Review Symposium: Kathryn Sikkink on *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*

Hun Joon Kim, Research Fellow, Griffith Asia Institute and Centre for Governance and Public Policy, Griffith University, Brisbane, Australia. Email: h.kim@griffith.edu.au

Introduction

The question of how the human rights violations of previous regimes and past periods of conflict ought to be addressed is one of the most pressing concerns facing governments and policy makers today. New democracies and states in the fragile post-peace-settlement phase are confronted by the need to make crucial decisions about whether to hold perpetrators of human rights violations accountable for their actions and, if so, the mechanisms they ought to employ to best achieve that end. Since the 1980s, post-transitional states have increasingly opted in favor of accountability for human rights violations and have used a wide range of measures such as prosecution, truth-telling, lustration of police and security forces, reparations, judicial reform, exhumations and reburials, memorialization, and other guarantees of non-repetition (Roht-Arriaza 2002, 97). The recent wave of democratization and armed conflicts in the Middle East and Northern Africa suggests that this new tendency will continue in the 21st century.

Around the world, states increasingly use international, foreign, and domestic human rights trials to hold individuals criminally accountable for past human rights violations. This new trend is reflected in the work the International Criminal Court (ICC), the *ad hoc* tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) and in the foreign universal jurisdiction cases like the trials of General Augusto Pinochet of Chile in Spain and the United Kingdom. But the change is not limited to these high profile international tribunals and

foreign cases. The great bulk of enforcement of core human rights norms now occurs in domestic courts using a combination of domestic criminal law and international human rights law. In *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*, Kathryn Sikkink calls this trend “the justice cascade” and argues that it represents a new and surprising development in world politics because it challenges classic understandings of sovereignty and the immunity of state officials from prosecution.

Over the last two decades, Kathryn Sikkink has been working intensively on the topics of human rights (Sikkink 1993, 2004; Risse, Ropp, and Sikkink 1999), international norm diffusion (Finnemore and Sikkink 1998), transnational advocacy networks (Keck and Sikkink 1998; Sikkink, Khagram, and Riker 2002), and transitional justice (Kim and Sikkink 2010; Sikkink and Walling 2007; Lutz and Sikkink 2001). With new theoretical frameworks and approaches, Sikkink made a great contribution in the field of International Relations and human rights. In *The Justice Cascade*, Sikkink makes another important contribution to the field by addressing another key topic in International Relations: “change in world politics.” This book is, by far, the most comprehensive account of human rights prosecutions occurred not only in domestic but also in international settings. Sikkink outlines the contour of the emerging global system of individual criminal accountability and explores its origins and its effects. After closely examining the whole process of norm diffusion, Sikkink criticizes “structural constructivism,” based on taken-for-granted logics of appropriateness, for being unable to account for major and relatively rapid political change (Sikkink 2011, 235-237). Instead, Sikkink argues for an “agentic constructivism” that takes proper regard for norm entrepreneurs, especially NGOs, as well as crusading minor states.

The goal of this review symposium is to facilitate a dialogue about this new trend among scholars who have conducted research in diverse regions, who come from different academic subfields, and have different methodological orientations. Four participants who are

experts in the area of human rights and transitional justice represent a diverse array of approaches to this topic.

Leslie Vinjamuri studies the impact of the new accountability norm focusing on the countries affected by the civil and international wars. Vinjamuri's research focuses on the role of international diplomacy on managing ongoing conflicts with a special emphasis on the role of international courts. David Mendeloff has a particular interest in the relationship between truth commission and war crime tribunals in preventing war and violence in post-conflict societies. Mendeloff especially traces the impact of transitional justice measure at the individual and psychological level. Bronwyn Anne Leebaw examines the process of transitional justice conceptually, specifically challenging the goals of such measures and the criteria of evaluating their political significance. Jelena Subotic explores the tension between the international and local practices for justice, particularly focusing on the process of addressing human rights violations in the former Yugoslavia.

Reference

- Finnemore, Martha, and Kathryn Sikkink. 1998. International Norm Dynamics and Political Change. *International Organization* 52 (4):887~917.
- Keck, Margaret. E, and Kathryn Sikkink. 1998. *Activists beyond borders: advocacy networks in international politics*. Ithaca: Cornell University Press.
- Kim, Hun Joon, and Kathryn Sikkink. 2010. Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries. *International Studies Quarterly* 54 (4):939-963.
- Lutz, Ellen, and Kathryn Sikkink. 2001. The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America. *Chicago Journal of International Law* 2 (1):1~34.
- Risse, Thomas, Stephen C Ropp, and Kathryn Sikkink, eds. 1999. *The Power of Human Rights. International Norms and Domestic Change*. Cambridge: Cambridge University Press.

- Roht-Arriaza, Naomi. 2002. Civil Society in Processes of Accountability. In *Post-Conflict Justice*, edited by M. C. Bassiouni. Ardsley, NY: Transnational Publishers.
- Sikkink, Kathryn. 1993. Human Rights, Principled Issue-Networks, and Sovereignty in Latin America. *International Organization* 47 (3):411-441.
- Repeated Author. 2004. *Mixed Signals: U.S. Human Rights Policy and Latin America*. Ithaca, NY: Cornell University Press.
- Repeated Author. 2011. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. New York, NY: W.W.Norton.
- Sikkink, Kathryn, Sanjeev Khagram, and James V Riker, eds. 2002. *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*. Minneapolis, MN: University of Minnesota Press.
- Sikkink, Kathryn, and Carrie Booth Walling. 2007. The Justice Cascade and the Impact of Human Rights Trials in Latin America. *Journal of Peace Research* 44 (4):427-445.