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# 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

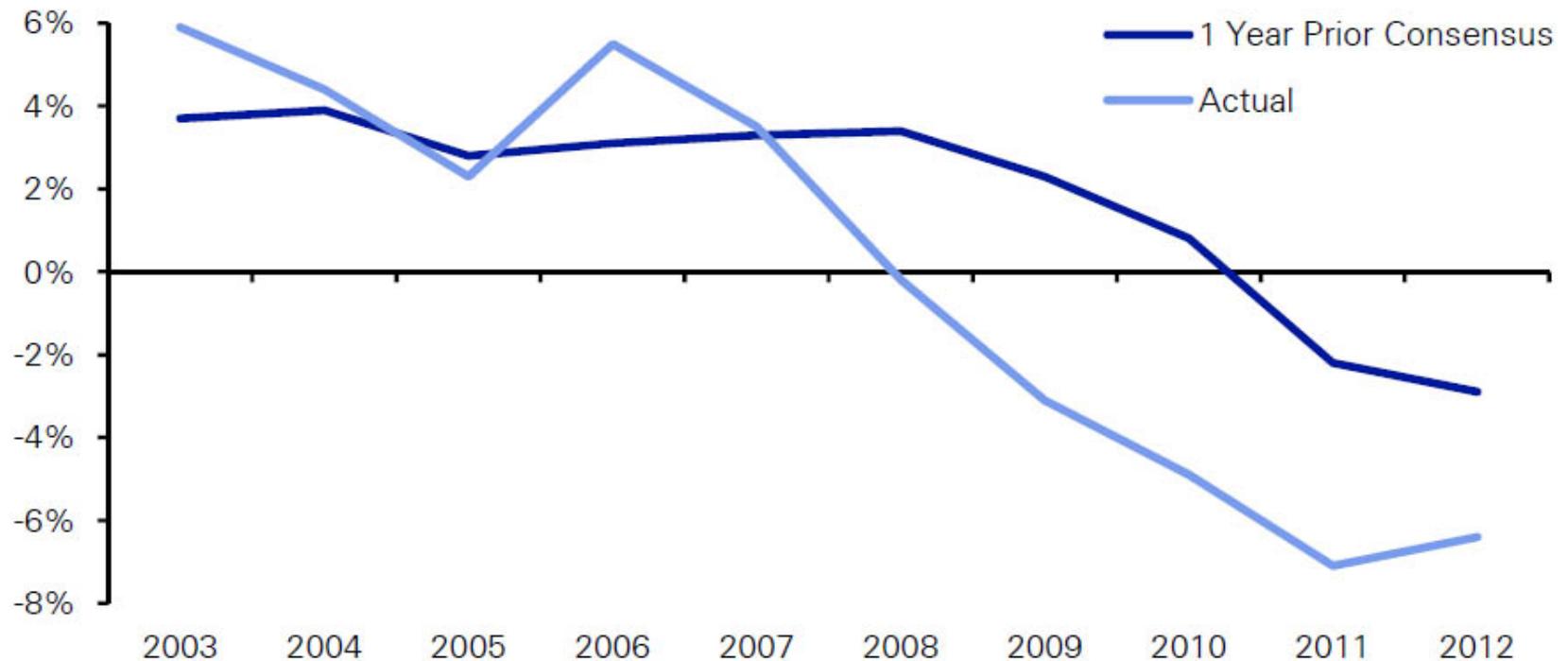
- Measuring correlation is straightforward; measuring causation is not
  - “The Scottish Government [has aimed] to reduce the suicide rate by 20 per cent by 2013; a 13 per cent reduction had already been achieved in the period from 2004 to 2007” (Summary Records, UK’s 5<sup>th</sup> Periodic Report, 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

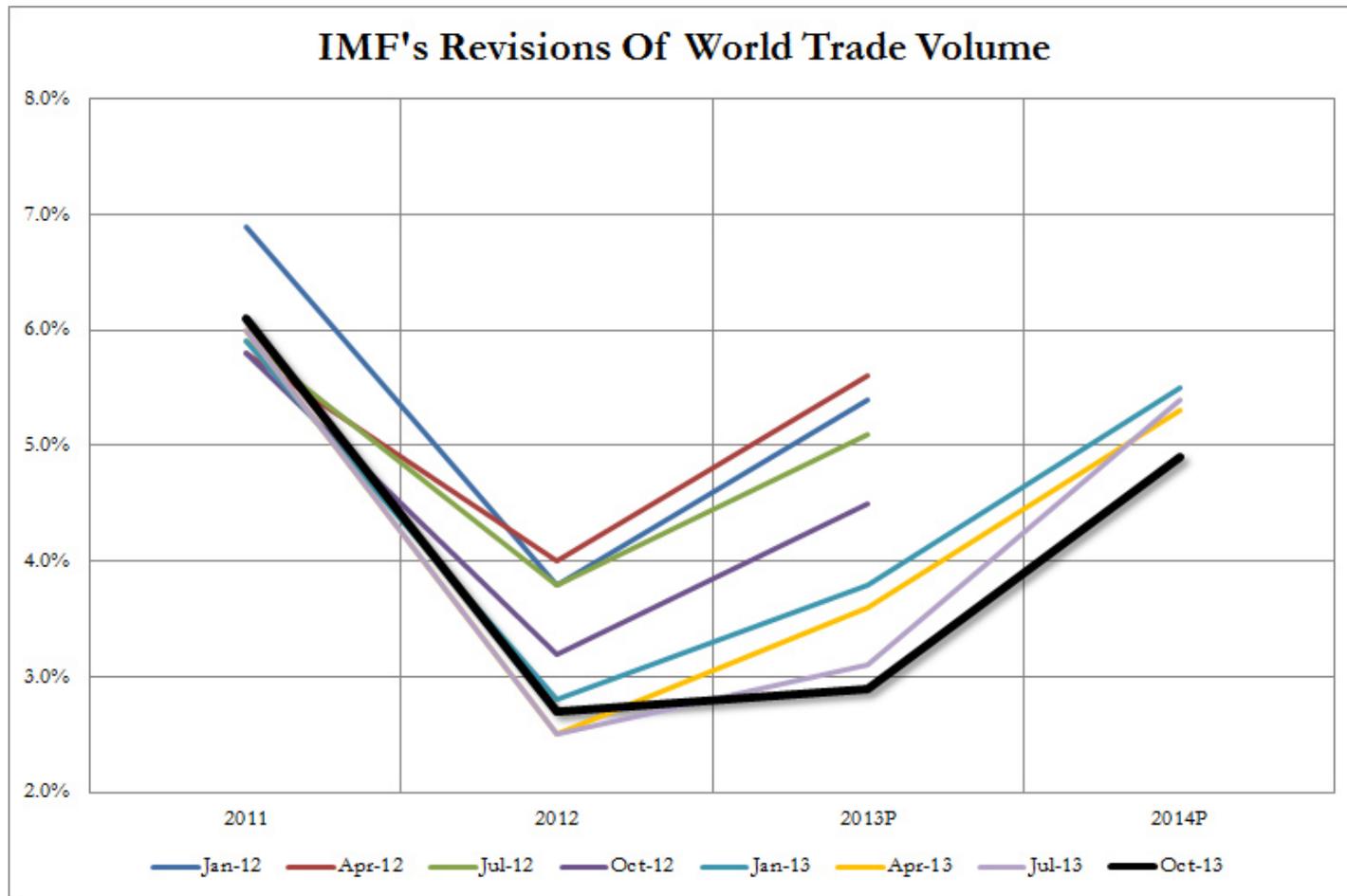
# Epistemic pride in action (I)

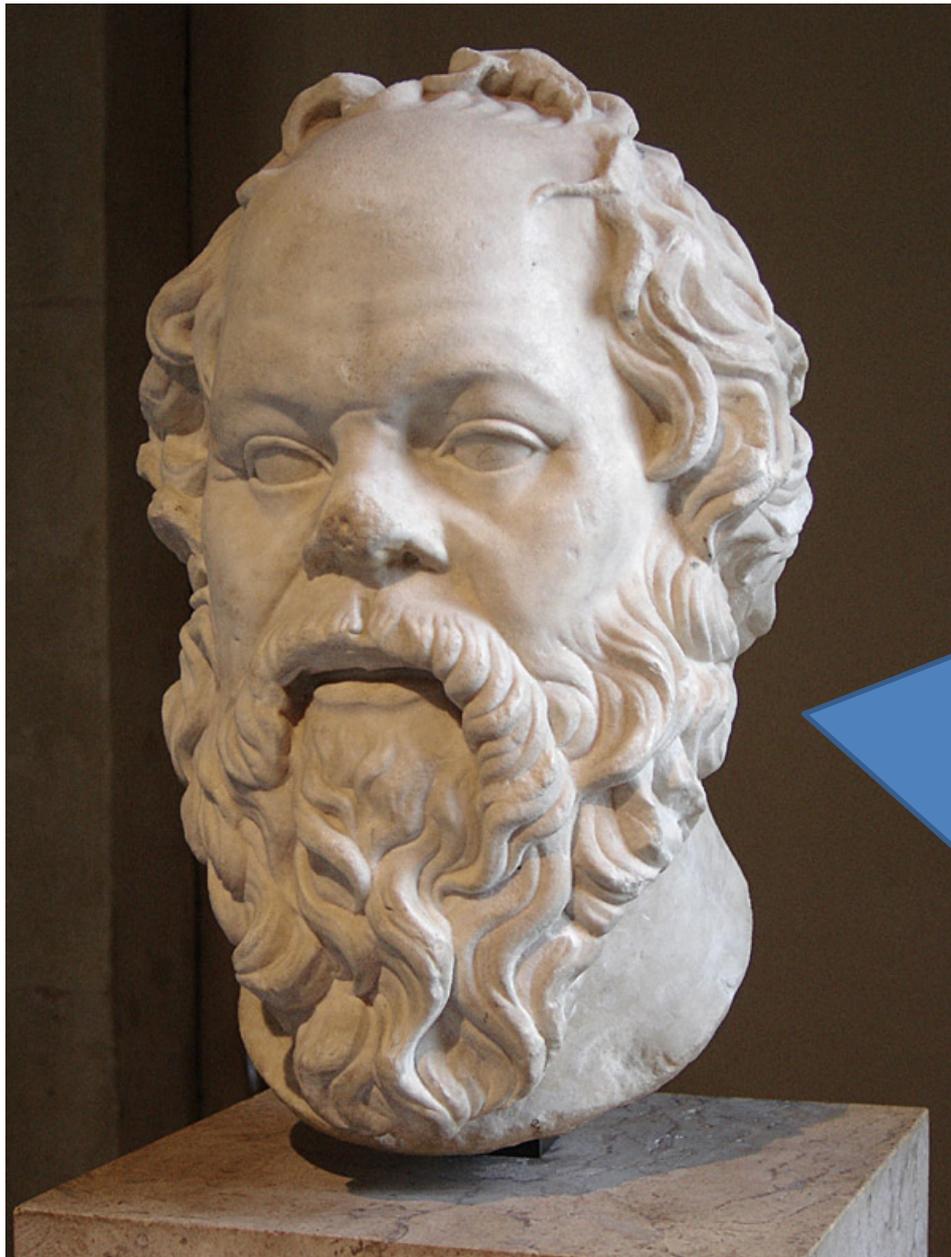
**Figure 21: Annual GDP Forecast vs. Actual Outcome for Greece since 2003**



Source: Deutsche Bank, Consensus Forecasts

# Epistemic pride in action (II)





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