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ABSTRACT

Global governance organizations (GGOs) are frequently maligned as both illegitimate and ineffective. With the growing prominence of entities that promulgate global rules governing trade, communications, finance, and transport, these shortcomings take on greater importance. This essay presents a theoretical framework to understand the challenge of legitimacy for GGOs. It argues that GGOs tend to face trade-offs between legitimacy and authority, but that widespread usages of these important terms conflate or confuse them and thus obscure critical issues in GGO politics. Once these terms are more clearly defined, we see more easily that GGOs must sometimes violate democratic norms, sacrificing equality and bureaucratic neutrality, to satisfy key constituencies and thus retain power. The argument lays the foundation for an empirical study that demonstrates how the structure and processes adopted by GGOs are intended to satisfy the conflicting demands of legitimacy and authority.

INTRODUCTION

It is a popularly accepted notion that international organizations are acquiring unprecedented levels of power. It certainly feels like international organizations are gaining importance. Perhaps this is a product of misinformation, misguided protest and political demagoguery. Mainstream media portray an amplified concern with the legitimacy and accountability of global governance organizations (GGOs) (e.g. Kui 2003; Wolf 2007). Somewhat more sedately, the academic community seems to be in synchronicity with the popular press. To some, the emerging network of institutions responsible for global governance suffers from a “democratic deficit,” a phrase that means different things to different people (Keohane and Nye 2003; Porter 2001). A diverse collection of “acronymed” entities, including the United Nations (UN), the European Union (EU), the World Trade Organization (WTO), the International Monetary Fund, and a host of more obscure bodies, has been characterized by scholars in the area as lacking in democratic legitimacy and suffering from a shortage of accountability (Grant and Keohane 2005b; Keohane and Nye 2003; Slaughter 2004; Wilkinson and Hughes 2002). Observers point to the lack of elections, absence of opportunities for participation by affected communities, and insulation of organizational leaders and bureaucrats from consequences related to their actions.
To students of politics, these faults undermine organizational legitimacy, a critical flaw. Legitimacy is understood as the foundation of democratic political authority. Citizens respect and follow the laws of democratic governments, according to political theory, because the leaders have been chosen through fair and competitive elections and the laws are being written and enforced according to just procedures. In the absence of legitimacy, one can infer, governments could not compel obedience from citizens. Government would lose its authority.

This essay presents an alternative account. Although legitimacy can and does support political authority, there are situations in which the two create irreconcilable demands. GGOs face this challenge as they create and implement rules with global reach. This essay presents the theoretical foundation of an empirical study of GGOs to be presented in a forthcoming book. That study examines structure, rulemaking process, and enforcement regimes of 25 varied GGOs. Across the set of organizations examined, evidence of the GGO balancing act described in these pages is never difficult to observe.

**Legitimacy and Authority as Distinct Concepts**

The relationship between democratic legitimacy and authority in the political realm is so well ingrained, linked implicitly in our consciousness, that we generally do not separate them. Indeed, some scholars define authority, usually citing Max Weber, as “legitimate power.” Although some social scientists disagree with this definition and argue that it is a misrepresentation of Weber, all popular usage of the words “legitimacy” and “authority” implies a different understanding (Cohen et al. 1975; Grafstein 1981). In common speech, authority most certainly exists in the absence of legitimacy. A moment of reflection refreshes the importance of maintaining the separation of authority and legitimacy.

Many political regimes lack democratic legitimacy—or even some other form of normative legitimacy—yet possess authority. That is, the population is obedient, follows the laws, and accepts and abides by the dictates of the government—even though the legitimacy of the regime is highly suspect. Contemporary regimes in Burma (Myanmar) and North Korea are widely viewed as lacking in legitimacy and yet the authority of each nation’s government is undeniable.

Moreover, authority is not confined to the political sphere. As shall be discussed at greater length below, authority is required any time one must accept the institutionalized power of another. Our boss has authority to give orders by virtue of her formal position. Our doctor has authority to diagnose and set treatment due to his specialized knowledge. Our mechanic has authority to tell you what is wrong with your car and how much it will cost to fix it because, really, do you know whether the alternator is bad?

Authority implies an acceptance of the need to comply with a set of commands or rules, but it contains no inherent judgment regarding the legitimacy of the authoritative institution. Authority represents institutionalization of power nothing more.

Prying legitimacy apart from authority may muddy the waters in the short run but in the end it provides greater clarity. In the discussion of global governance, authority must be separated from legitimacy because, it will be argued, GGOs are ultimately interested in authority and legitimacy independently.

To the extent that pursuing and maintaining institutional legitimacy serves the goal of augmenting organizational authority, it is useful. But in the context of global governance, the demands of authority often conflict with the demands of legitimacy. That is, the authority of GGOs can only be secured (at times) by violating the requirements of normative legitimacy.
Readers troubled by the rhetorical separation of authority from legitimacy should not be deterred by this point. One need not accept the proposed definition of authority—as divorced from legitimacy—in order to appreciate the underlying dynamic of global governance as described in this essay. The argument will be restated in terms consistent with the “authority as legitimate power” conceptualization for the purposes of keeping the attention on the core empirical claims regarding GGOs. Disagreement over the understanding of legitimacy, authority, and power ought not overshadow the central arguments or the empirical evidence presented in a forthcoming book on the structure of GGOs.

Plan of This Essay

This article is organized in three sections. First, the sources of organizational authority and legitimacy are examined as a means of disentangling the two concepts. Second, these abstract concepts are translated into a set of demands or expectations that spring forth naturally from the requirements of legitimacy and authority. Third, the distinctiveness of the challenge faced by GGOs is illuminated. Many organizations seemingly confront a similar clash of expectations thus it is important to be clear why this challenge is particularly vexing for GGOs.

The distinctive argument presented here is that the structures, processes, and behavior of GGOs should be seen as part of ongoing efforts to grapple with the competing demands of normative legitimacy and authority. This creates conflicting expectations, structural adjustments, ongoing difficulties for those administering GGOs and, in the end, frequent dissatisfaction among governments, interest groups, nongovernmental organizations (NGOs), and other concerned parties. Failures of accountability for GGOs ought to be seen as the near-inevitable consequence of this brew of inherently incompatible expectations.

DISENTANGLING LEGITIMACY AND AUTHORITY

Authority is a concept that is referenced frequently but defined rarely. It is a quirky word; individuals or organizations are said to “have authority.” Yet authority is revealed only through the behavior of others who choose to obey. Those who disobey the putatively authoritative individual or organization can effectively deprive them of authority—or at least reveal a lack of authority—with their deeds.

But authority goes beyond mere submission and power. Authority is the routinization of submission, the institutionalization of power. To grant an organization, authority is to acknowledge its accumulation of power as an element of the social order.

But how does submission become institutionalized?

The mystery of obedience lies at the core of social and behavioral sciences. Why do people submit to authoritative organizations and individuals? Why do they follow laws, norms, orders, etc.? People and organizations go along with the rules, follow the commands of people in uniform, accept conclusions of experts, respect posted notices, and do so everyday of their lives. Of course, sometimes they do disobey, but modern society functions effectively in large measure because obedience, respect for authority, is so widespread.

The institutionalization of power is a crucial ingredient in the development of modern developed societies. Organizations and individuals rely on authority to deal with complexity of all sorts. First, establishment of routines and “standard operating procedures” makes
for much greater efficiency. Without such authoritative rules, every action would involve a complex decision regarding the optimal course of action. Obedience to authority allows the simple path to be followed: do as required.

The authority of expertise allows us to “obey” others who know more than we do. Within societies, within markets, and within organizations, deference to authority is required to reap the benefits of specialization. The engineering department of automobile manufacturer does not have to justify every decision to the marketing or personnel departments. Without accepting the expertise of others, incalculable time would be spent re-learning skills possessed by others or second guessing the actions of those who have performed tasks in our stead. On a societal scale, this type of authority allows some individuals to devote themselves to medicine, whereas others specialize in growing food or manufacturing housing. Without such specialization, societal progress would be impaired.

On the most basic level, establishing rules (and rulers) allows societies to enjoy tremendous efficiency in everyday interactions and eliminates significant sources of uncertainty including the behavior of others. This is true in the regulatory sense already discussed. We are safer by virtue of the obedience that comes with firmly established authority (whether it is philosophical or martial in origins).

The dynamics of authority are distinctive with respect to individuals and institutions. That is, the reasons why people obey an individual are different than the reasons why an organization is obeyed. As we are concerned with the authority of governance organizations, the following discussion generally does not cover the fascinating topic of why people follow certain individuals (and not others). Of course, this distinction is somewhat artificial. Institutional authority may be a function of individual authority. The same institution, led by two individuals, might command quite different levels of obedience. Still the emphasis in this analysis is on the authority of institutions, particularly GGOs, so the personal side of authority is not stressed.

**Authority Is Not Always Legitimate**

It is critical to address the common belief that authority is, by definition, legitimate power. As noted earlier, this view is often ascribed to Max Weber. But it is not clear that Weber himself would subscribe to this interpretation—especially given the generally accepted use of the word legitimacy. Moreover, the conflation of authority and legitimacy, even if it is a definition correctly derived from Weber, is an intellectual dead-end, sealing off access to important intellectual terrain that should be explored.

First, the definition of authority as legitimate power is hardly clear in the words of Max Weber. There is the serious matter of translation from the German into English which causes quite a bit of uncertainty regarding the correct interpretation of the relationship among power, authority, and legitimacy (Cohen et al. 1975; Uphoff 1989). Weber does distinguish between *Herrschaft* and *legitime Herrschaft*. Parsons translates the latter as authority but it is not certain that Weber would have drawn that rhetorical distinction (Cohen et al. 1975; Parsons 1942; Uphoff 1989). Beyond the linguistic confusion, however, Weber does classify authority relationships based on types of legitimacy claims but is not clearly suggesting that all authority is legitimate. Uphoff is persuasive in arguing that the intertwining of concepts was not clearly Weber’s but may have been emphasized by subsequent scholars (Uphoff 1989). Talcott Parsons in particular insisted on using the term
authority to cover only power relationships deemed legitimate. This equation of authority with legitimacy is also found in the influential writing of Harold Lasswell (Uphoff 1989, 298).

The issue of what Weber had in mind is obviously of secondary importance. It is problematic to conflate authority and legitimacy—even if it Max Weber did so! Institutionalized power in the absence of legitimacy is an undeniable feature of the world around us. One could make this claim go away by adopting a tautological definition of legitimacy. If we define legitimacy as submission, it is literally impossible for people to submit to an illegitimate authority. Indeed, critics of Weber insist he has done just that. Grafstein (1981) writes that “Weber virtually identifies legitimacy with stable and effective political power, reducing it to routine submission to authority.”

Equating authority with legitimacy is a meaningless construction inconsistent with the reality of politics and the widely accepted understanding of legitimacy. Self-interest—even self-preservation—prompts people to accept authority in the political context and beyond. This does not speak to the normative evaluation of the justness of the assignment of power embodied in the idea of legitimacy. As Buchanan and Keohane conclude, “legitimacy, understood as the right to rule, is a moral notion that cannot be reduced rational self-interest. To say that an institution is legitimate implies that it has the right to rule even if it does not act in accordance with the rational self-interest of everyone who is subject to its rule” (Buchanan and Keohane 2006, 409).

The principal reason to disentangle authority from legitimacy is that failure to do so leaves important questions impossible to articulate. For instance, how do institutions (and individuals) acquire and maintain authority in the absence of legitimacy? Can organizations be legitimate and yet lack authority? Conflating legitimacy and authority makes asking such questions—let alone answering them—impossible.

The separation of legitimacy and authority is substantively critical to my argument. Designing and administering GGOs are an ongoing struggle to navigate the tension between authority and legitimacy. Therefore, it is crucial to understand the divergence between the two concepts. This point is emphasized as the sources and demands of legitimacy and authority are spelled out.

Sources of Legitimacy

Any political theory of organization must account for the power institutions have over individuals. Legitimacy offers just such an explanation by tying power to a set of beliefs regarding the justness of a given regime. Although legitimacy is one of many reasons why authority may be recognized in the political context, it is implicitly treated as the most fundamental reason in contemporary discourse.

Use of the legitimacy concept is not confined to politics, of course, and this may contribute to ambiguity regarding its meaning, including conflation with authority. In a review of the diverse body of work on legitimacy across disciplines, Suchman (1995) provides a broad definition in an attempt to capture the many uses of the word:

Legitimacy is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions. (Suchman 1995, 574)

This expansive definition suggests the enormous range of concepts that have been invoked with use of the word legitimacy. Suchman seeks to order the cacophonous
legitimacy literature by dividing disparate notions into three basic categories: normative legitimacy, cognitive legitimacy, and pragmatic legitimacy. Each area is delineated by its underlying logic.

**Normative** (or moral) legitimacy is a function of beliefs about what entitles an individual or institution to wield power. An institution is legitimate because it is the just holder of power by the standards of an affected or concerned community. **Cognitive** legitimacy emphasizes the psychological, the degree to which an institution is accepted. An institution is legitimate because we accept and treat it as a given. **Pragmatic** legitimacy, as the name suggests, emphasizes the “interest-based” acceptance of an institution by the most affected parties. An institution is legitimate because the affected parties find it in their interests to accept it as such.

This specification does bring comprehensiveness to the discussion of legitimacy. He is explicit about the many different meanings employed whereas most writers wrongly assume (or assert) that their definition is shared by all. Suchmann’s approach—including all definitions under one expansive tent—also highlights the analytical problem posed by use of word legitimacy as a catch-all. The inclusiveness undermines the meaning of legitimacy.

Although one risks engaging in endless colloquy about the true meaning of the word legitimacy, it is important to simply stake out the meaning of the word as it is being used in any given argument. The focus here is squarely on normative legitimacy. As shall be discussed in a moment, the idea of taken-for-grantedness also has analytic power and relevance but might be seen as an echo of normative legitimacy rather than a rationale unto itself.

The emphasis on normative legitimacy—and the explicit exclusion of what Suchman calls pragmatic legitimacy—is grounded in the following belief: other terms better capture the concepts that Suchmann pushes under the legitimacy tent through the “pragmatic legitimacy” entrance. Pragmatic legitimacy is much more comfortably accommodated with the concept of authority as already outlined.

Suchman’s declared purpose in creating his typology is to offer strategies for managing legitimacy. The more legitimate an organization is perceived, he argues, the lower its “costs” will be in securing compliance. This emphasis underscores that authority is the true goal rather than legitimacy. If an organization achieves authority without acquiring legitimacy, by this rationale, pursuing legitimacy is not necessary.

**Normative (Moral) Legitimacy**

Normative views of legitimacy are dominant in most contexts and representative of typical popular usage. Legitimacy is about the justness of an assignment of authority and thus depends upon some shared set of beliefs. There are multiple rationales available to explain why any institution is legitimate. Without agreement among those who would judge an institution, moral legitimacy is effectively impossible.

In the political context, legitimacy is a foundation. The actions of the government are acceptable because the state is the proper holder of power. As a consequence, the people are morally obliged to obey the government. In the absence of legitimacy, no such obligation exists.

Contemporary beliefs emphasize democratic participation and process as the bedrock of legitimacy. Popular control of the government, through fair and meaningful elections, renders the state the “legitimate” holder of power. But this has not always been so.
Political thinkers have contemplated this notion of government legitimacy for centuries with varying conclusions. The “social contract” metaphor, introduced by Jean-Jacques Rousseau in the 18th century, presented an idea that was at least as old as Plato. Namely, that power was acquired by virtue of a bargain between the individuals and the state. The purpose of the contract—to enhance the good of the whole, gain physical protection, or secure natural rights—depends upon which political philosopher you ask. In all versions of the social contract, however, this exchange entitles the state to wield power over the individual in exchange for fulfilling the bargain.

John Locke’s expression of the social contract emphasized the protection of property rights as a central function of the state. A legitimate regime must respect this foundation as it administers the state. Failure to do so would undercut any regime’s legitimacy. Rousseau himself emphasized the collective welfare over the individual but still required that the general will be abided by the state suggesting the same democratic foundational requirements for governmental legitimacy.

Of course, democracy has not always been the foremost basis of governmental legitimacy. The “divine right of kings” represents a notable alternate account of government legitimacy. Under this theory, the power of the state is legitimate because the ruler has been chosen by God to rule on earth. Pretenders to the throne are illegitimate because they lack this mandate from Heaven.

In the context of democratic governance, the process by which the leaders are chosen and procedures followed in the exercise of state power are the keys to legitimacy. The hallmarks of a just process include transparency, predictability according to a set of well-known rules, equality before the law or in any governmental proceeding, objectivity, and disinterestedness in the arbitration of disputes.

Emphasis on process can be seen in nongovernmental contexts as well. The legitimacy of a scientist or a scientific institution, for example, depends in large measure on demonstrable consistency with norms regarding the scientific method. If a scientist does not follow accepted practices regarding collection of data, research design, and so on, the community will not regard the results as legitimate.

In the realm of public policy making, procedural legitimacy is shaped by political and scientific considerations. Legitimacy requires that the process will be open and in accordance with legal requirements (such as the Administrative Procedures Act in the United States). Transnational governance organization struggle with this because there is no agreed upon procedural standard to which they can refer (Esty 2007). But if the analysis informing policy decisions is not carried out in a fashion consistent with professional norms or if it appears to be manufactured to support a predetermined outcome, the resulting policy will also lack legitimacy.

In addition to procedural notions of normative legitimacy, the results of an organization’s activities may also be vital for legitimacy. A “consequentialist” approach introduces an organization’s outputs into the legitimacy equation. From this perspective, the legitimacy of an organization depends upon its achievement of stated or assigned objectives. A hospital is legitimate because it takes care of the sick. The military’s legitimacy depends upon its ability to defend of the nation. Even in the context of democratic

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1 Personal legitimacy generally falls within the moral or normative category. Particular holders of power—individual or organizational—are regarded as legitimate because of our belief in them, their character, their history of performance and so on. The Weberian use of the word “charisma” captures this idea as well.
governance, process can take a back seat to consequences. Repeated failures to provide public services will undermine governmental legitimacy. Substantive inequity can do the same. When, for example, members of a racial minority are dramatically underserved by a state agency relative to their majority neighbors, the legitimacy of the institution will come into question.

The emphasis of substance rather than process can be consistent with the contract notion of government legitimacy. Thomas Hobbes’ formulation of the social contract is predicated on the observation that, in the absence of government, every man lives under constant threat of violence. Life in this state of nature, he famously wrote, is “solitary, poor, nasty, brutish, and short.” Only because he is constantly at risk does man accept the dangerously powerful Leviathan and its protection. In his view, then, the question of state legitimacy is eminently consequential: the legitimate government is one that fulfills the agreement. That is, the government that protects the population surrendering absolute liberty has met its obligation.

This idea of legitimacy is also important to GGOs. To take an example from the world of transnational governance, the International Maritime Organization would be legitimate (in this sense) because it maintains a level of safety in oceanic navigation. Naturally, one can imagine a notion of legitimacy that incorporates both the “outcome” view and the “process” view. The emphasis in this essay is on the tension between legitimacy and authority but certainly the two can reinforce each other. GGOs with more authority are more likely to be effective which, in turn, bolsters their substantive legitimacy.

**Taken-for-Grantedness (Cognitive Legitimacy)**

Some organizations’ authority is perceived as legitimate because they are accepted features of a system. They are given, simply unquestioned by affected parties. Suchman labels this type of legitimacy as “cognitive legitimacy,” a tag that seems more confusing than his straightforward “taken-for-grantedness.” This term ably captures the notion he describes. An organization’s taken-for-grantedness may be grounded in a historical record of normative legitimacy but the active evaluation implied by that label may have ended long ago. Interestingly, an institution might acquire taken-for-grantedness through its history of process-based or consequence-based legitimacy activity and retain it even when it deviates from that historical legacy.

Although it is arguably the least substantive, taken-for-grantedness is perhaps the most compelling and desirable form of legitimacy. It short circuits all tests or validation requirements associated with normative legitimacy and it places no burden to satisfy the interests of the governed. Such acceptance is the Holy Grail for GGOs.

Some international organizations have, by virtue of their longevity, achieved a measure of taken-for-grantedness. The International Telecommunications Union (ITU), for example, was founded in 1865 and is treated as the default authority for resolving issues regarding the harmonization of communications (Murphy 1994). As the potential importance of such longstanding entities increases, however, the limits of established cognitive legitimacy are tested. An increase in international commerce has suddenly cast in deep relief governance organizations that previously melted into the landscape.

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2 At times, Suchmann seems to stray from this definition of cognitive legitimacy. I stick with the more straightforward conceptualization.

3 At its founding, the ITU referred to the International Telegraph Union.
They are forced into uncertain waters of normative or pragmatic legitimacy. Cognitive legitimacy does not necessarily remain intact when the institution evolves to take on added authority. A recent example highlighted the dynamic nature of cognitive legitimacy; the criticism of the hitherto accepted World Health Organization (WHO) during the severe acute respiratory syndrome (SARS) crisis. When the WHO’s travel advisories hit hard the economies of Canada and China, its institutional legitimacy became an issue (e.g. Gazette 2003). Similarly, the World Intellectual Property Organization (WIPO) toiled in relative obscurity until the importance of intellectual property in communications and pharmaceuticals attracted the interest of governments and NGOs who raised objections to the organization and questioned its legitimacy (Koch-Mehrin 2006; Maitland 2002; Williamson 2006).

Organizations attempt to acquire taken-for-grantedness by emulating institutions that already possess it. Thus in structure and symbolism, many new GGOs look like older GGOs with which constituents are comfortable. They assume the forms, utilize nomenclature, and adopt policies which resemble those of governance institutions with taken-for-grantedness. This pattern is consistent with theory of institutional isomorphism (DiMaggio and Powell 1983). GGOs adopt forms that are associated with legitimacy in order to appear legitimate. It may be, however, that this strategy is an obstacle to achieving moral or pragmatic legitimacy in the long run because such measures generate commensurate expectations that are difficult to meet given the peculiar demands of transnational governance.

**Pragmatic Legitimacy and Authority**

Individuals and institutions often recognize and submit to organizations based on a calculation of interests rather than moral compulsion. Some characterize this as an acknowledgment of legitimacy. Suchman includes different manifestations of this notion in the category he calls pragmatic legitimacy. It is not rhetorical hair splitting to argue that pragmatic legitimacy is not best described as legitimacy at all.

Stripping the normative content from legitimacy not only confuses, it weakens the concept. Pragmatic legitimacy suggests that any organization is legitimate if subjects find it in their interests to submit. Firms may accept regulation because it adds value by bringing order and predictability to the market even if the regulator has dubious legitimacy. In other situations, obedience may be chosen because disobedience might lead to death. These repressive regime are “pragmatically legitimate” because the populace has calculated that submission is the best way to maximize utility (i.e. avoid imprisonment or execution). Syllogistically, using this terminology, there cannot be authority without legitimacy.

As an empirical matter this does not seem true; institutions generally regarded as illegitimate sustain authority in a variety of contexts. Returning to the Southeast Asian nation of Burma, we find a violent ruling junta, formerly known by its memorably creepy acronym State Law and Order Restoration Council. It is a repressive regime that has maintained authority in the face of unfavorable election returns, domestic protest, and global condemnation. Few would defend the regime’s legitimacy notwithstanding the rebranding of the ruling body as the State Peace and Development Council in a different context, organized crime syndicates maintain remarkably stable authority over geographic and substantive spaces with little regard for legitimacy.

It is always important, of course, not to emphasize words over concepts. The essential argument of this chapter, and book, does not depend on the proposed use of the words authority and legitimacy. If one prefers to think of self-interested obedience as pragmatic
legitimacy (consistent with Suchmann’s typology), the argument simply needs restatement not abandonment. In these terms, GGOs struggle with tension between the demands of normative legitimacy and pragmatic legitimacy.

Sources of Authority

Broadly speaking, there are three sources of authority: formal, psychological, and pragmatic (Simon et al. 1991). These are not mutually exclusive. Obedience may be explained by the logic of all three and they may reinforce each other. Courses of action prescribed to acquire authority by formal, psychological, or pragmatic means may, however, prove mutually exclusive at times.

Consistent with the goal of distinguishing authority and legitimacy, the focus here is on sources of authority that are distinct from legitimacy. To be clear, legitimacy is recognized as a potent source of authority. People and organizations do obey individuals and institutions because they are held to be legitimate for reasons described above. The sources of authority that can be disentangled from legitimacy, the reasons why power is institutionalized in the absence of legitimacy, receive attention here. These mechanisms are the key to understanding why and how GGOs might pursue authority without legitimacy. One must be careful for many bases of authority do ultimately trace back to legitimacy.

Formal Sources of Authority

Many organizations possess legal or formal authority. Obedience is offered because these institutions occupy positions or perform functions that empower them to carry out certain tasks. Moreover, by their placement within a larger bureaucratic or governmental context, such organizations have certain powers and status conferred upon them.

A traditional language of authority might frame this conceptualization in a legalistic fashion. As Herbert Simon put it, “He who possesses authority, in this sense, has the right to demand obedience; while he who is commanded has the duty to obey” (Simon et al. 1991). Many organizations have this type of noncontroversial authority. It is most obvious in the governmental context, of course. Prosaically, one follows the rules of the Department of Motor Vehicles because it is the designated organization for acquiring a license to drive.

Authority of this type is “always traceable back to some fountainhead of legitimacy” (Simon, 181). This sounds right, and it is certainly true to some extent in regimes that we consider normatively legitimate. The institutions are accepted and obeyed because they are part of a larger regime that satisfies some criteria of legitimacy. Yet we must be careful about dismissing the very real effect of coercion (or the threat of coercion) on individual and institutional behavior.

Obedience is certainly also a function of an organization’s ability to punish those who disobey. One is compelled to acquire a driver’s license in the first place, after all, by the state’s sanctioning power. What makes GGOs unique is their general lack of such sanctioning tools and the consequent difficulties with the “nonlegitimate” roots of authority.

Public sector agencies are not the only institutions with formal sources of authority or sanctioning power. There are NGOs that possess similar authority. Some have it because it is effectively delegated to them by the state. The American Bar Association (ABA) is a private organization but to practice law every prospective attorney in the United States must submit to the ABA’s requirements. One might regard the authority of such
organizations as trickling down from the wellspring of governmental legitimacy. Without the state-imposed requirement after all the organization would not have authority. There are organizations with formal authority that are completely detached from governments such as the Federation Internationale de Football Association, which governs “soccer” globally. These entities have a “gatekeeper” function (or perhaps goalkeeper is more appropriate) with respect to some desirable good.

GGOs that have been established by national governments may derive some formal authority through the connection to national governments. As discussed in Chapter 4, many GGOs are structured around representative bodies with nation-states as the unit of representation. This is a consideration in the GGOs efforts to meet the demands of authority. Still it is important to remain skeptical regarding the transferability of governmental authority from many nations to a single GGO; the efficacy of such transfers is hardly certain (Grant and Keohane 2005a).

Psychological Sources of Authority
This category captures a set of explanations for deference to institutions that hinge upon our active beliefs or unconscious patterns of behavior. Perhaps the most basic illustration is the authority of confidence. Some organizations induce high levels of confidence because of their record of previous performance or status. Thus people are inclined to obey their orders or recommendations. Going to a hospital or garage that has taken care of you (or your car) effectively in the past will make you more likely to follow their advice in the future.

This dynamic is understood and utilized by organizations seeking authority. By publicizing their record of performance, organizations try to win the confidence of those who have not had direct experience. A significant portion of marketing is intended to make the consumer—or citizen—feel that their obedience has been earned.

Another strategy playing upon the authority of confidence is to establish markers that can be read as signals of quality or expertise. Licensing or certification requirements serve this purpose. Although one may not have any personal experience with this, say, nail salon, we can see that the shop is licensed by the state. This allows some degree of confidence in the establishment. It is not uncommon to see store fronts bearing stickers indicating membership in trade associations; this is yet another strategy intended to win the confidence of potential consumers.

This type of confidence also may reinforce the authority that comes with specialized expertise. For example, we defer to the judgment of an engineering firm because it is presumed that such an organization possesses greater knowledge than the nonengineer. This is reinforced by the qualifications of the staff, communicated by listing strings of professional degrees after names on the stationery.

Legitimacy is essentially a psychological source of authority because of its underlying logic: obedience is deserved because the institution was created and is operated in a just fashion and/or dictates are the product of a just process. Thus the obedience stems from a set of beliefs regarding the just assignment and utilization of power. These beliefs are ultimately subjective and contextual.

Legitimacy can prompt obedience in matters great and small. Every day occurrences—such as following the orders of a crossing guard or a flight attendant—reflect an acceptance of authority because those making demands of us are seen as legitimate in their position and demands. A collective group decision—say, what movie to go see—is accepted if the choice was made in a legitimate fashion (e.g. vote). Of course, the costs of
obedience in situations like these are extremely low; thus our willingness to accept “illegitimate” individuals may be higher than in more critical areas.

The power of legitimacy seems operative in greater matters as well. Although it is difficult to conclude that general law-abidingness stems from belief in governmental legitimacy or fear of sanction (this will be addressed in a moment), there are instances where belief in institutional legitimacy seems to be the motivating factor.

In recent history, one episode jumps out to illustrate the phenomenon. Following the 2000 presidential election in which Al Gore won the popular vote but the electoral college total was in doubt due to the disputed outcome in Florida, the acrimonious litigation rose to the Supreme Court of the United States. Ultimately, the Court ruled in such a way that Bush prevailed. Of course, Gore disagreed with the opinion and made it clear that he believed it was politically motivated. However, he gracefully accepted the decision and the consequent inauguration of Bush because, he said, he respected the legitimacy of the institution and had to follow its pronouncements as a consequence.

Of course, one cannot prove that legitimacy was determinative in this or any other case of obedience to authority. Still given the improbability of meaningful enforcement in a wide variety of situations, it is reasonable to assert that the psychological impact of legitimacy is at least a compelling contributing factor in many situations requiring obedience to an institution.

**Pragmatic Sources of Authority**

Enforcement, as mentioned earlier, offers another explanation for obedience. Fear of sanctions is a practical or pragmatic basis for authority. In essence, the obedient individual or organization makes a calculation that deference to the authority maximizes utility; the potential costs of disobedience outweigh the gains. This type of reasoning represents a third foundation for authority.

Pragmatic authority is, at its core, obedience driven by a calculation of interests. Individuals or organizations accept the institutionalization of power because it is the most beneficial course of action. It is the logic of self-interest not moral judgment.

The discussion of self-interest is far more comfortable in the context of authority than legitimacy. Self-interested recognition of authority does not suggest that obedience is necessarily an ideal course of action. Repressive regimes that instill fear in their subjects to win obedience have achieved a level of pragmatic authority. This is an empirical statement. Subjects make the calculation that the best course of action among the available alternatives is obedience. Acceptance of governmental authority implies nothing regarding the absolute desirability of the government to the governed. Nor does it speak to the justness of the assignment of power, the government’s legitimacy.

There are multiple approaches to an assessment of the benefits of obedience. It may be based on a single situation; obedience at one moment says nothing about obedience in the future. This type of “exchange-level analysis” would lead to an examination of specific policies or demand and decision on whether to comply based on a calculation of the costs and benefits of obedience or disobedience. For example, a nation submits to judgments of the International Court of Justice only when the body rules in its favor. This is a rather narrow, conditional sort of authority that would be difficult to see as “institutionalization” for it collapses whenever an undesirable command is given.

A broader approach would look at the net consequences of obedience and disobedience over many situations, incorporating the expected behavior of other actors, rather than
confining analysis to a particular situation. Obedience to an institution might be guided by the practical value of supporting an overarching authoritative organization rather than a calculation based on a single decision or action. Thus interests are not necessarily served on an exchange level but a systemic level. For example, the United States does accept the authority of the WTO even when it rules against American interests because US policy makers have determined that the maintenance of international trade regime is in the national interest. Of course, a governing authority that is consistently hostile to the interests of the governed cannot sustain legitimacy of this type without some coercive force to back it up.

These divergent approaches to calculating the desirability of accepting institutional authority could lead to different outcomes. Disregarding authority might pay great momentary dividends but the net effects of general obedience remain strong. In all situations, the ability of the organization seeking authority to impose costs upon disobedient parties has a large effect. Sanctions alter the calculus of the party considering which course of action maximizes utility. If a penalty must be paid for disobedience, the effective benefits of obedience increase.

Sanctions are not necessarily hierarchical or controlled by the state. Acts of retribution from ill-treated employees, for example, are a nonhierarchical type of sanction giving subordinates a form of pragmatic authority over their superiors. The boss might not make a demand of the employee whose preferences are widely known because she knows the cost—a petulant unproductive staff—would be too high. On a grander scale, the pragmatic authority possessed by labor unions runs counter to the typical model of employer–employee relations. The threat of strike, slowdown, or even unrest forces the manager to defer to some demands from the union. In the context of global governance, the ability of a minority of members to effectively stall an organization—a phenomenon reported by interview subjects leading many GGOs—gives relatively “weak” members some authority over the powerful.

Finally, some pragmatic authority stems from practical necessity. We rely on organizations to perform certain functions and have little choice but to accept their rules and decisions for practical reasons. One illustration concerns the use of services at great distances. When relying upon a contractor performing a service on the other side of the world, one is forced to accept representations regarding the situation and work performed (or assume the costs of verification). Closer to home, the authority of the all-powerful auto mechanic illustrates this phenomenon vividly. Rarely does one leave the garage confident they have not been ripped off, a victim of pragmatic authority. Some of the more technical GGOs frame their authority in this light, depicting their activities as largely scientific and beyond the realm of interest-driven public discourse (Koppell 2005a).

LEGITIMACY AND AUTHORITY: COMPLEMENTS AND CONFLICTS

Notwithstanding all the words devoted thus far to separating legitimacy and authority, it is not surprising they are typically regarded as complements. In many contexts, organizations can simultaneously pursue legitimacy and authority. Indeed, legitimacy is a potential source of authority as observed earlier.

Many governmental organizations are regularly confronted with normative legitimacy expectations and concerns regarding assignment of authority. This is not generally regarded as a conflict because the legitimacy of the regime reinforces the authority and vice versa. Bureaucratic agencies of western democratic governments, for example, have significant power to sanction disobedient individuals and firms or, at a minimum, withhold
benefits. An endless number of agencies come to mind from tax authorities to agriculture departments that dispense subsidies to safety inspectors. The authority of such agencies is buttressed by a widely shared belief that they are legitimate, the properly delegated agency created and overseen by an elected government.

In such cases, it is hard to envision any tension whatsoever. The agency performs functions that are valuable and thus constituents are more than willing to obey. Adding to the practical reasons for following the rules, the agency can impose costs for disobedience. The normative legitimacy of the government passes through to the individual bureaucratic organization. And finally the legitimacy is reinforced by the organization’s effectiveness, a source of substantive legitimacy that flows from its authority. This ongoing circle re-inforcement of authority and legitimacy is recognizable for some GGOs as well.

At times, however, the pursuit of legitimacy is very much at odds with the pursuit of authority. Put simply, there are situations in which organizations must take actions which undermine normative legitimacy in order to preserve authority or vice versa. As each organization faces, its own unique constraints and demands specific to its tasks and environment, some may be more likely than others to confront the potential tension between legitimacy and authority and thus face uncomfortable choices.

To support this argument, the demands of legitimacy and authority must be made explicit. They extend from the preceding discussion laying out the concepts of authority and legitimacy. The discussion will show that conflict among demands is most likely when organizations lack coercive tools and the distribution of interests is heterogeneous.

The Demands of Normative Legitimacy

No single standard of legitimacy applies across all organizations. Indeed, even in the governmental context, the basis of legitimacy remains a moving target over time, geography, and context. The notion of “divine right” seems implausible today given the wide acceptance of democratic norms, but this notion was entirely plausible in other eras and remains so in some nations. In the religious context, of course, legitimacy derived from a presumption of divine selection is very real.

Therefore, it is impossible to identify some set of universal demands of legitimacy. Indeed, the very fact that GGOs must be legitimate to constituents from varied backgrounds compounds the challenges identified here. Still it is argued that the predominant set of normative legitimacy demands encountered by GGOs are those associated with Western democratic practices.

This is, in part, a function of the increasingly universal acceptance of these norms. Even nations that we would judge to be inadequate in such terms attempt to meet the “accepted” standards. For example, Singapore maintains that it is a competitive democracy though few international observers would characterize it as such. Additionally, the countries with the greatest influence in many GGOs share these norms. Specifically, the United States and developed nations of Western Europe created and support many GGOs; thus it is hardly surprising that the norms common across these countries have been adopted in this context. Finally, many of the most vociferous critics of GGOs also come from this cultural background and thus their critiques reflect these values and expectations.

The central argument of this essay, then, is somewhat ironic for it is claimed that keeping these powerful nations—the source of normative legitimacy expectations—happy is crucial to maintenance of authority even if it requires violation of norms of democratic legitimacy.
There is a set of indispensable features that distinguish the legitimate regime; these constitute the demands of legitimacy encountered by GGOs. First among these is the idea of representation. The governed should have a voice, at least indirect, in the political system. Of course, there are a host of structural approaches to the problem of representation that are considered legitimate in different contexts. Thus the idea of indirect representation (i.e. the representative government selects an official who is part of the GGO) is not inherently invalidating.

Participation is another core expectation that extends beyond representation or elections. Legitimate governmental organizations ought to offer constituents the opportunity to observe and comment upon the activities of the organization. This may take the form of open hearings and sessions, release of published transcripts, or regular opportunities to testify or comment.

Generally, there is some notion of equality associated with normative legitimacy in a democratic system. This might be considered an aspect of the more general demand for fairness or neutrality in the system. Each individual or organization should be treated consistently by a legitimate governance organization, with no one party receiving special consideration.

Finally, the legitimate organizations must be governed by a set of rules and procedures that are known to all and adhered to vigilantly. An organization that does not operate according to a “constitution” is quite suspect in terms of legitimacy. It suggests that power is vested in the individuals running the entity rather than the institution itself.

The demands articulated so far might be most applicable to the primary organs of the government such as the legislature. Normative demands extend to the administrative agency of the legitimate governmental body. One might consider these the standards of normative bureaucratic legitimacy, and they are particularly important for the managers of GGOs for these expectations are most applicable to the tasks they carry out on a daily basis.

Procedural regularity is a quintessential element of the legitimate bureaucracy. Policy making should not be ad hoc for a legitimate organization. Rules, standards, and regulations should be generated through a process that is structured by well-known requirements. Deviations in the process should invalidate the output of the organization.

This “rule of law” also extends to the application of organizational requirements to individual members and nonmembers. There must be some constraint on the organization such that it cannot simply follow the expedient path or the preference of the leadership on any given day. Such inconsistency or whimsical decision making undermines contemporary bureaucratic legitimacy as idiosyncrasies signal arbitrariness at best and corruption at worst.

Equally important in combating this perception is the maintenance of transparency in the governance of the organization and the rulemaking process. The legitimate rulemaking body makes its interactions with interested parties known to all other such parties. It publishes an account of deliberations, comments, and responses.

Participation is important in the context of bureaucratic legitimacy as well. It is not enough to make the proceedings visible to interested groups. They should have the opportunity to be heard through hearings, submission of written comments, and contact with the governing organization. The denial of such access suggests a lack of opportunity for the “governed” to shape the laws which will bind them and, as such, seems antithetical to democratic principles.

Finally, it is important that the decisions of a rulemaking body have a rational basis and are in the public interest. Legitimacy requires a rigorous analytic component to all
organizational rulemaking process with ultimate emphasis on collective welfare rather than the narrow interests of one constituency. Lacking this component implies an arbitrary, capricious, nonsubstantive, and possibly self-serving basis for rulemaking.

All of these requirements for democratic and bureaucratic legitimacy are somewhat subjective both in their inclusion and their interpretation. To be sure, in some cultural contexts, there are additional elements of legitimacy just as others would not emphasize one item or another outlined above. It is simply suggested that these are the core demands of legitimacy to which GGOs are subject. Interviews with GGO leaders suggest that they are concerned with the satisfaction of the all above-mentioned “demands” as they face the administrative challenges of global governance.

Recognizing the inappropriateness of domestic standards of legitimacy in the transnational context, several scholars have proposed alternative accounts of legitimacy for international organizations. It is not necessary here to critique any of these proposals. The diversity of approaches speaks to the most important point: there is no clear basis for judgment. Buchanan and Keohane, for example, attempt to solve the problem by looking for common ground among the diverse perspectives from which the legitimacy of GGOs will be judged. They come up with three criteria: minimum moral acceptability, comparative benefit, and institutional integrity. Essentially they argue that a legitimate GGO is one that does not subvert human rights, that produces a state of affairs better than that which would have existed in the absence of the organization, and that lives up to its promises regarding process and mission (Buchanan and Keohane 2006).

Bernstein (2004) takes a different approach. Instead of providing one notion of legitimacy appropriate to international organizations, he suggests three approaches: democratic, legalization, and “intersubjective beliefs.” He recognizes that one might find legitimacy in (a) the widely but not universally shared beliefs around principles of participation, (b) the existence of treaties or agreements among participants that establish the organization, or (c) some set of shared understandings regarding the appropriateness of an assignment of power.

Again these approaches show the reality of legitimacy in the global governance context. There is no agreement. There are no universally shared criteria. Thus pinning down any finite set of expectations is almost impossible. Perhaps one day, the conception offered by a scholar will find universal acceptance. Until then, the uncertainty makes maintaining the legitimacy of GGO a formidable challenge in and of itself.

**Why Bother with Legitimacy?**

Divorcing legitimacy from authority not only allows for consideration of conflicting demands but also raises an interesting question regarding the independent significance of legitimacy. What is the value of legitimacy in the absence of authority? Or, more practically, why would an organization worry about the demands of legitimacy if it did not bring authority?

This situation could arise in two ways. First, an organization may possess authority for reasons unrelated to normative legitimacy. The classic example would be the entity with severe coercive tools at its disposal that can ensure compliance due to the high costs it imposes for disobedience. This is the repressive regime case raised previously. Alternatively, there is the case of an organization that is hopelessly lacking in authority. Such an organization will never compel obedience even with every requirement of normative legitimacy checked off. Indeed, some cynics argue that the UN General Assembly is the
The most visible example of such an entity. In both cases, legitimacy seems to get the organization nothing because it already has authority or it never will.

For the organization already possessing authority, legitimacy may be a relatively inexpensive alternative means of maintaining authority. In the absence of legitimacy, securing authority essentially requires that the governed find it pragmatically desirable to accept the power of the governing organization. This can create high costs. The population must receive significant benefit from the maintenance of the regime or that the organization maintain sufficient coercive power—and deploy it when necessary—to make submission the preferable course. To the extent normative legitimacy can be a substitute for pragmatic bases of authority—without endangering the regime—it represents a huge potential savings of resources for the governing organization.

Of course, there are those who reject the very premise of the question in the context of global governance, arguing that legitimacy has no substitute; its demands must be satisfied. Buchanan and Keohane articulate this value of legitimacy persuasively, arguing that “the perception of legitimacy matters, because, in a democratic era, multilateral institutions will only thrive if they are viewed as legitimate by democratic publics” (Buchanan and Keohane 2006, 407). They make this claim in support of an argument that a reasonable standard of legitimacy must be applied to GGOs underscoring the practical importance of maintaining legitimacy.

But this still evades the question of why an organization would pursue legitimacy if it did not have to. A second explanation lies in the values of the members and staff of governance organizations. The people running GGOs are acculturated to the values of Western democracy (for the most part) and thus want to conform to expectations of legitimacy to which they are accustomed. They do not see themselves as interest-driven servants nor do they particularly relish the idea of imposing the collective will by virtue of resentment-inducing coercion. To challenge the wisdom of another great political thinker, they would rather be loved than feared.

Measuring this motivation for the pursuit of legitimacy is impossible but that does not make it any less real. Organizations are run by people. The men and women who make GGOs function are not comfortable with the idea of forgoing legitimacy even if doing so were not deleterious to their organizations’ effectiveness.

Finally, even organizations with authority solidly secured are likely to face questions regarding legitimacy. Practically speaking, an individual does not have the luxury of opting to deny such an organization’s authority through disobedience. Moral objection may be the strongest response available. One might argue that an individual or organization doubting the legitimacy of an authoritative organization ought to express this view by ignoring its authority. This is only a realistic option in a limited number of cases. More frequently, the situation resembles that of a worker unhappy with the terms of his employment. Given the asymmetry of power, the option of “exit” is not practically available to the worker and thus “voice” becomes the primary means of objection (Shapiro 1999). We object to the legitimacy of the individual, group, or organization with authority because denying in it in our actions results in suffering draconian consequences.

The Demands of Authority

Individuals (and organizations) are understandably reluctant to promise obedience to anyone. Granting authority puts power in the hands of others without certainty regarding its
use. The greater the power sought by an organization, the more confident affected parties must be in the benefits of submission. Acceptance of an organization’s authority does not require satisfaction of each individual’s ideal preferences. It may be the best possible choice given the alternatives presented.

Extending this logic, one can see that authority is sometimes secured through manipulation of the interests of the governed. This includes tactics we would likely consider coercive. Totalitarian regimes—those with unconstrained power reaching into every aspect of life—depend upon violence to maintain their authority. Given the dire consequences of rejecting the regime’s authority, the population’s calculation of self-interest in such societies clearly leads to acceptance. This is an extreme illustration of the problem in treating coerced submission as the equivalent of obedience based on normative legitimacy.

Many organizations have a similar, if less violent, ability to influence the interests of others to reinforce their own authority. For example, the Wal-mart in a small town with few alternative job opportunities wields profound influence over the population; acceptance of the company’s authority is the only course consistent with self-interest. In theory, the population is free to “disobey” in their employment and purchasing decisions. In practice, the firm’s authority is unquestionable. Indeed, the authority of a private firm may be so great as to arouse calls for state intervention based on normative considerations. This is another use of voice as a protest strategy when exit is not feasible.

Using coercion to alter the calculus of interests is a strategy with wide applicability. A novel set of GGOs establish standards and attempt to create a market value to meeting them as a means of inducing desired behavior. These “nonstate market-driven” governance organizations (NSMDs) are best known in environmental policy arenas with entities like the Forest Stewardship Council and the Marine Stewardship Council establishing standards for sustainable industry (Cashore 2002; Cashore et al. 2004). The strategy involves creating a linkage between an environmentally preferable behavior (such as sustainable forestry) with a market premium for products bearing a stamp of certification. One might view this as a type of “soft coercion.”

Other NSMDs are less subtle in the application of coercive techniques to make participation in GGOs a self-interested proposition. The Rainforest Action Network compelled Citigroup to participate in the establishment of environmental standards for developing-world projects financed by western banking institutions. After being subjected to a particularly effective and embarrassing campaign targeting the company and its chairman, Citigroup joined the effort rather than resisting it (Conroy 2007). Granting authority to the rulemaking entity had become more consistent with Citigroup’s interests than resisting it.

Reduced to its essence, then, the core demand of authority is to make the institutionalization of power in the best interests of the governed population. Relationships between the governed and the would-be governor in the realm of global governance rarely resemble the examples of the previous paragraphs. Granting authority to GGOs must offer advantages derived directly from the existence of global regime.

If the interests of the governed are not served, nations or companies may simply walk away. This denies the organization authority regardless of any normative legitimacy achieved through the adoption of democratic structure and processes. Note the potential downward spiral for the GGO. Every time another member walks away, the benefits of accepting the GGO’s authority are reduced for all other members because the rules being created are that much less universal.
Some Members are More Equal than Others

The previous reasoning suggests that the consent of all nations have equal marginal effects on a GGO’s authority. This is certainly not the case. Some members (nations, companies, interest groups) are more critical to the GGOs establishing and maintaining authority. This is a theoretical claim supported by all empirical evidence.

Any global rulemaking body that is not accepted by key actors offers minimal benefit to other potential members. Consider a few examples. The standards generated by the International Accounting Standards Board (IASB) are intended to make it easier for investors (and others) to assess the financial reports of companies the world over. Accepting the IASB’s standards creates real costs for those who must adapt current accounting practices. If the United States or EU rejects such rules, the benefits will not justify the costs because any effort to enter those markets will require restatement of all reports according to another set of standards.

Without the acquiescence of key nations or organizations, an international organization will be marginalized. Its value to the less powerful organizations is derived from the acquiescence of all parties (including the most powerful). If the GGO’s rules are ignored by the most significant market participants, there is little reason for the less powerful to go along. Moreover, once ignored, the GGO may even lose its substantive legitimacy as it no longer achieves the very goals it was created to pursue.

If the most influential nations do grant a GGO authority, the less powerful face a stark choice. Although the typical transnational governance organization cannot coerce the rich and powerful, smaller and less wealthy nations face high costs for rejecting or ignoring the rules propagated by international organizations. The consequences could be dire both politically and economically. A nation out-of-compliance with International Civil Aviation Organization requirements for international air traffic, for example, would be effectively inaccessible to the world (including tourists and investors). A country choosing to flaunt the regulations of the International Maritime Organization (or the maritime worker protections of the International Labor Organization) risks losing the ability to export its commodities to markets around the world. A nation that fails to adopt the accounting standards of the IASB makes it that much more difficult for its companies to raise capital. These are real costs.

Even the largest and wealthiest nations sometimes face this dynamic. The SARS episode illustrated this potential most dramatically because it involved two powerful nations confronting the surprising power of the WHO. Although the governments of China and Canada strongly objected to the conclusions that their cities were unsafe to visit, both countries nevertheless worked to satisfy the WHO requirements because the economic implications of WHO travel advisories were dire. For parties in this situation, the authority of the GGO is effectively coercive. Opting out of the international system is self-defeating.

This example could be taken as an illustration of the situation when a GGO possesses authority but not necessarily legitimacy. Like the residents of a company town who have no choice but to accept the dictates of the dominant firm, parties were weak as a result of a power asymmetry. Not surprisingly, the Canadian and Chinese governments vigorously questioned the legitimacy of the WHO actions even as they complied. In the aftermath, the WHO worked to formalize its procedures for handling such situations for fear that these critiques could undermine the organization (Interviews 10, 11, 44).

Tyranny of the Strong Not Feasible Either

There is an important flipside to the disproportionate importance of key members’ willingness to accept GGO authority. If one took the logic presented above to its extreme, the
conclusion would be that powerful members could simply impose their will upon each GGO in every situation. The GGO would have to satisfy such members because doing so would threaten the organization’s authority. This reasoning is wrong for reasons that heighten the challenges of GGO administration.

For even the most powerful actors, widespread global adoption of rules created by GGOs is a significant part of the value proposition for participation in international organizations. Representatives of less influential members acknowledge and accept the power differential among GGO participants, but there is likely a limit to their tolerance for inequity. The breaking point is a function of normative and practical considerations.

Even if the net benefits of participation remain positive, the capacity to accept apparent unfairness is bounded. Studies of behavior in “ultimatum games” reveal this facet of human psychology. Such games place two individuals in a situation where they must share a finite good, one dollar. The first individual proposes how to divide the dollar. The second has only a take-it-or-leave-it choice: accept the proposed allotment or reject it leaving both with nothing. In theory, the second individual should accept any positive amount no matter how unequal the division. But it turns out that most people reject a grossly inequitable division (less than 20%) even though that leaves them with nothing less than they would have received under the unjust division (Camerer 2003, 43). Moreover, most people occupying the first position do not try to impose “too unfair” a division suggesting an internalized sense of fairness or an intuition that the person in the second position would choose nothing before accepting a grossly inequitable distribution.

Practical considerations also explain a weaker members’ intolerance for excessive inequity in the distribution of power within a GGO. At times, GGOs may stretch or even violate the expectations of democratic legitimacy but the wholesale violation of such norms makes participation in such organizations a “hard sell” back home. If the GGO merely institutionalizes the preferred policies of the key actors in a given arena, the costs of participating the in the GGO (which are not insignificant for a developing country or small firm) cannot be justified.

Herein lies the course of the tricky balancing act required of GGOs. The practical value of the governance organization—in the short or long term—must be manifestly obvious to all of the nations and organizations that must “opt in” in order to confer pragmatic legitimacy. Calibrating the organization to meet the very different demands necessary to achieve authority—while keeping in line with the expectations of normative legitimacy—is the challenge.

Stating the Claim without Challenging the Legitimacy–Authority Definitions

The use of the terms authority and legitimacy in this discussion should not deter readers who believe the usage is terribly wrong. The core argument of this essay and the book from which it is drawn concern the conflicting pressures that shape GGOs. The words with which the dynamic is presented are secondary.

Employing the definition of authority as legitimate power makes nonsensical any claim of conflict between legitimacy and authority. The tension described above must then be presented in different terms. Specifically, it can be thought of as a clash between distinct types of legitimacy.

Recall the discussion of Suchmann’s typology of legitimacy types. He delineates normative, cognitive, and pragmatic legitimacy. The notion of pragmatic legitimacy is
equivalent in logic to authority as used in these pages. Pragmatic legitimacy is the embodiment of power institutionalized in the name of self-interest.

The conflict faced by GGOs would pit two different notions of legitimacy (normative and pragmatic) against each other (Koppell 2005b). The normative demands, as explained already, would call for consistency with principles regarding the design and operation of the organization. Achieving pragmatic legitimacy would place demands of member satisfaction upon the GGO, including the tricky heterogeneity of importance described above.

This rhetorical formulation is different but the essential meaning is the same. GGOs are (sometimes) faced with conflicting demands. Because they are usually without the tools to figuratively twist the arms of the governed, they must contort themselves to satisfy two sets of expectations.

Circumstances of Clashing Demands

The demands of legitimacy and the demands of authority are not inherently in conflict. Indeed, legitimacy and authority are frequently strong complements. Legitimacy clearly is a source of authority and the authoritative organization derives some legitimacy from its consequent effectiveness. For GGOs, however, the demands of legitimacy and authority can and do conflict. It is critically important to specify how and when such conflicts might arise. The argument is fairly straightforward and intuitive.

The basic argument for global governance is that there are benefits to the creation and maintenance of global standards and rules. The benefits are generally conceived in economic terms. For example, the harmonization of accounting standards is said to increase the flow of capital and provides businesses with greater access to the financial resources necessary to grow and flourish. International shipping standards reduce the costs of importing and exporting goods expanding the markets for producers and the range of alternatives for consumers. Standardization in telecommunications adds efficiencies to organizations with international scope and reduces the costs of running a global enterprise. The maintenance of an international trade regime facilitates the flow of goods and services of all types.

There are nonfinancial benefits associated with the promulgation of global norms as well. The creation of International Health Regulations (by the WHO) is intended to help control the spread of disease across borders and facilitates the accumulation of knowledge regarding common pathogens. The development of safety standards in a host of areas is intended to provide a means of protecting global natural resources. The development of norms in the field of banking and financial services can be used as a tool to fight money laundering and the criminal enterprises that depend upon the practice (such as illegal narcotics smugglers and other illicit traders).

The logic of creating global regime is essentially the same in all these cases. There is need for a global system of rules, norms, or standards because the phenomena to be regulated already transcends political boundaries. In some instances, the development of a GGO might increase the global nature of interaction thus producing great positive externalities. In other instances, the increasingly transnational nature of activities is producing negative externalities that national regulation fails to control. By either rationale, the practical need for global rules leads inexorably to the pragmatic test of authority: is it in the interests of any given actor to submit to the GGO?
By and large, it seems that members of GGOs—be they nation-states or individual firms—calculate their pragmatic interest in obedience on a long-term basis. That is, countries will rarely drop out of a GGO due to a single ruling contrary to their interests. The overall benefits of a global regime are factored into any assessment of a particular action contrary to preferences. So, for example, the United States retains its membership in the WTO even when it loses in disputes with other members—and even amends law in accordance with WTO rulings. Similarly, even when the American position on a particular standard is not adopted within the ITU, the United States will remain an active participant and even adopt the sub-optimal rule. In such cases, it is evident that a “net assessment” is employed.

The demand for global governance is not infinitely elastic. Participants in any global governance system may—at some unknown point—decide that the costs are simply too high and walk away entirely. This is not an idle threat. An interesting current example involves the WIPO that was actively attempting to revise the international rules on patent recognition. Progress has been halted due to member demands regarding a tangentially related set of issues on economic development. Rather than concede on the contested issues, several nations (including the United States, members of the EU, and Japan) are meeting outside the WIPO structure to negotiate a multilateral treaty (Interview 2). This is less desirable than a WIPO agreement with broader reach but preferable to submission on the controversial questions. Even if these countries do not formally exit WIPO, the extra-organizational treaty would dramatically undermine the organization with negative implications for its future authority.

The situation illustrates the potential for conflict between authority and legitimacy. The ability of some members to hold up negotiation on the patent treaty is a function of procedures adopted to lend WIPO normative legitimacy. Like many GGOs, the WIPO operates on a consensus basis in its adoption of rules or norms. Although the meaning of consensus can be surprisingly ambiguous, in this instance it requires agreement on the organizational agenda by all participating members (i.e. countries). Consistent with the logic of this chapter, the WIPO secretariat is actively trying to resolve the conflict to keep patent negotiation lest the authority of WIPO be severely eroded.

It is important to note that the balance cannot be made on an ad hoc basis if GGOs are to gain any stability. Core members must be satisfied with the fundamental attractiveness of the global governance regime. This means that the design of the GGO must build in the necessary reassurance to create commitment. In the empirical research based on this theoretical work, it is demonstrated that in both structure and process, GGOs incorporate “safety valves” which give some members disproportionate influence. For example, the design of most GGOs includes a representative body including all members and an intermediate body comprised of a subset of the membership. Compared with the representative bodies, the intermediate bodies meet more frequently and are more engaged in organizational decision making (including approval of new rules). In all GGOs, membership in the more-important intermediate bodies is not randomly distributed. The United States, to make the point clear, is always a member of the intermediate body guaranteeing a powerful country a higher level of influence. This is but a single safety valve among many.

**Normative Legitimacy or Bargaining Game?**

The dilemma for GGOs might be framed as a pure clash of interests rather than one involving any normative concerns. The tension may be less a struggle between authority
and legitimacy than a balancing act pitting the interests of large (i.e. powerful) and small (i.e. weak) members against each other. To maintain their place in an international system, GGOs must keep all parties sufficiently satisfied.

This situation does represent a complex asymmetric multiparty bargaining situation. Nations have varying levels of interest in a global rulemaking system (and each nation’s interest varies by substantive area and issue). Each member contributes different levels of value to the system and thus commands different payments in return for their participation. So the United States extracts more preferential treatment than, say, Malawi because a global accounting standard that is not adopted by the United States is essentially meaningless while Malawi’s adoption is only marginally significant (if at all).

Collectively, however, the less influential nations can undermine a global regime by opting out of any GGO. If the preferences of one member (or set of influential members) are satisfied at the expense of weak members at every decision point, eventually the weaker members may leave the organization. This would fatally undermine the GGO thus proving self-defeating from the perspective of powerful members hoping for a global regime.

One could formally model such a dynamic in the hopes of discovering the equilibrium at which the powerful members—or the leadership of the GGO itself—satisfy the preferences of stronger and weaker members. Of course, the conclusions derived from such model would be primarily a function of the assignments of utility to any given set of outcomes as well as the value of a global governance regime for both the powerful and weak members. These assignments would be essentially arbitrary as the value of worldwide rules and any given decision is difficult to discern under the best of circumstances let alone generalized across disparate policy areas.

Still “bargaining” among interested parties is obviously central to global governance. The interests of weaker members are factored into the calculations of GGOs not simply to satisfy normative considerations but to maintain the balance of interests. The demands of authority are not generated only by the more powerful members of any GGO. In the discussion of particular cases and the facets of GGO organization including structure, rulemaking, and interest group participation, it is always clear that the weaker members are able to assert their claims based on some ability to deny the GGO its authority.

Still expressing the entire dynamic of global governance as a bargaining game internal to the authority side of the equation misses an important element. Every GGO shows an interest in normative legitimacy independent of the interest-based satisfaction of powerful and less powerful members. That is, GGOs pursue legitimacy for instrumental and normative reasons. It is difficult to disentangle such motives but the universal concern with normative legitimacy among GGOs underscores the power of both objectives.

CONCLUSION—WHAT MAKES GGOs DIFFERENT?

Organizations around the world grapple with the potentially challenging conflict between legitimacy and accountability expectations. The argument here is that GGOs are different. The demands of legitimacy and authority are particularly vexing for GGOs, and they are constructed to manage the tension. Three characteristics of GGOs set them apart from organizations that seem to face similar challenges: limited sanction powers, lack of taken-for-grantedness, and lack of an established community to provide consensus approval of organizational legitimacy.
Lack of Coercive Tools

Most GGOs have rather limited formal enforcement powers (Hurd 1999). This observation may seem surprising. How can GGOs be said to have power at all in the absence of enforcement tools? Although many GGOs lack coercive tools, they still have remarkable influence. They can affect the lives of billions of people around the globe. The promulgation of their standards and rules can have profound economic consequences even if they are not legally binding. Most GGOs are dominant in their substantive spheres and have wide-reaching influence.

Still, the lack of sanction authority makes it difficult for them to influence the calculation of interests of those considering obedience. That is, most governance organizations can alter the interest-based calculation of the governed such that authority is secured; the organization is accepted because rejecting it is too costly given the consequences. With limited exceptions (most notably the WTO), GGOs lack the ability to influence the interests of the governed in such a manner. Thus the need to “give in” is greater, making compromise of normative legitimacy more likely.

There are situations in which coercion can bring parties to the table, but generally the lack of sanctioning tools renders GGO authority more conditional than it is for other governance organizations. Even when a GGO is exercising broad influence, it must factor in the limits of tolerance for its authority in ways that most governing bodies do not. This makes a sacrifice on the legitimacy front much more likely.

Lack of Cognitive Legitimacy

Most GGOs are relatively youthful. Thus they lack the taken-for-grantedness that underscores the authority of so many governance organizations. Even those international organizations that have achieved the much-valued taken-for-grantedness have a historical profile defined by organizational weakness. Venerable GGOs served as glorified trade associations or forums for international meetings rather than makers of meaningful rules.

Now GGOs are evolving from conveners of conference into global regulators. The WHO, for example, recently created and enacted a comprehensive policy on smoking and the standards defining regulation of cigarettes on a global scale. WHO’s work on SARS and its handling of a potential bird flu pandemic are pushing its taken-for-grantedness to the limit. It’s as if the corner crossing guard asserted wide-ranging police powers.

And, of course, most GGOs do not enjoy lengthy histories or even the low-level acceptance of the WHO or the ITU. They have no history to build upon. Of course, the Catch-22 is that it is difficult to establish this legitimacy without a track record but without legitimacy it is difficult to establish a track record.

Lack of Community

Legitimacy remains a relativistic concept. The appropriateness of an organization’s assumption of authority requires some agreement among the members of the concerned community. For GGOs, this is particularly troublesome because the constitution of the relevant community is ambiguous and contested.

GGOs face multiple communities. They are products of and responsive to a community of nations and interests, represented by their respective governments in many organizations. The extent to which national governments participate in the governance of
international organizations varies widely. There are communities of interest that are not evenly distributed geographically. And influence within communities is not evenly distributed among the various subpopulations vying for influence.

GGOs also serve a community of interest groups (including profit-seeking companies) that are deeply affected by the rules, standards, and regulations generated. Serving their interests is important too. These organizations have owners and/or members with political influence scattered around the globe. Their concerns vary widely, and their relationships with the national governments are also heterogeneous. Conflicts among domestic interest groups often carry over to the international arena leaving GGOs to sort out domestic conflicts along with transnational.

Finally there is a global community of individuals who are governed by and have an interest in international organizations. Interestingly, the activism of such communities varies widely by issue area. A “cosmopolitan” view calls for organizational legitimacy that satisfies this global community notwithstanding widely varied cultural and political expectations.

Even if we could agree on the makeup of the community for even one GGO, there is not likely a shared set of beliefs regarding legitimacy across this novel governance context. The result is a complete lack of consensus regarding the basis of legitimacy for GGOs. Achieving a widespread perception of legitimacy seems almost impossible even in the absence of the legitimacy–authority tension because all these different constituencies maintain (but do not necessarily articulate) different standards.

Theory and the Empirical Analysis

The conflict between authority and legitimacy may seem esoteric and removed from the daily activities of GGOs. It is not. To the surprise of the author, several interview subjects described the challenges of their jobs in terms that could have been lifted from this essay. More importantly, reference to the conflicting imperatives derived from the demands of legitimacy and authority proves a very helpful in making sense of seemingly contradictory aspects of GGO organization.

The empirical examination of GGOs—their structure, their rulemaking processes, their approach to enforcement/adherence, and their relationship with interest groups—reinforces the appropriateness of this lens. Each of the organizations has adopted a unique approach to global governance but patterns do emerge. The threads running across all facets of organizational design weave solutions to the inherent challenge of global governance identified here.

A severe critic of GGOs might argue that the common element across GGOs is the lack of accountability. It is, in reality, the same observation. In everyday discussion of global governance, the accountability critique is the embodiment of the legitimacy–authority tension. Narrowly construed, accountability captures the qualities one would like to see in a legitimate organization. But accountability is a malleable. Critics who decry a lack of accountability often refer to an organization’s freedom from control, a particularly galling flaw from the perspective of parties who expect significant (i.e. more than average) influence. Accountability is the same minefield with a different name, laced with internally conflicting demands that are activated by the tensions outlined above (Koppell 2005a). Despite their best efforts, GGOs will never be regarded as accountable because the conflicting demands of legitimacy and authority make universal satisfaction impossible.
REFERENCES


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