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## Exposing Indicators' Fragility: Sally Engle Merry's Contribution to the Study of Governance Indicators

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Andrea Boggio

*Department of History and Social Sciences, Bryant University, 1150 Douglas Pike, Smithfield (RI), 02917, USA*

The work done by Sally Engle Merry around governance indicators provides a clear example of how her scholarship has been original and impactful. She devoted more than a decade to studying the emergence and use of indicators, a widely used strategy for assessing governance mechanisms. Her body of work on indicators includes three books and more than a dozen journal articles and book chapters. These contributions have reshaped the discourse and forced readers to confront the hidden truth about indicators: their imperfect nature as with any other human construct. I, selfishly, have borrowed from her work and used her lenses in contributing to the study and production of human rights indicators. I see my borrowing as a tribute to a must-read scholar whose ideas are worth entertaining and sharing through our work.

Merry began working on indicators when the popularity of this “technology” was on the rise. During the first decade of the XXI century, indicators of all sorts began popping out in the literature and, most importantly, in governmental and non-governmental reports and websites. Merry framed this movement as the “governance by indicators” movement, which advocated for assessing governance arrangement by measuring their effectiveness. The title of one of her monograph on this topic, *The Seductions of Quantification: Global Governance, Human Rights, and the Rise of Indicator Culture* (University of Chicago Press, 2016), perfectly captures the message that she wanted to share—the real essence of indicators can be seen only when the curtain on the seductive magic of indicators is pulled.

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Please direct all correspondence to Andrea Boggio, Department of History and Social Sciences, Bryant University, 1150 Douglas Pike, Smithfield (RI), 02917, USA. e-mail: [aboggio@bryant.edu](mailto:aboggio@bryant.edu).

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But let us proceed in order.

Her first significant contribution is in the form of a volume of original essays edited with Kevin Davis, Angelina Fisher, and Benedict Kingsbury (all colleagues at New York University) and titled *Governance by Indicators: Global Power through Quantification and Rankings* (Oxford University Press, 2012). In this volume, Merry and colleagues begin forging a new path for the study of governance indicators. First, they provide a definition of what constitutes an indicator, which will serve as the foundation of all their subsequent work in this area. According to Merry and colleagues, an indicator is:

A named collection of rank-ordered data that purports to represent the past and projected performance of different units. The data are generated through a process that simplifies raw data about a complex social phenomenon. The data, in this simplified and processed form, are capable of being used to compare particular units of analysis [...], synchronically or over time, and to evaluate their performance by reference to one or more standards (6).

Second, and most importantly, Merry and colleagues frame indicators as “technologies of global governance” (11–21). Drawing from governmentality scholars Rose and Miller (2013), Merry and colleagues refer to mechanisms that constitute the process of governance as “technologies.” Indicators are not only measurements of governance effectiveness; they have become tools of governance, used to set standards and to make decisions concerning governance matters that transcend a single state. This result has happened, Merry and colleagues persuasively contend, because of indicators’ “seductiveness:” they are efficient and consistent tools that, at least on their face, appear to be rather objective. As inherently bureaucratic rather than political tools, they are thus devoid of the problems and contestations typically associated with political decisions in the global arena.

In *The Quiet Power of Indicators: Measuring Governance, Corruption, and Rule of Law* (Cambridge University Press, 2015), Merry, Davis, and Kingsbury follow the footsteps of their previous work with a selection of case studies looking closely at the relationship between law and indicators. The focus is on “indicators purporting to measure practices or perceptions of good governance, rule of law, corruption, regulatory quality, and related matters” (1). In the introduction, Merry and colleagues argue that, as technologies of governance, indicators exercise their power quietly, in ways that are not self-evident, even to those who produce and champion them. However, this “quiet power” must

be made apparent to assess the merits of the “governance by indicators” movement. As summarized by Nelken (2015) in the essay that closes the collection, the book frames the quiet power of indicators as mechanisms that:

de-politicize [governance], replacing judgments on the basis of values with apparently more rational decision making on the basis of statistical information. ... In addition, the whole point of most indicators is to shift the burden of responsibility. This means that indicators rarely acknowledge how the donor community is to blame for poverty and underdevelopment, because it has continuously imposed structural adjustments with an imperfect knowledge of the local environment.

Finally, her third book, the monograph *The Seductions of Quantification*, features an ethnography of how indicators are used as “technologies of governance,” mediating between international human rights law, gender violence, and human trafficking. Here, Merry sharpens her challenge to the “myth” of indicators’ objectivity and warns producers and consumers of these quantitative measurements of governance effectiveness of their circularity. “Those who create indicators,” Merry writes, “aspire to measure the world but, in practice, create the world they are measuring” (21). Indicators “do not stand outside regimes of power and governance but exist within them, both in their creation and in their ongoing functioning” (Ibid.). Indicators fuse the technical and the political. “The technical is always political because there is always interpretation and judgment in systems of classification, in the choice of things to measure, in the weighting of constitutive elements, and in decisions about which denominator to use for a ratio” (Ibid.).

*Seductions of Quantification* devotes an entire chapter to human rights indicators, my area of expertise. Indicators play a unique role in human rights law, and thus it is wise, as Merry did, to tailor the analysis to this area of governance. In human rights law, State parties to international treaties must produce indicators as part of the monitoring process. As part of their reporting duties, State parties must provide treaty bodies with “appropriate indicators and benchmarks, including disaggregated statistics and time frames, which allow them to monitor effectively the implementation” of the right being monitored.<sup>1</sup>

Human rights indicators should thus be under closer scrutiny not only because producing indicators falls under the duties that

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<sup>1</sup> This language comes from a recent general comment adopted by a UN treaty body. See, UN Committee on Economic, Social and Cultural Rights (2020).

State parties take on when ratifying a human rights treaty, but also because of indicators' "quiet power" to shape and reconfigure human rights standards. As Merry pointed out, quantification hides political choices. This phenomenon raises important ethical issues for researchers like me whose expertise may be coopted to produce "technical" reports under the shadow of objectivity while, in reality, we contribute to defining the very same standards we are asked to measure. Scholarship that has the power to tease out the ethical dimensions of scholarly and consulting activities that otherwise would go unnoticed as mundane and "scientific," deserves to be read and highlighted as exemplary of the role that sociolegal scholars ought to play in studying law and governance.

I was fortunate to meet once with Salle Engle Merry in the hallways of a Law and Society Association meeting in the late 2000s. While the personal exchange was cordial and insightful, I am fortunate that I can still encounter Salle Engle Merry, not in her office or the sidelines of an academic conference, but through the written pages she has left us. Her legacy for scholars working in the field of governance indicators is tangible, and her body of work a resource yet to be exhausted. I will go back to her writings often as I continue to work in this field. This is a remarkable achievement for a scholar nowadays. Thanks, Sally.

## References

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*Andrea Boggio is Professor of Legal Studies at Bryant University. His work on indicators focuses primarily on the intersection between science and human rights.*