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*Quantitative Methods in Comparative Law* by PIER GIUSEPPE MONATERI AND MAURO BALESTRIERI [Edward Elgar Publishing, Cheltenham, 2023, 200pp, ISBN 978-1-80220-444-5, £85.00 (h/bk)]

As both an academic discipline and practice, comparative law has been going through a blooming season for quite a few years now. Several impactful research monographs, special issues of renowned journals, and acclaimed stand-alone essays have been published in as well as translated into various languages. To produce original, insightful, and impactful comparative law scholarship in such a crowded market is no easy task. A new work on the methodology of legal comparison by Pier Giuseppe Monateri and Mauro Balestreri, *Quantitative Methods in Comparative Law* (hereinafter, ‘QMCL’), published by Edward Elgar, manages to achieve just that by blending together accurate empirical research, perceptive interdisciplinary analysis, and innovative arguments.

In a nutshell, QMCL argues ‘that the purpose of legal rules is *to prevent* rather than resolve conflicts’ (153; emphasis added). To support this claim, it sets forth what the authors call a ‘Conflict Prevention and Friction Analysis (CPFA) Model’ (back cover)—that is, a theoretical model which, with the aid of numerical empirical research on several governmental and judicial institutions and activities of key Western jurisdictions, may help us to understand why law’s primary purpose is to avoid, rather than solve, social conflicts. Thus, not only the authors believe that numbers and quantification *are* meaningful instruments to comprehend (more philosophically, we could say *make sense of legally*) societal interaction; they also believe that ultimately, there is much to be gained by asking whether social conflicts can be avoided altogether rather than just resolved via ordinary or alternative dispute resolution mechanisms as is usually done.

QMCL features two main parts, comprising two chapters each, written by Balestreri and Monateri respectively. Jointly written concluding remarks follow. The first part, by Balestreri, provides a historical appraisal of the approach to, and use of, numbers and quantitative analysis in law. The third chapter, by Monateri, analyses the ‘[quantitative] revolution that comparative law is currently undergoing’ (xii) through the prism of ‘the need to address global issues prompting new directions in [comparative law’s] methods and perspectives’ (ibid). Building on this account, the fourth chapter, also by Monateri, sets forth the book’s main theoretical thrust concerning the scope and benefits of quantitative analysis in legal comparison. The concluding chapter summarises the book’s main arguments and methodology of inquiry and sets the stage for further quantitative inquiries in comparative law.

The authors acknowledge past and recent scepticism towards quantitative analysis (x). More specifically, they concede that ‘the use of [such] methods in comparative law is far from the perfect tool for legal comparisons’ (xi). Reasons for this shortcoming include ‘data limitations’ (xi), and the lack of adequate ‘expertise in both legal and quantitative methods’ (ibid). Accordingly, there are situations in which ‘a quantitative perspective necessitates the development of a distinct and complementary “qualitative” form of reasoning, one that is

informed by a different set of skills and sensibilities (x). Particularly in the third and fourth chapters, by Monateri, QMCL provides telling evidence of this scholarly need (see e.g. 96f).

QMCL blends together accurate empirical research with genuine critical analysis and innovative thinking. The wealth of case studies – from the UK judiciary to the lifespans, regulatory performances, and ‘political transaction costs’ (149) characterising different types of governmental policies and ‘forms of governance’ (98), to the rationales and impact of such metric assessments as those of the World Bank and the International Monetary Fund (7, 67f) – is testament to the authors’ efforts to ground their views on robust empirical evidence. In this sense, one of QMCL’s most valuable features is that in accounting for the need for new directions and methodologies of inquiry in comparative law, it promotes a theory of quantitative legal comparison that is inherently transnational and transcultural. Accordingly, not only QMCL has something to offer to legal scholars and professionals independently of the socio-cultural setting they operate within; it also exposes the methodological limits of some established disciplinary assumptions and socio-political ideologies (e.g. xiii, 150f).

As regards the substantive claims made by QMCL, Monateri and Balestrieri focus their analysis on the ‘social demand’ and ‘social supply of justice’ (e.g. 92f, 149, 153). ‘A frictionless society’, they write, ‘would be one in which the social demand for justice is either satisfied immediately or does not arise at all’ (153). QMCL argues against the establishing of such a type of society. For the evidence gathered suggests that rather than leading to economic and societal ‘efficiency’ (165), the pursuit of such a type of society may instead cause, or increase, other and no-less detrimental types of frictions, such as ‘information asymmetry’ (121). In turn, this means that ‘a frictionless society may be more unstable or unpredictable’ (166) than what is generally assumed. Thus, the view that ‘massive deregulation’ is the gateway to optimal socio-economic ‘efficiency’ (165) is called into question by Monateri and Balestrieri’s findings (153f).

This leads me to two features of QMCL which may be perceived as a shortcoming and an additional value, respectively. As regards the shortcoming, some of the claims set forth in QMCL are, in the end, too generic to be of practical utility. Granted, QMCL’s scope is introductory, i.e. the authors do not aim to provide an exhaustive account of the multiple declensions that quantitative legal comparison may take. However, to the extent that law is a highly complex and multi-faced regulatory phenomenon (so that what may be appropriate or useful in Criminal procedure may not necessarily suit its Civil counterpart), QMCL could have provided readers with more concrete (i.e. discipline-sensitive and context-bound) tools to assist readers make full use of its claims.

As to QMCL’s additional value, it lays in its ability to break new scholarly ground without prejudicing comparative law’s spirit and aims. For ultimately, legal comparison is about going beyond legal systems’ surface to uncover and explore the inner socio-political and cultural dynamics which inform juridical conceptions of order and normative experiences broadly understood. QMCL executes this task convincingly by merging jurisprudential insights with historical, economic, sociological, philosophical, and even mathematical analysis (see e.g. 120–121, 164–165). And in so doing, it indirectly prompts readers to step outside law’s remit to critically reconsider a whole series of views that lay at the core of the Western tradition. Two examples worth mentioning are Aristotle’s claim, in Book N of the *Metaphysics*, that numbers are not the cause of sensibles—a view which has led interpreters ever since to question whether numbers (and more generally, mathematics and quantification) are a viable means to understand and manage the world; and all the ideals, from Arnobius of Sicca to the EU policies, regarding the formation of a type society in which conflicts and competition are replaced by a harmonious form of relational co-existence and co-operation.

‘As it stands today’, writes James Vincent in his acclaimed *Beyond Measure: The Hidden History of Measurement*, ‘the world around us is the product of countless acts of measurement,

their presence rendered invisible by their ubiquity' (London: Faber & Faber, [2022] 2023, 5). That being the case, quantitative approaches to the legal enterprise in all its declensions (legislative, judicial, governmental, etc.) become indispensable. While QMCL leaves some important substantive and methodological questions unanswered, Monateri and Balestrieri ought to be commended for putting together what is sure to become an indispensable introduction to quantitative comparative research in law. Merging rigorous interdisciplinary analysis and insightful comparative legal arguments, QMCL is not only essential reading for comparative law scholars, policy-makers, and stakeholders. It also provides a perceptive standpoint from which to assess a whole series of views and beliefs that have proved crucial in the history of Western culture.