it is the application number of the second one[16] which is given (p 173, nn 34). However, these latter points are quibbles. A feat of scholarship as important, involved and involving as Dembour's deserves plenty of allowance for minor errors which are unlikely to trouble any reader other than the most pettifogging of pedants and which, in any case, are as likely as not to be attributable to the publisher. *When Humans Become Migrants* is a magisterial endeavour which will become a standard work of reference for those working in the fields of migrants' rights and the case law of the ECtHR. Despite being a lengthy, detailed work within narrowly drawn parameters, the clear, intuitive way in which the book, and each individual chapter, is structured, and the verve and clarity with which it is written lend it a discipline-transcending accessibility, which should ensure it the wide readership it merits.

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Sally Engle Merry, Kevin E. Davis and Benedict Kingsbury (eds), *The Quiet Power of Indicators: Measuring Governance, Corruption, and Rule of Law* (Cambridge University Press, 2015, xiv + 353pp, £23.00) ISBN 9781107427877 (pb)

For a long time, studies on governance, the rule of law and, to a lesser extent, corruption had modest sophistication in their use of quantitative measures, including scales, ranks and other like indices. More recently, however, these studies are catching up with systematic and multidisciplinary analysis on the role and impact of such measures. Building on their previous work,[1] the editors of *The Quiet Power of Indicators* advance the analytical inquiry by examining how indicators are used to contextualize and comparatively interpret the levels of political freedom, good governance, the rule of law and corporate responsibility. What distinguishes the approach they use in this book from comparable literature is the special focus on how indicators of governance through law are created, disseminated and used, and their respective effects. Unlike most works on the subject that largely dwell on how to develop better indicators, this book is principally concerned with the difference that indicators make to governance and law by examining how such indicators work in practice. Accordingly, it focuses on the institutional contexts and underlying theoretical bases for these indicators, with an emphasis on how they are used, embraced and contested (p 3).

The authors of *The Quiet Power of Indicators* address these complex issues in a collected edition of essays that provide unique insights into the private–public and

16 Ibid. (No 2) Application No 53470/99, Merits, 10 April 2003.

1 Davis, Kingsbury and Merry, 'Indicators as a Technology of Global Governance' (2012) 46 *Law and Society Review* 71; Davis, Fischer, Kingsbury and Merry (eds), *Governance by Indicators: Global Power through Quantification and Rankings* (2012).

local–global lives of indicators, and their key contradictions. Using nine original case studies, the book seeks to critically analyse how key global indicators of national legal governance are developed, promoted, used, and also to what effect. The case studies have the unique capacity to refute some contentious claims that have recently emerged in the body of literature, including that indicators always have a predetermined effect[2] or criticism of the validity, utility and reliability of numbers to measure good governance.[3] The case studies show that, contrary to linear perceptions, indicators often throw up more contradictions than are often expected or analysed. Some of the case studies make clear that indicators designed to measure one phenomenon may very well end up measuring another; despite their self-proclaimed objectivity, indicators are susceptible to hijacking by certain powerful interests; even where they are co-opted by powerful users, indicators retain some capacity to assert themselves; and, ultimately, most indicators are context-specific and thus do not easily lend themselves to a generalist evaluation, but require deliberate case-specific scrutiny.

The book is divided in two parts. In Part I (Global Indicators of Governance), comprising five chapters, the principal focus is placed on how indicators are conceptualized, operationalized and contested by some prominent organizations. Selected by means of an iterative process designed to illustrate the most representative use of indicators, the case studies discussed in this part include three non-governmental organizations and three intergovernmental or governmental organizations that are influential users of indicators. What is more remarkable is that every case study advances a specific argument regarding the institutional processes and consequences that attend the continuum from creation to contestation of indicators. In Chapter 1, Bradley analyses the Freedom in the World indicator, one of the oldest and more prominent indicators, with specific attention being given to the factors that motivated its creation. Besides its longevity and unusual success, the choice of the Freedom in the World indicator offers a unique case study because, unlike comparable indicator producers, records of Freedom House's history are publically available yet have for so long remained under-examined. The significance of this analysis is that it shows how, despite its enduring status, numerous faults can be found in the methodology of conceptualizing this indicator. An important point raised is that modifications to the indicator have over the years been driven, to a disproportionate extent, by reputational rather than efficiency considerations. On this, among other bases, it is argued that the Freedom in the World indicator does not take sufficient account of the need to design more context-specific measures of democracy, which often has negative and sometimes unintended implications.

Chapter 2 examines the Rule of Law Index produced by the World Justice Project (WJP), an independent non-governmental organization. The Rule of Law Index was developed to measure the adherence of almost 200 countries to the 'rule of law', a theory constructed and promoted by the WJP through its quantitative measurement. Recognizing the contested nature of this indicator, which currently exists in multiple indices, Urueña argues that it is an established quantitative technology of

2 Gregory, 'Assessing "Good Governance": "Scientific" Measurement and Political Measurement' (2014) 10 *Policy Quarterly* 15; Arndt and Oman, *Uses and Abuses of Governance Indicators* (2006).

3 Andrews, 'Good Governance Means Different Things in Different Countries' (2010) 23 *Governance* 7.

measurement that offers space for contestation, intervention and policy debate on the ways in which indicators can encourage compliance with the rule of law in developing countries. By analysing the methodology of the Rule of Law Index, Urueña proposes a characterization of this index as a systematic and normative system through which indicators interact with the law to promote the latter's values and to realistically engage with external factors such as politics. In the final analysis, the point is made that the multifaceted connections of the Rule of Law Index as part of the law and development agenda and the praxis that defines it offer both challenges and opportunities.

The matter of the use of indicators as a quantitative measure of corporate accountability is discussed in Chapter 3, which focuses primarily on corporate social responsibility. Using an empirical study of the Global Reporting Initiative (GRI), a prominent producer of the leading global indicator of corporate sustainability reporting, Sarfaty analyses the increasing role of indicators as an emerging regulatory tool in governance and identifies the potential disadvantages of these tools in the overall decision-making process. This chapter makes a timely contribution to current debates by discussing the under-explored role of quantified measures as regulatory mechanisms that can induce greater compliance by corporations with rules on social accountability. Another important feature of this chapter is the critical review of the contested legitimacy of private regulatory bodies as key actors in international governance who are often deeply criticized for their lack of public accountability or oversight mechanisms. By using indicators, argues Sarfaty, private regulatory bodies can rebut these charges by affirming transparency and asserting their legitimacy to govern. In the specific case of GRI, the case is persuasively made that 'indicators facilitate the process by which legal norms are interpreted and implemented' and by so doing they 'are operationalizing emerging norms on corporate responsibility for human rights, among other issues' (p 105). In particular, the GRI case study amply demonstrates the possibility of regulating information through numbers and to have a positive impact on corporate compliance with legal norms. However, in what is a commendably balanced account, Sarfaty also shows that while these numerical measures may improve corporate social responsibility, the risk exists that they may promote superficial compliance because companies are rated based on the quantity of the indicators that they report on, instead of the quality of their performance.

The use of indicators to measure economic development is the subject of enquiry in Chapter 4, which reviews the World Bank's role in promoting development indicators. Starting from the premise that development indicators are by themselves a technology of global governance, Uribe discusses the historical evolution of World Bank development indicators by focusing on their underlying theories and analysing how and why some of them become more successful than others. Through its World Development Indicators (WDI), the World Bank has established itself as one of the most prominent producers and users of indicators as the principal tool for measuring development. The central argument in this chapter is that in the competition for hegemony among indicators, those promoted by powerful institutions have greater likelihood of succeeding. By comparing the relative impact of the World Bank's WDI and the Human Development Index used by the United Nations Development

Program, the point is convincingly made that the more influential the producer and user of an indicator is, the greater is its mainstream acceptance and the more compelling its knowledge and governance effects. Its position as a dominant player in the economic development field has enabled the World Bank to institutionalize its theoretical approach to economic development and growth, which is currently the most widely accepted standard of measuring development and economic governance.

Chapter 5 compares the use by the European Union (EU) accession process and the Millennium Challenge Corporation (MCC)'s aid disbursement of conditionality processes that entail 'processes that condition the transfer of benefits to recipients on demonstration by those recipients of compliance with certain standards' (p 157). Created by the United States in 2004, the MCC was designed to assist governments which demonstrated the capacity to responsibly use financial aid assistance to benefit their citizens. For its part, in 1993 the EU adopted a conditionality process for determining the eligibility of less developed Eastern European countries for accession to the EU. These two processes share some similarities, but they differ in terms of the methodology of assessing compliance. While the MCC judges the eligibility for aid disbursement on the basis of quantitative standards, the EU determines eligibility for accession by reference to qualitative standards. Dutta's comparison of EU and MCC conditionality processes shows that their methodological differences have distinct implications for accountability, which is measured in terms of three components: legibility; reason-giving; and participation. The chapter demonstrates that, in general terms, the MCC conditionality process is more legible than its EU counterpart; the EU conditionality process lays greater emphasis on the necessity of reason-giving; and the EU process does not offer opportunities for participation to any degree more significant than the MCC. Caution is, however, counselled that since the comparison is limited in scope, conclusive generalizations should not be drawn.

In Part II (Indicators in Local Contexts), the four case studies examined focus on the effects of indicators in particular local contexts. In Chapter 6, Serban analyses the use of rule of law indicators as a technology of power in Romania and as a basis for exploring the reception and contestation of indicators in general. The Romanian context is particularly suitable for examination because, despite the prevalent use of indicators in the country's governance system, there is little local control over these measuring techniques. Given that rule of law indicators are used in Romania as a technology of control (by the EU) and reform (by civil society), Serban examines the local reactions to the rule of law indicators. The EU Cooperation and Verification Mechanism defines the rule of law as anti-corruption and judicial reform, but it is contested and resisted in Romania because of its perception as a means of illegitimate external control. On the other hand, the domestic implementation by Romanian institutions, including the judiciary, of the rule of law indicators is largely resisted because of the broad view that such institutional actors are corrupt. One of the more enlightening findings of the empirical study on which Serban's analysis is based is that the reception and acceptance of rule of law indicators is highly context-dependent, and that, since different constituencies use indicators for distinct purposes, their effects will vary accordingly. Another critical point is that objectivity and neutrality, the defining qualities of indicators, are also ironically their greatest liability since they expose indicators to political interference and pressures of politicization.

Corruption is examined in Chapter 7, where the primary issue of discussion is the ways in which global indicators of corruption are received in post-Socialist Albania and deployed as a form of knowledge and technology of governance. Using the Corruption Perception Data survey as a case study, Musaraj demonstrates both the intended and unintended effects of global indicators in the local political context of Albania. The focus of the discussion is a 2008 USAID-funded survey conducted by the Institute for Development Research and Alternatives (IDRA), which was relied on to criticize the Albanian government for corrupt practices. Widely known as the USAID/IDRA corruption survey, it played a key role in the debate surrounding alleged corrupt affairs in the Albanian government resulting in the explosion of a munitions depot situated close to Gërdec village. The USAID/IDRA survey was relied on as the source of authority and legitimacy in the accountability-seeking process. Musaraj uses the remarkable case of Albania to show how global–local and public–-private actors use indicators as the primary basis for political decision-making. Besides that, this chapter focuses on the North/South conceptions of expertise deployment, whereby the global expertise of the more developed countries is used to design a survey while actors in less developed nations typically take the role of collecting raw data, and it is this aspect of Musaraj's argument that highlights new ways of conceptualizing how global indicators may influence local decision-making and their potential impact on local politics.

Corruption indicators again form the central discussion in Chapter 8 that evaluates the local impact of such indicators on governance discourses in Kenya. In this chapter, Akech compares the Bribery Index produced by Transparency International-Kenya (TI-Kenya) with 'corruption eradication' performance indicators developed by the Kenyan government. This is discussed in the context of anti-corruption and institutional reform efforts in Kenya over the last decade. In this study, Akech advances two key arguments. First, he maintains that the Bribery Index, a global indicator, is limited both in its conception and effect because it has marginal effect on anti-corruption government decision-making and also fails to explain the causes of, or offer incentives against, engaging in corruption. Secondly, he argues that, unlike the Bribery Index, the government's corruption eradication performance indicators are more likely to reduce public sector corruption because they provide reform incentives to public institutions. Having determined that the holistic approach to anti-corruption is to be preferred, owing to its recognition of the systemic character of corruption, Akech makes the case that performance indicators can profitably be used in Kenya to reform public procurement and service delivery systems. What stands out in this chapter is the advancement of an original argument that indicators of corruption currently being developed in Kenya are potential tools for its eradication. This is supported by the proposal that constitutional, statutory and other policy instruments can effectively offer innovative mechanisms to stem corruption. A notable example is the suggestion that compliance with statutory obligations under the Procurement and Disposal Act should be included in the performance indicators. Other innovative examples include service delivery innovation incentives and

Chapter 6 provisions in the Constitution of Kenya 2010 as tools to develop workable indicators of performance contracting. By using these contemporary examples, this chapter describes the often neglected yet resourceful value of local approaches to indicator creation. These local initiatives may very well hold greater promise and benefit than global indicators that are developed elsewhere then transplanted locally, and which do not consider in much detail the contextual peculiarities of the environment in which it is to be applied.

The impact of indicators as a regulatory tool to measure labour efficiency is examined in Chapter 9, where Collier and Benjamin consider how indicators used in the South African labour market, a regulated market, measure its efficiency and affect its regulatory process. In order to better represent the complex socio-economic and political local context, this chapter analyses the indicators used by four organizations, namely, the World Economic Forum's Labour Market Efficiency (LME) Pillar of Competitiveness; the World Bank's Employing Workers Indicator (EWI); the Organisation for Economic Cooperation and Development (OECD)'s Indicators of Employment Protection (IEP); and the International Labour Organisation (ILO)'s Decent Work Indicators (DWI). After discussing the character of the South African labour market in critical detail, Collier and Benjamin demonstrate that global labour market indicators may produce varying results locally, and what comes out clearly is that because the respective labour market indicators emphasize distinct indices, the score invariably depends on the specific attribute being measured. Even so the authors concede that the messages being conveyed by these indicators influence public opinion and impact on labour policy formulation in South Africa.

A concluding afterword is offered by Nelken in Chapter 10, which provides an analytical summary of the main arguments provided by the case studies in this collection. This chapter revisits the main issues discussed in the book with a specific focus on how best to elaborate the difference that indicators make to governance and law. By enquiring into how indicators work in practice and why some become more successful than others, Nelken makes clear, with reference to the other chapters, that it is often difficult to distinguish the causes of an indicator's success from the search for its greater efficacy. The argument developed in this chapter differs to a relative extent from the other chapters in that Nelken accepts from the outset that indicators are essentially political creatures and hence are invariably influenced by social and political processes. This chapter discusses the tensions between the quest for greater neutrality of indicators and their inevitable politicization, and attention is paid to the notion of contestation, a notion whose meaning is unclear if not contested (p 332–3). But despite this, Nelken argues against the necessity to depoliticize indicators, holding: 'In their role as accountable interventions indicators may need to be just as counterfactual as law if they are to stabilize expectations. Too much contestation can have counterproductive effects' (p 333).

On the whole, the book under review is evidently a most insightful and useful work for all those whose professions or interests require them to engage, either in theory or practice or both, with the key relationships between indicators as measures of the rule of law, governance and corruption, and their effects on decision-making. Bringing together case studies drawn from across various regions and disciplines, this book is definitely a recommended read for those hoping to make meaningful contributions to the broad area of governance through law. The fact that this book has come out at a time when global attention is focused on outcomes of sustainable development goals, the achievement of which depends in large part on good legal governance, makes it a timely and beneficial contribution to the emerging literature in the field.

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