

Review - Evidence for Hope: Making Human Rights Work in the 21st Century

Written by Daniel Braaten

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DANIEL BRAATEN, APR 7 2018

Evidence for Hope: Making Human Rights Work in the 21st Century
By Kathryn Sikkink
Princeton: Princeton University Press, 2017

It's been a hard time for human rights recently (Forsythe 2017). The rise of right wing populism in Britain and the U.S., the rollback of democracy in Hungary and Poland, the ongoing extrajudicial killings in the Philippines, and the atrocities committed against the Rohingya in Myanmar could lead one to conclude that the protection of human rights is declining around the world, and this is on top of the largest refugee crisis the world has seen since WWII. It's not just the news that purports to show the limits of human rights laws, institutions, and movements in protecting individuals but a slew of academic books are making the same claims as well. Recent works by Samuel Moyn (2012), Eric Posner (2014), and Stephen Hopgood (2013) all critique and challenge the effectiveness of human rights movements, law and institutions. It is against these claims that Kathryn Sikkink has written her new book *Evidence for Hope: Making Human Rights Work in the 21st Century*. Sikkink is a well-known scholar in the field of human rights and has written many groundbreaking works. There is perhaps no one more suited to provide a well-reasoned, articulate, and passionate response to the many recent critiques offered on the efficacy of human rights.

Sikkink's argument is divided into two main parts. First, she purports to demonstrate the legitimacy of human rights, and second she seeks to demonstrate their effectiveness. In doing this she defends human rights law, movements, and institutions from four very different critics – “repressive governments, the general public, human rights activists, and academics.” (p. 24). Obviously, the critiques from these four groups vary considerably but they coalesce into claims that human rights are illegitimate, or lack legitimacy, and/or are ineffective in securing a life of dignity for many people around the world.

Before defending the legitimacy and effectiveness of human rights, Sikkink lays the ground rules for her defense in Chapter Two. Specifically, she asks “compared to what?” In other words, defending or critiquing human rights is an exercise in comparison but, as she mentions, regardless of which effort one is engaging in they need to be specific about what they are comparing: “The single biggest unrecognized and unnamed source of disagreement among human rights scholars and within human rights movements is a matter of measurement: the difference between those making empirical comparisons and those making comparisons to an ideal.” (p. 31)

Sikkink argues that a lot of the disagreement over the legitimacy and effectiveness of human rights comes down to an unspoken assumption among critics and defenders on what grounds they are making their claim. Are they making their claim based on comparing current human rights practices to an ideal, or to how things were in the past? Depending on which base of comparison one chooses, one could come to widely different conclusions. Sikkink herself states that she is using empirical comparison as the basis for making her claims in the book. “Starting with a specific human rights violation, I look at how the practice has changed over time. I compare, for example what discrimination against women in the workplace was like fifteen years ago to how it is today” (p. 33).

The rest of Chapter Two explicitly addresses academic critiques of human rights. Sikkink argues that many of the

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recent academic critiques of human rights use comparison to the ideal as their base, which by itself is not problematic but she also argues that many of the critiques also use an *implicit* comparison to the ideal, meaning they never state explicitly what ideal they are comparing contemporary human rights standards or movements to, just simply that they are failing. Additionally, she points out that many of these critiques claim that human rights laws or institutions often lead to some bad outcome but they never specify what the “hidden causal connection” is.

In Chapters Three and Four, Sikkink defends the legitimacy of human rights by focusing on their diverse origins (Chapter Three) and the struggle for their realisation during the Cold War (Chapter Four). One of the critiques against human rights that Sikkink defends against is that “powerful states of the Global North proposed the idea of international protection of human rights, wrote human rights laws, and imposed them on the weak states of the Global South against their will” (p. 56). Sikkink provides a quite detailed history of the involvement of significant figures from the Global South (primarily from Latin American countries) who were responsible for shaping the original documents of human rights law and institutions such as the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights. She also provides a rich and thorough discussion of the twists and turns in the promotion of human rights during the Cold War which is a process she describes as one of “struggle, despair, setbacks, and sometimes, astonishing results” (p. 94). One main idea Sikkink derives from all this history is that the promotion of human rights whether in the Global North or Global South is contentious and often done by groups in the minority. It is this struggle that characterises the human rights movement over the last 70 to 80 years, which occasionally bears important fruit.

In Chapters Five and Six, Sikkink moves from defending the legitimacy of human rights to examining their effectiveness. Her overall summary of the current data on human rights protection around the world is that there is less violence and fewer human rights violations now than in the past. Sikkink is of course relying on the empirical comparison criteria established in Chapter Two. She is not making a claim that everything is ideal but rather looking at the body of evidence that things have improved. If things have gotten better on the human rights front then why is there such contention on this point? Sikkink proposes three causes for disagreement on the effectiveness of human rights – invisible harms and the information paradox, cognitive biases, and changing standards of accountability. Sikkink reminds us that most human rights violations are invisible (i.e. domestic violence, torture) and one of the goals of human rights movements is to expose these invisible harms. However, by exposing these harms it gives the perception that things are getting worse. This is known as the information paradox. With more information and exposure of human rights violations we come to think that human rights violations are increasing when in reality the level of violations may be the same (or even lower). Cognitive biases such as the availability bias and the negativity bias, among others, may be pushing people to focus on the negative news about human rights, namely the violations, rather than on the positive news, thus distorting one’s perception of the overall level of human rights violations occurring.

Finally, utilising research from Fariss (2014), Sikkink highlights that the standards of accountability for human rights violations have increased over time, which must be considered when looking at the overall trends of human rights violations. The standards used by Amnesty International and the U.S. State Department, which provide the reports that give way to the quantitative measure of human rights like the Political Terror Scale, have changed over time because what constitutes a human rights violation has changed. These factors need to be considered when evaluating the effectiveness of human rights. After examining the empirical record on human rights, Sikkink moves in Chapter Six to an examination of the scope of human rights research over the last few decades to identify policies that can help reduce human rights violations. She identifies six policy tools supported by research that reduce human rights violations. They are – reducing war and violence, promoting democracy, preventing the rise of dehumanising and exclusionary ideologies, encouraging states to ratify human rights treaties and promoting human rights norms through non-violent means, ending impunity for individuals and leaders that commit or order human rights violations, and finally, supporting, expanding, and promoting domestic and transnational human rights movements.

In the conclusion to her book Sikkink reminds readers that human rights are a process not an endpoint. In other words, the struggle to secure a life of human dignity for all will continue because human rights movements are dedicated to raising the bar on what constitutes a human rights violation and there will always be governments and non-state actors that will seek repression and violence as a means of getting what they want. Of course, from

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Sikkink's point of view none of this is an excuse for fatalism. Throughout the book she references the economist Albert Hirschman and the notion of "possibilism." The idea here is that the future is not set and policies may have unintended negative consequences but they may also have unintended positive ones as well. It is in this spirit that Sikkink argues those who care about securing a life of dignity for all should proceed and continue to support the promotion and realization of human rights.

Overall, Sikkink achieves her goals with this book, which was to defend the legitimacy of human rights and to show their effectiveness. She does this namely with the use of empirical comparisons, showing that human rights have diverse origins and there have been significant improvements overtime. The unanswered question, however, is whether anyone who uses a "comparison to the ideal" as their focus will be convinced?

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