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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

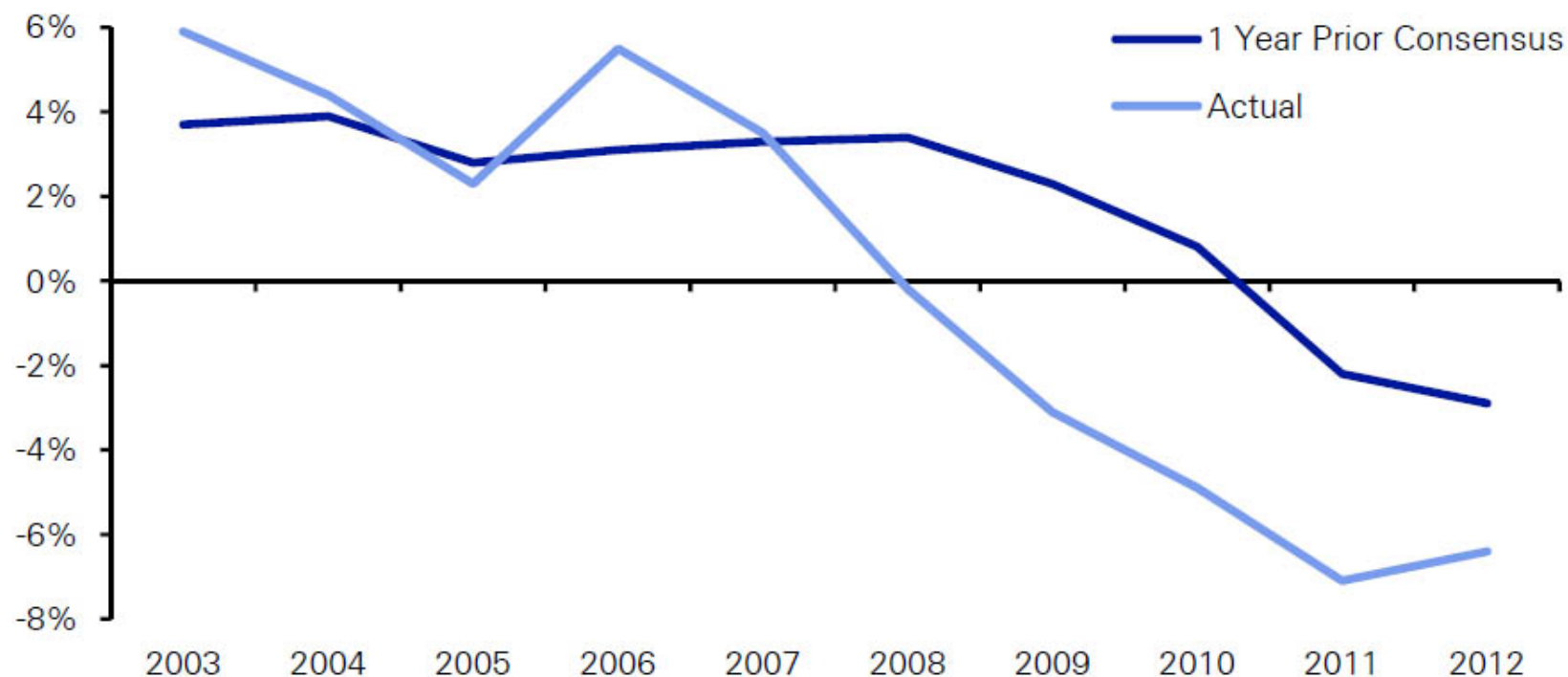
- Measuring correlation is straightforward; measuring causation is not
 - “The Scottish Government [has aimed] to reduce the suicide rate by 20 per cent by 2013; a 13 per cent reduction had already been achieved in the period from 2004 to 2007” (Summary Records, UK’s 5th Periodic Report, ICESCR)
 - What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

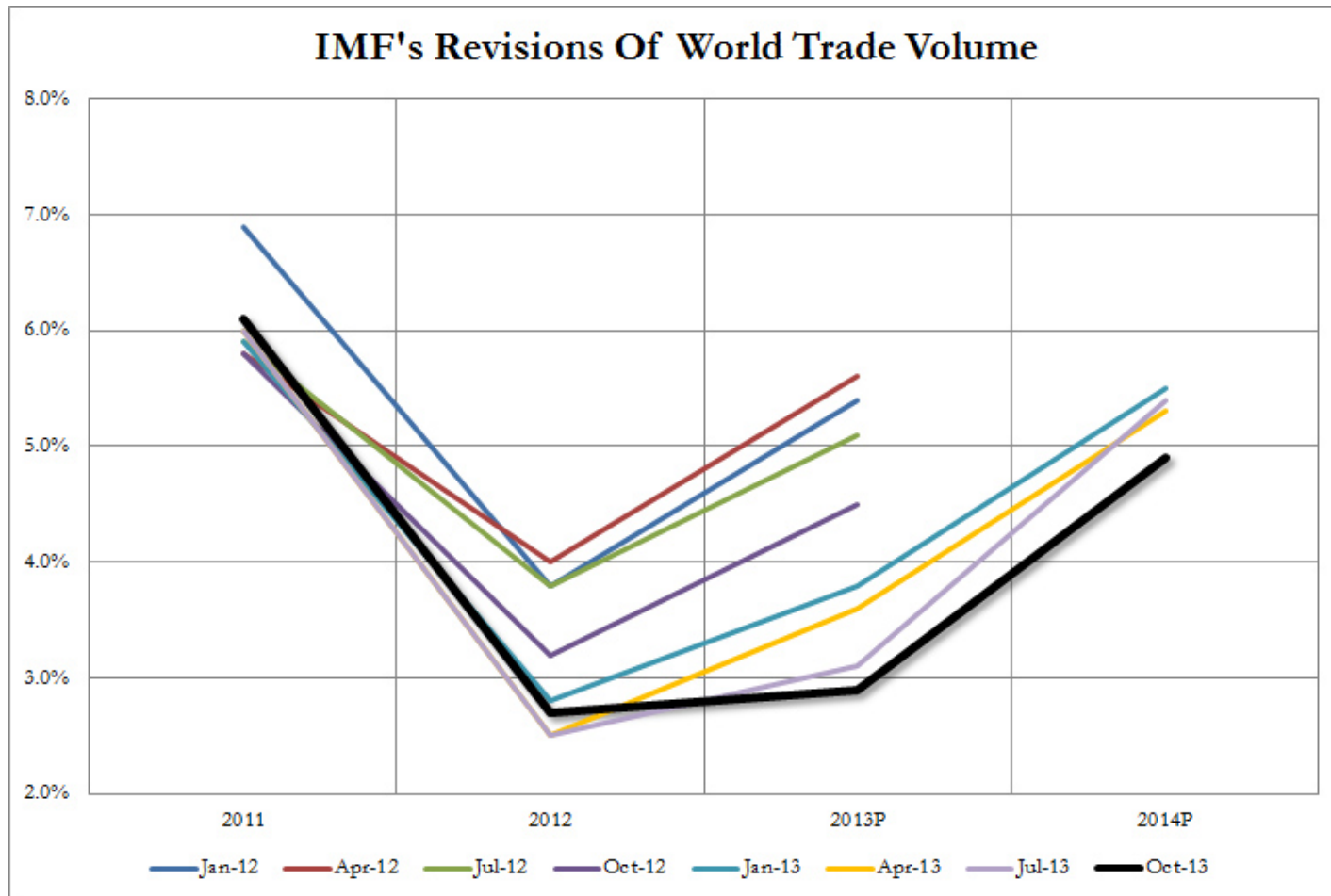
Epistemic pride in action (I)

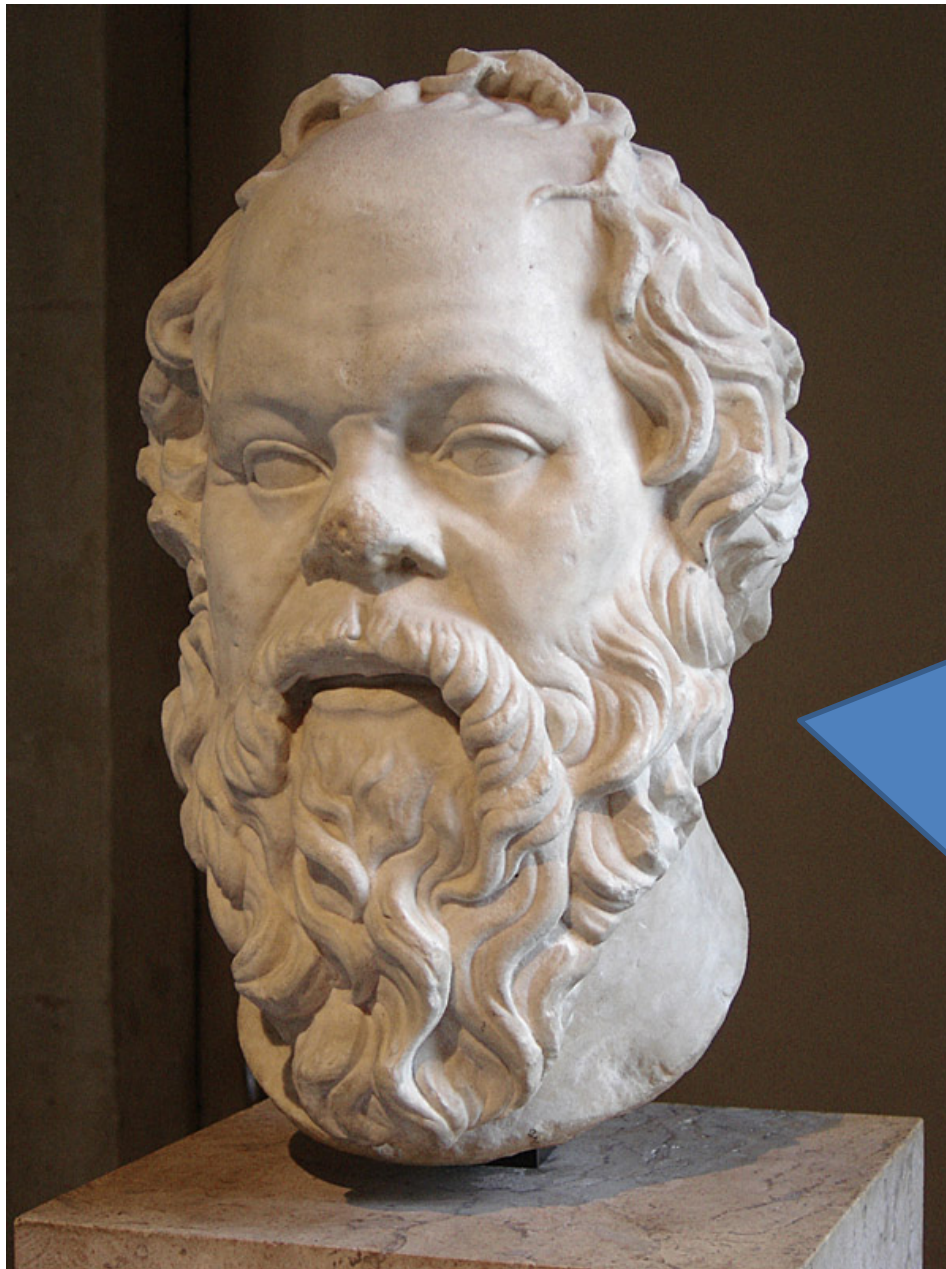
Figure 21: Annual GDP Forecast vs. Actual Outcome for Greece since 2003



Source: Deutsche Bank, Consensus Forecasts

Epistemic pride in action (II)





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