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Introduction

1.1 From Disenchanted to Self-Denying Expertise

I first read Ross Coggins' poem 'The Development Set' on the bus back to Boston from New York in 2015 (Figure 1.1).

I had taken to scrolling through Facebook every so often – an effort-efficient way to keep in touch with friends and colleagues also working on international development in far-flung places. One colleague or another had posted a link to the poem.

The poem struck a chord. I had just attended an expert workshop in an upscale hotel in New York. The workshop had convened rule of law reformers of various stripes – development practitioners, NGO activists, members of the judiciary from the Global South, statisticians, and the like. I was one of them (and had been since 2009-ish). We had spent the workshop trying to come up with global indicators through which developing countries could show that they were making progress towards the rule of law as part of their participation in the UN's Sustainable Development Goals (SDGs).

We were not particularly successful.

Arranged around red baize tables, and under unsubtle fluorescent illumination, we spent two days wandering nomadically from our sedentary positions. We veered from 'perceptions of corruption' in the legal system to 'number of judges per capita' to 'number of violent deaths' to 'number of people killed in dangerous driving incidents'. At caffeinated oases, we promised ourselves that we would make more progress in the afternoon, the evening, the next day. And we ended up without any indicators – along with some slightly less-empty promises that we would meet again to try and hash some out. My fellow experts and I were supposed to marshal the majesty of the law to help govern the world and uplift the masses. Yet we couldn't even put numbers down on a piece of paper.

This was certainly not the first time I had felt this way, nor was it the last. Coggins' poem provided some balm, albeit with a cynical odour.

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ADULT EDUCATION AND DEVELOPMENT

Half-yearly Journal for Adult Education
in Africa, Asia and Latinamerica

EDUCATION DES ADULTES ET DEVELOPPEMENT

Revue semestrielle pour l'Education des Adultes
en Afrique, Asie et Amérique Latine

EDUCACION DE ADULTOS Y DESARROLLO

Revista semestral para la Educación de
Adultos en Africa, Asia y Latinoamérica

Instead of an editorial
Au lieu d'un éditorial
En vez de un editorial

The Development Set

*Excuse me, friends, I must catch my jet
I'm off to join the Development Set;
My bags are packed, and I've had all my shots
I have traveller's checks and pills for the trots!*

*The Development Set is bright and noble,
Our thoughts are deep and our vision global;
Although we move with the better classes,
Our thoughts are always with the masses.*

*In Sheraton hotels in scattered nations
We damn multi-national corporations;
Injustice seems easy to protest
In such seething hotbeds of social rest.*

*We discuss malnutrition over steaks
And plan hunger talks during coffee breaks.
Whether Asian floods or African drought,
We face each issue with an open mouth.*

*We bring in consultants whose circumlocution
Raises difficulties for every solution –*

*Thus guaranteeing continued good eating
By showing the need for another meeting.*

*The language of the Development Set
Stretches the English alphabet;
We use swell words like "epigenetic",
"Micro", "Macro", and "logorithmetic".*

*It pleasures us to be esoteric –
It's so intellectually atmospheric!
And though establishments may be unmoved,
Our vocabularies are much improved.*

*When the talk gets deep and you're feeling dumb
You can keep your shame to a minimum:
To show that you too are intelligent
Smugly ask, "Is it really development?"*

*Or say, "That's fine in practice, but don't you see:
It doesn't work out in theory!"
A few may find this incomprehensible,
But most will admire you as deep and sensible.*

*Development Set homes are extremely chic,
Full of carvings, curios, and draped with batik.
Eye-level photographs subtly assure
That your host is at home with the great and the poor.*

*Enough of these verses – on with the mission!
Our task is as broad as the human condition!
Just pray Good the biblical promise is true:
The poor ye shall always have with you.*

                                          Ross Coggins

Figure 1.1 Image of Ross Coggins, 'Instead of an Editorial'
Source: Ross Coggins, 'Instead of an Editorial', Adult Education and Development, 7
(1976), 1.

Our 'vision' was indeed 'global', but when the 'talk' got too 'deep' into an indicator (trying to measure the rule of law by counting road deaths, for example), it was always easy to ask, 'Is that really the rule of law?' (I'm not sure if any of us were 'admire[d] as deep and sensible', though.) We reminded each other, over and over again, how indicators were too technical and didn't reflect the real and most pressing rule of law issues. And in the end, all we ended up with was the 'need for another meeting'. What sort of expertise was that?

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It is trivially true today to say that knowledge rules the world. Important things are done by people with 'detailed, specialized knowledge about those [things]'[1] (although as debates about knowledge and rule proceed, the location of the word 'important' tends to move around that sentence to modify different nouns). The relationship between knowledge and power – or perhaps expertise and policy – might be blurry, co-productive, and populated by the narcissism of small (but significant) differences; but in general, if policy is a set of ideas about what a particular world should look like, contemporary global policymaking is supposed to be the art of knowing what to do to get there. So what does that art supposedly look like?

In constituting a vision of the world, global policymaking produces visions of the global ('a world free of poverty' is the motto of the World Bank), and, as its counterpart, of the world that policymakers strive to globalise. This is not simply a spatial arrangement. The work of expertise is to pinpoint fragmented actors, locales, and moments and to map out how to tie them together into a functioning global order (and avoid overreach by leaving some things properly in the domain of local rule). An expert may point out that the oil business is shadowy because of the many different actors in the many different places who have different stakes along the 'value chain' from extraction through refinement to sale. She will worry about the pernicious impacts of the fragmentation of actors, places, and stakes on the poor, or on a developing nation's macro-fiscal governance, and then task herself with building a (sufficiently context-specific) administrative regime to manage oil extraction, production, and sale.[2]

[1] Michael Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Cornell University Press, 2004), p. 24.
[2] See, for a comprehensive example, World Bank, 'EI SourceBook: Best Practice in Key Activities in the International Oil, Gas & Mining Industries' (*EI SourceBook*), www .eisourcebook.org/, accessed 6 July 2022.

For these policymakers, global governance is everywhere, labile and (yet) authoritative, mobile and (yet) fragmented. It cuts across domains from global trade to local Chiefs and from global Chiefs to local trade. Local governance is global governance and vice versa. For example, the same complex of legal orders tells mining companies, the state, Chiefs, and communities how to talk and think about property rights.

At the same time, this technical triumph is a source of anxiety. That which makes governance global also makes it socially disembedded. The flexibility and authority of global policymaking, often given form through law, come at the expense of its sociality. Indeed, for some scholars of global governance, 'society emerges in a strong sense as a foil'[3] to global structures of knowledge-power. So how should we navigate between the technical and the social? Although this question might be reductive of the nuances of much scholarly work and popular commentary, it frequently seems to be a way of expressing an important view of the contemporary political stakes of global governance. There are those who want more expertise, to be sure. Order and rule, no matter how disenchanted, are modern goods. Yet many – expert and lay, left and right, North and South – are concerned about those social realities, those people and values, that expertise leaves behind.

These concerned people's most common critical posture might be as follows: the very qualities that allow expertise to tie together and govern a series of fragmented spaces – lability coupled with analytic authority – produce long and dispersed chains of accountability that impact people's buy-in to a governance regime.[4] Legal arrangements have enabled oil companies to extract and pollute Nigerian villagers' water for decades; legal arrangements also broaden and lengthen villagers' attempts to hold that company accountable, moving their struggle from local protests to the US Supreme Court and back.[5]

For these critics of expertise, how legal expertise ties together and governs a series of fragmented spaces is particularly problematic. These critics argue that this particular way that legal expertise works is a source of both the false necessity of expert governance (the ring of justice slipped over a finger of the iron fist), and one of its defences against

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[3] Marilyn Strathern, 'Robust Knowledge and Fragile Futures', in Aihwa Ong and Stephen J Collier (eds.), *Global Assemblages: Technology, Politics, and Ethics as Anthropological Problems* (John Wiley & Sons, 2008), p. 466.

[4] Craig N. Murphy, 'Global Governance: Poorly Done and Poorly Understood', *International Affairs*, 76:4 (2000), 789–803.

[5] *Kiobel v. Royal Dutch Petroleum Co.*, 569 U.S. 108 (2013).

alternative or non-expert modes of governing (by redefining who, where, and when the 'problem' to be governed is, often in a technocratic fashion, such that those modes don't fit all that well).[6] These critics then call for renovation: how can we construct an alternative politics of global governance that is accountable to non-elites?[7] Turning back to law, we see these political stakes play out in critical debates about the rule of law itself: how to build legal architectures through the expert application of some range of techniques, which might nevertheless claim some broad social warrant.

Indeed, much academic writing on rule of law reform conceives of it as an essential but somewhat depoliticised technology of rule, eliding political contest. For the charitable, this elision is justifiable or necessary in the pursuit of accountability, justice, restraints on power, and the like – often in the name of strengthening the hand of non-elites; for the critical, it produces false, and frequently neoliberal, necessity – often in the name of weakening said hand.[8]

<p style="text-align:center">***</p>

The imagined expertise lurking behind this writing on rule of law reform is authoritative, is assertive, and has a bias towards order (and drawing boundaries around disorder).[9] I didn't find this expertise in New York. That was pretty disorderly and ineffective, and it favoured indecision over decision.

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[6] Mark Duffield, *Development, Security and Unending War: Governing the World of Peoples* (Polity, 2007); Stephen Hopgood, 'Reading the Small Print in Global Civil Society: The Inexorable Hegemony of the Liberal Self', *Millennium*, 29:1 (2000), 1–25.

[7] To take two notable examples, this question explicitly animates Held's call for renovating the foundations of global governance and implicitly animates Castells' concern with imagining new public spheres: David Held, 'Reframing Global Governance: Apocalypse Soon or Reform!', *New Political Economy*, 11:2 (2006), 157–76; Manuel Castells, 'The New Public Sphere: Global Civil Society, Communication Networks, and Global Governance', *The Annals of the American Academy of Political and Social Science*, 616:1 (2008), 78–93. This concern is not purely academic: Philip Stephens, 'The End of the British Establishment', *Financial Times* (24 February 2015), www.ft.com/cms/s/0/590bc480-bb6e-11e4-a31f-00144feab7de.html#axzz4HWjMu7A0, accessed 6 July 2022.

[8] See, for example, Martin Krygier, 'Why the Rule of Law Matters', *Jurisprudence*, 9:1 (2018), 146–58; Sundhya Pahuja and Shane Chalmers, '(Economic) Development and the Rule of Law', in Martin Loughlin and Jens Meierhenrich (eds.), *Cambridge Companion to the Rule of Law* (Cambridge University Press, forthcoming).

[9] Robert Pierson, 'The Epistemic Authority of Expertise', *PSA: Proceedings of the Biennial Meeting of the Philosophy of Science Association*, 1994: 398; Deborah Stone, *Policy Paradox: The Art of Political Decision Making*, 3rd ed. (W. W. Norton & Company, 2011), p. 13: all policymaking 'is a constant struggle over the criteria for classification, the boundaries of categories and the definition of ideals that guide the way people behave'.

For some, New York might stand for expertise at its limits. We didn't really know how to turn the rule of law into an indicator. Perhaps we didn't know enough about the rule of law; perhaps we didn't know enough about the world; perhaps we didn't know enough about how to fit the two together. But damned if we weren't going to keep trying.

Of course, this view is not new. Many have focused on the extraordinary ability of global experts not just to cope with root-and-branch critiques that point out their limits but also to internalise those critiques.[10] Take those who find the limits of global governance in the irreducible complexity and vitality of the world. Here, global governors will inevitably meet an 'ungovernable surplus'[11] – perhaps a product of a changing global environment that generates new and contingent circumstances, presaging new and fluid forms of governing power that can move across scales, times, and social relationships. As these circumstances generate or intensify governance failures, they give rise to, or breathe new life into, critiques of expert governance. Experts must then play catch-up to govern what they have wrought: they produce tomorrow by internalising yesterday's critiques today, whether working hard to undermine them, straightforwardly responding to them, incorporating them at the margins, or exploiting them to produce a degree of strategic uncertainty about the projects of one's competitors.[12] Governance is perpetual (but has to be

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[10] See, for examples of the internalization of critique in order to provide non-radical responses, Paul Krugman, 'Cycles of Conventional Wisdom on Economic Development', *International Affairs (Royal Institute of International Affairs 1944–)*, 71:4 (1995), 717–32 (arguing that economists have fashions, based in rhetoric and social responsiveness, and calling for the rigorous use of economic theory and empirical evidence in response – and notably doing so immediately preceding the Asian financial crisis); Henry Farrell and John Quiggin, 'Consensus, Dissensus, and Economic Ideas: Economic Crisis and the Rise and Fall of Keynesianism', *International Studies Quarterly*, 61 (2017), 269–83 (tracing the neutralisation of Keynesian ideas in the immediate aftermath of the 2008 financial crisis through the person of tame dissenters); Robert J. Shiller, 'Narrative Economics', *American Economic Review*, 107:4 (2017), 967–1004 (recognising the performative idea that narratives about the market then begin to influence people's behaviour and thus shape the market – and then arguing for an econometric analysis of narratives, in stark contrast to social-theoretical accounts of the performativity of economic markets such as Callon).

[11] Lara Montesinos Coleman, 'The Making of Docile Dissent: Neoliberalization and Resistance in Colombia and Beyond', *International Political Sociology*, 7:2 (2013), 170–87. In a Foucauldian register, Cooper reminds us of the constitutive nature of this encounter with a 'surplus' to both expert governance and the production of surplus value: Melinda E. Cooper, *Life as Surplus: Biotechnology and Capitalism in the Neoliberal Era* (University of Washington Press, 2011); Miguel Vatter, 'Biopolitics: From Surplus Value to Surplus Life', *Theory and Event*, 12:2 (2009).

[12] Jacqueline Best, 'Bureaucratic Ambiguity', *Economy and Society*, 41:1 (2012), 84–106.

asserted); resistance is futile (but intermittently possible, depending on the time and place).

These authors share a similar intuition: that experts respond to complexity and concomitant critiques of their work as an effect of a changing world. In this view, the fact that my colleagues and I were in New York to discuss rule of law indicators was itself telling. The Millennium Development Goals, the precursor to the SDGs, had been roundly criticised as depoliticised, in part because of the absence of measures of political and institutional factors such as the rule of law.[13] Indeed, for some, this was a fatal flaw.[14] And so we gathered in New York, at the very frontiers of efforts to work out what a development indicator should be about, to discuss how to transmute messy politics into neat rule of law numbers. For these scholars, our failure to deliver would simply be a stuttering step in the direction of a new form of global governance that endogenised some sort of politics into its techniques – and which would subsequently be critiqued on the grounds of the politics it left out, or the unintended consequences it produced, or the narrow cadre of elite interests it really served. And so the cycle begins again. Techniques of rule eventually confront politics and adapt.

Another set of authors focus instead on the practices of experts themselves. For these authors, governance failures are not a result of a changing world but an inevitable product of the governing limits of expertise. They do not seek to map a dynamic of the decomposition and recomposition of expertise in the face of the world. Rather, for these scholars, expertise is intrinsically entropic. The phenomenon to be explained is how it nevertheless holds together on its own terms. Showing the ad hoc and partial way that experts' professional and argumentative practices engage with and co-opt critique reveals the backstage interests and biases of these tartuffes. For example, Séverine Autesserre notes how peace-building practitioners and aid workers simultaneously believe in the power of their expertise to change war-torn areas and are disenchanted by its organisational failure to live up

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[13] David Satterthwaite, 'The Millennium Development Goals and Urban Poverty Reduction: Great Expectations and Nonsense Statistics', *Environment and Urbanization*, 15:2 (2003), 179–90; Philip Alston, 'Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen through the Lens of the Millennium Development Goals', *Human Rights Quarterly*, 27:3 (2005), 755–829; Jeffrey D. Sachs, 'From Millennium Development Goals to Sustainable Development Goals', *The Lancet*, 379:9832 (2012), 2206–11.

[14] See, for a summary of these arguments, Sakiko Fukuda-Parr, *Millennium Development Goals: Ideas, Interests and Influence* (Routledge, 2017).

to those promises.[15] Ros Eyben similarly studies development practitioners in the Global South and sets out some of the strategies they use to cope with that disenchantment (a familiar litany of sex, alcohol, and cynicism).[16]

Tania Li[17] and David Mosse[18] adopt science and technology studies ('STS')-inflected approaches to show how different development projects are composed not of authoritative plans but of fragile, provisional, and often chaotic attempts to construct things like 'knowledge', 'constituencies', and 'policies' that can stimulate action. David Kennedy goes one step further, suggesting that – for global governance experts in general and legal ones in particular – disenchantment is baked into the social and semiotic structure of their expertise (rather than its specific organisation). For him, expertise is all about how individual experts simultaneously strategise the gap between the promise and failure of their expertise to their advantage, and cope with the inevitable resultant duplicity and disenchantment regarding their own authority.[19]

This set of authors imagine that expertise is fundamentally doubled. It has a frontstage on which it enacts its authority to the world – and is pretty committed about it. It also has a backstage in which it recognises that its authority is a bit of sham and from which it goes about producing it anyway.[20] For these authors, experts internalise critique to sustain, or even strengthen, the authoritative façade of their expertise, whether or not the world itself demands it. Here, the relevant politics are found in the hidden techniques that experts use to make sense of the failings of their expertise to govern the world, and/or to elide those failings – such as lonely irony, nihilism, instrumentalism, cynicism, and casuistic self-enrichment.

Coggins' poem shows one such technique. Written '[i]n lieu of an editorial', it is itself a failure of authoritative form. In fact, Coggins began his

[15] Séverine Autesserre, *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention* (Cambridge University Press, 2014).

[16] Rosalind Eyben, *International Aid and the Making of a Better World: Reflexive Practice* (Routledge, 2014).

[17] Tania Murray Li, *The Will to Improve: Governmentality, Development and the Practice of Politics* (Duke University Press, 2007); Tania Murray Li, *Land's End: Capitalist Relations on an Indigenous Frontier* (Duke University Press Books, 2014).

[18] David Mosse, 'Is Good Policy Unimplementable? Reflections on the Ethnography of Aid Policy and Practice', *Development and Change*, 35:4 (2004), 639–71.

[19] See generally David Kennedy, *A World of Struggle: How Power, Law, and Expertise Shape Global Political Economy* (Princeton University Press, 2016), pp. 5–20.

[20] See generally David Mosse (ed.), *Adventures in Aidland: The Anthropology of Professionals in International Development* (Berghahn Books, 2011); Anne-Meike Fechter and Heather Hindman, *Inside the Everyday Lives of Development Workers: The Challenges and Futures of Aidland* (Kumarian Press, 2011).

professional life as a man of devout faith, serving as a Baptist minister and missionary, before beginning a career at the US Agency for International Development (USAID).[21] It is not hard to juxtapose the cynicism of 'The Development Set' with another poem he wrote twenty years earlier while serving in the church. Entitled 'Send Me, O Lord, Send Me', it is a paean to a sincerely felt will to serve.[22]

Indeed, the use to which other development professionals put 'The Development Set' evinces a similar personal disenchantment with the realities of service for the secular good. For Owen Barder, a development guru and former vice president of the Center for Global Development, the poem is therapeutic – a tool of personal growth in the face of the contra-dictions of development work: '[In light of Coggins' poem,] I have made myself a personal promise. I do not want to travel around the world tell-ing poor countries what they should do and how they should change'.[23] For Jennifer Lentfer, a veteran of development work with grassroots NGOs, it served as a personal warning and part of her orientation in this unhappy new profession she entered: 'I remember first reading this poem as I was waiting for an appointment with my adviser in graduate school. It was taped to his door. The second time, it was read to a group of us at our fellowship orientation as we officially entered the … aid world'.[24]

For Coggins, like Kennedy, Autesserre, and others, experts will inevita-bly encounter the limits of their expertise and deal with them as best they can, backstage. The political potential of critique fragments and decom-poses into personal ethics, as disenchanted experts internalise critiques made of them and translate them into naïve optimism, pragmatic mud-dling, individual tragedies, arch ironies, and alcoholic hazes.

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Whether focused on a changing world or disenchanted experts, authors who study how global governance experts internalise critiques share a

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[21] Bob Allen, '"Send Me, O Lord, Send Me" Author Ross Coggins Dies', *Baptist News* (9 August 2011), https://baptistnews.com/article/send-me-o-lord-send-me-author-ross-coggins-dies/, accessed 6 July 2022.

[22] William N. McElrath, *Bold Bearers of His Name: Forty World Mission Stories* (Broadman Press, 1987), p. 7.

[23] Ravi Kanbur, 'Poverty Professionals and Poverty', in Andrea Cornwall and Ian Scoones (eds.), *Revolutionizing Development: Reflections on the Work of Robert Chambers* (Earthscan, 2011), pp. 212–13.

[24] Jennifer Lentfer, 'Friday's Poetic Pause: "The Development Set" by Ross Coggins' (10 February 2012), www.how-matters.org/2012/02/10/the-development-set/, accessed 6 July 2022.

concern that expert governance – expressed through law or otherwise – is stretched beyond its limits in the service of governing the world, whether inevitably (as a result of the internal constraints of its expert structure), or as a result of external conditions. This in turn produces governance failures, such as ignorance, fragmentation, and politicisation. These failures could be the precursors of renovation – of accountable governance with politically engaged legal systems at its service. And yet the expert status quo somehow persists, in spite, or because, of its limits.

For all of these authors, governance failures are refracted through an existing architecture of authoritative expertise – expert practices, expert discourses, the profession of the expert, the expert herself. This architecture represents a series of negotiated (and contested) borders between expert and lay, technical and social, knowledge and politics, fact and value. These authors thus share an assumption that experts seek to assert their dominion, that policies can still tell the world what to do, and that the rule of law coheres. If critiques of expertise hollow out some aspects of expert governance, those gaps are inevitably filled in, somehow.

Returning to New York, our claims that we couldn't turn the rule of law into an indicator could be interpreted as momentary expressions of doubt that drove us to redouble our efforts to produce precise indicators.[25] Or they might be interpreted as bad faith or rhetorical proclamations that we offered as disclaimers to limit our responsibility – to be ignored or elided by those seeking to make sense of the consultations, who might instead focus on the ways in which we objectively looked, sounded, and acted expert.[26] Or they might be interpreted as a performative contradiction (the expert proclaiming the lack of her expertise!) to be resolved – for example, through an expert affect that is disenchanted and cynical (and all the more casuistically effective for it).[27] And so on. Common across these explanations is a view that experts exercise forms of knowledge-power through their interpretations of their limits.[28] So experts remain committed to giving authoritative meaning to the concept of the rule of law, even as they proclaim that they cannot.

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[25] Karin Knorr Cetina, *Epistemic Cultures: How the Sciences Make Knowledge* (Harvard University Press, 1999).

[26] Jothie Rajah, '"Rule of Law" as Transnational Legal Order', in Terence Halliday and Gregory Shaffer (eds.), *Transnational Legal Orders* (Cambridge University Press, 2015).

[27] Kennedy, *A World of Struggle*.

[28] Sundhya Pahuja, 'Power and the Rule of Law in the Global Context', *Melbourne University Law Review*, 28:1 (2004), 232–52.

This assumption is the point of departure for this book. What if critiques of expert governance – the constant reflections on its failure – take their own discrete place within the architecture of expertise? More specifically, what if some experts are professional critics, mostly concerned not with making meaning but with refusing it – thereby hollowing out the expertise of themselves and others, and keeping the gaps in authority unfilled? And what if these experts are particularly prevalent in the rule of law field? In the workshop in New York, my colleagues asked, 'Are we really talking about the rule of law?' neither as a cynical aside nor as a rhetorical nod to the inadequacy of their expertise. It was a commonplace expression that was part of doing rule of law reform.

This set of questions is akin to many that animate a range of studies of experts. Such studies might similarly stake out space between pragmatic explanations of the exercise of power (here, disenchantment) and material-structural ones, turning to fields, professions, networks, communities, and any number of other social analytics.[29] Indeed, in this vein, one might simply assert that radical critiques (in the sense of root-and-branch, or anti-foundational, ones) are no different from any other expert assertion, and they could be studied as such. Such negative assertions might have a common argumentative structure, a series of prior normative assumptions, and ideological orientation, or a shared disciplinary language, or they might emerge from a field of practice or be a product of a specific set of material relations, and so on. Other projects have risen to this task, resolving the seeming contradictions in rule of law reformers' self-critique by arguing that the critical sophistication of reformers masks the same old exercise of governing power by authority-seeking experts.[30]

Moments of crisis, from this methodological perspective, are seductive. If an orthodoxy is disrupted, its contingent structures and practices might become visible to (scholarly) engaged outsiders. Law, labile as it is, might offer ample opportunity for such reappropriation of critical efforts. The task of legal critics, then, would be threefold. First, identify moments of crisis. Second, support institutional reinvention while guarding against attempts to defang this support. Third, do the analytical

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[29] Luc Boltanski, *On Critique: A Sociology of Emancipation* (Polity, 2011), p. 7.
[30] See, for a recent example, Maj Lervad Grasten, 'On the Politics of Translation in Global Governance' (PhD Thesis, Copenhagen Business School 2016), https://research.cbs.dk/en/publications/rule-of-law-or-rule-by-lawyers-on-the-politics-of-translation-in-/, accessed 6 July 2022.

work of keeping a wary eye on how others treat reinvention – a study of their hidden structures and motivations, undertaken from a zealously guarded outside position.[31]

As the *New Scientist* archly wrote of Coggins' poem, 'The sentiments are not new, of course, but as they are those of an insider, perhaps there is hope for [development] organization[s]'.[32] The critic, on the outside looking in, warily spied a potential ally. Flowing from this view is a political mode for critical engagement with authoritative experts as they internalise critiques of their work: develop big critiques and reinventions of ideas about law and governance, ready to be deployed as things fall apart; and conduct the social and intellectual endeavour of engaging with the 'insiders', or going from individual to individual to see if they might be a lost cause, a good ally, a solipsistic irrelevance, or a dangerous false friend in moments of crisis.

This book argues that this methodological and political posture and allied version of politics – the critic as a more or less engaged outsider to the authoritative expert – is misguided. It is methodologically misguided in that a particular group of experts – some rule of law and governance reformers who sort of work in the domain of development policy – seem to be playing the professional role of radical critics. It is professionally commonplace for them to say that they know neither what the rule of law is nor how to build it. Moreover, I argue that such claims are neither simply a recognition of the limits of their knowledge nor a frontstage façade. Rather, such claims are constitutive of their expertise. And if these experts frequently deny their epistemic authority, an analytic posture towards them is no longer clearly 'outside' or 'inside' them; it is neither clearly 'critical' nor 'pragmatic'.[33] This politics is then misguided in the sense that it misses out on the techniques and professional dynamics of this group of experts; the performative effects of the denial of their expertise on the

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[31] For a recent example of a critique of the ideology of the frontstage of rule of law expertise – its assumptions, its normative commitments, its form – see Tor Krever, 'Quantifying Law: Legal Indicator Projects and the Reproduction of Neoliberal Common Sense', *Third World Quarterly*, 34 (2013), 131–50. For a detailed attempt to leverage project documents and other representations of the minutiae of the mundane practice of rule of law reform as a means of uncovering the ideologies and projects *behind* rule of law reform, see Stephen Humphreys, *Theatre of the Rule of Law: Transnational Legal Intervention in Theory and Practice* (Cambridge University Press, 2010).

[32] 'Ariadne', *New Scientist*, 112 (1989).

[33] Simon Susen, 'Is There Such a Thing as a "Pragmatic Sociology of Critique"? Reflections on Luc Boltanski's "On Critique"', in Bryan S. Turner and Simon Susen (eds.), *The Spirit of Luc Boltanski: Essays on the 'Pragmatic Sociology of Critique'* (Anthem Press, 2014), p. 174.

people, projects, and practices that make up rule of law reform; and the implications of their form of expertise for law, development, and governance more generally.

In this book, I argue for and undertake a study of the productive power of this expert self-denial (rather than resolving its seeming contradictions). I focus on these experts, their expertise, and its legal and political effects; their place within the architecture of development expertise; and (more speculatively) the possibility of this form of expertise in other expert domains of global governance. At the heart of my approach is a change in focus from authoritative expertise on to expert ignorance about the rule of law.

1.2 Expert Ignorance

Why ignorance? The word provokes and seduces. We apparently live in a 'golden age of stupidity' and an 'age of ignorance' … if certain counter-tribunes are to be believed.[34] More prosaically, ignorance appears to be associated with a set of political anxieties about the difficulty of ever holding anyone accountable for the consequences of their decisions. After all, if no one knows anything, on what basis can someone be judged to be responsible, save through the exercise of power, as one individual asserts another's culpability?[35]

This case for ignorance is, I think, overstated. I imagine ignorance to be much more mundane than breathless. I argue here that ignorance is already part of the everyday functioning of contemporary global governance, operating at once as pillar of today and prophet of tomorrow. My use of ignorance is not pejorative; rather, it is an anormative means of describing experts' denial of their own expertise. That is, the word does not connote anxiety about faith or motivation, about whether the expert is falsely humble or strategically disenchanted.

At the same time, the word 'ignorance' captures the radical possibility of expert self-denial – for example, when Thomas Carothers, a rule of law reform grandee, says that most practitioners 'openly recognize and

[34] David Rothkopf, 'America's Golden Age of Stupidity', *Washington Post* (25 July 2017), www.washingtonpost.com/news/global-opinions/wp/2017/07/25/americas-golden-age-of-stupidity/, accessed 24 August 2022; Myisha Cherry, 'Trump and the Age of Ignorance', *Huffington Post* (16 November 2016), www.huffingtonpost.com/entry/trump-and-the-age-of-ignorance_us_582ca2d1e4b0d28e5521493d, accessed 6 July 2022.

[35] Linsey McGoey, *The Unknowers: How Strategic Ignorance Rules the World* (Zed Books, 2019), pp. 306–13.

lament' the fact that 'we know how to do a lot of things, but deep down we don't really know what we are doing'.[36] It also captures the fogginess that results from such systematic self-denials. 'After all, how can a researcher know what an individual or an observed group of actors do not know?'[37] These self-denials blur the distinction between inside and outside, expert and critic, and, eventually, subject and object.

For a book that draws inspiration from the concept of ignorance, I do not dwell on it. This is by necessity. Defining ignorance is a fraught business, as is any effort to define a negative concept on its own terms. For example, a literature on ignorance studies synthesises classic strands of sociology and social theory, which foreground the importance of ignorance for contemporary social and political life, critically assessing the limits of knowledge and expertise in modernity.[38] Chief precursors include Frankfurt School scholars' critique of the will to knowledge as structuring modern society, as well as Beck's analysis of how late capitalism has internalised the limits of knowledge as 'risk', among others.[39] 'Ignorance studies' develops this tradition by focusing on the production and circulation of ignorance and meaninglessness as autonomous phenomena, rather than as objects understood through their relationship to knowledge. These scholars have thought about the conceptual boundaries of ignorance, trying to convince the reader that they are talking about a clear and distinct category, albeit one whose edges slip from their grasp (uncertainty?

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[36] Thomas Carothers, 'Promoting the Rule of Law Abroad: The Problem of Knowledge', *Carnegie Endowment for International Peace*, 34 (2003), 5.

[37] Matthias Gross and Linsey McGoey, 'Introduction', in Matthias Gross and Linsey McGoey (eds.), *Routledge International Handbook of Ignorance Studies* (Routledge, 2015), p. 7.

[38] Key contributions include Proctor and Schiebinger's seminal edited collection and Gross and McGoey's field-convening handbook: Robert Proctor and Londa L. Schiebinger (eds.), *Agnotology: The Making and Unmaking of Ignorance* (Stanford University Press, 2008); Matthias Gross and Linsey McGoey (eds.), *Routledge International Handbook of Ignorance Studies* (Routledge, 2015).

[39] Theodor Adorno and Max Horkheimer, *Dialectic of Enlightenment: Philosophical Fragments* (Stanford University Press, 2007); Ulrich Beck, *World at Risk*, tr. Ciaran Cronin (Polity Press, 2008); Ulrich Beck, 'Reflexive Governance: Politics in the Global Risk Society', in Jan-Peter Voß, Dierk Bauknecht, and René Kemp (eds.), *Reflexive Governance for Sustainable Development* (Edward Elgar, 2006); Ulrich Beck and Peter Wehling, 'The Politics of Non-Knowing: An Emerging Area of Social and Political Conflict in Reflexive Modernity', in Patrick Baert and Fernando Domínguez Rubio (eds.), *The Politics of Knowledge* (Routledge, 2012); Matthias Gross, 'Risk as Zombie Category: Ulrich Beck's Unfinished Project of the "Non-Knowledge" Society', *Security Dialogue*, 47:5 (2016), 386–402.

Knightian uncertainty? Radical unknowns? Or simply something that lurks where knowledge is not?).[40]

In their recent *Handbook of Ignorance Studies*, Gross and McGoey point out that 'the registration and observation of what is not known is often a challenging and politically unpopular field of research'.[41] This challenge has given rise to interminable definitional debates and a cottage industry of taxonomies, two-by-twos and matrices further filleting different types of ignorance. 'Meta-ignorance', 'unknown unknowns', 'ignorance of ignorance', 'unspecified known ignorance', 'specified known ignorance', 'openly reducible personal ignorance', 'non-knowledge', 'negative knowledge', 'nescience'. The list goes on.[42]

I sidestep these debates by talking about expert ignorance as a specific phenomenon in which experts can systematically deny their own expertise in a way that is constitutive of it. I am heuristic in my use of the terms 'expert', 'expertise', and 'reformer'. People are reformers because they are engaged in rule of law reform activities – although, as we shall see, the spatio-temporal and identarian boundaries of those activities are made hazy by reformers' self-denial. Reformers are experts and part of a system of expertise because they emerge from a background context of governance in which the image of an authoritative expert looms large. And as we shall also see, when experts systematically self-negate, the self that they risk erasing is neither their physical nor their spiritual self but their expert one. Thus, when I talk about 'expert' ignorance, I mean that the domain on which experts' self-negation plays out is their expertness.

Expert ignorance is doubly contradictory. First, it imagines an expert whose expertise is explicitly the inverse of authoritative and knowledgeable. Second, it imagines a group of experts organised not around a concept or some positive knowledge but around a negative or absent concept. These contradictions enable me to think about the people, projects, practices, and institutional effects of expert ignorance without assuming that they are merely waypoints in the struggle to turn ignorance into truth or fact. At the same time, they enable me to take seriously the sociological and phenomenological weight of having someone embody the role of an expert – even as she denies her authority.

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[40] Michael Smithson, *Ignorance and Uncertainty: Emerging Paradigms* (Springer Science & Business Media, 2012), pp. 1–10; Mark Hobart, 'The Growth of Ignorance', in Mark Hobart (ed.), *An Anthropological Critique of Development: The Growth of Ignorance* (Routledge, 2002).

[41] Gross and McGoey, *Handbook*, p. 7.

[42] This summary draws on Matthias Gross, 'The Unknown in Process: Dynamic Connections of Ignorance, Non-Knowledge and Related Concepts', *Current Sociology*, 55:5 (2007), 744.

In terms slightly more theoretical than methodological, these contradictions provide for a study of ignorance-power rather than Foucauldian knowledge-power. Where knowledge-power produces forms in the world through the ordering functions of knowledge – subjects and objects that are produced as such through knowledge and its practices – ignorance-power performs a chiaroscuro of sorts, focusing on the exhaustion of order and thus drawing our attention to how such forms are reflexive and negotiated. An administrative order might take form not only by deploying the techniques of scientific rationality but also by raising the possibility of exhausting its own rationality in the face of its inevitable antinomies.[43] Deliberative liberal parliamentarianism might do the same by raising the possibility of exhausting language to resolve the indeterminacy of meaning.[44] And so on. In this view, expert ignorance might describe a set of mundane professional encounters with the exhaustion of order per se.[45] Understanding how precisely expert ignorance might work and the sorts of encounters with the exhaustion of order it thus produces might provide some useful insights into its political and legal consequences.

Turning to rule of law reformers specifically, I view their claims to ignorance as important to those concerned with law, development, and global governance. Rule of law reformers are a specific subset of global policymakers. Every year, on aggregate, they spend many billions of dollars on legal and institutional change in a wide range of peacekeeping, security, humanitarian, human rights, development, and other global governance activities, usually in the Global South. As noted, the nature of their expertise is unusual: it is a legitimate professional position for them to deny both the form and content of their expertise. In any debate about the nature and direction of rule of law reform, they can – and often do – say that they don't know what the rule of law is or how to do it. Relatedly, they can also say, as one major study of the profession did, that the field is marked by 'the absence of any baseline data about the

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[43] Peter L. Strauss, 'Teaching Administrative Law: The Wonder of the Unknown Administrative Law in the '80s', *Journal of Legal Education*, 33:1 (1983), 1–12.

[44] Bill Scheuerman, 'Is Parliamentarism in Crisis? A Response to Carl Schmitt', *Theory and Society*, 24:1 (1995), 135–58.

[45] This resonates with Leander's identification of experts who 'provizionaliz[e] expertise', although Leander understands them doing so through personal strategies of hedging rather than the professional substance of their work – which I argue marks expert ignorance as a distinct phenomenon worthy of study. Anna Leander, 'International Relations Expertise at the Interstices of Fields and Assemblages', in Andreas Gofas et al. (eds.), *The SAGE Handbook of the History, Philosophy and Sociology of International Relations* (SAGE, 2018), p. 392.

professionals, both local and international, who are engaged in justice reform work worldwide'.[46]

As a result, it is not easy to identify who is a reformer and who is not, how widespread 'ignorance' might be for rule of law reformers, or where the limits of rule of law expertise can be found. Reformers might reside in a range of institutions or networks, hold any number of ideas about the rule of law, work on all sorts of projects, move between global, national, and local, and so on. At the same time, I am not making the claim that rule of law reform has no boundaries. Not all rule of law reformers would claim to be ignorant (indeed, many would certainly contest the claim). And my account clearly has conditions of production. I draw on my experiences with the World Bank, the UN, think tanks, conferences, and other venues for doing rule of law reform. They all have their conditions of entry and patterns of (spatial, racial, economic, class …) exclusion, which I discuss at the end of the next chapter and which I write into the background of my stories of rule of law reform. And they do not anchor the reader in the experiences of rule of law reform of a government official, an NGO activist, a rural labourer – although all are members of the dramatis personae in the book, conducting all manner of development work.

So, instead of sociologising some cadre of rule of law reformers or a body of rule of law expertise, my argument is that rule of law expertise is shaped by the possibility that its mavens can adopt a posture that denies their expertise, as a legitimate professional position. Moreover, I argue that such claims to be ignorant have effects, both performatively and materially. Such claims are part of the everyday practice of rule of law reformers and constitute an element of self-analysis and professional organisation. And yet claims of ignorance do not lead to paralysis in the face of indeterminacy. Acts occur, laws and institutions are reformed, policies drafted, indicators drawn up, money spent, and worlds made. In the end, decisions are taken, gradually accumulating into projects, programmes, policies, and ultimately, contributing to endeavours of global governance. This book is an attempt to show that the accumulation of these acts or decisions might produce some forms of the 'rule of law'. These forms are highly provisional, and continually return to first-order questions about law. In particular, they under-demarcate acts that are political from ones which are legal.

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[46] Kristina Simion and Veronica Taylor, *Professionalizing Rule of Law: Issues and Directions* (Folke Bernadotte Academy, 2015), p. 23.

Analysing these forms is, however, a challenge. Ignorance is difficult to hold onto and analyse on its own terms. The scholar no longer guards a position of critical insight while casting about for individual allies. She floats among fragments of inside and outside, knowledge and action, frontstage and backstage, bumping into others every so often. Her normative projects, particularly her political commitment to refashioning global governance to be more accountable, fair, or legitimate, dissolve into impossible-to-prove allegations of bad faith, ill intent, or structural bias. What is she to do?

The answer, I suggest, is found in the theatre – and in a performance analysis of expert ignorance. Embedded in my turn to performance is an argument that expert ignorance should be understood as an aesthetic encounter with a sublime (here, the rule of law, understood as a specific way of talking about contemporary complexity) rather than as a phenomenon of 'keeping expertise controversial'[47] or underdetermined, which would then be empirically described and politically parsed through social-scientific knowledge. Put simply, studying dramatic action provides a platform from which to imagine expert ignorance such that we might judge, or reflect on, the relationship between ignorant experts and governed groups. Questions about characters' becoming, intent, agency, and their relationship to powerful structural forces are the meat of performance analysis.

In the book, I draw on three specific plays as indices to understand the action of rule of law reform: Beckett's *Ohio Impromptu*, Miller's *The Archbishop's Ceiling*, and Shakespeare's *Measure for Measure*. The plays are useful for my purposes, as they are germane to my themes. As I develop in Chapters 4 and 5, from its title to its action, the second play enacts the effects on meaning-making in secular encounters with the sublime – crucial to understanding the operations of expert ignorance in the field of rule of law reform. And the first and last of those plays unfold in cities (Vienna, and perhaps Columbus, Ohio) that come to stand, in their staging, for no place, no time, and no sense of who people are. This indeterminacy of space, time, and identity, I go on to argue, is an important consequence of expert ignorance in rule of law reform.

More broadly, the plays, and my analysis of them, give form to a relentlessly self-critiquing authority (in both the social-scientific sense of power

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[47] Anna Leander, 'Essential and Embattled Expertise: Knowledge/Expert/Policy Nexus around the Sarin Gas Attack in Syria', *Politik*, 17:2 (2014), 30.

and right, and the humanistic sense of authorship) and the structures of power that it continually dissolves and produces. *Measure for Measure*, in particular, serves as an interpretive device in the book – it frames each of the chapters and merits a full discussion in Chapter 5.

1.3   Argument

> You speak unskillfully: or if your knowledge be more, it is much darkened in your malice (Measure for Measure, III. ii. 140).

In Shakespeare's Vienna, Duke Vincentio has disappeared from his office and walks the streets in disguise. In the absence of the lawgiver, others seek to govern. 'Of government the properties [they] unfold' (I. i. 3): the play is driven by these other putative lawgivers and their efforts to negotiate and assert different visions of the rule of law, from rigid rule application to appeals to principles of justice. In these negotiations, the characters 'play with reason and discourse,/ And well [they] can per-suade' (I. ii. 183–4). Government has vanished, and governance strives to take its place.

Yet the characters' efforts to govern are unstable. Throughout the play, the Duke himself prowls the streets in different dress, meeting and manip-ulating his citizens and lieutenants. As the other characters negotiate the content of the rule of law in Vienna, he negotiates the other characters themselves, using not the power of his office but his own, more shadowy, 'reason and discourse'. Indeed, in one pivotal moment of the play, the Duke delivers an eloquent speech to convince another character that the only just course of action would be for the man to commit suicide – a conviction from which the character eventually resiles but which drives the action of the play.

Measure for Measure depicts the rule of law as layers of reason and power, with neither layer any less or more real: mise en abyme after abyme. In doing so, it questions whether any interaction is not such a layer. The final deus ex machina entails the Duke returning to his office, thereby restoring the lawgiver in his place. This conclusion is jarring: the Duke rapidly discards his disguise and profits from a bed trick. The Duke appears to be negotiating with the expectations of the audience and the comedic genre itself.[48]

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[48] Harold Bloom, *Shakespeare: The Invention of the Human* (Riverhead Books, 1998), pp. 358–82.

In the quote at the start of this section, the Duke, disguised as a Friar, chastises Lucio, one of the more foolish characters in the play. Lucio has claimed that he knows the Duke personally despite never having met him. The dramatic irony is absurd; the Duke's response is anything but. Rather than goad or mock Lucio, he dramatises him. That is, the Duke pinpoints the authority (notably blurring skill and knowledge, techne and episteme) with which Lucio speaks, and produces a backstage of hidden intent behind it (as implied by 'malice'). In doing so, he hollows out the very distinctiveness of knowledge, rather than asserting the truth. The Duke is at once the motor of action in the play and the dissolver of meaning; he denies all knowledge, masks himself, and produces hidden motivations behind action. Everything in the play is contingent – indeed, whether various characters live or kill themselves. Not for nothing does Lucio call him 'the old fantastical Duke of dark corners' (IV. iii. 169–70).

The Duke returns to these pages in subsequent chapters. For now, he chastens us. The reader, or writer, might purport to re-entangle knowledge and ignorance in the pursuit of better understanding the import (or otherwise) of rule of law reformers' self-denials. But what does she know? Everything is already blurry and shifting. In attempting to uncover others' backstage, she either speaks unskilfully or through malice. Her zealously guarded outside position is part of the process of governance. Tu quoque.[49] In doing so, the Duke points out just how hard it is to meaningfully analyse governors clothed in self-denial. Governing is done through overt, not just covert, rulership; in ignorance, these governors may possess the will to submit, even as they also retain the will to govern.

This challenge is the point of departure for my main interventions. First, theoretically, I argue that we should take expert ignorance seriously. The content of any rule of law reform activity can be justified or redefined again and again from first principles given that no one really knows what the rule of law is. Rule of law reformers are skilled at critiquing each other from universal and particular perspectives, often oscillating between the two, and thus proving slippery objects of study. Drawing on Kantian aesthetics and their reworking through the Frankfurt School, I go on to theorise rule of law reform in aesthetic terms, as a shadow of reformers' fantasy of attaining the rule of law.

Thus, methodologically, I argue that this view of the rule of law demands a different form of critical engagement. I propose a different way

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[49] Malcolm Ashmore, *The Reflexive Thesis: Wrighting Sociology of Scientific Knowledge* (University of Chicago Press, 1989), pp. 87–110.

of studying experts' claims to ignorance about the rule of law. Reformers remain irreducibly embodied, and onto their bodies is inscribed the labour of organising and disorganising knowledge and action in the shadow of self-denial – expressed in terms of anxiety, resignation, subversion, and other generally marginal sentiments. Those sentiments emerge as reformers oscillate between two modes of producing the rule of law. The first is 'acting': reformers speak in thoughtful terms of their own humility, their lack of knowledge, their empathy, and their willingness to listen. The second is 'doing': reformers speak in active terms of their own assertiveness, decisiveness, commitment to act, and willingness to respond to demands. Together, these constitute a 'performance' of rule of law reform, found in words, actions, and bodies. I argue that we should take rule of law performances seriously. They reveal how there is no moment in which the rule of law is necessarily given concrete meaning without that meaning being underdetermined at the same time. This, in turn, renders the spatio-temporality of reform, and the identity of its players, fluid. I go on to sketch out a method to analyse these performances, drawing on insights from performance studies.

Second, analytically, I argue that it is not sufficient to provide a sociological account of the background interpretive and political contests that produce the settled surface of authoritative claims about what the rule of law should look like. The surface is anything but settled; rule of law reformers continue to perform anew their context, including the relationship between their expert form (a profession, a field, a social movement, a group of institutional entrepreneurs, etc.) and their expert content (reform of state legal institutions, transitional justice, family planning, etc.). Yet at certain moments, decisions happen – indicators are produced, project funds allocated, and so on. Reformers do so by combining 'implementation work' and 'ignorance work'.

We are familiar with implementation work. It entails situating the reformer within particular patterns that affirmatively lead to policies: a set of bureaucratic incentives that act upon her, an ideology to which she is beholden, and so on. Ignorance work, however, entails situating the reformer within particular patterns that negate policies: ignorance on the basis of inadequate philosophical tools, or norms, or epistemologies, and so on. We should take ignorance work and its relationship with implementation work seriously. Implementation and ignorance work structure rule of law performances by shaping the movement between acting and doing, the experts they invoke, the audience they imagine, and the institutions they rely on to have meaning. The relationship between the two types

of work describes a style of reform. Such an account of style provides a novel analytic to understand rule of law reform as the operationalisation of expert ignorance, and identifies ways in which expert ignorance might be the object of social-scientific study – in particular, efforts to shape or limit the style of reform. It also opens the possibility that expert ignorance might be found in other domains of global governance concerned with institutional reform, where specific expertise is constituted by both types of work in meaningful relation (a point to which I return in the 'Conclusion').

Third, politically, I argue that rule of law performances (that combination of implementation and ignorance work) produce provisional, fluid, and reconfigurable forms of the rule of law. They do so by continuing to return to first-order questions about the rule of law – in particular, the nature and location of the divide between law and politics (or another of law's Others). Performances thus raise – but do not resolve – fundamental legal and political matters such as the autonomy of law, and the identity and nature of the social body that has some constitutive relationship with some sort of law. I also argue that rule of law performances position these fundamental matters within the broader architecture of development expertise in ways that might eventually be depoliticising – by recognising but never resolving them.

At the same time, rule of law performances are by their nature manifold and hard to predict. Attempts to organise, shape, and limit the available repertoire of performances are thus worthy of study: efforts to make ignorant experts an epistemological collective, a group of institutionalised actors, a community of practice, and so on. For example, some scholars and experts currently seek to inculcate a sense of humility in their colleagues in the face of ignorance (empowering ignorance work), others loyalty to an institution's mandates (empowering types of implementation work), others still an aspirational sense of insurgent creativity. Such efforts give reformers social form – for example, turning them into 'design thinkers', or even 'randomistas' committed to pursuing rule of law reforms on the basis of randomised control trials of their effectiveness. This social form, in turn, shapes the legal and political effects of rule of law performances. I thus argue that we should take the social organisation of rule of law performances seriously.

1.4   Organisation of the Book

Chapter 2 presents the field of rule of law reform as the context for the study of expert ignorance. It argues that a range of transnational legal scholarship could productively focus not just on the meaning of key legal

concepts as they circulate transnationally but also on how they are made meaningless. Thus, for some rule of law experts, the rule of law is underdetermined in a radical way. Analysing the scholarly and practitioner literature on rule of law reform, it shows that expert ignorance is meaningfully widespread in the field. It contrasts this view with that prevailing in the literature on rule of law reform, which imagines that rule of law experts seek to derive their authority from their knowledge about how to do rule of law reform, leading to effects like the poor transplantation of laws and institutions. I also introduce some of the stylistic and methodological problems this question raises and point to my responses: fictionalised and plurivocal reflections on my rule of law reform work. This entails a particular form of authorial presence that reflects who I understand a rule of law reformer to be – someone who can tell enough of a story to bring the reader along while fragmenting, shifting, and making fragile the story, the author, and her authority. This sets the stage for the methodological and empirical exploration of expert ignorance in the following chapters.

Chapter 3 then shows expert ignorance in action. I focus on three common methods to understand development expertise: organisational sociologies, Foucauldian discourse analysis, and ethnographies of practices. I develop a case study of a fictionalised agricultural reform project in sub-Saharan Africa, in which I advise on the project's rule of law component. I analyse the project using these three different methods to show their contributions and limitations to understanding expert ignorance. I argue that all three approaches have some methodological assumption that experts claim epistemic or practical authority to give form and/or content to the rule of law. The politics of a rule of law reform project is embedded in the form and substance of accounts of that project; this assumption thus inhibits these accounts from showing how expert ignorance works in practice. I then introduce what they cannot adequately capture – 'ignorance work' and its operations.

Chapter 4 offers a novel theoretical and methodological apparatus to reinterpret rule of law reform. I draw on aesthetic theory to reimagine rule of law reform as an aesthetic practice, in which efforts to build the sublime 'rule of law' produce both shadows of the rule of law, and the shadowy figure of the rule of law reformer. I go on to argue that this aesthetic remains irreducibly embodied in the body of the reformer and that rule of law reform is thus, in a very real sense, performance. I turn to performance studies, as well as Stanislavski's system of training actors, to analyse these performances, and discuss precisely how they complement the methods in Chapter 3.

I then put this new method into practice. Drawing on *Ohio Impromptu*, I return to the agricultural project, this time writing and analysing it as dramatic performance. I then apply these same techniques to a second case to further explore the method's efficacy – my experience as a member of a UN consultation to develop rule of law indicators, as read through *The Archbishop's Ceiling*. Synthesising insights from the two cases, I show how expert ignorance might productively be understood through the dramatic structure of ignorant experts' action: in the context of rule of law reform, what I call rule of law *performances* rather than attending to the relationship between knowledge and that action.

Chapter 5 looks deeper into the components of that dramatic structure. Returning to the cases in the previous chapters, it shows that these claims are made through 'ignorance work', which destabilises the structures of space, time, and identity that might otherwise give shape to a rule of law reform. The chapter goes on to show that ignorance work has patterned relationships to 'implementation work'. For example, experts might base a project on the claim that the very concept of the rule of law is incapable of being known or that the rule of law is too empirically complex to be understood, even while trying to develop global indicators about measuring the rule of law.

Turning to their effects, the chapter argues that these patterns are ways by which a rule of law expert produces provisional forms of the rule of law in the Global South – for example, through well-funded and continuing pilot projects to implement indicators in various contexts. At the same time, key questions about those forms are repeatedly raised and never resolved – for example, the location of the law/politics divide.

Chapters 6 and 7 extend the insights from Chapter 5. These chapters show that efforts to shape the rule of law performances can be studied using social-scientific methods (broadly understood). Chapter 6 asks whether expert ignorance can be understood as an historically contingent phenomenon to clarify how and why ignorance work has come to be autonomous rather than something always already an effect of 'knowledge work'. I make two arguments. The first is methodological: experts' ignorance about the rule of law makes it extremely difficult to develop an authoritative historical account of expert ignorance. Having made that caveat, I turn to the second argument: expert ignorance about institutions can be understood as a product of the limitations of institutional reform in the late 1990s when it came to be recognised that institutions themselves are as complex as the economic, social, and political lives they are supposed to regulate. Here, we can see the internalisation of the

overwhelming complexity of institutional reform into the professional apparatus of development – reflected in the fragmentation and proliferation of incommensurable historical accounts of the place of the rule of law in development. This perhaps marks a shift from rule of law reforms to rule of law performances.

Building on Chapter 6, Chapter 7 sociologises contemporary efforts to organise rule of law performances into formalised practices, showing these efforts to be historically embedded social forms given to expert ignorance. Using the example of 'problem-driven iterative adaptation' (PDIA), I show how experts might try to create their own social organisations (such as a network or social movement) to limit the legitimate types of ignorance work. This has two sets of effects. First, it shapes the provisional forms of the rule of law that rule of law reforms produce. Second, it places these performances in relation to the broader expert apparatus of development – for example, enabling them to be mainstreamed into specific development projects. This, I suggest, could be depoliticising: rule of law reforms might function as a repository for contentious political and legal issues that projects raise, enabling the rest of the project to continue without much fuss.

The final chapter concludes the book by summarising its argument. It then explores whether, how, and to what extent expert ignorance might be a useful way of thinking about fields of governance beyond development. It proposes that expert ignorance may be relevant to projects of institutional reform, wherever they may be found. It also argues in favour of the scholarly use of informed dramatic fictions to establish some critical purchase over expert ignorance in action.