Politics. Ithaca, NY: Cornell University Press.

Khan, Nighat S. 2004. Up against the state: Military Rule and Women's Resistance. Lahore: ASR Publications.

Levitksy, Steven and Maria Victoria Murillo. 2009. "Variation in Institutional Strength." Annual Review of Political Science 12: 115-133.

Lindekilde, Lasse. 2010. "Soft Repression and Mobilization: The Case of Transnational Activism of Danish Muslims During the Cartoon Controversy." International Journal of Middle East Studies 42(3): 451-469.

Mann, Michael. 1986. The Sources of Social Power. Cambridge: Cambridge University Press.

Manuh, Takyiwaa 1993. "Women, State and Society under the PNDC." in Ghana Under PNDC Rule, edited by Emmanuel Gyimah-Boadi. Dakar, Senegal: CODESRIA.

McCarthy, John D. and Meyer N. Zald. 1977. "Resource Mobilization and Social Movements: A Partial Theory." American Journal of Sociology 8(6):1212-41.

Mearshimer, John J. 2001. The Tragedy of Great Power Politics. New York, NY: W.W. Norton &Company Inc.

Mmegi Reporter. 2006. "Botswana: HIV/Aids Policy - Shall It Absorb Marginalised Groups?" All Africa. Retrieved July 31, 2012 (http://allafrica.com/stories/200610130316.html).

Merry, Sally. 2006. Human Rights and Gender Violence: Translating International Law into Local Justice. Chicago, IL: University of Chicago Press.

Meyer, David S. 2003. "Political Opportunity Structure and Nested Institutions." Social
Movement Studies 2(1):17-35.

Meyer, John W. 2010. "World Society, Institutional Theories, and the Actor." Annual Review of
Sociology 36:1-20.

Meyer, John W., John Boli, George M. Thomas, and Francisco O. Ramirez. 1997. "World
Society and the Nation-State." American Journal of Sociology 103:144-181.

Meyer, David S. and Suzanne Staggenborg. 1996. "Movements, Countermovements, and the
Structure of Political Opportunity." American Journal of Sociology 101(6):1628-1660.

Modern Ghana. 2004. "Civil society orgs. discuss Domestic Violence Bill." Modern Ghana.
Retrieved July 31, 2012 (http://www.modernghana.com/news/54964/1/civil-society-orgs-
discuss-domestic-violence-bill.html).

Morgenthau, Hans J. 1948. Politics Among Nations: The Struggle for Power and Peace. New
York, NY: A.A. Knopf.

Mottl, Tahi L. 1980. "The Analysis of Countermovements." Social Problems 27(5):620-635.

Nettl, J.P. 1968. "The State as a Conceptual Variable." World Politics 20(July):559-92.

Neumann, Jeff. 2012. "Violence Against Women in Lebanon: A Debate That's Not Going
Away." Middle East Voices. January 13, 2012. Retrieved January 16, 2014
(http://middleeastvoices.voanews.com/2012/01/violence-against-women-in-lebanon-a-
debate-thats-not-going-away/#ixzz2s2UGZpAr

Neumayer, Eric. 2005. "Do International Human Rights Treaties Improve Respect for Human
Rights?" Journal of Conflict Resolution 49(6): 925-953.

Nye, Joseph S. 2004. Soft Power: The Means to Success in World Politics. New York: Public
Affairs.

Nye, Joseph S. 2008. "Public Diplomacy and Soft Power." Annals of the American Academy of

Political and Social Science 616(1):94-109.

Odhiambo, Tom. 2006. "Ignorance, male chauvinism block sexual offences bill." Zimbabwe

Standard, June 4.

Orhin, Isabelle G. 2007. "Ghana @ 50--The Case of the Domestic Violence Law." All Africa.

Retrieved July 31, 2012 (http://allafrica.com/stories/200702261277.html).

Orhin, Isabella. 2004. "Ghana: Domestic Violence Bill Under Siege." All Africa. Retrieved July

31, 2012 (http://allafrica.com/stories/200404050796.html).

Otu, Martin L. 2004. "Ghana: Gov't/Coalition Clash Over DV Bill." All Africa. Retrieved July

31, 2012 (http://allafrica.com/stories/200404050796.html).

Pierotti, Rachael S. 2013. "Increasing Rejection of Intimate Partner Violence : Evidence of

Global Cultural Diffusion." American Sociological Review 78(2):240-265.

Public Agenda. 2004. "Ghana: Coalition Reacts to Minister's Position On the Domestic Violence

Bill." All Africa. Retrieved July 31, 2012

(http://allafrica.com/stories/200411221548.html).

Public Agenda. 2003. "Ghana: Asmah Suggests Alternative to Marital Rape." All Africa.

Retrieved July 31, 2012 (http://allafrica.com/stories/200306020126.html).

Risse-Kappen, Thomas 1995. "Bringing Transnational Relations Back In: Introduction." Pp. 3-

33 in Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures,

and International Institutions, edited by Thomas Risse-Kappen. Cambridge, UK:

Cambridge Univerity Press.

Risse, Thomas, Stephen C. Ropp, and Kathryn Sikkink. 1999. The Power of Human Rights:

International Norms and Domestic Change. Cambridge, UK: Cambridge University

Press.

Saaka, Yakubu. 1994. "Recurrent Themes in Ghanaian Politics: Kwame Nkrumah's Legacy."

Journal of Black Studies 24(3): 263-280.

Safo, Amos. 2005. "Ghana: Minister Throws Last Punch." All Africa. Retrieved July 31, 2012 (http://allafrica.com/stories/200501240436.html).

Sarpong, Sam. 2002. "Ghana: Striving to Flush out Domestic Violence." News and Views on Africa from Africa. Retrieved July 31, 2012 (http://www.newsfromafrica.org/newsfromafrica/articles/art_809.html).

Schudson, Michael and Silvio Waisbord 2005. "Political Sociology of the News Media." Pp. 350-364 in The Handbook of Political Sociology: States, Civil Societies, and Globalization, edited by Thomas Janoski, Robert Alford, Alexander Hicks, and Mildred A. Schwartz. Cambridge: Cambridge University Press.

Semu, Linda. 2002. "Kamuzu's Mbumba: Malawi Women's Embeddedness to Culture in the Face of International Political Pressure and Internal Legal Change." African Studies 49(2):77-99.

Simmons, Beth. 2009. Mobilizing For Human Rights: International Law in Domestic Politics. New York: Cambridge.

Smith, Jackie, John D. McCarthy, and Clark M. McPhail. 2001. "From Protest to Agenda Building: Description Bias in Media Coverage of Protest Events in Washington, D.C." Social Forces 79(4):1397-1423.

Smith, Jackie and Dawn Wiest. 2005. "The Uneven Geography of Global Civil Society: National and Global Influences on Transnational Association." Social Forces 84(2):621-652.

Smith, Jackie and Dawn Wiest. 2012. Social Movements in the World-System: The Politics of Crisis and Transformation. New York, NY: Russell Sage Foundation.

Swiss, Liam. 2009. "Decoupling Values from Action: An Event-History Analysis of the Election of Women to Parliament in the Developing World, 1945–90." International Journal of

Comparative Sociology 50(1): 69-95.

Tarrow, Sydney. 2005. The New Transnational Activism. New York, NY: Cambridge University
   Press.

Tarrow, Sydney. 2012. Strangers at the Gates: Movements and States in Contentious Politics.
   Cambridge: Cambridge University Press.

Tarrow, Sydney and Doug McAdam 2005. "Scale Shift in Transnational Contention." in
   Transnational Protest and Global Activism. Lanham, MD: Rowman & Littlefield
   Publishers.

The Accra Daily Mail. 2004. "Ghana: 'Sexual Abuse' Not the Same as 'Marital Rape'." All
   Africa. Retrieved July 31, 2012 (http://allafrica.com/stories/200404130645.html).

The Ghanaian Chronicle. 2004. "Ghana: Domestic Violence Bill Not an Imposition but Wise."
   All Africa. Retrieved July 31, 2012 (http://allafrica.com/stories/200411290878.html).

Thompson, Karen B. 2002. "Women's Rights are Human Rights." Pp. 96-122 in Restructuring
   World Politics: Transnational Social Movements, Networks and Norms, edited by
   Sanjeev Khagram, James V. Riker, and Kathryn Sikkink. Minneapolis, MN: University
   of Minnesota Press.

Tilly, Charles. 1978. From Mobilization to Revolution. New York , NY: Random House.

Tsikata, Dzodzi. 2009. "Women's Organizing in Ghana since the 1990s: From Individual
   Organizations to Three Coalitions." Development 52(2): 185-192.

Tsikata, Dzodz 1989. "Women's Political Organisations 1951-1987." in The State Development
   and Politics in Ghana, edited by Emmanuel Hansen and Kwame A. Ninsin. London:
   CODESRIA.

Warren, T. C. 2014. "Not by the Sword Alone: Soft Power, Mass Media, and the Production of
   State Sovereignty." International Organization 68(1):111-141.

Weber, Max. 1978. Economy and Society, Volume 2. Berkeley, CA: University of California
        Press.

Zald, Mayer N. and Bert Useem 1987. "Movement and Countermovement Interaction" Pp. 247-
        272 in Social Movements in an Organizational Society, edited by Mayer N. Zald and
        John D. McCarthy. New Brunswick, NJ: Transnaction Books.

Zimmerman, Lisbeth. 2016. "Same Same or Different? Norm Diffusion Between Resistance,
        Compliance, and Localization in Post-conflict States." International Studies Perspectives
        17(1): 98-115.