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The Justice Cascade: Human Rights Prosecutions are Changing World Politics
By Kathryn Sikkink
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At the London School of Economics a few years ago I listened as Richard Goldstone, then the great guru of the international criminal court, outlined his case for what the author of this stimulating book calls here (only slightly misleadingly) “human rights prosecutions”. At the vague level

of rhetoric, the argument is simply irresistible: how could one not be thrilled by the ethical panache of a guy who wanted all those brutal dictators locked up? Answering him was a young and careful scholar, Leslie Vinjamuri, who went into the details of each case where it had been tried, showing (as she believed) that things were not as simple as all that, and that these kinds of trials can often (or perhaps always?) do more harm than good.

So who is right? Kathryn Sikkink has written a book that sets out to supply the details that Goldstone so obviously did not have to hand that night: for her, human rights prosecutions are not only “changing world politics” but are also making the many states undertaking such trials better places in which to live because the very fact of their occurrence reduces the general level of repression. This book is a great read: Sikkink weaves herself into the text in a way that might strike some as a bit Oprah-esque for a scholarly text, but the method certainly produces plenty of interesting stories for the reader to digest while taking a break from the hard political-science bits. Her examination of how the idea of such prosecutions grew from being a new obligation peddled by “norm entrepreneurs” via a “pro-change coalition” into the new common sense of our post-Cold War age is riveting and largely convincing. (Sikkink reports an exchange between Goldstone and the former UK prime minister Edward Heath that neatly captures the old approach, with the politician castigating Goldstone’s appointment as a prosecutor of war crimes as a “ridiculous job” – and it seems clear that this conversation took place not all that long ago.)

All of this, though, is just skirting around the key challenge, which, as an avowed consequentialist, Sikkink has set herself: do these prosecutions work? The closer you read this book, the more anxious you become that finding data in support of the “justice cascade” is more a laudable effort of will than it is based on clear facts on the ground.

First, much less of the book than you’d expect actually addresses the point head on: just one chapter and five pages at the end. Second, the main chapter on this subject is rather hard to

follow, being part commentary on past work, part development of new lines of enquiry and (unfortunately) it plunges into the technical at exactly the moment when the book’s clarity (generally very good) should be at its sharpest. Third, when it comes to the key conclusions, such words and phrases as “may”, “can”, “generally support”, “thus appears”, “may deter” and the like puncture the text throughout, giving the impression of a careful scholar sneaking her bits in while the rhetorician deliberately looks the other way. Sikkink is most at home in South America, and I was never quite sure whether extensive work done in that region was being forced into a universal shape that needed to have been separately grown and nurtured. Fourth, the book ends with a call to root its argument in “deeper ideational instincts in the human brain”. Now while I am far from being one of those academics who “shun the suggestion that humans intrinsically find certain human rights ideas appealing”, this is an odd place for a book to end up that has told us of its intention to stand or fall by its data.

The great thing about this book is that here is a human rights advocate prepared to dig in and get her hands dirty with empirical research. Halfway through she is generous about another scholar whose data has led her to different conclusions, disarmingly admitting that they have now merged their databases to try to crack the problem. Sikkink’s “opponents” are generously treated throughout. We might be entering a new phase of human rights research where instrumentalism is acknowledged, and in which ethical talk is deployed as an embellishment rather than a way of avoiding hard work. If so, the subject of human rights might yet come of age in the universities, just as much as it so clearly has on the streets.

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