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Principled pragmatism and the logic of consequences

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The 1990s were a good decade for legalists and moralists. History had just ended, and law and morality were getting ready to clean up some of its detritus. The decade since 11 September 2001, in contrast, cast a shadow over efforts to impose liberal ideals on a recalcitrant world, setting the stage for a resurgence of pragmatic policy making and a revival of realism. In the aftermath of President Bush's freedom offensive, Americans told pollsters that promoting democracy abroad was dead last on their list of public priorities and promoting human rights was heading in the same direction (Chicago Council on Global Affairs 2008). President Obama said that Reinhold Niebuhr was one of his favorite authors. Thus, it is a sign of the times that Richard Price has called together a distinguished group of scholars, a number of them constructivists who made their mark documenting the impact of norms on international politics, to grapple with the theoretical and ethical implications of the gap between the way the world is and the way it ought to be.

Price notes that constructivist scholars of international relations, who hold the view that social reality is constructed through normative discourse, have generally not attempted to contribute to abstract normative

philosophy. Rather they have examined norms empirically, studying how norms arise, spread, and exert an impact on outcomes in world affairs. This, he says, leaves them well equipped to contribute to moral debate by testing the empirical basis that underlies consequentialist normative theory, which holds that norms should be promoted and followed insofar as they are feasible and effective (Price 2008).

We agree that any powerful empirical theory of politics, including a constructivist one, could play a valuable role in moral choice. However, a central project of some prominent constructivists, to show how the 'ought' becomes the 'is', risks the conflation of 'is' and 'ought' in ways that can confound its explanatory and prescriptive analyses, diminishing the potential of a social constructivist approach to develop a theory of moral progress (Finnemore and Sikkink 1998). To avoid this pitfall of what we call 'principled constructivism', we urge the maintenance of a strong firewall between the explanatory and prescriptive role of norms in constructivist analysis. A leading constructivist scholar and United Nations (UN) adviser, John Ruggie, has called for a new pragmatic approach to promoting human rights principles (Ruggie 2006, paras 70–81, 2010). Similarly, we call for a principled pragmatism, one that is based on the creation of social conditions that permit desirable norms to flourish. Principled pragmatism offers a better guide than principled constructivism in developing a prescriptive role for norms.[2]

Tensions within consequentialist constructivism

Price notes the tension between constructivist scholars' historically contextual empirical theories of the rise of norms and the universalistic deontological commitments that some principled constructivists hold. Constructivism typically assumes that normative discourses reflect social conventions that are embedded in particular cultural and historical contexts. In contrast, Price notes, moral philosophy often seeks to achieve the context-free neutrality of Rawls' imaginary 'original position' in which none know the place they will hold in the society whose rules they are seeking to create (Price 2008, 11). This presents a problem specifically for those constructivists that fail to differentiate analytically between the causal role of norms in their empirical theory and the aspirational role of those norms in their ethical commitments, a position we refer to as principled constructivism (Price 2008, 22).

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[2] By principled pragmatism we mean an approach that evaluates the costs and benefits of different strategies on the basis of their ability to deliver or secure a set of designated principles. We do not engage in philosophical debates about 'pragmatism', in the sense discussed by John Dewey, for example.

Consequentialism is fully comfortable for ethically committed, principled constructivists only if their empirical findings show that discourses about norms of appropriate behavior do in fact lead to behavioral outcomes that these scholars deem to be ethically desirable. The norms cascade model that has had widespread impact on constructivist work on human rights and justice embodies those gratifying characteristics: principled activists convince targets of persuasion to accept better norms, leading to better behavioral outcomes (Finnemore and Sikkink 1998). Consequentialism is less comfortable for these principled constructivists, however, when stubborn social facts – whether material conditions, rival discourses, institutional stumbling blocks, and/or contrary cultural practices – prevent principled discourse from achieving normatively valued ends, or even inspire a backlash, causing principled discourse to make things worse. Constructivism more generally, like most other empirical theories, holds open the prospect that an embrace of particular desirable social norms may produce unintended, undesirable effects. Important work by Barnett and Finnemore, for example, has demonstrated the perverse consequences associated with a strong commitment to rules (Barkin 2003; Barnett and Finnemore 2004).

In such circumstances, achieving desirable outcomes may depend on the use of methods other than principled persuasion, such as coercion, guile, or bargaining based on power and expediency. For example, granting amnesty to human rights violators has sometimes been necessary to induce them to accept a peace agreement and hand over power to a political coalition favoring democratic reforms. Such situations do not necessarily refute constructivists' *empirical* theories, which have the potential to explain the rise and continuity of bad norms just as easily as good ones, but they do create a tension for *principled* constructivism when it implies that discourse about norms and attempts to enforce them offer the best way to explain the world and the best way to improve it (Vinjamuri and Snyder 2004; Vinjamuri 2010).

A related problem arises when efforts to promote a morally desirable norm have the unintended consequence of undermining other similarly desirable norms. Martha Finnemore's chapter discusses several such tradeoffs that arise in conjunction with humanitarian intervention, especially its conflict with the norm of self-determination (Finnemore 2008, 207–14). In an example from our own work, the goal of protecting civilians from atrocities (implementing the norm of 'the Responsibility to Protect') may be facilitated by bargaining with perpetrators, which creates an ethical tradeoff, since such deals may undercut the norm that perpetrators should be held criminally accountable (Freeman 2010). Pressing for accountability may also conflict with the fulfillment of

humanitarian norms, as witnessed by Sudanese President Bashir's expulsion of several major humanitarian NGOs immediately after the International Criminal Court issued a warrant for his arrest.

Faced with difficult moral tradeoffs between means and ends, and among multiple normative goals, principled constructivists and advocates have pursued several options. First, they have sometimes argued that there is no tradeoff between means and ends or between normatively desirable outcomes: acting in accord with principle always leads to the best outcomes. For example, they may argue that there is no tradeoff between peace and justice, even at the tactical level.[3] While this may sometimes articulate a sincere belief, in other cases this claim may be a strategic form of hypocrisy, since its proponents likely realize the immediate difficulties of pursuing both peace and justice, yet deny the tradeoff as a rhetorical countermove against rogue leaders who have themselves manipulated discourse about peace and justice.

Second, some principled constructivists have proposed selectively removing certain values from consequentialist reasoning, designating these as moral imperatives or non-derogable rights. A similar approach, but less absolute, might rank norms according to some ethical theory such as that recommended by Toni Erskine in this symposium. In this way, higher ranked norms might be seen as trumping lesser ones when they come into conflict. In a variant on this, empirical constructivism might try to identify the socially prevailing rank of normative priorities and simply accept this as a prescriptive ranking.[4]

Third, some principled constructivists have proposed shifting the focus from behavioral outcomes (e.g. the extent of actual human rights abuse) to consequences for the strengthening of a norm (e.g. the degree to which discourse, law, and authoritative institutions accept human rights norms as obligatory in principle). Kathryn Sikkink calls this 'rule consequentialism' (Sikkink 2008, 91–92). Various contributions to Price's volume illustrate these moves in ways that reveal the difficulties of marrying principled constructivism with consequentialism.

Instead of these approaches, we argue for a principled pragmatic approach, which cuts across paradigmatic attachments, and aspires instead to create the social conditions that permit principles to be realized.

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[3] In its most recent effort to grapple with sequencing, Human Rights Watch argues that in Afghanistan, Burundi, Indonesia, and the Democratic Republic of Congo, 'efforts at accountability have been sidelined…with unfortunate consequences'. See Human Rights Watch (2011, 2).

[4] The Universal Declaration of Human Rights asserts a list of rights without stating the underlying philosophical principles from which the list is derived, although it does not rank them.

Whereas principled constructivists typically assume that persuasive normative discourse and norms-conforming action take the lead in creating desirable social change, principled pragmatism takes the view that principled, desirable social change can only be successfully advanced when it is first anchored in a supportive configuration of power and interest. This pragmatic approach builds a firewall between the explanatory and prescriptive role of norms, recognizing that empirical consequentialism and ethical reasoning each has its own compelling logic.[5] Ethical reasoning, together with social context, establishes the goals, and pragmatic consequentialist reasoning determines the most effective way to achieve them. (For present purposes, we leave ethnical reasoning about proper goals to normative theorists.) Since non-strategic rule-following can sometimes undermine the very goals that rules are intended to achieve, these two logics of consequences and of appropriateness must be reconciled by finding a path of action that advances principles strategically, while minimizing the harm that expedient tactics do to ethical objectives. Tactical sequencing in this approach is based not simply on an ethical ranking of values, but on an empirical consequentialist assessment of how to strengthen the political coalitions and institutions that underpin normative goals.

How principled constructivists grapple with consequences

Kathryn Sikkink's chapter and her other writings grapple with these tensions in constructivist consequentialism, illustrating the first three ways of escaping the tradeoff between 'is' and 'ought'. Her book *The Justice Cascade*, for example, tries to show empirically that holding rights abusers accountable in a court of law leads to good outcomes in terms of improved human rights, democracy, and rule of law (Sikkink 2011). However, the vast majority of the cases that Sikkink relies upon to show the correlation between trials and these good outcomes were ones in which democratic consolidation and institution building preceded the trials, especially in Latin America. For example, the major trials in Chile came decades after the completion of its democratic transition. In Argentina, trials during the early stages of the democratic transition were so divisive they had to be reined in by amnesties, which were revoked only much later after democracy was consolidated (Nino 1996; Collins 2010).

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[5] Some reject this attempt to separate knowledge claims and normative claims; we think it is a viable and even necessary strategy to make this distinction. For example, regardless the normative value we may play on democracy, it is both possible and crucial to evaluate empirically the effect of early elections on democratization.

Sikkink's chapter also adopts the second method of extricating principled constructivism from the implications of consequentialism: removing certain principles from consequentialist analysis. (She does not, however, discuss ranking those that remain.) Sikkink claims that certain human rights are non-derogable. She defines these as 'those principles that I hold absolutely without regard to any information about consequences' (Sikkink 2008, 87). Non-derogable rights are those that cannot be *legitimately* abrogated. In practice, this means that no authoritative rule-interpreter or rule-enforcer can take a decision that dismisses or limits such a right. However, outside of a system of rules and authoritative procedures for interpreting and implementing them, the non-derogability of a right has no behavioral consequence. I may have a non-derogable right not to be tortured, but I might nonetheless be tortured. Non-derogability constrains the judge, not the torturer. It places a restriction on the extent to which consequentialism can be used as the basis for decision making within the legal system.

This makes sense in constructivist ontology, which holds that norms construct social reality. But in contexts where even the most highly prized principled commitments lead to perverse outcomes, this rule is problematic. Legal actions may impede, block, or delay desired social outcomes if they hinder pragmatic tactics for ending a war, removing a dictator, or empowering a reform-minded political coalition. Unlike Sikkink, Finnemore's chapter acknowledges the problem principled constructivists face when the pursuit of one ethical value comes into conflict with others. As she points out, for example, it is ethically problematic to promote democracy in a context in which 'elections consistently tend to produce instability rather than alleviate it' (Finnemore 2008, 206).

Sikkink also adopts the third method of limiting the implications of consequentialism when she prioritizes consequences for human rights norms above consequences for social welfare: 'When I consider consequences, my question will be: what are the consequences for human rights, as defined in current human rights law?' She adds in a note: 'here I part paths with utilitarians and most consequentialists who have a welfarist rather than a rights-based approach to evaluating consequences' (Sikkink 2008, 86).

She follows this up with the claim that 'the most attractive version of consequentialism for the empirically minded researcher is "rule consequentialism"', which asks 'what would be the consequences if everyone felt free to do that?' (Sikkink 2008, 91–92). In assessing this argument, it will help to distinguish among three criteria for ethical judgment. The first is deontological: for example, is it an intrinsically right action to bring perpetrators of atrocities to trial? Sikkink's yardstick is a restatement of

Kant's categorical imperative, which Kant intended as a criterion for establishing a deontological claim, not as an empirical hypothesis about actual outcomes. The second is 'act consequentialist': would those who might plan to use violence abstain out of fear of punishment? The third is 'rule consequentialist': what is the impact of indicting a particular war criminal on the strength of the criminal accountability norm in general? For any specific issue, the answers to these three questions might point in different directions (Snyder 2003).

It is by no means obvious that rule consequentialism should trump when the three criteria diverge. For example, an act consequentialist might note that the International Criminal Court (ICC) indictment of Joseph Kony of the Ugandan Lord's Resistance Army had not deterred subsequent atrocities, and that a UN negotiator Jan Egeland had claimed that the indictment had prevented an amnesty that was central to a deal for Kony's surrender (Matsiko, Nyakairu, and Harera 2006). In contrast, a rule consequentialist might argue that indicting Kony had nonetheless strengthened the rule of criminal accountability. The rule consequentialist would either have to contest Egeland's interpretation of the facts of the case or claim that the principle of accountability for wrongdoing is a morally superior value to that of actual freedom from harm. But even rule consequentialists presumably care about the ultimate behavioral outcomes, not the rules *per se*. They believe that in the long run strong rules will make for better outcomes: hence Sikkink's careful efforts to demonstrate human rights trials make a positive contribution to deterrence (Hayner 2007, 26–27; Sikkink 2011, 169–88).

How to strengthen the rules is itself an empirical question. Constructivists and activists writing about human rights, international justice, and humanitarianism typically claim that acting in strict accord with these values in any context strengthens norms, but this is debatable. Holding trials that are seen as victors' justice or politically biased, as the majority of Serbs saw The Hague Tribunal, is unlikely to strengthen norms (Klarin 2009, 89–96). Similarly, delivering poorly regulated humanitarian aid to refugee camps near war zones has literally fed rebellion and atrocities, as in the aid that empowered refugee genocidaires in eastern Congo in the aftermath of the Rwandan Genocide (Cooley and Ron 2002; Terry 2002). This caused a crisis in humanitarian norms, not a strengthening of them (Anderson 1999). Even if one accepts rule consequentialism, the best route to the desired outcome is not necessarily the route of principled non-strategic rule-following.

Building a firewall between is and ought

In light of the pitfalls of the approaches that some principled constructivists take to consequentialism, what remedies might be considered?

Staying firmly within constructivist ontology, one improvement would be to build a stronger firewall between the use of norms in an explanatory mode and the use of norms to define the ethical aspirations and evaluative criteria of the researcher. For example, one could believe that girls have a universal right not to be subjected to female genital cutting, yet one could simultaneously accept the empirical finding that the use of universalist language in naming and shaming practitioners of cutting tends to strengthen the practice by allowing nationalists to link it ideologically to resistance to imperialism. In fact, Sikkink and her co-author Margaret Keck found exactly this (Keck and Sikkink 1998, 73).

Recognizing the counterproductive effects of some universalistic norms entrepreneurship does not mean giving up on the human rights agenda, nor even on constructivist tactics. When CARE's human rights rhetoric against cutting backfired in some Muslim refugee camps, for example, they switched to a discursive approach that emphasized the views of authoritative Islamic experts. Working through local community religious leaders, CARE got permission to screen videos showing debates between liberal and conservative Islamic scholars on Koranic textual evidence regarding cutting. This approach was effective in changing attitudes and some behavior (in conjunction with providing a much-wanted health clinic for the community; Rajdurai 2004).

An alternative that steps outside constructivist ontology, but retains rule consequentialism, is to look at the political, economic, and institutional facilitating conditions that permit or encourage the development of desirable norms. Some leading constructivist scholars have taken up a similar plea, recognizing that a strategy of persuasion based on the power of principles alone may be inadequate. In his work as the United Nation Secretary-General's Special Representative for Business and Human Rights, John Ruggie argued that principled pragmatism was necessary to enlist multilateral corporations in efforts to improve human rights (Ruggie 2006, paras 70–81, 2010).

We likewise adopted a principled but pragmatic approach in an article on the effects of war crimes tribunals. We argued that improvements in the rule of law and justice depend on first empowering an effective political coalition that favors democracy and is capable of creating legal institutions that can adjudicate cases and enforce the law in the countries where abuses are likely to occur. Justice does not lead, we claimed, it follows. We argued that trials could come speedily in cases of decisive military victory that left perpetrators of atrocities powerless to further destabilize the country. However, where perpetrators retained enough power to be dangerous, we argued that proposing trials could give perpetrators an incentive to hold onto political power and their weapons

in a violent gamble for resurrection. We showed that amnesties – or simply saying nothing about trials – contributed to peaceful democratization in several hard cases, including Mozambique, El Salvador, South Africa, and Namibia.

This strategy of focusing first on creating the facilitating conditions for rights and justice is supported by the widely replicated finding that the strongest correlates of favorable human rights outcomes are peace, democracy, and (more weakly) per capita income (Hafner-Burton and Ron 2009, 360–401). Sikkink's own research on Latin America shows that trials do not destabilize politics when they are held *after* the consolidation of a democratic transition, which is precisely what we argued. Her research on global prosecutions includes controls for war, democracy, and other background variables, but her positive findings are not supported by other statistical studies on this topic, and she does not address whether states undertake wartime trials only when they have the upper hand (Olsen, Payne, and Reiter 2010; Sikkink 2011, 185–87). In our own research, we noted that amnesties, too, can be failures, as in Sierra Leone 1999, if they are not designed in a way that empowers a strong coalition favoring the institutionalization of the rule of law (Snyder and Vinjamuri 2003/04, 35). Assessments of the likely consequences of trials and amnesties need to take selection effects into account. Amnesties tend to be offered when wars end in negotiated settlements and are often associated with powersharing agreements with perpetrators of abuses. Thus, amnesties occur in hard cases when a return to war is likely (Toft 2009).

It is important to evaluate consequences not only for the strength of rules but also for what Sikkink calls 'welfare', that is, whether the increasing invocation of human rights rules actually leads to reductions in the rate of abuses. We agree with Sikkink that over the long run stronger rules should lead to better welfare outcomes. But welfare outcomes might sometimes improve even in the absence of stronger rules. For example, over 90% of child labor disappeared in the United States before the passage of laws limiting child labor, as a result of improved public education and technological changes affecting the labor market (Moehling 1999). Since what we all really care about is improving people's lives, we need to assess strategies using act consequentialist criteria, not just rule consequentialist standards.

The problem of hypocrisy

The pursuit of ethical ends through pragmatic means raises the question of hypocrisy, which concerns Price and a few of the contributors to

the volume.[6] Dictionary definitions of hypocrisy focus on pretending to have beliefs or virtues that one does not have. Price lists three kinds of behavior that he calls hypocrisy: giving false reasons for taking an action, applying principles inconsistently, and holding others to a higher standard than oneself.

Hypocrisy, as Price points out, is a two-edged sword for those constructivists who are concerned with moral progress. On the one hand, they believe that discourse about norms creates social order, and they fear that insincere discourse undermines norms and the order that they depend on. For example, Marc Lynch's chapter argues that the United States and UN were hypocritical in pretending that the Oil-for-Food Program would mitigate the mass suffering caused by Western sanctions on Saddam Hussein's Iraq in the 1990s, and that outrage against this hypocrisy undermined Western diplomacy later on. Lynch concludes by invoking the sincerity of the Habermasian ideal speech condition as essential for sustaining a moral consensus in politics (Lynch 2008).

On the other hand, a classic strategy of human rights activists, approved by kindred constructivist international relations theorists, depends on leveraging the fact that hypocrisy is the tribute that vice pays to virtue. This strategy starts by convincing abusive regimes to engage in the 'cheap talk' of signing international agreements, which are then used to leverage a campaign of naming, shaming, litigation, and civil society mobilization against the regime's violations (Risse, Ropp, and Sikkink 1999). Systematic research by Beth Simmons shows that this strategy seems to work for certain types of countries that are in the process of consolidating democracy (Simmons 2009).

Some of these anxieties and ambivalence about hypocrisy are the result of the distinctive role that norms play in constructivist theory. When talk about norms and rule-following is seen as the bedrock of politics, opportunities for hypocrisy abound. Consistency between principles and deeds becomes a central concern, and applying principles consistently is a *sine qua non* of credibility. In a world in which consequences matter, resources are limited, and ethical tradeoffs are unavoidable, actors who strongly emphasize principles and normative consistency inevitably set themselves up for charges of bad faith.

In contrast, when politics is anchored in prudential case-by-case bargaining based largely on power and interest, principles serve to define objectives rather than as absolute constraints on tactics. As Lynch notes, realists and rationalists may see a reputational cost in lying, 'but the focus

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[6] For a thoughtful constructivist discussion of the problem of wielding power while avoiding the pitfalls of hypocrisy, see Finnemore (2009).

is still on the communication of preferences and strategies rather than on moral argument or hypocrisy' (Lynch 2008, 172). In this framework, actors judge each other by their prudence, competence, the moderation of their goals, and the predictability with which they seek to advance their purposes. In such a world, being able to explain one's methods and goals in terms of a coherent vision that does not threaten other actors may be part of establishing an image of reliability, but this does not depend on consistency in following universalistic rules.

In the hypothetical worlds of purely principled politics and pure power politics, hypocrisy would not have to exist, but in the real world, political action always combines principle and pragmatism in some measure. This is true, for example, in strategies for promoting improvements in human rights and justice. Principled activists and kindred constructivist scholars favor promoting rights not just through normative persuasion, but also through coercive bargaining, enforcement of universalistic legal and moral standards on diverse cultures, entrapment into hypocrisy, and rhetorical coercion (Krebs and Jackson 2007). Conversely, many self-described pragmatists, rationalists, and realists in liberal democracies believe that promoting liberal democratic reforms abroad can be a prudent way to promote the national interest of their own society over the long term, so long as patient, expedient, effective means are used.

Whether the weight of the mix leans toward principle or toward pragmatism, any mix raises the question of how to justify putting forward principles to articulate overall goals, while retaining the strategic and tactical flexibility needed to achieve those goals in a world that has not yet fully accepted those principles. Lynch's justification of the hypocrisy of the sanctions on Iraq is oblique and ultimately unsatisfying: he argues that this hypocrisy mobilized an anti-sanctions coalition that led to demands for smart sanctions. But this was less a strategy than an unintended side-effect of a bad policy. And the argument assumes that so-called smart sanctions are necessarily more effective, which does not appear to be the case (Drezner 2003).

A better strategy for minimizing the damaging effects of hypocrisy is to adopt rules that govern exceptions.[7] These kinds of rules are embedded in human rights treaties and have been used especially by democracies to

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[7] One prominent academic literature on rules governing exceptions focuses on situations of emergency (Ackerman 2004; Humphreys 2006; Dyzenhaus 2009). More directly relevant to our concern here are provisions for what amounts to plea bargaining in which sentences are reduced in exchange for truth-telling, reparations, or credibly changed behavior, as in the South African Truth and Reconciliation Commission or the 2012 revision of Colombia's transitional justice law.

legitimately suspend certain civil and political rights in times of emergency (Hafner-Burton, Helfer, and Fariss 2011). Rules governing exceptions can allow states to find a workable balance between unbending principle and the practical need to compromise while minimizing the normative costs of hypocrisy (Finnemore 2009). Ideally, such rules for exceptions should be based on normatively acceptable consequentialist criteria. For example, Louise Arbour, former Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) and current head of Crisis Group, has proposed a proportionality test for determining when to pursue interventions under the responsibility to protect. One key criterion for such a test is that 'the negative consequences of military action not outweigh the anticipated benefits' (Arbour 2011).

Our approach also calls for selectivity in the application of certain rules. Strengthening the rule of law is the long-term goal of our strategy, yet we argue that it is sometimes advantageous or even necessary in the short run to bypass rules governing criminal accountability for international crimes in order to create political conditions that will ultimately be conducive to rule enforcement (Teitel 2000; Bell 2009). This will be the case when potential spoilers are strong enough to resist justice and wreck the peace, yet have reasons to switch to law-abiding strategies if given adequate guarantees. For this reason, we argued for conditional amnesties that made dangerous perpetrators weak but satisfied. Some rules governing exceptions that allow bypassing criminal justice are already in place. The additional protocols to the Geneva Conventions encourage amnesties for crimes of rebellion under domestic law when part of a peace settlement. This rule should be broadly interpreted as a mechanism to disarm and reintegrate combatants especially in cases where a significant part of the population has been engaged in conflict. Under the Rome Statute, the UN Security Council is allowed to halt an ICC prosecution for 12 months at a time, if it is judged necessary in the interests of peace and security.

Our research suggests that other rules should also be considered. Amnesties (or decisions not to prosecute) should be recognized (or at least not undermined) when granted by a transitional state that demonstrates a credible commitment to building democratic institutions and a real ability to politically neutralize the recipients of amnesty. When there is no meaningful prospect of enforcing an indictment, and no prudent option for removing perpetrators through foreign military power, international actors should embrace a strategic silence until conditions and incentives change. This follows from the argument that toothless indictments weaken norms, are susceptible to domestic manipulation, and may cause perpetrators to demand credible amnesties. The indictment of Bashir strengthened his domestic support in the run up to elections by allowing

him to mobilize domestic and regional support on an anti-West/anti-ICC platform. In Afghanistan, pressure to adopt accountability mechanisms led to domestic calls for an amnesty, which was subsequently adopted by Parliament (Kouvo 2010). During the war in Bosnia, the creation of the Tribunal in 1993 was criticized as hypocritical, ineffective cheap talk that substituted for effective but costly action.[8]

Price and his contributors to *Moral Limit* have established an important landmark in the evolving convergence between constructivist and pragmatist approaches to human rights problems and other issues on the international normative agenda. Tactics of naming and shaming based on universalistic deontological standards that were highly effective in an earlier phase of mobilizing awareness about abuses and motivating activists to organize for the cause now face a crucial test. The gap is wide between the aims of the human rights movement and the tasks that remain to be accomplished. As a result, activists and scholars are now turning toward consequentialism and pragmatism for guidance in figuring what tactics actually work to reduce abuses. The thoughtful, creative, and well-informed contributions to this book offer valuable guidance on how to think through those tactical adjustments.

Acknowledgments

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[8] Remarks by Tom Gjelten in Bang-Jensen *et al.* (1998, 1557).

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