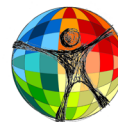


Doing Good and Feeling Good: A Critical Analysis of NGO Research

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ABSTRACT

The question guiding this piece is: “when is NGO research useful?” The first section of the paper addresses this question directly. To do this, the paper considers what scholars say about research done by nongovernmental organizations (NGOs) on human rights. To be sure, research done by NGOs has contributed immensely to the fight against human rights violations. At the suggestion of an NGO representative, this section considers what good that a checklist could do in preventing violence at sea.

The second section of the paper asks a more difficult question: when is NGO research not useful? Although people tend to think that working at an NGO is an unassailable good, hidden motivations can sometimes—and maybe should—cast doubt on this assumption. Based on the author’s experience as an intern, this section casts a critical eye on some of the carrots and sticks that motivate research into human rights issues.

The third section of the paper synthesizes the first two and draws some additional conclusions about ways to improve human betterment. It concludes that while NGO research might be useful for some specific purpose, well-meaning researchers should not assume that research is always useful. This conclusion should not be taken to mean that research is never useful. That would be ironic, given that this is a research paper. But there may be reasonable limits to how useful it can be. It’s worth asking what those limits are.

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Introduction

The benefits of research, and of knowledge more generally, have been discussed in the Western tradition since before Plato got around to explaining them.¹ The importance of knowledge and the research that generates it has no doubt been discussed just as much in other traditions, too. Understanding the world around us allows us humans to influence our surroundings in ways unprecedented in world history. No other organism changes its environment the way that *Homo sapiens* does.² In this paper, I will assume that the end goal of research is improving the human condition in some way. In particular, I will assume this to be true of research done by non-governmental organizations (NGOs).

Research done by NGOs allows us to intervene in human rights abuses at the appropriate time and in the appropriate way. Immanuel Kant once declared that we help “succeeding ages [by] extending their insights, increasing their knowledge, and purging their errors” and that not doing so “would be a crime against human nature, whose proper destiny lies precisely in such progress.”³ The goal of any organization reporting on human rights is just that: learning in order to benefit those alive today and those to come in succeeding ages. If we were haphazardly handing out aid without knowing where best to direct our efforts and having done our due diligence, we may end up improving the human condition less than we would hope.

While on a twelve-week human rights internship with a NGO in the United States, I was having a debate with myself. The debate was over how useful our research really was for victims of human rights violations. Sometimes I thought our research was obviously useful. Other days I thought it didn’t matter at all. This

¹ See Chapter VII, “Primary Education for the Guardians,” in Plato, *The Republic*, translated by Robin Waterfield, (Oxford: Oxford University Press, 2019).

² See Part II of Yuval Noah Harari, *Sapiens: A Brief History of Humankind* (London: Harvill Secker, 2014).

³ Immanuel Kant, “What is Enlightenment?” (1784), online: *Columbia University* <www.columbia.edu/acis/ets/CCREAD/etscc/kant.html>, cited in Steven Pinker, *Enlightenment Now: The Case for Reason, Science, Humanism, and Progress* (New York: Penguin Random House LLC, 2018) at 7.

is why I chose this topic. Before starting my analysis, I would like to say that I thoroughly enjoyed my time with this organization. Everyone there taught me a lot about the world that I live in. I am thankful that they chose to take me on as one of their interns and I appreciate their intelligence, rigour, and passion. They welcomed me as one of their own, and I will be forever grateful for that. For this reason, I do not mention the organization by name in my paper. To the extent that it's possible, I have tried to keep the organization's identity hidden.

While at this organization, my daily routine consisted of looking up issues, discussing them, and assigning a number-value to them. In short, I was doing research. Senior colleagues oversaw my work in between conference visits and working on their reports. A couple of weeks into my internship, I began to wonder who was benefitting from all of our reports and recommendations. Despite some pointed questioning, I received no concrete answer. When pushed, a senior colleague said that they were working on a best practices checklist. He recommended that I read the *Checklist Manifesto* by Atul Gawande to see why a checklist would be helpful.⁴ In the first section of this paper, I take his recommendation and I do just that.

However, as the weeks passed, I kept thinking about a book that I had read some time ago called *Intellectuals and Society*.⁵ This book is the basis of my second section. I cited *Intellectuals and Society* in my law school personal statement to show why, after completing my master's degree, I wanted to descend from the ivory tower and make a difference in the world. In part because of this book, I decided not to pursue a doctorate in literature or philosophy and, instead, to apply to law school. It's also why I applied for the human rights internship in the first place. Although I knew I would not change the world during a three-month internship, I thought that the experience would show me how I could make that difference in the future. But over the

⁴ (New York: Picador, 2011).

⁵ Thomas Sowell, *Intellectuals and Society* (New York: Basic Books, 2009).

Note: I consulted an e-book version of this work. As such, the page numbers are not numbered consecutively like a hardcopy would be. In this paper, I will label the chapter of the e-book 'ch,' followed by the page number, which is actually the number of the PDF page in the downloaded version of that chapter.

course of my internship, I felt more and more like I had started another master's program, this time in political science or international relations. I felt like I was climbing back up the ivory tower.

In this paper, I will try to show why I had this feeling. My guiding question is "when is NGO research useful?" The paper is divided into three sections. In the first section, I address my question directly and show that NGOs do indeed perform useful research. To do this, I will explore what contemporary scholars say about NGO research in monitoring human rights. In the second section, I will ask a more difficult question: when is NGO research not useful? I try to show that the question is difficult because, intuitively, we tend to think that working at a NGO is an unassailable good. We assume that NGOs are the epitome of human altruism, the difference-makers in a world that is otherwise cold and indifferent toward people's struggles. In the third section, I propose a synthesis of the first two sections and my own conclusions.

In the end, I hope to show that self-interest explains the research efforts of some NGOs at least as much as their altruistic mandates. However, this does not preclude them from doing good in the world. On the contrary, I think many organizations have done a great deal of good, something that comes out of the literature on the subject. But this debate does help us question whether *all* of the research a NGO does is as selfless and useful as it might first appear. I will argue that, when more ideas are the intended outcome of research—or at least their likely outcome—an organization, or an intern working at that organization, might benefit from directing their efforts elsewhere.

Part I: The Benefits of NGO Fact-Finding

I am sure that the power of vested interests is vastly exaggerated compared with the gradual encroachment of ideas.

— John Maynard Keynes⁶

NGO Research

Steven Pinker says that “human-made systems like governments, laws, schools, markets, and international bodies are a natural target for the application of reason to human betterment.”⁸ But, as Christiane Arndt and Charles Oman rightly point out, “you can only manage what you can measure.”⁹ NGOs are a crucial part of measuring these human-made systems and keeping them accountable. They do this by conducting research. In this way, NGO research “promises certainty and clarity and provides readily comparable information that facilitates decision making.”¹⁰

Diane Orentlicher identifies three important ways NGO research contributes to human betterment¹¹: First, NGOs can carefully document alleged human rights abuses. Second, they can demonstrate who is accountable for them, whether it’s the state or some other non-state actor. Finally, NGO research can

⁶ *The General Theory of Employment, Interest, and Money* (Cambridge: Palgrave MacMillan, 2018) at 340.

⁸ *Supra* note 3 at 12.

⁹ OECD, Development Centre, *Uses and Abuses of Governance Indicators*, (Paris: OECD, 2006) at 11, 21, online (pdf): OECD <www.la.utexas.edu/users/chenry/polec/2006/oecd/AE795835C8392A8111572211048C64BBAF3DA2573E.pdf>. See also *Human Rights Indicators: A Guide to Measurement and Implementation*, OHCHROR, UN Doc HR/PUB/12/5 (2012), online (pdf): OHCHR <www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf>.

¹⁰ Sally Engle Merry, *The Seductions of Quantification: Measuring Human Rights, Gender Violence, and Sex Trafficking* (Chicago: University of Chicago Press, 2016) at 139. In this way, Engle Merry says that “[g]athering information about [human rights] violations is fundamental to creating and defining the size and scope of an issue” (*ibid* at 37).

¹¹ “Bearing Witness: The Art and Science of Human Rights” (1990) 3:83 Harv Hum Rts J 83 at 84.

help come up with mechanisms to expose the abuse both nationally and internationally, thereby making decision-making easier for those seeking to prevent it.¹² To do these three things, NGOs compile reports and issue public statements, often with the goal of mobilizing public opinion or influencing foreign policy.¹³ In this sense, “[i]f these nongovernmental human rights organizations wish to act effectively and responsibly, they *must* engage in fact-finding.”¹⁴

And engage in fact-finding they have. Sixteen years ago, Marie Besançon listed almost fifty different fact-finding organizations in the field of human rights.¹⁵ That number has only grown since then.¹⁶ In 2015, Chris Shore and Susan Wright said that there is an entire culture that has emerged around this kind of fact-finding,¹⁷ one that Sally Engle Merry thinks has bled over into human rights research.¹⁸ In 2016, she summarized the situation well when she said that the “ecology of [human rights] indicators is dense” and that the “interest in global indicators is now booming.”¹⁹ Organizations doing research in the field of human

¹² Nikhil K Dutta, “Accountability in the Generation of Governance Indicators” in Kevin E Davis et al, eds, *Governance by Indicators : Global Power through Quantification and Rankings* (Oxford: Oxford University Press, 2012) at 437.

¹³ David Weissbrodt & James McCarthy, “Fact-Finding by Nongovernmental Organizations” in Bertrand G Ramcharan, ed, *International Law and Fact-Finding in the Field of Human Rights*, (Leiden, Netherlands: Brill Nijhoff, 2014) 172 vol 2 at 172.

¹⁴ *Ibid* at 172 [emphasis added].

¹⁵ *Good Governance Rankings: The Art of Measurement* (Cambridge, MA: World Peace Foundation Report, 2003) at 11–34 cited in Dutta, *supra* note 11 at 460, n 116.

¹⁶ See Engle Merry, *supra* note 9 at 164–65; Rajeev Malhotra and Nicolas Fasel, “Quantitative Human Rights Indicators—A Survey of Major Initiatives” (March 2005) (discussing major attempts to develop quantitative human rights indicators), described in Anna Würth, “Monitoring and Measuring Human Rights—A Brief Survey (2006) 81:1 Berliner Wissenschafts-Verlag 71 at 78–79. “[B]y one recent estimate, there are now some 140 user-accessible sets of governance indicators, comprising literally thousands of individual indicators” (Arndt & Oman, *supra* note 8 at 30). See World Bank Institute, “Governance Data: Web Interactive Inventory of Datasets and Empirical Tools,” online: World Bank Group <web.worldbank.org/archive/website00818/WEB/INDEX13.HTM>.

¹⁷ “Audit Culture Revisited: Rankings, Ratings, and the Reassembling of Society” (2015) 56:3 *Current Anthropology* 421 at 422.

¹⁸ *Supra* note 9 at 9.

¹⁹ *Ibid* at 16, 3.

rights, broadly speaking, are mostly interested in what they call 'governance indicators,' a term of art referring to metrics that "describe the advances and setbacks in the promotion and protection of human rights [and that] ... find solutions to guarantee their improved protection in the future."²⁰ These measurements track how well human rights are being respected, and they tell us when they're not.²¹

Engle Merry suggests that organizations measuring human rights are successful when their measures are "widely accepted and used" and when they are "routinely cited in the media, disseminated to a wider public and gradually accepted as more or less accurate descriptions of the world."²² They often do this in conjunction with the United Nations and local governments, combining academic expertise with survey data. Eventually, data collected around a particular theme get converted into an index or some other intuitive measurement that ranks countries based on criteria that the organization thinks are relevant.²³ Engle Merry says that many organizations opt for "colorful, interactive websites, often with world maps that paint the good countries green and the bad ones red."²⁴ However the data are presented, "the appearance of [their] objectivity and truth" will come to define successful research, earn credibility for the organization, and hopefully mobilize action.²⁵

The goal of all of this research is to offer "concrete, numerical information that allows for easy comparison and ranking ... [thereby] facilitating decision making in the absence of more detailed, contextual information."²⁶ This kind of research helps hold governments accountable to the international community and to the people that they are responsible for (in theory). Engle Merry says that information like this "is critical to pressuring states to reform."²⁷ To do this, of course, whoever is doing the research must ensure that their measures are "objective,

²⁰ Todd Landman, "Measuring Human Rights: Principle, Practice, and Policy" (2004) 26:4 Hum Rts Q 906 at 906-907.

²¹ See e.g. *ibid* at 907; Engle Merry, *supra* note 9 at 83

²² *Supra* note 9 at 16.

²³ *Ibid* at 16-19, 206.

²⁴ *Ibid* at 211. See also *ibid* at 16-19, 206.

²⁵ *Ibid* at 19, 138.

²⁶ *Ibid* at 1.

²⁷ *Ibid* at 50.

scientific, and transparent” and that they “stand above politics.”²⁸ If we assume that it accurately portrays what happens on the ground, apolitical and objective research would seem “more reliable than political perspectives in generating solutions to problems” like human rights violations.²⁹

Research at my NGO

The NGO that I worked at this summer was staffed with academics—often with PhDs—who had either taught at universities, conducted research for the government or worked in the private sector. They fit neatly into Barbara Bukovská’s portrait of “human rights activists in international organizations [who] come from elite backgrounds and form a privileged class or social group.”³⁰ At all levels, many members of this organization were disenchanted with academia and how they were unable to research issues that they were passionate about in the university setting. They were all eminently qualified in their respective domains, which ranged from oceanography and statistics to law and political science. The rest of the staff was highly credentialed as well, many of us having master’s degrees in the humanities, computer science, and communications. The founder and primary donor to the organization hoped that “by getting smart people together, we can make good things happen.”³¹

The goal of my organization was to reduce violent conflict by eliminating the illicit maritime activities that finance and facilitate organized political violence. Like the “human rights indicators generated by a variety of [other] organizations,” the goal of our research was to encourage “a broad range of regulatory strategies that rely on empiricism, quantitative knowledge as the basis for decision making, and problem solving through benchmarking.”³² Our intended audience was government officials and decision makers, but also “civil society,

²⁸ *Supra* note 9 at 3.

²⁹ *Ibid* at 4.

³⁰ Barbara Bukovská, “Perpetuating Good: Unintended Consequences of International Human Rights Advocacy” 5:9 *Intl JHR* 7 at 15.

³¹ Comment made by the founder of the organization during a company-wide meeting. He was welcoming the new Chief Operating Officer.

³² Dutta, *supra* note 11 at 437, Engle Merry, *supra* note 9 at 10.

members of the UN system, researchers, and academics.”³³ Although we were only one of a number of organizations researching maritime conflict,³⁴ we had already been cited by major media outlets like the *Economist* and *Netflix*. While I was there, our staff regularly participated in international conferences with leading experts in the field.

To keep track of violence at sea, we assessed nine issue-areas ranging from international cooperation to piracy. All of these issues contribute in some way illicit maritime activities. Like other NGOs researching a particular theme, to calculate our scores, we used a range of indicators like news reports, academic papers, other NGOs’ indexes, as well as surveys filled out by professional contacts and us interns.³⁵ As an intern, my job was to look up indicators that related in one way or another to the nine issue areas and assign a number-value to a country for each one.³⁶ In this way, we tried to rely on what Engle Merry calls a “rich ecology of competing indicators.”³⁷

We were “translating the buzzing confusion of social life into neat categories” by what we called “social science modelling” in the office.³⁸ While there were several different programs at this organization, the goal of my program was to “develop tools for measuring human rights, using events data, survey data, standards-based assessments, and administrative data [while] ... developing social science theories of human rights.”³⁹ Essentially, we “collected facts through ... research and published [them] in the form of analytical reports [or] empirical studies.”⁴⁰ Our team would then take these reports to conferences and discuss them with maritime security experts and government officials. Like the other fact-finding NGOs described by Engle

³³ Engle Merry, *supra* note 9 at 69.

³⁴ While I was there, we were doing an inventory of organizations researching the same things as us and how much their efforts overlapped with ours. There were five that were doing research on almost the exact same subject using very similar metrics.

³⁵ See Dutta, *supra* note 11 at 448.

³⁶ In the academic literature, a country’s coastal economy is often called its ‘blue economy.’

³⁷ *Supra* note 9 at 20.

³⁸ See *ibid* at 1.

³⁹ *Ibid* at 164–65. See also Todd Landman & Edzia Carvalho, *Measuring Human Rights* (New York: Routledge, 2010).

⁴⁰ Bukovská, *supra* note 29 at 9.

Merry, we produced a colour-coded index that is freely available on the internet.⁴¹ We wrote reports, attended conferences, and made a digital index in order to understand why violence happens at sea and to prevent it by advocating policy changes.⁴²

The hope was that “by taking a holistic view and considering these inter-issue linkages, efforts to improve African maritime security will be greatly improved.”⁴³ We wanted to have accurate indicators on which academics, other NGOs, and particularly governments and international organizations would rely when making policy decisions. We assumed that “when decision-making stakes are high, interest in indicator accuracy should be high as well.”⁴⁴ To accomplish our goal of influencing policy in the countries we studied, our staff used our research to show that the stakes of violence at sea were indeed high. By presenting our reports at conferences and regularly updating them, we hoped to eliminate what we called “sea blindness”. To us, this meant ensuring that policymakers consider what happens at sea when they make decisions in their home countries. In our fight against sea blindness, our methods straddled the line between a completely disinterested organization and an advocacy group.⁴⁵

Research at Work: Checklists

We can put research to work in many ways. Fact-finding NGOs can write reports, attend conferences, or create indexes, as Engle Merry suggests.⁴⁶ Another way to put research to work is by using it to create a checklist. In *The Checklist Manifesto*, author Atul Gawande shows how checklists sparked a revolution in the medical field.⁴⁷ He says that they have accomplished similar feats in different times and places for builders, pilots, and Wal-

⁴¹ Engle Merry, *supra* note 9 at 211. See also *ibid* at 16–19, 206.

⁴² *Ibid* at 164–65. See also Landman & Carvalho, *supra* note 47.

⁴³ Internal document.

⁴⁴ Dutta, *supra* note 11 at 452.

⁴⁵ See Engle Merry, *supra* note 9 at 19–21.

⁴⁶ *Ibid* at 22.

⁴⁷ *Supra* note 4. See also MA Erdek & PJ Pronovost, “Improvement of Assessment and Treatment of Pain in the Critically Ill” (2004) 16 *International Journal for Quality Improvement in Healthcare* 59 at 59–64; PJ Pronovost et al, “Improving Communication in the ICU Using Daily Goals” (2003) 18 *Journal of Critical Care* 71 at 71–75.

Marts.⁴⁸ Unlike most of human history, Gawande says that the problem that we have in the twenty-first century is no longer ignorance, or a lack of knowledge, it's "making sure we apply the knowledge we have consistently and correctly."⁴⁹ He says that the difficulty in the medical field is not money, government, ignorance, or malpractice lawsuits, "it is the complexity that science has dropped upon us."⁵⁰ Indeed, Gawande argues that the importance of checklists in navigating increasingly complex information "is not limited to medicine."⁵¹

In many fields of endeavor, Gawande points out that "[g]etting the steps right is proving brutally hard, even if you know them."⁵² He says that the simple practice of using a checklist can help with this ubiquitous difficulty. Gawande takes care to show that it's not that we don't know how to build skyscrapers, run a store or operate on someone, it's just that we have trouble putting this know-how into practice. Like the philosophers that he cites, he calls this inability to properly use our know-how human "ineptitude."⁵³ Gawande says that failure "across many fields"—medicine in particular—stems not from a lack of expertise, of which there is more and more, but from accumulated know-how being effectively unmanageable due to its "volume and complexity."⁵⁴ Using a bunch of examples where checklists have proven effective, he proposes checklists as a ubiquitous strategy "that builds on experience and takes advantage of the knowledge people have."⁵⁵

Best Practices in Maritime Governance

In the time that I was with my organization, our program was very excited at the prospect of developing a checklist of best practices for port authorities in the countries that we were researching. Based on a number of conversations, this has been one of the organization's goals for some time. Essentially, the

⁴⁸ Daniel Kahneman praises Gawande's work in chapter twenty-one of *Thinking Fast and Slow* (New York: Macmillan, 2011).

⁴⁹ *Supra* note 4 at 8, 10.

⁵⁰ *Ibid* at 10.

⁵¹ *Ibid* at 11.

⁵² *Ibid* at 10.

⁵³ *Ibid* at 11.

⁵⁴ *Ibid* at 13.

⁵⁵ *Ibid* at 13.

checklist would make authorities aware of how certain illicit activities were interconnected in the hopes that, while investigating one illegal activity, the authorities in these countries might also be able to prevent another. For example, boats fishing illegally often use forced labour. With the help of a checklist of best practices, when port authorities notice some illegal fishing activities, they might be more inclined to search the boat for victims of human trafficking. When I asked the acting Chief Operating Officer of my NGO how we could be sure that the port authorities didn't already know this, or hadn't already made this connection, he responded that, even if each individual official was well aware of what was happening at her docks, having a checklist would contribute to an aggregate, statistical decline in these activities.

Conclusion

NGOs play a critical role in understanding what takes place in the world. Some NGOs hope that, simply by putting the information out there, people will come to rely on it to make more informed choices on a particular subject. However, the impact on the ground of their research is sometimes hard to measure. The importance of NGO research is the subject a lively debate in the academic literature.⁵⁶ Indeed, despite the apparent benefits of monitoring human rights violations and helping evidence-based intervention, "the value of indicators is hotly debated by human rights activists and scholars."⁵⁷

One of the ways in which the NGO that I worked at tried to put its knowledge to work was by creating a checklist of best practices for port authorities. The United States Department of State has also considered creating a checklist to combat trafficking in persons.⁵⁸ As I finished my internship, the organization was still debating who would use our checklist and whether or not port officials needed one. In any case, much of the staff thought that a checklist of best practices in ports around the world could have an enormous, population-level benefit. If everyone was made aware of the same issues plaguing the high seas and was able to

⁵⁶ See *supra* note 4 at 164.

⁵⁷ *Ibid* at 166.

⁵⁸ See *ibid* at 136.

make informed choices, in theory, states “would tend to examine their own practices more fully[,] ... there would be more public pressure on states to reform government behaviour ... [and] states would be pressured to conform to human rights norms.”⁵⁹

Part II: The Limits of NGO Fact-Finding

Everything that is not forbidden by laws of nature is achievable, given the right knowledge.

— David Deutsch

When is NGO research inconsequential?

In the age of data collection and research-based intervention, at first glance, such a question seems kind of ridiculous. “Of course, research is important”, any self-respecting university student or professor would retort. My goal in this section is to play devil’s advocate to the idea that NGO research is always good. I want to find out when it stops being useful. That said, I want to be clear: I am not “cynical about ... securing progress, such as liberal democracy and ... international cooperation” or otherwise afraid to admit that research has provided innumerable benefits to humanity as a whole.⁶⁰ On the contrary, the “principle that we can apply reason and sympathy to enhance human flourishing” is a testable hypothesis that is irrefutably true, despite being unfortunately underappreciated in many circles.⁶¹ I do not want to contribute to any kind of cynicism toward rationality, reason, progress, or human curiosity.

Engle Merry says that “much of the scholarship on [governance] indicators focuses on ... how to conceptualize what is to be measured, how to operationalize broad and vague concepts, what data sets are available that can be used” and the like.⁶² My goal in this section is to see why this research may, in some cases, become sealed off from the external world that it seeks to measure, and why it matters. I want to do this because, according to some, “there has been relatively little analysis” on

⁵⁹ See *supra* note 4 at 175. See also Judith V Welling, “International Indicators and Economic, Social, and Cultural Rights” (2008) 30 Hum Rts Q 933 at 947.

⁶⁰ Pinker, *supra* note 3 at 5, 9.

⁶¹ *Ibid* at 4. See also *ibid* at 8.

⁶² *Supra* note 9 at 4.

the concrete effects of human rights research.⁶³ To find out at what point research on human rights issues stops being useful, it's perhaps helpful to consider Thomas Sowell's *Intellectuals and Society*. In this book, Sowell defines an *intellectual* as someone "whose occupation[] deal[s] primarily with ideas—writers, academics, and the like ... At the core of the notion of an intellectual is the dealer in ideas, as such."⁶⁴

"The great aim of education is not knowledge but action," Herbert Spencer once said.⁶⁵ If this is true, we can harken back to the David Deutsch quote at the beginning of this section and ask what is the *right* knowledge to improve human betterment? At what point does research done by NGOs stop being actionable? If we assume that the researcher always benefits in some way from her learning—it's an intrinsic good for her, certainly—is research done by NGOs always a net good, or can it ever influence no one at all, aside from the researcher? As Bukovská asks about international human rights work, if the research benefits no one except the researcher, in whose interest is this research being conducted?⁶⁶

When does NGO research not contribute to human betterment?

According to Bukovská, the work of NGOs is often to "seek solutions to issues conceived as problems. The most popular and effective of these tools are undeniably documenting human

⁶³ *Supra* note 9 at 4.

⁶⁴ *Supra* note 5 at 2. Sowell looks at the influence that intellectuals have had in different social and political arenas in the 20th century. Although it's easy to assume that research is infinitely useful, like me, Sowell aims to show that the influence that professional researchers—intellectuals—have had as a group is not always as positive as we would like. At the very least, Sowell shows that intellectuals are not always influencing society in the way that they would expect. He takes care to distinguish intellectuals' research in their fields of expertise, which is often very impactful, and the conclusions that they draw from that research about broader social or political issues. He shows that, in many cases, researchers go beyond their specialty to advocate for certain causes. Sowell gives a number of examples where intellectuals' advocacy had a negative influence on (North) American society and sometimes on the world at large.

⁶⁵ As cited in Jeannie Berg, "DESSA: Moving forward!" (2014) 19:1 *Journal of Endocrinology, Metabolism and Diabetes of South Africa* 6 at 6.

⁶⁶ See *supra* note 29 at 12.

rights abuses via fact-finding missions and publishing reports.”⁶⁷ As we saw in the first section of this paper, many NGOs hope that, by publishing reports, they will eventually be able to change policy for the better.⁶⁸ “All of these data gathering processes,” says Engle Merry, are “aimed at governance, not theory development.”⁶⁹ But what happens to people on the ground if research becomes the end goal, irrespective of how it’s used?⁷⁰ It’s an age-old philosophical question that I now ask of NGO research on human rights: is the research done by NGOs an end in itself, or is it a means to human betterment? What could be the purpose conducting research, if not to help someone?

At the end of his chapter, Dutta points out that some research organizations, including NGOs, simply want to “attract as many users as possible” and to ensure “that users may be impressed by the thoroughness of a generator’s indicator-generating processes.”⁷¹ As Engle Merry puts it, “[o]ne of the puzzles of indicators is the extent to which they are used and even considered reliable despite widespread recognition of their superficiality, simplification, and neglect of context and history.”⁷² In this sense, while “such indicators [may] clearly draw attention, it is less clear to what extent the changes they bring improve the lot of ... victims ... or prevent further victimization.”⁷³ Dutta suggests that, in cases like this, “levels of accountability result not from demands by users or targets, but from competition by indicators to secure the patronage of users.”⁷⁴ The difficulty with this, of course, comes “when potential users could do without a

⁶⁷ See *supra* note 29 at 8–9.

⁶⁸ See *ibid* at 9.

⁶⁹ Engle Merry, *supra* note 9 at 69.

⁷⁰ I often wrestled with a similar question as a philosophy undergraduate. I spent many, many days in the library reading the work of some old, dead philosopher just because I had a lot to learn. I was curious. But how did that help anyone? That’s a question I tried to answer while doing my master’s degree. Even though I had turned my attention to a contemporary issue—Indigenous relations—no one other than my thesis committee and me has benefitted from any of the conclusions that I drew. Sure, I learned a lot and will bring that with me in my future career, but it’s hard to say that I couldn’t have gotten that knowledge by, say, working in Indigenous relations in some capacity.

⁷¹ *Supra* note 11 at 459.

⁷² *Supra* note 9 at 139.

⁷³ *Ibid* at 139.

⁷⁴ *Supra* note 11 at 459.

particular indicator,"⁷⁵ making the NGO's efforts inconsequential to improving human betterment, even though the efforts themselves may be thoughtful and impressive.

Why else would a NGO do research?

In an article written for *The New Internationalist* entitled "NGOs—Do they Help?", author Dinyar Godrej points out that NGOs are often beholden to those that fund them.⁷⁶ The NGO is made to produce regular reports, often at the expense of doing other things that might be more helpful. As we saw in the first section of this paper, an accurate report of what's happening on the ground can be a good thing. NGOs and governments can more effectively direct their efforts if they know what's going on. However, Godrej says that one of the entrenched problems with NGOs is that they're "increasingly forced to respond [to donor requests] with a discrete project with x number of deliverable outcomes,"⁷⁷ often by writing reports. Indeed, Godrej says that "obviously the funding of reports [is] popular among donors" given how many of them are regularly "thrust into" his hands.⁷⁸ Although Godrej believes that much of the good that NGOs do is unmeasurable, he rightly asks "what of their accountability towards the recipients of their interventions?"⁷⁹

Bukovská too worries that reports for donors sometimes trump impact on the ground. She writes that for many organizations, "documenting, reporting, and advocating the issue" becomes the priority, even "[w]hen no practical remedy is seen on the ground."⁸⁰ According to Bukovská, for these kinds of NGOs, "their constituencies are donors, their employees, other international organizations, and governments."⁸¹ She shows that, in many cases, the organizations are "[u]naccountable to anyone

⁷⁵ *Supra* note 11 at 459.

⁷⁶ See Dinyar Godrej, "NGOs—Do they Help?" (1 December 2014), online: *The New Internationalist* <newint.org/features/2014/12/01/ngos-keynote#footnote-2>.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ *Supra* note 39 at 12. See also Dutta, who says that "targets [of the indicators] are unlikely to be viewed by users as credible evaluators of their own governance" (*supra* note 11 at 456).

⁸¹ *Supra* note 39 at 12.

other than themselves or their donors.”⁸² The unfortunate consequence of being accountable to donors and governments, rather than to ordinary people, is that “international human rights NGOs often can lose touch with the ‘powerless and voiceless’ whom they claim to represent.”⁸³

Should a NGO adopt a more macro-level approach, one that favors influencing policy rather than dealing with individuals on the ground, it stands to reason that its impact might be less immediately noticeable. Few would argue that influencing policy is a waste of time, though; if a NGO is able to influence political decisions, this can influence peoples’ daily lives in a number of ways. But if a NGO’s data or recommendations are not consulted or followed, or the end goal becomes publish or perish⁸⁴, the NGO can quickly become a “closed network” which is sealed off from actual people, despite the best intentions of its donors and administrators.⁸⁵ In part, this is why “many in the human rights community are skeptical about the value of indicators for measuring human rights.”⁸⁶ If a NGO is wrapped up in producing report after report hoping that, somewhere down the line, “the victim gets something tangible out of it,” there might be a good *prima facie* case that producing those reports is a proper intellectual exercise.⁸⁷ Without feedback from the people or governments that the organization purports to help, the reports they publish might become “disconnected from victims.”⁸⁸

Like Bukovská, Sowell points out that “with non-profit organizations or movements with idealistic-sounding names, there is often an implication of disinterested endeavors, uncorrupted by the bias of self-interest. This is one of many perceptions which cannot survive empirical scrutiny—but which is seldom subjected to such scrutiny.”⁸⁹ If those working at a NGO produce reports and attend conferences to discuss the reports, but are accountable only to people attending the conferences, the NGO would seem

⁸² *Supra* note 39 at 15; See Peter Uvin, *Human Rights and Development* (Sterling, VA: Kumarian Press, 2004) at 100–101.

⁸³ Bukovská, *supra* note 29 at 15.

⁸⁴ See Sowell, *supra* note 5 ch 5 at 20.

⁸⁵ Bukovská, *supra* note 29 at 16.

⁸⁶ Engle Merry, *supra* note 9 at 164.

⁸⁷ Bukovská, *supra* note 29 at 12–13.

⁸⁸ *Ibid* at 12; See also Dutta, *supra* note 11 at 454.

⁸⁹ *Supra* note 5 ch 2 at 7.

to be a “dealer in ideas, as such.”⁹⁰ For Sowell, a “dealer in ideas” does not include an engineer who applies complex ideas and scientific principles to physical structures, or a police officer who applies strategies—ideas—about how best to stop crime in a particular neighbourhood. Rather, the goal of someone who deals in ideas—an intellectual—“is essentially the application of general ideas only to produce more specific ideas about social policies, to be turned into action by others.”⁹¹ The worry, of course, is that attending conferences and refining data can be more about “disseminat[ing] knowledge about the indicators and persuad[ing] countries to use them” than about helping people in other countries.⁹²

The question still remains, though, why an organization might choose to report on issues even when “the vast majority of indicators search in vain for global interest and influence,” not being particularly useful to anyone.⁹³ Bukovská and Dutta suggest that organizations might choose to report on issues, even when the report has little impact, because it secures funding or impacts their reputation.⁹⁴ Sowell, too, suggests that experts are “well aware that their own incomes and careers depend on providing ideas that are saleable to those who employ them.”⁹⁵ In my experience, the people conducting the research are often passionate about their research and want to make a difference, as do the donors. After all, one does not apply at a “non-profit organization[] ... with [an] idealistic-sounding name” without having some altruistic tendencies.⁹⁶ But the line between human altruism—which many biologists think is an oxymoron—and human

⁹⁰ *Supra* note 5 ch 2 at 2. Like other NGOs, our preoccupation with conferences and reports often made us reluctant to provide data on poor performance by governments that we had a relationship with, lest it compromise our ability to get invited to conferences or have contacts fill out our surveys. On this phenomenon, see Janie Chuang, “The United States as Global Sheriff: Using Unilateral Sanctions to Combat Global Trafficking” (2006) 27 *Mich J Intl L* 437 at 475; Engle Merry, *supra* note 9 at 136.

⁹¹ Sowell, *supra* note 5 ch 1 at 2.

⁹² Engle Merry, *supra* note 9 at 199.

⁹³ *Ibid* at 16.

⁹⁴ See Bukovská, *supra* note 29 at 12; Dutta, *supra* note 11 at 453.

⁹⁵ *Supra* note 5 ch 2 at 8.

⁹⁶ *Ibid* at 7.

egoism is not easily distinguished based on the name of one's organization alone or the sector in which it operates.⁹⁷

"Promoting change by reporting facts," Orentlicher writes,⁹⁸ "is effective because it has a universal language [and a] moral authority."⁹⁹ The moral authority of working at a NGO might also be the goal in some cases, rather than just being a means of promoting change. Indeed, "[t]he moral dimensions of the invidious seem also to have a widespread attraction among the intelligentsia," where "the invidious" refers to denouncing unjust or unfair aspects of whatever someone's preferred cause is.¹⁰⁰ Indeed, those who deal in ideas "have every incentive to emphasize the importance of the special kind of knowledge that they have, relative to the mundane knowledge that others have," whether or not "the kind of knowledge mastered by intellectuals is necessarily more consequential in its effects in the real world."¹⁰¹ As much as the desire to quantify issues and to help people, I would argue that emphasizing one's special knowledge is one of seductions of doing research at a NGO.¹⁰²

Research as the End-Product: A Case Study

The goal of the NGO that I worked at this summer was to build our legitimacy with stakeholders so that they might trust us enough to seek our work and then use it to eliminate opportunities for violent non-state actors operating in the maritime space.¹⁰³ Although it wasn't explicitly laid out for me, I understood

⁹⁷ See e.g. Richard Dawkins, *The Selfish Gene* (New York: Oxford University Press, 1989) at 1, 3–4, 36, 200.

⁹⁸ *Supra* note 10 at 84.

⁹⁹ Bukovská, *supra* note 29 at 9.

¹⁰⁰ Sowell, *supra* note 5 ch 5 at 19.

¹⁰¹ *Ibid* at 3.

¹⁰² Engle Merry, *supra* note 9 at 4. See also Charlaïne Bouchard, *The Harmonization of Federal Legislation With Quebec Civil Law and Canadian Bijuralism*, COLLECTION OF STUDIES IN TAX LAW at 6:5 ("[t]he primary objective of the partners embarking on such a [business] venture is to acquire a patrimonial benefit as opposed to a moral benefit, which is the *raison d'être* of non-profit organizations").

¹⁰³ Bukovská says that "[l]egitimacy has been defined as 'the particular status with which an organization is imbued and perceived at any given time that enables it to operate with the general consent of peoples, governments, companies and non-state groups around the world', and which ensures that an organization 'is accepted by antagonists as speaking for its constituency'" (*supra* note 29).

legitimacy in the same way as professor William Gamson: “the particular status with which an organization is imbued and perceived at any given time that enables it to operate with the general consent of peoples, governments, companies and non-state groups.”¹⁰⁴ Everything that we did in the time I was there (and before, according to colleagues) was designed to improve our status and get us invited to conferences.

To build our legitimacy in the short term, we were supposed to get “stakeholders [to] request our technical assistance.”¹⁰⁵ Using our ‘technical assistance’ means using our research as the “authoritative account” of what is happening at sea.¹⁰⁶ Our goal was to become an authority in the maritime security field, as determined by how often maritime security experts requested our help, reports, or research. As Bukovská says, we hoped that the reports we wrote would eventually be taken up in “situations that are later targeted via concrete action.”¹⁰⁷ This concrete action would then hopefully reduce violence at sea, thereby ensuring that “the victim [of such violence] gets something tangible out of [our research].”¹⁰⁸ After all, we thought, “no action is more effective in prompting governments to curb human rights violations than aiming the spotlight of public scrutiny on the depredations themselves.”¹⁰⁹

Down the line, my organization hoped that its research would lead an official to make the right choice the basis of our recommendations, a choice that she would not have otherwise made. But at least in the short and medium term, our end goal was ideas. It could be said that our day-to-day work begins “and ends with ideas, however influential those ideas may be on concrete things—in the hands of others.”¹¹⁰ We wanted our ideas

¹⁰⁴ *The Strategy of Social Protest*, 2nd ed (Belmont: Wadsworth Publishing Company, 1990) at 45.

¹⁰⁵ Internal document.

¹⁰⁶ BG Ramcharan, “Introduction to the Original Edition” in Bertrand G Ramcharan, ed, *International Law and Fact-Finding in the Field of Human Rights*, (Leiden, Netherlands: Brill Nijhoff, 2014) vol 2 at 19; See also David Weissbrodt & James McCarthy, “Fact-Finding by International Nongovernmental Human Rights Organizations” (1981) 22:1 Va J Intl L 1.

¹⁰⁷ *Supra* note 39 at 9.

¹⁰⁸ *Ibid* at 12–13.

¹⁰⁹ See Orentlicher, *supra* note 10.

¹¹⁰ Sowell, *supra* note 5 ch 1 at 3.

to be appreciated by policy-makers so that, eventually, they would use them to change how they deal with certain issues. Harkening back to Sowell's definition of an intellectual, we were indeed generating ideas that would hopefully be "turned into action by others."¹¹¹

The Danger of Research being the End Goal

When "an advocacy NGO ... measures its success and justifies its existence to funders based in part on how influential its ratings are," that is, when accolades for quality research become the end goal of conducting that research, a number of issues can arise.¹¹² These issues can arise even when an organization hopes that someone will use that research one day. Sowell warns that "[i]deas, as such, are not only the key to the intellectual's function, but are also the criteria of intellectual achievements and the source of the often dangerous seductions of the occupation."¹¹³ Engle Merry, too, suggests that status might be one of the seductions of doing this kind of research.¹¹⁴ How many times was our report cited? Who approves of the report at the conference and who does not? The main issue with others' opinions being the measure of success is a lack of verifiability, a lack of connection to people living their daily lives. In this way, ideas without a referent become detached from people on the ground. These are the people that most NGOs are trying to help.

Sowell says that engineers and financiers are judged by "external standards, beyond the realm of ideas and beyond the control of their peers."¹¹⁵ For people in these professions, "the proof of the pudding is ultimately in the eating."¹¹⁶ However, the ultimate test of the validity of the reports that we produced at my NGO was not which policies worked and which policies did not;

¹¹¹ As discussed in the first section of this paper, we were using our research to help port officials, naval officers, and government ministers overcome what we called 'sea blindness,' which was basically governments forgetting about how illicit actors use the sea to accomplish their goals. Our mandate was to remind policy-makers how important sea governance is and to tell them how to do it better. (Of course, we have to assume that they didn't already know these things, something that we'll come back to.)

¹¹² Dutta, *supra* note 11 at 461.

¹¹³ *Supra* note 5 ch 1 at 3.

¹¹⁴ See *supra* note 9 at 1.

¹¹⁵ *Supra* note 5 ch 1 at 4.

¹¹⁶ *Ibid* at 4.

it was how much different stakeholders respected us. Our goal, remember, was to build legitimacy. In the time that I was there, we evaluated our success by how our ideas were received by other researchers and a handful of government representatives also interested in maritime security. In this sense, the ultimate test of our ideas was whether other maritime security researchers found “those ideas interesting, original, persuasive, elegant, or ingenious.”¹¹⁷ Until the ideas get turned into concrete policies and those policies are evaluated on their merits, “[t]here [was] no external test” for our reports.¹¹⁸

Dutta warns human rights researchers about this. An organization called Freedom House has an eerily similar methodology to the one used by my organization. Freedom House also produces an index, much like my organization did. Dutta says that for all of the indicators that Freedom House uses, none of them “is subject to external review procedures.”¹¹⁹ In his evaluation of their methodology, he says that “while ratings pass through several stages of review by staff and consultants working for Freedom House, there does not appear to be any institutionalized pathway for outsiders to appeal disputed ratings.”¹²⁰ This was also true of my organization. In short, there are few external measurements to evaluate our ideas.

Consider this example. A lead researcher at my organization was once criticized by a representative of the Seychelles who said that her data “were completely wrong.” Being a data-driven person, she was happy to correct her error and did so quickly. But this was not the only error in our data set. This was just one case where someone took enough interest in our research to correct us. At the very least, this incident shows us that representatives of these countries tell us what to put in our data sets. They do not rely on them. Further, if the consequence of a glaring error in our data is a stern talking-to, in many other cases, maybe our research is falling entirely on deaf ears.¹²¹ At the very least, it’s not people who are affected by maritime violence that correct our assertions. For some NGOs who regularly publish

¹¹⁷ Sowell, *supra* note 5 ch 1 at 4.

¹¹⁸ *Ibid* at 4.

¹¹⁹ *Supra* note 11 at 451.

¹²⁰ *Ibid* at 451.

¹²¹ [Note Redacted for Anonymity of Organization].

reports and go to conferences, correcting the data could conceivably become the end goal, rather than using them to help people in the countries that they study.

In precisely this vein, Sowell warns that the great danger with using colleagues' approval at conferences to build our legitimacy is "that [these criteria] can easily become sealed off from feedback from the external world of reality and remain circular in their methods of validation."¹²² Similarly, Engle Merry writes that "[i]ndicators risk producing knowledge that is partial, distorted, and misleading."¹²³ The trouble with a NGO measuring its success by how well it is received at conferences is that "the consensus of the group about a particular new idea depends on what that group already believes in general—and says nothing about the empirical validity of that idea in the external world."¹²⁴

Conclusion

Research is useful. We need it to function in a global society. Pinker says that, by combining reason and humanism, we can "keep track of how our laws and manners are doing, think up ways to improve them, try them out, and keep the ones that make people better off."¹²⁵ By doing this, "we can gradually make the world a better place."¹²⁶ I think this is what most—if not all—NGOs try to do. But it can be a slippery slope when the quality of an organization's research, rather than how that research is used, is how people measure its legitimacy. When producing the authoritative account on a particular human rights topic becomes the goal rather than a means of bettering humanity, we can reasonably ask who that account is helping. Maybe it is helpful. But maybe it isn't. If the authoritative account isn't helping people, if it becomes sealed off from the rest of humanity, we may ask whether it's worth producing.

All of this assumes, of course, that those who use the authoritative account—the report—*didn't already know what the report contains*. If they were already able to access that

¹²² *Supra* note 5 ch 1 at 4.

¹²³ *Supra* note 9 at 3.

¹²⁴ Sowell, *supra* note 5 ch 1 at 4.

¹²⁵ *Supra* note 3 at 11.

¹²⁶ *Ibid* at 11.

information, then the report might be authoritative and earn recognition in certain circles, but it may be entirely redundant in others. Dutta, for one, thinks that “countries with the greatest capacity to ... change the way that they [NGOs] set indicators will also be the countries with the least interest in their accuracy or accountability.”¹²⁷ He suggests that the efforts of some NGOs are redundant, or at least inconsequential, because anyone who needs to know something about a country will probably analyze that country on their own, “without much reference to relatively simple indicators.”¹²⁸

In any event, these countries will likely “be the subjects of a great deal of journalistic coverage, entirely apart from ... Freedom House ratings and their ilk.”¹²⁹ Echoing this sentiment, Sowell notes that “[w]hy the transfer of decisions from those with personal experience and a stake in the outcome to those with neither can be expected to lead to better decisions is a question seldom asked, much less answered.”¹³⁰ The NGO that I worked at produced reports with great rigour and took its work seriously. But, in my experience, we rarely asked if what we were documenting was already known in the countries we were writing about.

Although there is ample evidence to support the idea that “simple statistical rules are superior to intuitive ... judgements,”¹³¹ in my mind, port authorities in Madagascar probably already have a good idea that opiates from Afghanistan are crossing their country.¹³² They don’t need us to tell them that. But because our research is evaluated only by academics and officials with the means, time, and interest to attend a conference in, say, Saudi Arabia, what the Malagasy officials already know or don’t know

¹²⁷ *Supra* note 11 at 457.

¹²⁸ *Ibid* at 457.

¹²⁹ *Ibid* at 457.

¹³⁰ *Supra* note 5 ch 2 at 5.

¹³¹ See e.g. Kahneman, who discusses this at length in chapter twenty-one, “Intuitions vs. Formulas,” in *supra* note 31. See also Paul E Meehl, *Clinical versus Statistical Prediction: A Theoretical Analysis and a Review of the Evidence* (Minneapolis, MN: University of Minnesota Press, 1954).

¹³² See *World Drug Report: Depressants*, UNODCOR, 2019, UN Doc E/ No. E.19.XI.8 at 42, online (pdf): [UNODC <wdr.unodc.org/wdr2019/prelaunch/WDR19_Booklet_3_DEPRESSANTS.pdf>](https://www.unodc.org/wdr2019/prelaunch/WDR19_Booklet_3_DEPRESSANTS.pdf).

is not something that we consider. In this sense, Dutta rightly points out that, assuming that the countries that we evaluate have any interest whatsoever in what we put up on the internet, they “may still lack the capacity to influence indicator generators’ behavior.”¹³³ Sowell says that “[i]n short, much of the special kind of knowledge concentrated among intellectuals may not have as weighty consequences as much mundane or intellectually unimpressive knowledge, scattered among the population at large.”¹³⁴ At my organization, the people with the ‘mundane knowledge’ weightier than our own were those living in these countries and politicians making decisions that affect them.

Orentlicher says that, “[a]s the prestige and influence of human rights organizations have grown worldwide, the fact-finding methods employed by these organizations warrant increased scrutiny.”¹³⁵ There’s no denying the fact that, alongside the prestige of the NGOs themselves, the prestige of working at a NGO has also grown.¹³⁶ The goal of NGOs engaged in fact-finding is typically noble: do research on violence, chaos, or injustice in order to stop it. But the goal of this section has been to show that highlighting human rights violations can quickly become more important than stopping them when status and legitimacy become the currency, rather than on-the-ground impact. In this sense, it is “unlikely that even the most outstanding scholars in a given specialty can comprehend all the factors that go into a practical problem in the real world.”¹³⁷

Part III: What Does this Debate Suggest?

Intelligence is quickness to apprehend as distinct from ability, which is capacity to act wisely on the thing apprehended.

– Alfred North Whitehead¹³⁸

¹³³ *Supra* note 11 at 454.

¹³⁴ *Supra* note 5 ch 2 at 4.

¹³⁵ *Supra* note 9 at 83.

¹³⁶ See *ibid* at 83.

¹³⁷ Sowell, *supra* note 5 ch 5 at 19.

¹³⁸ “December 15, 1939” in Lucien Price, ed, *Dialogues of Alfred North Whitehead*, 1st ed (Boston: Little, Brown and Company, 1954) at 135.

Poverty has no causes. Wealth has causes.

– Fernand Braudel¹³⁹

When my NGO proposed we make a checklist for port authorities, it was assuming that we master the complexities of maritime governance and that port authorities must use our knowledge to curb illicit activities.¹⁴⁰ But if “it is not clear how we could produce substantially more expertise than we already have,”¹⁴¹ it’s hard to see why we should redouble our research efforts. If we already have unused expertise in maritime governance when the stakes are high, we should be spending more time looking for a way to test the theories that we have. As the recent Nobel laureate Esther Duflo says: “if we don’t know whether we are doing any good, we are not any better than the Medieval doctors and their leeches.”¹⁴²

Verifying our theories would mean writing to every possible governmental and non-governmental organization who could feasibly want to develop a checklist for port authorities. That would mean contacting the port authorities themselves to see if they would use a checklist if one showed up on their desk. If they think that it would help, it would mean conducting surveys to see who is using the checklist. It would mean following up with the port officials to see if rates of piracy, illegal fishing, human trafficking, and drug smuggling have declined since the officials adopted our best practices.

On the contrary, I think the issue is not that port authorities are simply unable to marshal the right knowledge at the right time, or even that they are making the “daily mistakes” that checklists can help prevent.¹⁴³ Indeed, I would argue that every Indonesian,

¹³⁹ *Civilization and Capitalism, 15th–18th Century*, vol 1, “The Structures of Everyday Life,” (New York: Harper & Row, Publishers, 1982) at 1.

¹⁴⁰ See Gawande, *supra* note 4 at 29–30.

¹⁴¹ *Ibid* at 12–13.

¹⁴² “Social Experiments to Fight Poverty” (February 2010) at 17:16, online (video): Ted Talks
<www.ted.com/talks/esther_duflo_social_experiments_to_fight_poverty?language=en>.

¹⁴³ Gawande, *supra* note 4 at 29–30. Sowell says that “[m]any intellectuals seem unwilling to concede that the man on the scene at the time could reach accurate conclusions about the particular individuals he encountered or

Afghan, or Indian port authority is probably ultra-specialized in matters of illicit maritime activity, one that is likely familiar with all kinds of interrelated issues that could appear on a checklist.¹⁴⁴ That's why my NGO based its calculations on surveys that it sent to these people. Rather than making a checklist for them, we might be better off encouraging port authorities in these countries to devise their own checklist, perhaps after sending them copies of *The Checklist Manifesto*. Personally, I would guess that a given port official knows how and when to search for trafficked persons or smuggled drugs. I hazard to guess that illicit maritime activity happens not because port authorities in these countries don't have the requisite knowledge—or a checklist—, but because officials have to take bribes to live, because boats have to fish illegally to meet quotas, and because people have to pay smugglers to take them to Europe. I would guess that most port authorities are aware of all of these things, and that they don't need us giving them a checklist so that they don't forget about them.

By bestowing unto port authorities our knowledge of 'issue linkages,' I think that we were meeting a non-existent need. In Dutta's words, the "demand hypothesis" does not explain why we were doing all of this research.¹⁴⁵ No. I think that we were supplying research on the internet because we are fighting over what little demand there is for our knowledge of maritime security. After all, the governments of many countries are supposedly blind to the sea: how could they be asking for research on this topic if they are blind to it? Instead, I think that we were competing with the other NGOs doing research in the same field over who can create the more 'authoritative account' of reality in these countries. We collected and refined our data irrespective of who used it because it benefitted our organization in other ways, like stakeholder recognition, intellectual satisfaction, legitimacy at conferences, and status. In my opinion, ideas were the end goal of my NGO.

I think that our approach was based on a variation of what Daron Acemoglu and James A. Robinson call the "ignorance

observed—and that the intellectuals far removed in space and time could be mistaken when reaching conclusions based on their own shared preconceptions" (*supra* note 5 ch 2 at 6).

¹⁴⁴ Analogous to a 'surgeon' in Gawande's sense (*supra* note 4 at 131).

¹⁴⁵ *Supra* note 11 at 452.

hypothesis.”¹⁴⁶ Like the economic policies described by Acemoglu and Robinson, my organization thought that policymakers in the countries we studied tended to have “mistaken views about [maritime governance in] their countries.”¹⁴⁷ By attending conferences, publishing reports, creating an index and some checklists, I think that my organization hoped to “‘engineer’ prosperity around the world by providing the right advice and by convincing politicians” to adopt our preferred seafaring policies.¹⁴⁸ Acemoglu and Robinson warn that “the ignorance hypothesis still rules supreme among most [people] ... in Western policymaking circles,” but it’s “just another hypothesis that doesn’t work.”¹⁴⁹

Rather than a checklist of best practices, among other things, these countries need inclusive political institutions and economic opportunities. Economic opportunities in particular tend to raise the standard of living for most countries in a much more tangible way than reports or indexes.¹⁵⁰ As Pinker, Sowell, and many others have aptly shown,¹⁵¹ we improve human wellbeing on an entirely different scale by promoting economic development. This is because when people are richer, they are also healthier, happier, more educated, more law-abiding, and more civically engaged.¹⁵² “[T]his is perhaps the most important

¹⁴⁶ Described in *Why Nations Fail: The Origins of Power, Prosperity and Poverty* (London, UK: Profile Books, 2012) at 63–68.

¹⁴⁷ *Ibid* at 64.

¹⁴⁸ *Ibid* at 67.

¹⁴⁹ *Ibid* at 67.

¹⁵⁰ See Paul Collier & Dominic Rohner, “Democracy, Development and Conflict” (2008) 6 *Journal of the European Economic Association* 531. See also Paul Collier, *The Bottom Billion: Why the Poorest Countries are Failing and What can be Done About It* (New York: Oxford University Press, 2007).

¹⁵¹ See e.g. Sowell, *supra* note 5 ch 2. See also Thomas Sowell, *Basic Economics: A Common Sense Guide to the Economy*, 3rd ed (New York: Basic Books, 2007) at 275–81.

¹⁵² See especially Pinker, *supra* note 3 at 96. Max Roser says “if new outlets truly reported the changing state of the world, they could have run the headline NUMBER OF PEOPLE IN EXTREME POVERTY FELL BY 137,000 SINCE YESTERDAY every day for the last twenty-five years” (“No Matter What Extreme Poverty Line You Choose, the Share of People Below That Poverty Line Has Declined Globally” (5 April 2017), online (blog): *Our World in Data* <ourworldindata.org/no-matter-what-global-poverty-line>, cited in Pinker, *supra* note 3 at 88–89). Although income is not the ultimate cause of wellbeing, Pinker definitively shows that a “richer world is a healthier world” (Pinker,

fact about wellbeing in the world,” according to Nobel laureate Angus Deaton.¹⁵³ And it’s not just China and India.¹⁵⁴ People are less likely to leave their home country—by human smuggling or otherwise—if they can get a job where they come from, and they are less likely to resort to trading in illicit goods, trafficking people, fishing illegally, starting wars, and all the other banes of the human condition.¹⁵⁵

Other programs at my organization were creating these kinds of economic opportunities. They realize that when countries improve safety at sea, it “is not because their ignorant leaders suddenly have become better informed ... or because they’ve received advice” from us.¹⁵⁶ The other programs also realize that economic progress like this happens on a scale of hundreds of thousands, and it doesn’t necessarily let us congratulate ourselves in the role we played as individuals. But as Sowell points out, “the mere recording of hum-drum events [like economic progress] does not make history or journalism interesting.”¹⁵⁷ As with journalists, for the NGO doing research, “[o]nly the new, the exceptional, or the dramatic, puts the practitioner or the field on the map, as far as public recognition is concerned.”¹⁵⁸

The causes of economic stagnation and how we generate economic opportunities are beyond the scope of this paper. They are amply discussed in peoples’ daily lives and in the economic literature.¹⁵⁹ The goal of this paper has been to think critically

supra note 3 at 67, 96). See Angus Deaton, *The Great Escape: Health, Wealth, and the Origins of Inequality* (Princeton, NJ: Princeton University Press, 2013) at 41; Steven Radlet, *The Great Surge: The Ascent of the Developing World* (New York: Simon & Schuster, 2015) at 243. See also Pinker, *supra* note 3 at 83, 88–89, 94–96.

¹⁵³ Deaton, *supra* note 151 at 37.

¹⁵⁴ See especially Max Roser, “The Global Decline of Extreme Poverty—Was It Only China?” (7 March 2017), online (blog): *Our World in Data* <ourworldindata.org/the-global-decline-of-extreme-poverty-was-it-only-china>.

See also Pinker, *supra* note 3 at 90; Collier & Rohner, *supra* note 150; Deaton, *supra* note 152; Charles Kenny, *How Global Development is Succeeding—and How we can Improve the World Even More* (New York: Basic Books, 2011); Kishore Mahbubani, *The Great Convergence: Asia, the West, and the Logic of One World* (New York: Public Affairs, 2013).

¹⁵⁵ See Pinker, *supra* note 3 at 83–86.

¹⁵⁶ Acemoglu & Robinson, *supra* note 146 at 68.

¹⁵⁷ *Supra* note 5 ch 5 at 19.

¹⁵⁸ *Ibid* at 20.

¹⁵⁹ See the sources for *supra* note 151.

about how one individual and one NGO can and cannot better the human condition simply by doing research and sharing expertise. In 2006, Arndt and Oman warned that human rights (governance) “indicators are very largely used by external observers and decision makers, as opposed to domestic groups and policy makers in most developing countries.”¹⁶⁰ To this end, it’s worth asking what “vested interest that experts [at NGOs could] have in the use of expertise” rather than using “other economic or other social mechanisms” to explain the causes of human flourishing or suffering.¹⁶¹

There will be cases where the impact of a NGO’s expertise is measurable and positive.¹⁶² Perhaps a best practices checklist is one such example. But there will also be cases where the benefit of disseminating knowledge is not so clear. In those cases, an organization must critically ask whether its research is playing the role that it would like. If it is not, the organization may want to re-evaluate and perhaps direct its efforts elsewhere. Where? I don’t know. All I know is that if an organization’s research isn’t helping the world, it might be accomplishing some other goal. It’s worth asking what that goal is from time to time.

Conclusion

Research is useful. Knowing more about the world has helped humanity make people healthier, happier, more well-off, more educated, and more aware of their surroundings than ever before in human history. The connection between knowing more and improving human betterment is clear. While there are notable exceptions to this general statement now and in the past, it’s safe to say that human curiosity has helped us improve the human condition in some pretty staggering ways. Steven Pinker shows us just how true this is in *Enlightenment Now*.

But there is still much room for improvement. Climate change is happening faster and faster and we still don’t have a

¹⁶⁰ *Supra* note 8 at 46 [emphasis in original].

¹⁶¹ Sowell, *supra* note 5 ch 2 at 7.

¹⁶² This is true of the United States Department of State’s annual *Trafficking in Persons Report*, according to Engle Merry (see “Knowledge Effects and Governance Effects of the Trafficking in Persons Report” in *supra* note 9 at 140–61).

clear or realistic solution. It will affect poorer countries disproportionately when compared to richer ones. The fact that some countries are still so poor when compared to Western Europe, the United States, and Canada, for example, is a problem all on its own. Research into these issues, among many others, will become increasingly important in the coming years. It's important right now. If we manage to curtail climate change, inequality, human trafficking, or violent conflict, it will inevitably be thanks to researchers curious about these issues today and in the past. Many of these curious folks work at NGOs, and they will play a big part in painting a fuller picture of these and other human afflictions.

But none of this needs to imply that research is *always* useful. Nor does it imply that we need to do research for its own sake, rather than using it to discover the most effective solutions to a particular problem. As Thomas Sowell shows in *Intellectuals and Society*, some academics might do research that is debated only among a few leading scholars, or that is never consulted by anyone. If that's the case, that might mean that such research is not be improving the human condition outside of those journal subscribers. Similarly, NGOs doing research often receive donations based on the reports they produce, rather than the impact that those reports have on peoples' lives. In some cases, that might mean that a NGO ends up producing report after report without helping victims of human rights violations in the way that it would like. If a NGO's research is redundant because other organizations are doing the same thing, or because those who are supposed to use it actually produce their own reports, we can reasonably ask if the research is useful at all. The carrots and sticks that lead some NGOs to do research suggest that some of it, while premised on helping those in need, can also be a way to get donations and drum up enough interest to get invited to conferences. But this is not necessarily a conscious choice on behalf of the researcher or her institution: it's safe to assume that most people believe that their research is having an impact. We can assume that a given researcher has good intentions. But it's also important to look at what other incentives exist for someone who wants to do research with a NGO. If there are incentives for the research other than how it improves peoples' lives, then we can wonder whether the research has any connection at all to the human rights violations that it purports to stop. If it doesn't, if there's no reality check to verify whether the conclusions are right or wrong or if it matters, then the research might be tantamount

to a philosopher counting the prickles of a cactus: knowledge, to be sure, but not particularly useful.

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