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The politics of legitimate global governance

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ABSTRACT

Legitimacy is an important question to ask of the theory and practice of global governance. In this introduction, we make two propositions that are used to push thinking about these issues forward. Firstly, in analytical terms we outline a spectrum between legitimacy and legitimization which is aimed to capture the diverse set of approaches to this subject and to develop an engaged and reformist attitude that refuses the either-or distinction in favour of a methodologically pluralist logic of 'both and'. Secondly, in political terms, we argue that discussions of legitimate global governance in both policy and academic circles can carry a 'Trojan horse' quality whereby the ambiguity of the term might allow a point of intervention for more ambitious ethical objectives.

KEYWORDS

INTRODUCTION

There are few concepts in the political lexicon as important and ambiguous as legitimacy. The importance of legitimacy is best demonstrated in the negative, by the instability and institutional collapse that can accompany its absence; witness attempts to create 'order' in Iraq and the cost to reputations (both financial and social) of the global credit crisis (see Brassett *et al.*, 2009). The ambiguity of legitimacy becomes apparent when attempting a positive definition. A legitimate social system can rest on any combination of tradition, authority, a democratic mandate, a set of social signs and symbols that bind, and even the charisma of a particular leader (Beetham, 1991). Moreover, when the question is set within the disciplinary

discourses of international political economy (IPE), such ambiguity is supplemented by outright *contestability*. For many working within a critical or neo-Marxist version of IPE, 'one man's legitimacy is another man's domination'. Equally, we might suggest, for those within feminist IPE, 'one man's legitimacy is *many women's* domination'. Rendered thus, the task of defining and fostering legitimate social relations takes us to the familiar (and hard) questions of political science, namely: power and justice.

For these reasons, we submit, legitimacy provides a crucial foil for addressing the contemporary expansion of global governance in both theory and practice. On the one hand, it forces us to provide an account of whether and under what particular circumstances global governance is to be supported, criticised and/or reformed. Beyond the anti-globalization 'noise' of recent years clear lines of argument are yet to be articulated as to what might count as legitimate forms in global governance (Scholte, 2007). On the other hand, and reflexively, it might raise the question of how far particular practices of global governance – managerial, rhetorical, discursive, etc. – have thus far succeeded in 'legitimizing' themselves. Echoing the concerns of critical political economists, we suggest that a focus on *legitimization* might provide an expanded set of insights into the practices and strategies of de-politicization which have, to some extent, underpinned global governance (Bowden and Seabrooke, 2006; Hewson and Sinclair, 1999). In this vein, a key reflexive question becomes: *what is global governance and why are we talking about it?*

Talk of 'global governance' has proliferated in recent years. In policy-making circles, 'governance' has emerged as a technical-cum-managerial discourse of international organizations and other policy coordination bodies and fora. For the makers of global public policy, at least, efficient problem solving, transparency and (more latterly) stakeholder accountability have been the watchwords of global governance (Higgott, 2000). However, the genealogy of global governance cannot ignore the role of power in the constitution of meaning, nor the values and principles behind the practice of global governance.[1] In the conditionality requirements of large scale lending bodies like the International Monetary Fund (IMF) and the World Bank, for instance, the term 'good governance' was proffered as a normative ideal that developing states should aspire to. Likewise, the vocabulary of the international financial institutions is often highly normative (Best, 2005), providing a (not unambiguously) principled dimension to understandings of economic prosperity. Global governance can thus be read as both a set of practices and as a broadly defined set of norms regarding correct behaviour (Barnett and Duvall, 2006). In this sense, posing the question of legitimacy to global governance is also an opportunity (only sometimes taken) to reflect on the kinds of contingent socio-historical norms which we support, and how they might be received and interpreted.

Processes of legitimization pose a serious challenge to any attempt to construct a debate about legitimacy in global governance. Matching standards of legitimacy to the various and ongoing practices of global governance only defers the deeper question of how far those practices are themselves implicated in relations of power that regard certain standards of legitimacy as appropriate. Thus, liberal conceptions of democracy might privilege transparency and accountability as legitimate benchmarks, while neglecting a critique of property relations (Higgott and Weber, 2005). Similarly, a neo-liberal conception of global governance might privilege efficiency and problem-solving over the inclusion of critical voices (Held and McGrew, 2002). Even the more transformative approaches of cosmopolitan democrats might suffer from privileging 'large global institutions' over the local, community-based approaches of post-developmental discourse (Bello, 2005).[2]

In short, legitimacy is an important question to ask of the theory and practice of global governance, but we should caution against any undue complacency which may result from the move. Politics, and the ever present question of what counts as 'political' should be preserved in the discussion of legitimate global governance. We articulate these points over two sections that locate the discussion of legitimacy in the ongoing debates about reforming global governance in general, and economic and financial governance, in particular. The Introduction makes two propositions that are used to organise contributions to the special issue. First, in analytical terms, we outline a spectrum between legitimacy and legitimization which is aimed to capture something of the diverse set of approaches to this subject. Some of the contributions fall neatly at one or other end of this spectrum (e.g. Keohane and Mahbubani/legitimacy, Rethel/legitimization) while others straddle concerns with both aspects of the discussion (e.g. Bernstein, Mügge and Scholte). Second, in political terms, we argue that discussions of legitimate global governance in both policy and academic circles can carry a 'Trojan horse' quality, whereby the ambiguity of the term might allow a point of intervention for more ambitious ethical objectives. This is a task most evident in the contributions by Furio Cerutti and Jan Aart Scholte.

Our central argument is pragmatic. We resist what might be a tempting move, to reduce discussion to a straight choice between different ends of our spectrum – *either* legitimacy *or* legitimization. Instead we develop an engaged and reformist attitude that refuses the either-or distinction in favour of a methodologically pluralist logic of 'both and'. The pragmatic element, in this, is to leave intellectual (and therefore political) space to go 'back and forth' between normative propositions, that might make a difference for legitimacy *in the here and now*, and more critical analyses that problematise the category foundations upon which such normative accounts are built. Engagement is ongoing and continuous. Over time,

more critical accounts may sediment into a new normative consensus, – e.g. as did unemployment benefit or (in the US) positive discrimination for minorities –but, this only serves to provoke another stage of critique, as new forms of domination are recognised.

1. LEGITIMACY AND GLOBAL GOVERNANCE

This section first outlines a normative conception of legitimacy before developing an account of how one 'strong' normative account, cosmopolitanism, can be used to render up a critique of global governance in general and financial governance in particular.

Legitimacy is an age-old subject of politics, in fact it might broadly be understood as the 'master concept' (Mulligan, 2006). Nominally derived from 'rule of law', it is also understood to cohere and depend upon other traits of group politics including tradition, consent, power, rights, symbolism and charisma (Weber, 1978). It is also most richly to be used as a concept of appraisal rather than description (Kratochwil, 2006). In a recent study, Robert Keohane (2006: 2) distinguishes between sociological legitimacy and normative legitimacy. For Keohane sociological legitimacy is akin to a study of the 'effects of power', whereas normative legitimacy represents an opportunity to intervene in those effects:

> In the sociological sense, legitimacy is a matter of fact. An institution is legitimate when it is accepted as appropriate, and worthy of being obeyed, by relevant audiences. When the relevant audiences believe in a particular normative theory, normative legitimacy tends to coincide with sociological legitimacy. For instance, since there is almost universal acceptance in the United States of the legitimacy of judicial review by the Supreme Court, such review is both normatively legitimate (on the basis of a theory of constitutional government) and sociologically legitimate. Often, however, legitimacy is contested, either because people hold different normative theories of it or because they evaluate the facts differently. (Keohane, 2006: 2)

On this view, a normative conception of legitimacy might take us more readily into the politics of institutional arrangements. By articulating standards of legitimacy we might be better able to understand the benefits and faults of our political institutions while suggesting routes to reforming them. Indeed, it is just this motivation which underpins the essay by Keohane in this collection as he articulates how principles derived from liberal democracy can be extracted and applied to institutions of global governance.

However, while the choice to proceed in such fashion is clearly appealing, not least because it offers a critical purchase on global institutions that currently and for the foreseeable future lack a formally democratic

structure akin to liberal democracy, it is worth remembering that the move to separate normative and sociological accounts may not be as clear-cut as suggested. From the point of view of critical or constitutive IPE, normative standards of legitimacy arise from a particular cultural and/or historical experience (Cox, 1986). Indeed, we might reasonably question whether the use of liberal democracy as a standard might itself require the kind of shared cultural horizons of the citizenry of liberal democratic states in order to resonate? In short, it is hard to fully extract norms from their particular social basis. It is therefore with caution that normative legitimacy might be extrapolated as a political program that is somehow distinct from the sociological relations of power that 'produce' legitimacy standards.

In this, we believe that a stark distinction between normative and sociological legitimacy is no more than an analytical device, and that most academics and practitioners think in terms of both. This indeed underlines the legitimacy – legitimization spectrum – discussed in this introduction. It is also a point taken up more fully in the contribution to this issue by Steven Bernstein, who argues against a democratic/normative conception of legitimacy, to explore what he terms a political conception based on relations between institutions and the communities they serve/interact with. Difficulties with the venture thus acknowledged it is possible to proceed by looking at how and why legitimacy concerns have been applied to global governance.

The application of legitimacy to global governance is historically concurrent with recent processes of globalization. For instance, in this collection, Jan Aart Scholte takes an avowedly positive stance on how this dynamic might play out arguing that: 'Enhancing legitimacy in global governance is . . . a key means to build the expanded and more effective transplanetary regulation that is crucial if people are to survive and thrive in the more globalised social relations of the twenty-first century.' Here the work of cosmopolitan authors is particularly instructive as a way of universalizing a particular set of understandings regarding legitimacy. Indeed, the growth of cosmopolitan discourse in recent years can be read as anticipating the current concern with legitimacy and global governance more fundamentally.

Cosmopolitan arguments for the reform of global governance proceed with some straightforward and powerful assumptions (see Held, 1995). Changes in the extent and intensity of global social relations provoke a set of questions to state-centric political theory. For example, what is the appropriate constituency for global environmental change? How can systems of welfare survive at a time of unfettered global capital mobility? And why do we retain national systems of legitimacy and accountability when it is increasingly global institutions that make the (important) decisions? Globalization processes are therefore seen as presenting a number of economic, social and political challenges that require cosmopolitan

responses – understood as the preservation of individual autonomy, via legal reforms and maximal democratic accountability.[3] As Andrew Linklater (1999: 474–475) argues, 'globalization increases the opportunities for, and incidence of, transnational harm (injury to individuals or groups which is caused by other societies or trasnational corporations, and injury which is spread across frontiers by market forces and by global trends which harm the environment).' The response of cosmopolitan democrats is to argue that, if lives are strongly influenced by a number of cross cutting 'communities of fate' (e.g. financial, environmental, etc.) which are not controllable by national governments alone, then the task is to re-construct democracy at levels above, below and regional to the state.

Within IPE these ideas have been developed critically and comprehensively by William Coleman and Tony Porter. In their article, *International Institutions, Globalization and Democracy*, they argue that, while laudable, Held's cosmopolitan democracy exhibits too little sensitivity to functional differences across different sites of global governance (2000: 378). In particular they note some specific challenges in global finance that are fundamental to the discussion of legitimate global governance:

> ... this variation is due not only to differences in the pace of globalization across issue areas. It derives as well from variations in the relative importance of three related, but sometimes underestimated challenges to democracy: *the increased international importance of private authority, of technical authority and the unequal distribution of power among states*. It is important, therefore to develop criteria for democracy that can be practically applied to the very different institutions, which we are likely to continue to see across supranational sites of authority. (2000: 378, emphasis added)

Coleman and Porter concur with Held that the migration of authority from state to supranational organizations has fostered deep questions of legitimacy in modern political systems: '[a]s the institutions created by states in this way increase in strength and autonomy, they can further erode citizens' input into policy processes.' (ibid.: 380). But they question whether there can be easy resolution of such questions in global finance, where regulation has come to rely heavily on expert knowledge like risk analysis. They argue that this 'reliance on technical knowledge in supranational policy making is, in turn, a contributor to a third challenge to democracy: the growing importance of private authority.' (ibid.: 381). Such authority challenges basic norms of political legitimacy and accountability because citizens have very little direct channels through which to hold such de facto policy makers to account.

On this view, the articulation of legitimate global governance according to cosmopolitan principles may require a re-thinking of the very

concepts of democracy and accountability. Coleman and Porter (ibid: 388–90) identify six underlying principles of democracy that can be applied more effectively to global finance: (1) *Transparency*, i.e. the extent to which all interested observers are in a position to inform themselves fully on the core questions and tradeoffs under consideration; (2) *Openness to direct participation*; (3) *Quality of discourse* or the extent to which the legislative debate is legitimized through evidence of ethical reflection and contested practice as well as administrative norms; (4) *Representation*; (5) *Effectiveness*; and (6) *Fairness*. Applied to finance – and in line with much of what has been argued – these criteria render the following results:

- *Transparency* has traditionally been low due to practices of secrecy and the highly technical character of the issue area. This tradition has been changing significantly in recent years, partly due to the emergence of private sector transparency in prudential regulation.
- On *openness to participation* and *representation*, power asymmetries are evident with the dominance of G10 officials. In recent years, there have been a number of steps taken to integrate emerging market regulators, for example through various regional committees and the G20, but in almost all cases this involvement is much more limited, informal and peripheral than the G10 involvement, and is at the pleasure of the latter.
- On *quality of discourse*, the institutional fragmentation of the issue area reduces significantly the opportunities for raising important political issues such as the desired choice of systemic risk/regulatory cost tradeoff, the distribution of risks and post-crisis costs, and the feasibility of certain policies.
- On *effectiveness*, despite considerable strengthening over recent decades, the informal nature of the prudential regimes has reduced its capacity to promote compliance with strong detailed rules.
- Discourses of *fairness* are virtually absent from this issue area . . . Some moves have been made to address asymmetries of power by including emerging market regulators. These and other institutional initiatives are not accompanied, however, by reflective discussion of principles of fairness that could govern them – rather they are *ad hoc*, technically driven, or done behind closed doors. (Ibid: 392–93)

This brief excursion into the debate about legitmizing global financial governance, the key features of which remain regrettably valid in the post-credit crisis period, is instructive for three reasons. Firstly, it demonstrates how far there is to travel in the discussion of legitimacy and global governance, especially as debates move away from interstate relations and the role of institutions to include network and more informal forms of governance. Normative standards of legitimacy (in this case democratic) that evolved in conditions of stable authority and relatively stable industrial economic circumstances are not only hard to find under conditions of

globalization, they also require a significant period of re-thinking in order to properly address the various socio-structural transformations concurrent with globalization. These changes have occurred at different speeds, with differential power hierarchies and in the medium of different languages (both idiomatic and technical) across global governance. Indeed in his contribution to this issue Steven Benstein remarks upon a glaring ahistoricism in democratic accounts of legitimate global governance that ignore the way democracy itself has only comparatively recently become legitimate within states. The debate about legitimate global governance must recognise such fissures if it is to remain credible.

Second, more positively, the sympathetic critique of Held provided by Coleman and Porter is illustrative of a certain fallibility in the critical foil provided by legitimacy discourses. While significant faults can be found in the applicability of a cosmopolitan standard of democratic legitimacy, this does not mean that the project is not in some way useful. In circumstances of uncertainty and rapid global change commonly associated with globalization processes, a degree of self-doubt over ultimate ends, or even the precise tools for achieving those ends is potentially productive. On this view, the ambiguity in legitimacy can be creative, forcing us to proceed by going back and forth between critique and complex practice. For instance, in his contribution to this issue, Daniel Mügge elaborates a conception of input legitimacy that carefully mediates the tensions involved with the search for expertise and efficiency, on the one hand, and the close overlap between epistemic authority and private interests on the other. As he argues:

> . . . the question of expert consensus remains thorny. Does it enhance the output legitimacy of policy? On the one hand, if most experts agree on a specific topic, for example climate change, following their advice becomes less controversial. On the other hand, experts may agree because they are all members of one epistemic community (Haas, 1992), sharing a particular policy paradigm (Hall, 1993) that limits the breadth of their thinking. The pragmatic solution to this problem is not to focus on the *absolute* level of expert consensus as a source of legitimacy, but on the agreement reached through deliberation *during* the policy process. In terms of institutional design, this calls for time and space for experts to deliberate (Niemann, 2004). Translated into a third criterion, output legitimacy increases with the breadth of viewpoints considered and the institutionalized scope for deliberation.

Third, developing from this point, perhaps the key issue to emerge is that the discussion of legitimacy and global governance can very quickly suggest new and imaginative questions that scholars should engage with. In this way, we suggest, it serves as a route into the politics of global governance. Even on the rather limited example provided, Held's notion

of transparency was quickly updated by taking account of the nature of power asymmetries and technical risk management in finance to suggest new routes for analysis. In Mügge's consideration epistemic legitimacy should be supplemented by an awareness of the importance of the kinds of multi-perspective fora celebrated by deliberative democrats.[4] Such elasticity in the term is again a potentially creative resource for critical scholars (and indeed activists) who wish to engage with the emerging consensus across global governance institutions that the legitimacy deficit must be bridged.

2. LEGITIMIZATION AND GLOBAL GOVERNANCE

The discussion of (normative) legitimacy and global governance has thus far proceeded as a relatively straightforward matter of extrapolating standards of legitimacy from a particular social and cultural experience and applying them to global governance. On the examples provided, this turned out to be an essentially critical activity: presenting a mechanism for assessing and perhaps improving the activities of global governance. Many of the contributions to this issue, in particular those by Keohane, Mügge and Scholte, provide strong examples of the way that the discussion of legitimacy can be deployed as a critical device for reforming global governance. Put simply, the technical-cum-managerial discourse of global public policy makers is readily transformed via the addition of legitimacy (and, as most forcefully put by Mahbubani, representation) concerns. Indeed, we argue, there is something of a 'Trojan horse' quality about legitimacy which begins within the mainstream concerns of global public policy makers – e.g. efficiency, stability, transparency and (sometimes) accountability – and then updates this list with fairness, participation and representation, and democracy. Indeed, even in the avowedly liberal approach of Buchanan and Keohane the possibility of deeper change is recognised:

> On our view, the legitimacy of global governance institutions, at present at least, does not require participation in the critical evaluation of institutional goals and policies by all who are affected by them; but if the standard of legitimacy we recommend were accepted, opportunities for participation would expand. (2006: 434, FN 35)[5]

These discussions are moved forward by Daniel Mügge's contribution to this issue, which, informed by debates in European Union studies, outlines five legitimacy criteria for evaluating institutional processes in global governance: (1) effectiveness of democratic control; (2) direct access to policy-making by stakeholders; (3) range of viewpoints and scope for deliberation; (4) expert independence; and (5) comparative benefit of governance beyond the nation state. This approach examines the institutional process but reminds us that content matters too, and that in the search

for 'substantive legitimacy', the desirability of particular policy options should be more than implicit.

This section will argue that there are deeper questions that can be asked of – *and within* – the legitimacy discourse. As the Introduction suggested the recognition of the various processes of legitimization at work in global governance poses a serious challenge to discussions of legitimate global governance. As Coleman and Porter intimate, technical practices of global governance can sometimes rule out a deeper questioning of legitimacy. In the case of the recent global credit crisis, certain articulations of financial citizenship via credit rating can engender a set of rationalities regarding the 'correct' or 'normal' levels of risk acceptable within the wider banking system. In this sense, the dominant framing of a 'legitimate' response to the 'gross' acts of lending to people with poor credit ratings is simply to build mechanisms to prevent such 'oversights' and 'excesses' from ever occurring again. Absent from the discussion is a deeper questioning of the logic of constructing policies of growth and also, welfare systems around structures of individualized debt, per se (Langley, 2008; see also Brassett, Rethel and Watson, 2009) or indeed, a more honest appraisal of the role of securitization in building domestic legitimacy among certain constituencies for global financial policy (Seabrooke, 2006).

This example then suggests that judging practices of global governance by certain standards of legitimacy only defers the far deeper question of how such practices are themselves implicated in relations of power. From a constitutive standpoint, global governance is not a simple fact about contemporary globalization to be recognised. Instead, it can be understood as a constructed 'social fact' made up of a complex set of intersubjective understandings, norms, and practices (Hewson and Sinclair, 1999). On this view, part of the question of legitimacy – in IPE at least – is the extent to which we unproblematically accept certain 'issue areas' of global governance, such as 'money', 'labour' and 'the market'. As Roger Tooze (1997: 208) suggests:

> The key move for a constitutive IPE is to reveal that claims to legitimate knowledge based upon positivist methodology and empiricist epistemology ... are socially constructed ... By revealing the previously hidden elements of power and interest in the production of knowledge and social practice, a constitutive IPE has the clear potential to delegitimize existing practices and their institutions.

For instance, in her contribution to this issue, Lena Rethel assesses the potential for Islamic financial practices to improve the legitimacy of global finance, via the inclusion of ethics and morality in the investment decisions of financial actors. However, this analysis also leads her to 'cast light on the constitution and normalization of what is considered as legitimate economic activity' as she suggests that 'while Islamic finance

challenges Western, more specifically Anglo-American dominance of the international financial system, at the same time it serves to reproduce, to legitimize and thus to further entrench the knowledge structures that underpin contemporary finance.' This, she argues, is for three reasons: (1) current efforts to expand the social constituency of Islamic finance to the transnational sphere are overly focused on its epistemic legitimation as normal financial activity; (2) the governing structures for Islamic finance exhibit deficits in the inclusiveness of decision making and accountability similar to the existing international financial architecture; and (3) a general failure to engage substantively with the outcomes of financial activity either in terms of the role of finance in society or, more concretely, in terms of achieving socially just outcomes.

From a more post-structural perspective, it is arguable that the 'use' of legitimacy discourse itself – with its implicit associations with ethics and morality – is potentially a far more conservative refrain than we might at first imagine. What if by engaging in a framework assessment of the basis of legitimate global governance we inadvertently condone – or at least leave unquestioned – the ongoing constitution and/or normalization of certain practices? This point is brought into sharp relief by Shane Mulligan:

> . . . in arguments on all sides we find a moral claim is inseparable from the formal or functional purposes of the institution . . . such a moral claim is to be found within any claim to legitimacy, and this poses serious challenges to common distinctions between 'formal' and 'substantive' or 'descriptive' and 'prescriptive' legitimacy, or even between the normative and the normal. These distinctions are often said to be analytically 'useful', yet the oppositions they describe cannot carry through in our actual use and reception of the term. As Beetham has noted, '[i]n the explanation of legitimacy the projects of normative philosophy and a non-behaviouristic social science can be seen to become one and the same'. *The moral claim that is inherent in the concept of legitimacy is thus bestowed upon an institution or rule via the use of the concept itself*. (2006: 371, emphasis added)

Political economists are therefore faced with the blurring of a once cherished dichotomy between positive and normative theories of 'the world' and must grapple with their own collusion with its (re)production (see Blyth, 2006).

While the identification of such discursive relations may, for some, overdetermine the fate of political interventions, such as those associated with the discussion of legitimate global governance, there is no doubt that a critical IPE approach should remain sensitive to the webs of social and cultural power that structure and 'produce' political possibility. However, on our argument, this need not be the end of discussion: identifying the limits of particular rationalities may, in a neo-pragmatist sense, serve as

an opportunity to identify alternatives in a contingent and experimental manner. If normative arguments for legitimate forms in global governance retain certain closures – e.g. by accepting credit rating or property – then it is up to critical scholarship to engage with those closures, to offer up alternatives where possible (Brassett, 2009). Applications of pragmatist thought to trial and error knowledge systems are already present in industrial sociology (Sabel, 2004), as well as emerging work on professional ecologies in the international political economy of global governance (Seabrooke and Tsingou, 2009). Indeed, and while he himself does not use the term pragmatism, it can be argued that Steven Bernstein's contribution to this issue works with *and beyond* the kinds of tensions identified by Mulligan in a similarly located and engaged fashion.

In his theoretically and empirically sophisticated study of legitimacy across intergovernmental and non-state global governance, Bernstein develops a comparative frame that . . . makes the central argument that what constitutes legitimacy results from an interaction of the community of actors affected by the regulatory institution, i.e. the public who grant legitimacy, with broader institutionalized norms – or social structure – that prevails in the relevant issue area.' Thus the argument dispenses with 'a priori bases of legitimacy' and instead focuses on the interactive production of legitimate social relations of global governance. This allows Bernstein to make the appealing observation that actually 'legitimacy requirements evolve over time, in the interaction of affected communities and social structures.' This then focuses attention towards the legitimate social purposes that are generated and sustained within each issue area, without assuming generalisability across issue areas. For Bernstein, this is, at base, a formula for remaining sensitive to the way that 'power is implicated in any form of governance and what its legitimation requires.'

SUMMARY AND STRUCTURE

In summary, we believe that legitimacy stands out as a novel and potentially important contribution to the emerging policy and academic debates about global governance. In the context of widespread critical reaction to the prevailing global economic and financial governance arrangements, and the emergent securitised form that globalization has taken in the wake of 9/11, there are clear reasons to question the legitimacy of global governance – be it institutions, practices or inter-subjective meanings. In the absence of clear lines of overarching authority, the discourse of legitimacy may be a substantial boon to the eking out of more democratic futures. Likewise in his contribution to this issue, Keohane suggests that legitimacy concerns can enhance the democratic quality of interactions between multilateral institutions and state level governance and provide a standard against which such interactions are judged:

12

Multilateral institutions can enhance democracy in three ways. First, they can make it more difficult for special interests to operate, for example by enacting public regulatory rules on a global basis. Second, they can help to protect minority and individual rights, as is sought by human rights institutions. Third, they can foster collective deliberation by making discussions less parochial than when they take place only within countries. Just as multilateral institutions can perform these valuable functions, they can also do the opposite: promote special interests, violate the rights of minorities, or diminish the quality of collective deliberation. They can also degrade self-determination by undermining the ability of publics to act or by replacing the rule of law with arbitrary political action. Insofar as they have serious perverse effects, multilateral institutions should be regarded as illegitimate.

As we have argued there is a certain Trojan horse quality to legitimacy which means that it can act as a pragmatically useful route into policy making debates. On a reformist understanding at least, legitimacy can provide a benchmark from which to begin attaching larger principles of accountability, procedural fairness, and on some readings justice to the theory and practice of global governance. Indeed, in the contribution of Furio Cerutti this quality makes for the inclusion of an (ethical and potentially transgenerational) orientation to the future in consideration of whose legitimacy and for what? This leads him to privilege attention to obstacles to global governance over cosmopolitan projects *per se*. Moreover, an ethical dimension is particularly evident in Scholte's contribution which develops an ambitious reading of legitimate global governance to include a new concept of ethics, arguing:

> Core principles for an alternative 'ethics of pluriversality' in global governance could include openness towards, recognition of, respect for, voice to, concern about, and reciprocity with strangers. Legitimate global governance – built around combinations of global democracy, global efficiency, global law, global leadership and global morality – cannot emerge from western designs writ large and imposed, but require carefully nurtured interculturality.

However, and drawing on the more critical approaches found within IPE, we suggest that a recognition of the phenomenon of legitimization at work within capitalist social relations may require a degree of caution and reflexivity on the part of scholars. Indeed, again, as Scholte cautions 'global governance operates at several levels: it involves deeper structural "rules" as well as more immediately visible institutional rules.

Indeed, the regulatory social structures and the regulatory actors are co-constitutive: each simultaneously produces and is produced by the other.' This constitutive dynamic can be read as cautionary tale for the more normative approaches to global governance, but in pragmatic fashion, it need not be read as undermining. Quite the reverse in fact: we see it as politicising via the identification of further (more radical) challenges and questions.

We have used this brief *tour d'horizon* of the debate on legitimate global governance to introduce our contributing authors. The research papers follow a forum of shorter pieces by Robert Keohane, Furio Cerutti, Kishore Mahbubani and Jan Aart Scholte. Each author provides a statement and elaboration of their own position on the subject of legitimate global governance and where appropriate they refer to the research papers to identify crossovers. The papers in this collection each speak to one or more aspects of this broad schema of discussion over legitimate global governance. While distinct and diverse they each emphasize the importance of politics and the contest over what counts as political in the discussion of legitimate global governance. In this way, we think, this special issue serves as a comprehensive and insightful set of interventions on the subject of legitimacy and how it provides an engaging route into the politics of global governance.

ACKNOWLEDGEMENTS

NOTES

1 This includes the extent to which the practices and principles of global governance might be gendered; and the consequences thereof (see Scherrer and Young, 2010).
2 To this, we must add debates along the more traditional distinctions of input and output legitimacy, as illustrated in the contribution by Mügge, who identifies legitimacy deficits in the institutional arrangements and proceeds to asses the legitimacy of the content of resulting policies in some (practical and political) detail. Such considerations are also relevant in debates on the inclusiveness of governance arrangements where the legitimacy of the process may be privileged over that of policy outcomes (see in particular Rai, 2004, for a feminist critique).

3   Similar assumptions infuse the arguments of Bernstein and Scholte in this issue.
4   See also, on this topic, Brassett and Smith, 2010 and more broadly, Mattli and Woods, 2009, who advocate stakeholder 'common interest regulation' for global governance arrangements.
5   Although it should be noted that Keohane resists the potential for conceptual inflation in legitimacy on the question of justice, arguing in his contribution "To mistake legitimacy for justice is to make the best the enemy of the good."

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REFERENCES

Barnett, M. N. and Duvall, R. (eds) (2006) *Power in Global Governance*, Cambridge: Cambridge University Press.

Beetham, D. (1991) *The Legitimation of Power*, Basingstoke: Palgrave Macmillan.

Bello, W. (2005) *Deglobalization: Ideas for a New World Economy*, London: Zed Books.

Best, J. (2005) *The Limits of Transparency: Ambiguity and the History of International Finance*, Ithaca, NY: Cornell University Press.

Blyth, M. (2006) 'Great Punctuations: Prediction, Randomness, and the Evolution of Comparative Political Science', *American Political Science Review*, 100(4): 493–98.

Bowden, B. and L. Seabrooke (eds) (2006) *Global Standards of Market Civilization*, London: Routledge.

Brassett, J. (2009) 'A Pragmatic Approach to the Tobin Tax: The Politics of Sentimental Education', *European Journal of International Relations*, 15(3): 447–76.

Brassett, J. Rethel, L. and Watson, M. (eds) (2009) 'The Political Economy of the sub-prime Crisis', *British Journal of Politics and International Studies*, 11(3).

Brassett, J. and Smith, W. (eds) (2010) 'Deliberation and Global Governance: Theory, Practice, Critique', *Review of International Studies*, 36(2).

Buchanan, A. and R. O. Keohane, R. O. (2006) 'The Legitimacy of Global Governance Institutions', *Ethics and International Affairs*, 20(4): 405–37.

Coleman, W. D. and Porter, T. (2000) 'International Institutions, Globalization and Democracy: Assessing the Challenges', *Global Society*, 14(3): 377–98.

Cox, R. (1986) 'Social Forces, States and World Orders: Beyond International Relations Theory', in R. O. Keohane (ed.) *Neorealism and Its Critics*, New York: Columbia University Press.

Held, D. (1995) *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, Cambridge: Polity Press.

Held, D. and McGrew, A. (eds.) (2002) *Governing Globalization: Power Authority and Global Governance*, Cambridge: Polity Press.

Hewson, M. and Sinclair, T. (eds) (1999) *Approaches to Global Governance Theory*, Albany, NY: State University of New York Press.

Higgott, R. (2000) 'Contested Globalization: the Changing Context and Normative Challenges', *Review of International Studies*, 26(5):131–54.

Higgott, R. and Weber, H. (2005) 'GATS in context: development, an evolving *lex mercatoria* and the Doha Agenda', *Review of International Political Economy*, 12(3): 434–55.

Keohane, R. O. (2006) 'The Contingent Legitimacy of Multilateralism', GARNET Working Paper, 9 June <http://www2.warwick.ac.uk/fac/soc/garnet/workingpapers/0906.pdf>.

Kratochwil, F. (2006) 'On Legitimacy', *International Relations*, 20(3): 302–8.

Langley, P. (2008) *The Everyday Life of Global Finance – Saving and Borrowing in Anglo-America*, Oxford: Oxford University Press.

Linklater, A. (1999) 'The Evolving Spheres of International Justice', *International Affairs*, 75(3): 473–82.

Mattli, W. and Woods, N. (eds) (2009) *The Politics of Global Regulation*, Princeton, NJ: Princeton University Press.

Mulligan, S. (2006) 'The Uses of Legitimacy in International Relations', *Millennium: Journal of International Studies*, 34(2): 349–75.

Rai, S. M. (2004) 'Gendering Global Governance', *International Feminist Journal of Politics*, 6(4): 579–601.

Sabel, C. (2004) 'Beyond Principal-Agent Governance: Experimentalist Organizations, Learning and Accountability', in E. Engelen and M. Sie Dhian Ho (eds) *De Staat van de Democratie*, WRR Verkenning 3 Amsterdam: Amsterdam University Press.

Seabrooke, L. (2006) *The Social Sources of Domestic Power – Domestic Legitimacy and International Financial Orders*, Ithaca, NY: Cornell University Press.

Seabrooke, L. and Tsingou, E. (2009) *Revolving Doors and Linked Ecologies in the World Economy: Policy Locations and the Practice of International Financial Reform*, CSGR Working Paper 260/09, Warwick: Centre for the Study of Globalisation and Regionalisation, University of Warwick.

Scherrer, C. and Young, B. (eds) (2010) *The Role of Gender Knowledge in Policy Networks*, Baden-Baden: Nomos.

Scholte, J. A. (2007) 'Civil Society and the Legitimation of Global Governance', *Journal of Civil Society*, 3(3): 305–26.

Tooze, R. (1997) 'Constructive Criticism: Threats, Imperatives and Opportunities of a Constitutive IPE', in K. Burch and R. Denemark (eds) *Constituting International Political Economy*, Boulder: Lynne Rienner, pp. 207–12.

Weber, M. (1978) *Economy and Society: An Outline of Interpretive Sociology*, Vols. 1 and 2, Berkeley, CA: University of California Press.