Human Rights Managerialism in High Causal Density

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“The unanticipated consequences of purposive social action”

- In the era of the British Raj in India, the colonial government attempted to control the cobra population in Delhi
- It offered a bounty for every dead cobra
- Did the cobra population go up or down?
Human societies are complex

Individuals are “infinitely more complex and adaptable than normalizing attempts to measure and control them” (M. Power, *The Audit Society*)
Causal density

Low Causal Density
• Uranus orbits the Sun
  – Gravity

High Causal Density
• Violent crime rates in England & Wales have generally declined since 1990s
  – Changes in policing?
  – Changes in sentencing?
  – Changes to the law?
  – Greying of society?
  – More ‘indoor’ society?
  – Greater wealth?
  – Technology (burglar alarms, CCTV)?
  – Unleaded petrol?
Two effects

1. Identifying correlation is easy, but identifying causation is very difficult, if not impossible
   - There are no counter-factuals or parallel universes, and omitted variable bias makes regression analysis suspicious

2. “Purposive social action” will (almost) always have consequences which are unknowable ex ante – and outcomes are unpredictable
Human rights managerialism

• Increasing focus on measuring and evaluating human rights performance ‘empirically’

• This is most prevalent in the field of economic, social and cultural rights
  – ICESCR, Article 2 (1) – “maximum available resources”, “progressive realization”
  – But increasingly prevalent in all the treaty regimes

• Spreading more generally through the UN system, but also interested academia
Focus on measurement and outcomes

• The use of human rights measurement indicators in the UN treaty bodies and OHCHR, and by State Parties
• Major projects by academics and NGOs to measure human rights outcomes through empirical data
• Pressure from funders/donors
• Increasing interest in human rights policy: policy recommendations by treaty bodies, human rights mainstreaming, human rights budgeting, rights-based development, etc.
The problem of causal density

• Measuring correlation is straightforward; measuring causation is not
  – “The Scottish Government [has aimed] to reduce the suicide rate by 20 per cent by 2013; a 13 per cent reduction had already been achieved in the period from 2004 to 2007” (Summary Records, UK’s 5th Periodic Report, ICESCR)
  – What causes the suicide rate? To what extent is the 13% reduction attributable to one given cause? What are the rates in England & Wales and have they fallen or risen?

• What are the consequences of policies or ‘social action’ enacted with human rights outcomes in mind?
‘Epistemic humility’

• In Plato’s *Apology*, the Oracle at Delphi describes Socrates as the “wisest of all people”
• Socrates does not agree and goes in search of wise men to compare himself against, but discovers that in spite of their confidence, they know nothing
• Socrates, by contrast, knows one thing – that he knows nothing: his *epistemic humility* makes him the wisest of the wise
Epistemic pride in action (I)

Figure 21: Annual GDP Forecast vs. Actual Outcome for Greece since 2003

Source: Deutsche Bank, Consensus Forecasts
Epistemic pride in action (II)

IMF's Revisions Of World Trade Volume

- Jan-12
- Apr-12
- Jul-12
- Oct-12
- Jan-13
- Apr-13
- Jul-13
- Oct-13
And how is not this the most reprehensible ignorance, to think that one knows what one does not know?
The violations approach

• In 1996 Audrey Chapman called for a “violations approach” to human rights monitoring
• In a nutshell: assessing implementation through measurement and data was a red-herring – efforts ought to be directed towards identifying and rectifying violations
• This is likely to be a much more productive approach in the long term