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[PUBLISHED IN International Theory 13 (1): 169-178 (2021)]

Governance by Other Means: Rankings as Regulatory Systems

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Abstract: This article takes the challenges of global governance and legitimacy seriously and looks at new ways in which international organizations (IOs) have attempted to ‘govern’ without explicit legal or regulatory directives. Specifically, we explore the growth of global performance indicators as a growing form of social control that appears to have certain advantages even as states and civil society actors push back against various forms of international regulatory authority. This article discusses the ways in which Zürn’s diagnosis of governance dilemmas helps to explain the rise of such ranking systems. These play into favored paradigms that give information and market performance greater social acceptance than rules, laws, and directives designed by international organizations. We discuss how and why these schemes can constitute governance systems, and some of the evidence regarding their effects on actors’ behaviors. Zürn’s book provides a useful context for understanding the rise and effectiveness of Governance by Other Means: systems that ‘inform’ and provoke competition, shaping outcomes without directly legislating performance.

Global governance has never seemed more necessary, and yet so under attack.

Economies around the world are more dependent than ever on decisions made beyond their borders. International human rights norms have suffered attacks from multiple directions. The very habitability of the planet will be influenced by emissions guidelines that need collective effort and management.

At the same time, evidence of opposition to distant sources of external, international and ‘global’ authority is abundant. The United States is a prime example of a major democracy who once took a leadership role in international trade institutions but now challenges both multilateralism and rule-oriented dispute settlement. Critiques that international institutions from the International Criminal Court to the International Monetary Fund, are imperialist have become increasingly resonant in much of the world. International institutions have been crucial in managing and deepening the processes of interdependence and accountability in the age of globalization. But the very relevance of global problems has made collective action both important and controversial. As Zürn points out in his book, *A Theory of Global Governance: Authority, Legitimacy and Contestation*, legitimacy is crucial, but it is far from guaranteed.¹

Challenges to the legitimacy of international organizations come from rising powers who seek greater voice and different goals from those instantiated in the Liberal World Order, as well as from developing countries who resent accepting rules made by imperialist powers. Legitimacy challenges also come from within the liberal core, where populist opposition to internationalism has impacted politics and policies. Western disarray in NATO, the refusal of the US to support multilateralism, and growing civil society skepticism have all contributed to the legitimacy crisis of international institutions.

¹ Zürn 2018.

International organizations (IOs) have been struggling to respond to these challenges to their authority. Zürn's work points to several such efforts. Some IOs have embraced transparency, opened their decision-making to scrutiny, and invited broader participation. Such moves aim to strengthen a consensus among societal actors to support international institutional deepening. But traditional narratives inviting participation and touting transparency are not the most creative moves of modern IOs. Today, many are packaging and deploying information in new ways to achieve their traditional ends.

The dilemmas of modern global governance have made use of what we call global performance indicators (GPIs) increasingly attractive. Global performance indicators are defined as *a named collection of rank-ordered data that purports to represent the past or projected performance of different units*.² IOs have long produced data, but in the recent past they have promulgated overtly strategic state rating and ranking systems that package and deploy information intentionally to advocate policy and to influence its implementation. Rather than double down on top down regulatory commands, IOs have engaged in this form of information politics that governs through comparison. Here is the basic pattern: the organization creates a quantifiable (or quasi-quantifiable) index that compares the performance of multiple states within a region or more broadly; they make the index publicly and easily available, and publish it on a regular predictable schedule. The measures are typically explicitly normative, policy focused, and are deployed to influence state-level outcomes. GPIs can take several forms, the most influential of which use numbers or grades to rate or rank state performance, compressing enormous variance into a simplified scale.³ Ordinal categories are often used to produce (un)flattering peer group comparisons as well.

² Davis et al. 2012; Davis, Kingsbury, and Merry 2012; Davis, Merry, and Kingsbury 2015; Merry and Conley 2011.

³ Doshi, Kelley, and Simmons 2019.

Zürn's book analyzes the context in which the turn to information politics of this kind makes sense for authoritative IOs facing challenges to their legitimacy. We build on his analysis by pointing to GPIs as a technology for threading the needle of the governance dilemma. The most clever organizations increasingly try to govern using information politics rather than old-style command and control. Zürn show that IOs try to justify their hierarchical authority through various technocratic and participatory narratives; we add that they also shift to information politics that avoid the appearance of a directive, and are therefore more likely fly beneath the radar of public contestation. We explain why assessing and ranking states' performance is potentially impactful and provide an example from a beleaguered international financial institution, the World Bank. GPIs do not eliminate the contestation of authority, but they do help to camouflage that authority among the everyday pressures of politics, the media and the market.

The rise of indicators: an informational response to a governing dilemma

When IOs face challenges to their authority, they have incentives to develop tools that garner less resistance. GPIs are one such tool. According to a recent study, GPI growth has been nearly exponential. Approximately 20 GPIs in use in the late 1990s; by the next decade, the number had roughly quadrupled, and in the next 15 years it more than tripled.⁴ This proliferation responded to growing demands for policy-relevant performance data, facilitated by the fact that information was becoming ever easier to collect, process and disseminate.⁵ Zürn's analysis suggests global performance assessments may have intensified because of the heightened politicization of the issues and institutions of global governance.

⁴ Kelley and Simmons 2019.

⁵ Arndt 2008; Arndt and Oman 2006; Malito, Umbach, and Bhuta 2018.

Why use indicators? IOs are attracted to them for a number of reasons. First, their deployment is a nearly imperceptible shift in the repertoire of traditional IO functions. IOs have collected, curated, and circulated data for decades. Information provision was one of the functions Robert Keohane cited in his seminal work explaining why international institutions exist in the first place.⁶ One reason weak international institutions can enhance domestic accountability is by providing compliance data.⁷ From the World Bank's World Development Indicators to the UN's Commodity Trade Statistics Database to the Food and Agricultural Organization's Forestry Database, collecting and organizing data has long been a core competency of IOs. Governance by assessment and ranking, that is, by GPIs, was a subtle process that could be considered an outgrowth of a long-accepted IO function. Soon it would seem *natural* that the World Bank would rank every country in the world from top to bottom on an Ease of Doing Business (EDB) Index,⁸ and that the United Nations would do the same with respect to a Gender Inequality Index.⁹ After all, what could be more legitimate than IOs producing information?

GPIs are not simply data in the neutral sense; they are deployed to set standards, establish policy agendas, and ultimately to influence legislation, regulations, behavior, and outcomes. Their labels are explicitly and increasingly normative. Their presentation invites audiences to ask, 'how's my state doing?' often inviting audiences browsing online interactively to shuffle various sub-indicators to view how one's state (and its competitors) perform according to various criteria. Comparisons are utterly integral to such exercises: the OECD's 'Better Life Index' invites viewers to 'compare well-being across countries, based on 11 topics the OECD has identified as essential, in the areas of material living conditions and

⁶ Keohane 1982.

⁷ Dai 2005.

⁸ See the rankings at <http://www.doingbusiness.org/en/rankings>.

⁹ See the rankings at: <http://hdr.undp.org/en/composite/GII>.

quality of life.’¹⁰ About two-thirds of active GPIs employ explicit top-to-bottom ranking systems, and over a third create clear normative categories or performance tiers, usually in addition to a ranking or rating.¹¹ These features render GPIs a potent tool for producing social control through the pressure of comparative information.

Experience suggests comparative indicators are a tried and true tool of influence. IOs can look to an impressive history of effective ranking systems used by private actors. Bond rating agencies are a notoriously powerful example.¹² But so are everyday raters such as *US News and World Reports* on colleges and universities,¹³ and *Consumer Reports* on everything from toasters to automobiles.¹⁴ In short, there are plenty of good examples that are highly effective in nudging households, investors and even states toward touted outcomes.

Perhaps the major reason IOs found rankings a convenient technology of governance is because GPIs address what Zürn suggests could be at the core of their legitimacy crisis: trying to be effective without being overly directive. Ranking systems do not work in quite the same top-down way as rules, laws, and directives, at least not to the naked eye. They are harnesses rather than commands. GPIs represent standards desired by the rater, and if the rater is salient and respected enough, social dynamics of competition, reputational concerns, and status obsessions take over.

Most attractive of all, the deployment of GPIs preserves, even enhances, perceptions of an IO’s competence without raising legitimacy red flags. GPIs leverage expertise without issuing commands, and if they work as hoped, they burnish perceptions of competence on an issue without generating offense at external officiousness. They can deflect the criticisms about such pressure to third parties, such as investors or aid donors, who are at liberty to use

¹⁰ OECD, <http://www.oecdbetterlifeindex.org/>.

¹¹ Kelley and Simmons 2019.

¹² Sinclair 2008.

¹³ Espeland and Sauder 2007.

¹⁴ Simonsohn 2011.

the ranking to guide their resource decisions.¹⁵ For these reasons, GPIs have proved an attractive technology of governance for IOs facing the legitimacy dilemma. They change the dynamics of ‘rules’ and ‘ruling.’ In short, GPIs are a handy technology to supplement and sometimes replace compliance politics with information politics.

Indicators as technologies of governance: why they work

But do GPIs really ‘work’ as effective technologies of governance? New research is emerging to answer this question, and, while it is limited to a few policy domains, we can advance some general if tentative responses.¹⁶

Why should governments care about a simple ranking or rating? GPIs work through social pressure, which is applied by making peer comparisons. All social pressure operates through a change in the informational environment, targeting an entity’s reputation or status. Sometimes officials (or bureaucrats, or citizens) care about reputation and status as an end in itself,¹⁷ and sometimes they may be concerned about material consequences (foreign assistance, investment). When they know their state is being ranked, and that their performance will be splashed across the internet, they experience social pressure to conform to the criteria established by the rater. In anticipation of regularized rounds of rankings, they may even internalize the values of the rater, and eventually self-regulate. As Deitelhoff and Daase suggest, whether this form of pressure is ‘good’ or ‘benevolent’ is – to say the least – debatable. Our point here is that it can have very real effects on the targeted state through a status mechanism.¹⁸

¹⁵ See the policy evaluation criteria for the Millennium Development Corporation at: <https://www.mcc.gov/resources/doc/report-selection-criteria-methodology-fy18>.

¹⁶ Bisbee et al. 2019; Doshi, Kelley, and Simmons 2019; Honig and Weaver 2019; Kelley 2017; Kelley and Simmons 2015; Morse 2019.

¹⁷ Adler-Nissen 2014; Chwioroth 2013; Nelson 2017.

¹⁸ Deitelhoff and Daase 2020.

GPI creators including IOs seek to engage this concern with status and reputation by leveraging comparative information among peers.¹⁹ Explicit comparisons create contexts in which judgments are formed and identities are established and reinforced.²⁰ They foster ‘commensuration,’ or ‘the comparison of different entities according to a common metric,’ as a way of making highly-simplified sense of the world.²¹ Moreover, the media is particularly fond of reporting relative rankings; in numerous interviews GPI creators frankly acknowledge that they created such indexes precisely to attract media attention.²²

One source of GPI power is the credibility and authority of its creator. What makes some GPI creators more authoritative than others? The social psychology literature suggests that one source of legitimate authority is trust, which, in turn, develops out of a perception that an actor is fair, knowledgeable, and/or competent.²³ GPI creators also gain authority based on their assumed competence and expertise.²⁴ Network centrality may matter as well. Actors centrally located in a social and political network are better able to set agendas²⁵ and impact information flows,²⁶ which facilitates data collection and GPI dissemination.²⁷ It would be naïve to assert, of course, that leverage over resources plays no role. Direct control over resources and indirect influence over third parties that control resources are important reasons states pay attention to ratings and rankings as well, as Vincent Pouliot notes.²⁸ For these reasons – epistemic and quasi-coercive – major IOs are well-positioned to influence

¹⁹ In one exceptionally ambitious effort to exercise social control through ranking, China reportedly has pilot programs to rate each and every citizen according to a form of “social credit.” See reports at <http://www.bbc.com/news/world-asia-china-34592186>.

²⁰ Ashmore, Deaux, and McLaughlin-Volpe 2004.

²¹ Broome and Quirk 2015; Espeland and Sauder 2007; Espeland and Stevens 1998; Schueth 2011.

²² This theme was evident in a series of 23 interviews conducted by the authors in Washington DC, August 12-14, 2014.

²³ Espeland and Sauder 2007; Rieh 2002; Simonsohn 2011; Wilson 1983.

²⁴ Monks and Ehrenberg 1999.

²⁵ Carpenter 2011.

²⁶ Borgatti and Cross 2003.

²⁷ Stone 2002.

²⁸ Pouliot 2020.

agendas, set status competition in motion, and judge performance better than just about any other corporate body.

The genius of ‘governing’ through GPIs is that IOs can set the criteria for performance, and then tap some very strong competitive dynamics. GPI information reverberates in domestic politics, especially when amplified by the popular or social media.²⁹ Iterative assessment and ranking exercises incentivize government bureaucrats to take IOs’ expert advice directly into account in their policymaking.³⁰ GPIs activate transnational pressures and influence how third parties such as foreign investors, donors or other states respond to – or are anticipated to respond to – the ratings.³¹ Such systems appear to operate nearly hands-free, by enabling improved domestic accountability and what might be thought of as market discipline. This is a highly attractive governing technology for IOs whose legitimacy is palpably on the wane.

Example: The World Bank and the Ease of Doing Business index

The World Bank is a telling case study. As Zürn points out, politicization surrounding the Bank’s policies intensified over the course of the 1990s, culminating in the Battle in Seattle. The Bank had long tapped its expertise to justify loan conditionality, using a technocratic narrative – ‘we know development’ – to try and coerce better governance from its clients. For whatever reasons – including growing skepticism of interference of international financial institutions in traditional areas of state sovereignty³² – tools of economic leverage were seen as undesirable and/or ineffective ways to encourage such change. Instead the Bank intentionally chose a communication device that leverages the views

²⁹ Carpenter 2007; McCombs and Shaw 1972.

³⁰ Masaki and Parks 2020.

³¹ Bisbee et al. 2019; Morse 2019.

³² Zürn 2018.

of *other actors* to stoke pressure for regulatory change, even while distancing themselves from the possibility of policy failures. Rankings served that purpose: unlike strict forms of conditionality, they nudge performance in the international financial institutions' favored direction without directly accepting responsibility for negative outcomes.³³

Publication of the Ease of Doing Business (EDB) index was not without controversy. Praised by western businesses, it met with skepticism by another major IO, the International Labor Organization,³⁴ and at least one major state, China.³⁵ The EDB includes such sub-indicators as a count of days it takes to start a business, days for a contract to be enforced in the courts, how many procedures are required to get a business license, and the ease of winding up a bankruptcy. On these and a few other criteria, the Bank ranks states from top to bottom.³⁶

Over the past decade, policy makers around the world have spoken and acted as though the EDB matters greatly.³⁷ Countries openly publicize their plans to undertake reforms. Georgia – whom some have criticized for gaming the system – announced concerted efforts to rise from 100th to the top 20 in two years.³⁸ National officials in Yemen,³⁹ Portugal,⁴⁰ Mauritius,⁴¹ El Salvador,⁴² and India have also highlighted EDB as motivating reforms. Some of these same countries have at varying times been among the most vociferous critics of international financial institutions. As time went on, researchers started to take these

³³ Best 2014.

³⁴ See the critique of the International Confederation of Free Trade Unions (ICFTU), at <http://library.fes.de/pdf-files/gurn/00171.pdf>.

³⁵ In 2013 a formal review (Independent *Doing Business* Report Review Panel, 24 June 2013, Washington D.C.) commenced [following pressure from China](#) which was unhappy with its rankings, discussed tensions over the rankings and once again recommended that they be removed. The Bank ignored the recommendation.

³⁶ See the World Bank, <http://www.doingbusiness.org/en/rankings>.

³⁷ Broome, Homolar, and Kranke 2018.

³⁸ Schueth 2011.

³⁹ The World Bank Group 2009.

⁴⁰ The World Bank Group 2008.

⁴¹ The World Bank Group 2009.

⁴² The World Bank Group 2007.

indicators as data – ground-level truth about the business environment⁴³ – eliding further the distinction between ‘truth’ and social pressure function that originally gave rise to their promulgation. As states began to jockey to ascend the rankings by implementing very specific EDB-consistent reforms,⁴⁴ it became increasingly apparent that the Bank had successfully harnessed competitive dynamics to secure its policy preferences.

New experimental evidence suggests that rankings as a strategic way of presenting performance information are impactful. Controlling for other kinds of economic information, relative EDB rankings influence investors’ assessments of where it is desirable to make investments. Similarly public attitudes on reform priorities have been shown to respond to information about poor EDB rankings vis-à-vis a salient competitor.⁴⁵ As the Bank itself has noted, ‘The main advantage of showing a single rank: it is easily understood by politicians, journalists, and development experts and therefore created pressure to reform. As in sports, once you start keeping score everyone wants to win.’⁴⁶ Conservative think tanks concur that there is something highly motivating about rankings: CATO’s Director speculates that ‘Stripping the ordinal rankings and “reforming” the report’s methodology would have the effect of completely destroying the report’s credibility and usefulness as a policy tool.’⁴⁷ As if on cue, one informant in the investment consulting industry exclaimed (anonymously) that the EDB Index was one of the most effective things the World Bank had ever done.⁴⁸

The World Bank is far from the only IO to address the dilemma of governance facing a legitimacy deficit with the implicit governance of GPIs. This strategy is pervasive and

⁴³ Corcoran and Gillanders 2015.

⁴⁴ Doshi, Kelley, and Simmons 2019.

⁴⁵ Doshi, Kelley, and Simmons 2019.

⁴⁶ Djankov et al. 2005, 1. (accessed through the WayBack Machine, posting at 19 February 2006).

⁴⁷ See Steve Hanke, Director of the CATO Institute’s Troubled Currencies Project, in response to a Chinese-led effort to remove the rankings statement at <https://www.cato.org/publications/commentary/singapore-leads-way-doing-business>.

⁴⁸ Anonymous interview with authors, August 2014.

growing. The European Institute uses the ‘European Gender Equality Index’ to incentivize attention to employment gaps by gender;⁴⁹ the World Intellectual Property Organization is ‘Energizing the World with Innovation’ using its ‘Global Innovation Index,’⁵⁰ and the International Telecommunications Union has deployed its Global Cyber Security Index to measure ‘the commitment of Member States to cybersecurity in order to raise awareness.’⁵¹ Whether and to what extent these assessment regimes affect outcomes is a vibrant area of current research. Such schemes seem to be a pervasive response to the dilemma of governance in an age of growing politicization and diminishing IO legitimacy.

Conclusions

Michael Zürn’s *Theory of Global Governance: Authority, Legitimacy and Contestation*, is an insightful diagnosis of the dilemmas faced by IOs as they try to deal with global problems on the one hand and face growing politicization and resistance to their authority on the other. States and societies have certainly chafed under the delegation of important aspect of decision making to IOs. Rational institutions, theories of hands-tying and rational explanations for delegation appear to be blunt analytical tools in the face of recent revolts against the authority of IOs to govern.

Zürn’s book is intriguing precisely because IOs face growing pressures to govern creatively. What they do matters, and the more it matters, the more resistance can be expected to their extranational exhortations and commands. If international legitimacy is in question, there are new incentives to expand the repertoire of governing responses. GPIs fit the bill: they create an impression of voluntary compliance with the exertion of minimal

⁴⁹ See the EU Institute at <https://eige.europa.eu/gender-equality-index>

⁵⁰ See the WIPO at <http://www.wipo.int/publications/en/details.jsp?id=4330>.

⁵¹ See ITU at <https://www.itu.int/en/ITU-D/Cybersecurity/Pages/global-cybersecurity-index.aspx>.

external enforcement. Research on the conditions under which GPIs are effective substitutes for (or complements to) traditional governance approaches helps to address the dilemma that Michael Zürn has exposed.

Acknowledgments

The authors would like to thank the editors and two anonymous reviewers for their helpful comments on an initial draft. All mistakes remain our own.

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