International Theory (2015), 7:2, 263–293 © *Cambridge University Press, 2015*
doi:10.1017/S1752971915000044 First published online 29 April 2015

The output legitimacy of international organizations and the global public interest

JENS STEFFEK

Technische Universität Darmstadt, Institut für Politikwissenschaft, Darmstadt, Germany

E-mail: steffek@pg.tu-darmstadt.de

In this article I seek to expand our understanding of the output legitimacy of international organizations (IOs). At the conceptual level, I refute the widespread view that output legitimacy is just a synonym for organizational effectiveness or efficiency. I argue instead that output legitimacy has an important democratic dimension. The touchstone of 'democratic output legitimacy' is the extent to which systems of governance produce results that cater to the public interest. Accordingly, the democratic output legitimacy of IOs can be understood in terms of their ability to safeguard the global public interest. This ability hinges upon their capacity to keep powerful factions in check, protect human rights, and safeguard a high epistemic quality of decisions. Attaining these qualities may require shielding IOs to some extent from the input dimension of the international political process. I do not, however, unconditionally praise de-politicization of IOs. I engage with the problem of technocratic paternalism, which is imminent when decision-making based on assumed citizen interests escapes confrontation with articulated citizen interests. The challenge is to devise global governance arrangements that enable an encompassing debate over the substance of the global public interest when needed, while keeping pressure from powerful factions at bay.

Keywords: International Organizations; legitimacy; democracy

My aim in this article is to establish the notion of 'democratic output legitimacy' as a category of normative political analysis, and to apply it to the study of public international organizations (IOs). I contend that 'output legitimacy' in current international theory is often used in a truncated sense, when it suggests that states or individuals support international governance for the material benefits it yields. This dominant usage of the term has obscured the link between output of governance and the concept of democracy. In fact, in the literature on IOs and the European Union (EU), input legitimacy today is often conceptualized *tout court* as a democratic phenomenon and output legitimacy, by contrast, as a non-democratic one.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

The standard version of the conceptual distinction in international relations (IR) and European studies reads like this: input legitimacy is generated by citizen involvement in the political process, and hence is a democratic phenomenon; output legitimacy results from effective/efficient problem-solving of institutions, and hence is a social fact unrelated to democracy.

If this is so, any attempt to democratize the EU or global IOs would need to focus on new avenues of citizen input, and this is what especially cosmopolitan democratic theory does. I argue in this article that cosmopolitan democratic theory needs to also have a look at the output side of international governance. So far, interest in output legitimacy has been the domain of state-based theories of international cooperation. More regard for the democratic output perspective and its insistence on the idea of a global public interest, I argue, may be an asset to cosmopolitan approaches as well. Strengthening certain avenues of input may in the end give more power to factions that are well-funded and well-organized. The challenge in designing global governance arrangements is to enable encompassing debate over the global public interest while keeping pressure by powerful factions in check.

My argument unfolds in four steps. In the first, conceptual section of the article I introduce the notion of output legitimacy, starting from current usages of the term in the IR and EU literature. Originally introduced by David Easton for analytical purposes, the input/output distinction was adopted by Fritz Scharpf to classify normative theories of democracy, and from there migrated to European studies and international theory. Today, 'output legitimacy' is mainly used in a sociological, descriptive sense. To recover the normative content of the concept, I first show how Scharpf in his original conceptualization from the 1970s used 'input' and 'output' as labels for two different perspectives of *normative democratic theorizing*. Input-oriented theories of democracy elaborate on how interests, values, and ideas of citizens are channeled into the political process. Output-oriented theories of democracy focus on the quality of the resulting decisions in terms of their substantial rationality and public interest orientation.

In the second section of the article, I discuss the notion of democratic output legitimacy. I argue that there are two principal avenues for securing rationality and public interest orientation on the output side. First, checks and balances are needed to prevent abuses of power by office holders and interest groups – a central theme in the republican tradition of political theory. The second strategy is an epistemic one: the democratic process must ensure that decisions are made on the basis of the best available information about the issue at stake to cater to the public interest. The global public interest, I explain, is not given *a priori* but an ideal that, when in doubt, is best approached through encompassing processes of conversation.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

With this requirement in mind I discuss the potential technocratic bias of depoliticized institutions that find their justification in catering to the public interest. A hazard often associated with technocratic types of governance is paternalism, which is imminent when a substantial definition of the public becomes locked in and cannot be challenged any more.

In the third section of this article, I take issue with the question of whether IOs, and not just domestic political systems, can generate democratic output legitimacy. My answer is affirmative and I defend it against three rival views. I first refute the realist view that IOs are simply handmaidens of powerful states and hence cannot formulate a global public interest. Second, drawing on recent work in international theory I argue against the claim that internationalized policy-making necessarily undermines domestic democracy. Third, I engage with the view that IOs themselves cannot be democratic and that cosmopolitan democracy therefore is destined to remain a pipe dream. I argue that public IOs can avail of democratic output legitimacy to the extent that they keep powerful states in check and secure a high epistemic quality of their decision-making. In addition, we should expect them, from a normative perspective, to be respectful of human and civil rights in their operation. This last requirement, however, is not in the focus of this article.

In the fourth section, I proceed to the problems and limitations of democratic output legitimacy when conceived at the global level. Following up on the discussion of a potential technocratic paternalism in the second section, I focus on strategies for connecting input-oriented and output-oriented mechanisms. My conclusion is that output-oriented and input-oriented mechanisms need to be coupled in such a way that functional IOs as principally technocratic organizations can be exposed to the articulated interests of citizens when resistance to their definition of the global public interest arises.

The concept of output legitimacy

Legitimacy is, as Bernard Crick had it, 'the master question of political science' (Crick 1959, 150). At the same time, legitimacy remains an 'essentially contested concept', whose very meaning and usefulness are debated vigorously (Hurrelmann *et al.* 2007). Legitimacy, as is well-known, can be conceptualized in two very different ways. In a normative perspective, legitimacy is the scholar's yardstick for the evaluation of existing or imagined political regimes. This yardstick may be derived from moral philosophy, democratic theory, or legal theory. In the sociological perspective, which is usually attributed to Max Weber, legitimacy is an empirical fact that scholars can investigate and report. It resides in the beliefs of citizens about the rightfulness of political authority.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

Few conceptual contributions have left more of an imprint on the academic debate about legitimacy than the distinction between 'input' and 'output' legitimacy that was coined by Fritz Scharpf. It has become almost canonical, in the sense that the meaning and usefulness of this distinction are rarely contested (but see Gaus 2010). Input and output legitimacy figure in academic discourses of both the normative and the empirical-analytical kind, but the empirical-analytical perspective seems to prevail today. The use of the term 'input legitimacy' is widely consistent in the IR and European Studies literature. Input legitimacy refers to institutional arrangements that allow citizens to communicate their interests to political decision-makers; or, as in the case of direct democracy, to take decisions themselves. Authors may quibble over the functionality, democratic quality, and empirical feasibility of this or that particular arrangement of input, but by and large there does not seem to be serious disagreement over what input legitimacy means, within the state and beyond. If democracy is to be governance 'by the people', mechanisms enabling citizen input are imperative and must form part of the institutional set-up of the polity.

In the context of international and European governance, output legitimacy is normally related to 'effective' or 'efficient' problem-solving (see, among others, Höreth 1999, 251; Bäckstrand 2006, 292; Curtin and Meijer 2006, 112; Risse 2006, 180; Lindgren and Persson 2010, 451). Authors adopting such a perspective stress the benefits that citizens reap from the functioning of political institutions. It is also often suggested that deficits in institutional performance will decrease output legitimacy: 'A political order that does not perform well will ultimately be considered illegitimate no matter how democratic the policymaking process' (Risse and Kleine 2007, 74). The conjecture here is that output and input legitimacy are generated through different institutional mechanisms, and that democracy is unrelated to institutional performance. In the now almost canonical view, output-legitimacy is 'derived from the capacity of a government or institution to solve collective problems and to meet the expectations of the governed citizens' (Mayntz 2010, 10). With a focus on organizational performance and efficiency often comes the idea that output legitimacy is, conceptually speaking, the antonym of democratic legitimacy. As Gaus (2010) remarks, it has become normal in the disciplines of IR and European Studies to contrast output legitimacy *tout court* with democratic legitimacy. The idea is that democracy and institutional performance are unrelated and that performance may be able to compensate for a lack of democratic credentials. Some contributors have pushed this line of reasoning even further, saying that '[o]utput legitimacy implies that a political system and specific policies are legitimated by their success' (Van Kersbergen and Van Waarden 2004, 158). And in the most extreme version

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

of such an approach, the term output legitimacy simply denotes empirical acceptance of governance, unrelated to any explicit standard of evaluation (Take 2012, 6).

Most of the studies cited here refer to output legitimacy in an empirical-analytical and not in a normative sense. The normative perspective on output legitimacy seems to have widely disappeared from the picture, some notable exceptions notwithstanding (see Kriesi 2013). The dominance of the empirical-analytical view on output legitimacy has led to a certain asymmetry in concept formation. In the current IR and European studies literature, democratic procedures of citizen 'input' figure both as normative criterion of assessment and as an (assumed) empirical motivation for citizens' rule-following. Normative treatments of output legitimacy, on the other hand, are rare in the contemporary IR, European Studies and international theory literature. It is my purpose here to investigate what, in a distinctly normative perspective, the essence of output legitimacy is.

To answer this question I go back to the original input/output distinction in the work of Fritz Scharpf, as laid out in his inaugural lecture at the University of Konstanz. The purpose of that lecture was to take stock of contemporary developments in democratic theory (Scharpf 1970, 8). Drawing on David Easton's analysis of political systems (Easton 1965), Scharpf distinguished two perspectives on the political process that democratic theory can adopt. One perspective focuses on the mechanisms of citizen *input* into the system, understood in the sense of Easton's 'demands' as 'articulated interests' (Scharpf 1970, 21). The second perspective is concerned with the quality of the *output* that the system delivers. According to Scharpf's conceptualization, the key problem here is how the design of the democratic polity can ensure that its output serves 'the public interest'[1] of the citizenry and not the particular interests of some well-organized or vociferous groups. Scharpf discusses a wide range of specific institutional mechanisms under the output heading. As output-oriented he classifies democratic theories focusing on the separation of powers, on parliamentary and public deliberation, and on the welfare state (Scharpf 1970, 21–24).

The oddity in concept-formation here is that in Easton's systems theory, the term 'output legitimacy' cannot be found and in his theoretical universe would not make much sense either. Outputs, for Easton (who uses this

[1] In his German writings, Scharpf uses the term 'Gemeinwohl'. Expressions like 'common wheal' or 'common good', which would be more literal translations of this German word, are not very common in the contemporary Anglo-Saxon political science literature. I hence follow Moravcsik and Sangiovanni (2003) who, in their interpretation of Scharpf, use the English term 'public interest' to denote the interests that all citizens have in common. I discuss some problematic aspects of the idea of a 'public interest' in the next section of this text.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

word mostly in the plural) are tangible benefits for discernible individuals, which result from political decisions made in the system (Easton 1975, 438). Outputs 'offer the members [of the polity, J.S.] some benefit in return for which they can be expected to offer support; or the outputs may impose upon the members some identifiable disadvantage, such as an onerous tax or restriction on function. In this case they might be expected to become antagonistic toward the political objects and to extend negative support' (Easton 1965, 382).

Outputs as benefits can hence create what Easton calls 'specific support' of the system and failure to deliver such benefits may erode it. But specific support, for Easton, is not sufficient to secure political stability. It needs to be complemented with 'diffuse support', which is created by beliefs in the 'legitimacy' of the system. Easton describes several types and sources of legitimacy at length, but none of them is related to the material outputs of the system (Easton 1965, 286–310). Accordingly, outputs for Easton can foster empirical support for a political regime, in fact any kind of political regime, but they cannot be the source of its legitimacy (see also Bolleyer and Reh 2012). Easton's association of legitimacy with diffuse support and of outputs with specific support is perfectly in line with Max Weber's classic conceptualization of legitimacy. Weber also excluded that 'personal advantage' could be a basis of legitimacy (Weber 1978, 213).

In his adaptation of Easton's political systems perspective, Fritz Scharpf thus named a *dimension* of democratic legitimacy by a term that in Easton's conceptual universe denotes an *alternative* to democratic legitimacy. What is more, Scharpf himself has been edging away from his normative conception of democratic output and towards a more empirical-analytical notion of output legitimacy as effective/efficient problem-solving (he uses both adjectives in this context). His more recent writings somehow straddle the line between the normative and the empirical perspective on legitimacy. In his work on the EU, for example, Scharpf still associates preventing abuses of power and securing the epistemic quality of decisions with output legitimacy, thus keeping the normative connotations of the concept alive (Scharpf 1999, 13). On the other hand, Scharpf also argues that output-legitimacy of a system is derived 'from its capacity to solve problems requiring collective solutions' (Scharpf 1999, 11; see also Scharpf 2000, 104). The capacity of a political system to solve problems is different, however, from the capacity of a political system to solve them in a manner respectful of democratic standards. Efficacy and efficiency of governance may be well defended on pragmatic grounds (for IOs, see Gutner and Thompson 2010). However, not every efficient or efficacious political measure is democratically acceptable.

What I adopt from Scharpf's early writings for the purposes of this article is the insistence that 'output legitimacy' is related to the democratic quality

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

of government. It is situated in the democratic dimension of government 'for the people' and closely related to the notion of public interest. Scharpf's own conception of democracy is based on 'the normative premise that legitimate government must serve the "common good" of the respective constituency, and that this function must be protected against both the self-interest of governors and the rent-seeking strategies of special interests' (Scharpf 2003, 3). As an approach to democracy, we would probably relate this to the family of 'republican' theories. In the next two sections I will, first, systematically develop this conception of democratic output legitimacy further and then, in a second step, apply it to the context of IOs. While it is easy to see what democratic output legitimacy of government means within the state, the particular features of the international level of governance require a more sustained defense of my idea. I should also like to stress that my insistence on democratic output legitimacy is not intended to marginalize pragmatic concerns with efficiency and efficacy of governance. The aim is to highlight that also with regard to governance output, there is a democratic dimension that needs to complement efficiency concerns.

One last conceptual clarification is in order. How does a conception of democratic output legitimacy relate to the idea of 'throughput legitimacy' that has gained clout in the literature over the last years? 'Throughput legitimacy' is intended to complement the input and output dimensions with a focus on process and procedure (Haus *et al.* 2005; Wolf 2006, 214). The notion of throughput refers once again to Easton's political system imagery, and in particular to how inputs into the system are processed on their way to the output side. As Schmidt argues with regard to European politics, '[t]hroughput is process-oriented, and based on the interactions [...] of all actors engaged in EU governance' (Schmidt 2013, 5). Crucial normative aspects of throughput are transparency, deliberative quality of the policy process, etc. In this way, the procedural dimension of policy-making is separated both from the input and the output side.

I fully agree that procedure is important but have two objections to introducing a third dimension of legitimacy to the typology: first, if we use Scharpf's original method and allocate traditions of normative democratic theory to types of political legitimacy, it appears that there is nothing like a genuine throughput tradition in the history of normative democratic theory. Rather, such procedural aspects are emphasized heavily in the fields of management and public administration, which have turned to problems of democratic quality of governance over the last decades (Pierre 2000; Vigoda 2002; Box 2006). My second point is more important for concept formation than this genealogical note. To contain procedure in a separate dimension of (throughput) legitimacy suggests that input and output do not have a procedural dimension. As we will see below, especially the epistemic

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

side of output generation hinges upon the quality of deliberative procedures. And the same seems to be true for input. There is no democratic input legitimacy when citizens' interests are not treated fairly in the subsequent political process. I therefore think that it would not be an advantage to introduce 'throughput' as a separate type of legitimacy. Neither input nor output legitimacy are intelligible without reference to procedures. Why procedures are crucially important for democratic output legitimacy will become clear in the next section.

Democratic output legitimacy and the public interest

The purpose of this section is to establish and defend a conception of democratic output legitimacy. This requires, in a first step, to clarify the notion of democracy used here and its relation to the quality of political decisions. Democracy is both a philosophical ideal and a social practice. According to Abraham Lincoln's almost proverbial definition, democracy is government of the people, by the people, and for the people. Government *by the people* implies that citizens should be able to select political office holders and to hold them to account. All persons in power should have a mandate that can be traced back to an electoral entitlement, at least through chains of delegation. Moreover, in a democratic polity citizens should be able to participate in the political process and make their voices heard in public. This is the input side of democracy.

Governance *for the people* implies that decisions taken in a democratic political system should benefit all citizens, and safeguard their human and civil rights. This is the domain of output legitimacy. Input mechanisms, such as elections, referenda, or majority voting, are no guarantee that this will be the case. Typical dangers of representative democracy are the nepotism of rulers and the pathologies of party politics, when, for instance, power games marginalize substantive considerations. Direct democracy based on referenda is particularly vulnerable to populism. Some recent referenda outcomes, such as the Swiss ban on minarets and the assault on gay rights in Croatia and Slovakia, can illustrate this point.[2]

Moreover, complex problems of governance may overburden voters and elected personnel when they require levels of scientific or technical expertise

[2] In response to a referendum held in November 2009, Switzerland banned the building of minarets in the country. Croatia amended its constitution, following a referendum in December 2013, to exclude same-sex marriages. In Slovakia, a referendum was held in February 2015 to prohibit same-sex marriage, sex education in public schools, and the right of gay couples to adopt children. The proposal received overwhelming support but did not become binding due to insufficient voter turnout.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

that laypeople and members of parliament are unlikely to have. A normative conception of democratic output legitimacy therefore must focus on these two problems of democratic government: keeping majorities and powerful factions in check to (*inter alia*) protect human rights; and safeguarding the epistemic quality of decisions under conditions of complexity. Democratic output legitimacy hence is, quite like input legitimacy, a necessary component of democratic legitimacy (which is the wider, two-dimensional concept). A political system needs both democratic input and democratic output legitimacy when it claims to represent governance by and for the people.

Most institutions that secure democratic output legitimacy are non-majoritarian in character (Majone 1998). These include courts, especially constitutional courts, to hedge the power of elected majorities, as well as constitutional guarantees of citizen rights that cannot be abolished with simple majorities, or not changed at all. The delegation of tasks to independent agencies is justified by the quality of decisions and the need to limit the power of elected representatives and parochial interests (Mashaw 1997). A textbook example to illustrate this democratic rationale for delegation is the independent central bank. The problem that independent central banks are designed to resolve in a democratic polity is that elected politicians have incentives to manipulate interest rates for their own short-term goals, especially when re-election is imminent. To counter this threat, the task of determining interest rates is transferred to non-elected specialists who are guided by technical considerations. These expert economists need to be shielded from the pushing and shoving of everyday politics to guarantee independence of their judgment. Hence central banking is de-politicized for democratic (in the sense of being for the people) and not just managerial reasons. The democratic justification for the exemption of the central bank from parliamentary control and direct political input is that this will be in the long-term interests of citizens. Note that these long-term interests are *assumed*, not in any way empirically ascertained. I will come back to this crucial point below.

That democratic systems of government need to have non-majoritarian safeguards in place to protect the human and civil rights of citizens is almost uncontroversial. Laws that violate the rights of ethnic or religious minorities, of women, homosexuals or homeless people are democratically illegitimate in the output dimension, even if they are passed in conformity with input-democratic procedure. More contested is the idea that democracy requires independent, non-majoritarian institutions to safeguard the public interest (see also Moravcsik and Sangiovanni 2003, 127). What exactly is the public interest, and why do we need depoliticized institutions to take care of it?

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

The public interest is an elusive idea, but at the same time it is ubiquitous in debates about government, law, and economics. In academia, especially in political science, it is often used to construct a 'normative theory about the desirability of reflecting the preferences of a general polity over special interests' (Levine and Forrence 1990, 172). Being in the public interest hence denotes a particular quality of the output of the political system: the warranted presumption that political decisions benefit every citizen and not just a specific group of them. Implicit in this construction is the assumption that the abstract collective of citizens can have a discernable common interest, and that it is possible to know what that interest is. Especially the latter point sparks controversy.

Kenneth Arrow quite effectively debunked the idea that one could deduce the substance of the public interest from the policy preferences of voters (Arrow 1963). Other economists pointed out that all public policy choices, no matter how even-handed they may seem, are destined to privilege some private interests over others (Mahoney *et al.* 2009, 1041). Political scientist highlighted that the public interest is constantly re-negotiated in society. Its content is fluid, and there is no archimedic point from which the public interest could be defined unambiguously. In such a view, 'it is only as political datum that the public interest has a definable relevance to the study of politics and public policy' (Sorauf 1962, 190). Skeptics hence concluded that the 'public interest' should be discarded as a theoretical concept. Critical arguments concerning the constructed and partial nature of the public interest are made also in the realm of international studies. IOs may pursue the political agenda of the hegemonic United States, or the West in general (Drezner 2007); or the material interests of a global business elite (Soederberg 2003, 16). What comes in the guise of a global public interest are then, in reality, partial and self-serving decisions. Rhetorical appeal to the public interest in such a view would be just a figure of speech that makes unpleasant policy choices more palatable to dissenters (Eriksen and Sending 2013, 231; see also Downs 1962, 4).

Against the cynic's assertion that the public interest is just what the cunning and powerful say it is, I contend that the public interest is a counterfactual ideal with practical implications. Walter Lippmann famously argued that 'the public interest may be presumed to be what men would choose if they saw clearly, thought rationally, acted disinterestedly and benevolently' (Lippmann 1955, 40). Thus defined, the public interest is a counterfactual contrast foil. As is the case with similar counterfactual constructions (such as Habermas's ideal speech situation), it is easier to spot instances where this ideal is not realized than stating with confidence that it is. Accordingly, the public interest is often defined 'ex negativo', that is, by denouncing decisions that are clearly not in the interest of every member of

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

a society. Mattli and Woods, for instance, follow such a strategy when contrasting a vaguely defined 'common interest regulation' with very concrete forms of regulatory 'capture' (Mattli and Woods 2009, Ch. 1).

If the public interest is a counterfactual ideal it may be approached by way of thought experiment, as Lippmann suggested. Some even jump to the conclusion that with the help of such experiments it is possible to know *ex ante* what the public interest in a given situation would be, and which policy would cater to it. Ho, for example, argues with reference to Rawls's 'veil of ignorance' that the public interest can be determined by 'taking a thought experiment and momentarily forgetting one's own identity and interests', and that this would give us a clear indication of what policies to choose (Ho 2012, 10). If this was so easy, we could safely rely on competent and impartial experts to make political choices on our behalf. Technocrats could, in the end, replace politicians. Most of us, however, would be less optimistic than Ho that the substance of the public interest can be found *foro interno* by way of thought experiment. 'Proceduralists', as they are often called, therefore suggest that the public interest is approached best through processes of intersubjective communication. John Dewey and, in more recent years, theorists of deliberative democracy, stand for such an approach (Bozeman 2007, 110–12). For proceduralists, the public interest is best pursued through a process of reason-giving, in which all arguments pertaining to the issue at stake are weighted and participants' will to impartiality can be assumed.

We can hence imagine the public interest of a polity as an ideal that can be approximated (even if never reached with certainty) through an inclusive political conversation. The normative point then would be to ingeniously devise institutions that can approximate this ideal situation to the greatest extent possible. Creating deliberative settings in the real world is not an easy task. There is a slippery slope towards technocratic arrangements, which have the advantage of providing shelter from the pressure of factions, thus 'rationalizing' the conversation. In contemporary political theory, Philip Pettit makes a particularly strong case for de-politicizing institutions to enhance the deliberative quality of their proceedings, arguing that 'if deliberation is really supposed to rule in public life, then there is no option but to depoliticize public decisions in various ways' (Pettit 2004, 64).

However, partisans of de-politicized governance are often charged with elitism and paternalism. To quote Kant, under paternal rule '(…) the subjects, as immature children who cannot distinguish what is truly useful or harmful to themselves, would be obliged to behave purely passively, and to rely upon the judgement of the head of state as to how they *ought* to be happy (…)' (Kant 1991, 74, emphasis in the original). In contemporary circumstances, it is probably not the head of a state to rule paternally but

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

rather the state's executive apparatus, with non-majoritarian institutions figuring prominently. These institutions typically function on the basis of *assumed citizen interests*. They are geared towards approximating a counterfactual public interest by way of thought experiment and with a strong will to impartiality. Yet these long-term interests are not necessarily articulated by citizens themselves and they are not established by collecting the actual views of citizens on the issue. Rather, they are arrived at by inferring what citizens should rationally prefer from some theoretical model.

Let us come back to the example of the independent central bank to illustrate this point. The assumption here is that all citizens should have a rational self-interest in the welfare gains that independent central banking will produce. Individuals are imagined as sharing a way of reasoning according to which more economic welfare is, *ceteris paribus*, better than less. Hence, having an independent central bank can be defended as being in the best interest of all citizens without permanently consulting those very citizens, or their elected representatives, over the decisions concerning interest rates. Only the assumption that such a public interest exists, that it is largely uncontroversial and stable over time, can justify the de-politicization of decision-making by way of delegation. In a very similar vein, assumed citizen interests can justify the delegation of tasks to IOs.

At any level of government, institutions geared towards securing output legitimacy thus need to confront the problem of a potential gap between what citizens should want, according to some model, and what they actually say they want. A first theoretical problem here are competing values and value rankings. Technocratic, non-majoritarian bodies not only work on the basis of assumed citizen interests but also on the assumption that it is possible to distinguish superior from inferior policies, requiring some uncontroversial scale of assessment. The standards of assessment may be contested in practice as much as the ranking of competing values. If these standards are simply imposed, without any possibility for the subjects of governance to challenge them, this constitutes a problem of technocratic paternalism. Technocratic bodies can assess, for instance, if genetically modified organisms may be patented under an existing legal regime regulating intellectual property rights but they cannot determine whether intellectual property rights should have precedence over ethical concerns. This is not a question of *techné*.

Second, there is the problem of shifts in the interests of the constituency. 'Since the public mood is in a continual state of flux, it is axiomatic that the public interest must be viewed as changing also, rather than static or constant' (Harmon 1969, 485). Even if it is possible for technocratic organizations to ascertain the interests of the constituency at one point in

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

time it is unclear how subsequent transformations could be taken into account (Føllesdal/Hix 2006, 554). Locking in certain aims or policies of institutions forever therefore becomes a threat to democracy, rather than an asset. This has repercussions on the conception of democratic output legitimacy and the non-majoritarian institutions in charge of securing it. If political goals and respective institutional missions consensual once are unlikely to remain consensual forever, institutions with an output orientation need mechanisms of regular goal adjustment. They need to remain responsive to societal change and to challenges formulated by citizens. There must be some interface, in other words, between the input-oriented and the output-oriented side of the political system.

On the other hand, with regard to contestation and shifts in interests we should be careful not to overstate the case. Not all citizen interests shift rapidly and not all values are constantly contested. It seems perfectly legitimate to have technocratic agencies supervise the airspace; determine and enforce standards of hygiene in restaurants or hospitals; or devise standards of construction that protect buildings from earthquakes or fire hazards. Such missions seem unproblematic because it can be plausibly assumed that citizens have a consistent and enduring aversion to plane crashes, food poisoning and buildings on fire. The public interest does not seem to be terribly opaque here and having independent agencies operating at arm's length from the political day-to-day business seems legitimate.

One may of course object that even apparently uncontroversial tasks may, for one reason or another, move to the center of contestation, and it may become necessary to ascertain and renegotiate, rather than simply assume, the public interest. A distinction between a routine and a crisis mode of governance may be helpful to theorize this (Peters 1993, 348–52). A crisis occurs in our context when technocratic agencies that rely on output legitimacy are publicly challenged because their conception of the public interest is outdated, or because their claim to public interest orientation itself has become doubtful (for instance through charges of corruption). The important thing then is that their routine mode of governance can be shifted to the crisis mode. Hence, there need to be ways to open up cloistered bodies towards input from the outside so that their tasks, policies, and mission can be re-negotiated. I engage with the question of how this might be achieved in practice in the fourth section below. The theoretical point may be formulated as follows: the input-oriented and the output-oriented mechanisms of governance need not and should not be permanently intertwined. And at the conceptual level they can be kept neatly distinct. What we need in practice, however, are avenues of communication that can be activated, reliably and with ease, when the conception of the public interest on which the output side works, is called into question.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

To summarize, in this section I have established and defended a notion of democratic output legitimacy of governance. Democratic output legitimacy refers to the quality of governance, and in particular its ability to cater to the public interest. A conception of output legitimacy with democratic credentials hence is intimately tied to the notion of a public interest. What that public interest is can in some instances be legitimately assumed. However, democratic output legitimacy needs to be coupled with input-oriented mechanisms whenever it becomes uncertain and contested what the public interest is. The relevant theoretical literature mostly refers to the context of the democratic nation-state, because such have been the terms of debate in political theory and public administration over the last century. In the next section I will apply the conception of democratic output legitimacy to the realm of IR, and more precisely, to public IOs.

The democratic output legitimacy of IOs

In this section I will spell out the potential of IOs with regard to democratic output legitimacy. I will argue that, under ideal circumstances, IOs can and should provide two assets in terms of public-interest orientation: another layer of checks and balances to control state power, and enhanced deliberative quality of governance with a transnational reach. Before doing so, however, I need to explore the relations between IOs and democracy more generally. That IOs can and should be democratic is far from uncontroversial. In fact, a good number of scholars perceive IOs as a formidable threat to democratic governance, rather than an asset. In this section, I prepare the ground for applying the notion of democratic output legitimacy to public IOs by addressing the relationship between democracy and IOs more generally. I will first discuss two key questions. Does democracy, transnationally conceived, require the existence of IOs? And can IOs themselves be democratic at all?

Let us start thinking about the relation between IOs and democracy by imagining our present world without them, a counterfactual *status quo ante*. It seems that such a world would be democratically deficient even if all states within it were perfectly democratic. National democracy unfolds within contingent boundaries that are the result of incidental historical developments (Tilly 1985), and that cannot be determined by democratic procedures (Näsström 2003, 2007). The political division of the world into separate territories spawns a problem that one may call 'democratic externalities' (Morgan 2003, 176). They arise when decisions that are democratically taken by a territorially defined *demos* have non-trivial consequences for the inhabitants of other territories (Held 1991, 142). The decision of a nationally bounded *demos* to pursue a high-carbon lifestyle,

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

for instance, has external effects on others who are denied the possibility to impact the decision.

The traditional doctrine of state sovereignty suggested that every state, and implicitly also every national democratic community, is justified in not taking effects of its decisions on non-members into account. Such notions of sovereignty as non-accountability to the outside are losing ground. In the field of international law, Eyal Benvenisti recently proposed a radical reframing of sovereignty. He re-interprets 'sovereignty and the "inherent" rights of peoples to self-determination as requiring states to assume certain underlying obligations toward strangers situated beyond national boundaries' (Benvenisti 2013, 297). Cosmopolitan political theorists also defend the view that there is no normatively sound justification for disregarding the externalities that (democratic) national policies produce (Archibugi 2004, 444), and conclude that transnational political institutions are needed to deal with them (Zürn 2000, 189). By implication, 'democracy itself may no longer be possible except as a project of state interdependence and global cooperation' (Benhabib 2012, 10).

If externalities of domestic governance give rise to a 'democratic deficit' in IR, this deficit exists *before* any cooperation among states is institutionalized. It is exacerbated by traditional forms of international politics, in which powerful states not just passively constrain the options of others by way of unintended externality, but actively manipulate their choices by way of threat. In fact, domination exists in the international system before the advent of any supranational structure of authority. At the transnational level, there is no institution to prevent economically and militarily powerful actors from bullying and coercing other states, and the citizens living within them. The potential for abuses of power is particularly high in a social situation where there is little effective control over powerful actors and even less potential for sanctioning them. Quite obviously, the 'anarchy' (Dickinson 1916) of the international system is such a setting. The manifest absence of central authority invites abuses of power (Grant and Keohane 2005, 30).

In much of traditional IR theory it is not even assumed that states take into account a transnational public interest (however defined) but that they maximize their national self-interest. Of course, self-interested behavior of political actors is not a unique feature of the international level of politics. Elected representatives promote the interests of their local constituencies in national parliaments as well. However, national parliamentarians are embedded into social structures that constrain the pursuit of parochial interests significantly. Their parties force politicians to take the interests of other constituencies into account because they are normally operating nation-wide and thus already need to balance parochial concerns internally. Coalition governments or multi-chamber legislatures may impose similar

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

restraints on rent-seeking. Not least, the national media, whose reporting elected politicians cannot ignore, are there to expose ruthless pursuit of parochial interests. All these constraints are not present, or starkly underdeveloped, at the international level. I therefore argue that democratic externalities and the unchecked domination of some states over others and their citizens constitute an 'original democratic deficit' in international affairs, covered and legitimated by notions of sovereignty and self-determination. Public IOs with a multilateral design can be justified as a way of addressing, and mitigating, the original democratic deficit in world politics. There is a democratic, and not just a pragmatic, case to be made for IOs.

Several groups of scholars are unlikely to subscribe to this view. Some IR theorists may question if existing IOs are capable of acting as guardians of a transnational public interest. Call this the realist objection. 'For realists, institutions reflect state calculations of self-interest based primarily on concerns about relative power; as a result, institutional outcomes invariably reflect the balance of power' (Mearsheimer 1995, 82). Accordingly, realists conceptualize IOs as handmaidens of hegemonic states, created to serve their parochial political purposes. In this view, IOs are biased by nature and do not have any independent political agency. They cannot act as neutral institutions oriented toward a transnational public interest even if they try.

Other schools of international theory disagree with the realist picture of IOs. Rational institutionalists approach IOs from a functional perspective as enabling states to jointly achieve certain ends, mainly by reducing transaction costs (Abbott and Snidal 1998). One important function of IOs in this respect is to act as a neutral arbiter and provider of information. This already presupposes agency and some degree of autonomy for IOs and is more amenable to the idea that IOs can act as guardians of a transnational public interest. Constructivist IR scholars highlight the foundational norms and principles guiding the operation of IOs. Multilateralism is a particular organizational form that stresses state equality and the universal validity of international norms, thus hedging state power (Ruggie 1992). Moreover, constructivists have shown how IO Secretariats and expert staff are able to act quite independently from the wishes of the states that created the organization (Barnett and Finnemore 2004).

To the extent that these accounts are complementary rather than mutually exclusive, the three theoretical perspectives can be brought together in a more nuanced analysis of the present international order and its institutions. John Ikenberry suggests that although the current international order was established and shaped by the hegemonic United States, it is not an empire in the traditional sense. It rather is a specific type of liberal hegemony, 'built around political bargains, diffuse reciprocity, provision of

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

public goods, and mutually agreeable institutions and working relationships. (…) The liberal hegemonic state dominates the order by establishing its rules and institutions – but in doing so it operates to a greater or lesser extent within those rules and institutions' (Ikenberry 2011, 26). The norms and principles of the multilateral order constrain not only weaker states but also the hegemon itself. Thus, even if the United States remains a hegemon in the multilateral system it is not excluded that today's multilateral IOs can act as guardians of a transnational public interest and constrain the actions of even the most powerful state significantly.

Let us now turn to those critics who argue from a democratic theory perspective that IOs are powerful actors in their own right but undermine democracy, rather than furthering it. Call this the democratic deficit objection. On closer inspection it consists of two different arguments; (i) that IOs undermine domestic democracy; and (ii) that they are structurally unable to democratize their own proceedings. As for the first argument, Karl Kaiser remarked already in the early 1970s that the internationalization of political decision-making had tilted the national balance of power towards the executive and thus compromised the primacy of parliament at the national level (Kaiser 1971, 715). Parliaments had little influence on international negotiations in IOs and no control over what these organizations did. Governments were able to bypass parliamentary scrutiny and opposition by shifting certain policy decisions to the international level. IOs hence emerged as a threat to national democracy. Robert Dahl subscribed to this line of argument but added that IOs themselves can never be democratic, diagnosing an unavoidable trade-off between the scale of government and the possibility of citizen participation, concluding that 'we should openly recognize that international decision-making will not be democratic' (Dahl 1999, 23).

I consider the two varieties of the democratic deficit objection in turn. In response to the first type of criticism, Keohane *et al.* argued that multilateral IOs may pose a threat to parliamentarism but nevertheless can be an asset to national democracy. They can help in off-setting factions, protecting minority rights, and enhancing the quality of democratic deliberation. Keohane *et al.* claim that 'properly authorized multilateral institutions, such as other commonplace constitutional institutions, may be justified in imposing checks, constraints, and corrections on majorities that are not well-informed, rights-regarding, or fairly represented' (Keohane *et al.* 2009, 15). IOs hence are a remedy to the deficits of *national* democracy. That Keohane *et al.* come to more optimistic conclusions than Dahl regarding the effects of IOs on the quality of national democracy is at least in part a consequence of their definition of what democracy actually is. Whereas Dahl puts his emphasis squarely on the input side, Robert Keohane and other neoliberal

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

institutionalists adopt a notion of 'constitutional democracy', emphasizing non-majoritarian and non-electoral institutions: the rule of law, the provision of public goods and the protection of minority interests. In my preferred terminology, Keohane *et al.* stress the output side of the democratic system over the input side and also suggest that there is a trade-off between the input and the output dimension (Keohane *et al.* 2009, 2).

Keohane *et al.* defend inter-state multilateralism on democratic grounds but for them the proper place for democracy is within the confines of the nation-state, not beyond them. The democratic benefits of IOs, in terms of output, manifest themselves *nationally*. Among political cosmopolitans who support the creation of global democratic institutions, Mathias Koenig-Archibugi has taken most care to reject the impossibility arguments made by Dahl and other skeptics (Koenig-Archibugi 2011). Mustering empirical evidence on domestic democratization he quite effectively refutes all claims that modest size of the territory, cultural homogeneity, or certain levels of socio-economic equality are necessary conditions for having democratic institutions. The example of India, the largest democratic state in terms of population size, is his case in point – a huge country that is multiethnic, multilingual and religiously diverse, still poor by all human development indicators and rife with socio-economic inequality. If India managed to become a quite stable democracy against all odds how can we be so sure that global democracy is unviable?

Koenig-Archibugi's notion of democracy is complex but the emphasis clearly is on mechanisms of the input type that allow for political representation of and accountability to the citizens of the world. In fact, the cosmopolitan literature so far has discussed mainly input aspects of global democracy. Input mechanisms can take a variety of forms: global parliament (Falk and Strauss 2001); global stakeholder democracy (Macdonald 2008); polycentric global deliberation (Dryzek 2006); but this article is not the place to discuss the varieties of cosmopolitan political theory in any detail. What imports here is that cosmopolitans, with their emphasis on input and 'government by the people' so far have rarely engaged with democratic mechanisms of the output type.

Let us now turn to democratic output legitimacy and IOs. I begin with human rights that all states and, by way of extrapolation IOs, are to protect (Rawls 1999, 37). In that respect, it has been argued that international agreements monitored by IOs can help protect human and civil rights against assaults by state governments and other social groups (Hafner-Burton and Tsutsui 2005; Keohane *et al.* 2009, 7–8). IOs also promote state compliance with international treaties in the field of human rights (Raustiala and Slaughter 2002). Recent scholarship, however, has pointed out that IOs themselves under certain circumstances may take actions or decisions that

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

put human rights at risk (Wouters *et al.* 2010). Rather than assuming that the effect of IOs on human rights is always beneficial, we therefore need to formulate a normative requirement that IOs should safeguard human rights in their actions if they are to avail of democratic output legitimacy. Buchanan and Keohane called this the 'minimal moral acceptability' of global governance arrangements (Buchanan and Keohane 2006, 419). This requirement is in no way IO-specific but applies to all political institutions from the local to the global level.

The second aspect of output legitimacy is the ability of an institution to keep powerful factions and private interests in check. To clarify this important point let us confront a world in which IOs are present with an imagined world from which IOs are absent and international politics still follows the mode of inter-state bargaining – issue-specific and mostly bilateral. In such a constellation, transnational problems will be resolved and conflicts settled by *quid pro quo* deals. These deals will reflect the threatening potential and the ability to make promises of the states involved, and they will have externalities for non-parties. In a 'Westphalian' state system without IOs, there is no actor that could plausibly claim to take the high view, in particular when political problems affect a great number of countries. The particular promise of IOs is to be able to do just that. 'States establish IOs to act as a representative or embodiment of a community of states. This was a central aspiration in the postwar organizational boom and remains an important, if only partially fulfilled, aspect of IO operations today' (Abbott and Snidal 1998, 24). IOs offer a place where a global public interest can be discussed and where public reason can be at work transnationally (Mitzen 2013, 53/54).

Due to their inclusiveness, multilateral IOs are the place where the global public interest can be debated and views from very different territorial perspectives can be put forward. I have argued in the section on transnational democracy above that preventing abuses of power becomes particularly salient in the context of international politics. In the international system, states are 'private' actors, accountable chiefly to their domestic constituency (Eriksen and Sending 2013, 227). If the external unaccountability of the state in general, and the excessive power of some states in particular, is the problem, then IOs can be a solution insofar as they limit the ability of nation-states to impose their preferred policy options on others: 'The creators and defenders of these organizations in the 20th century were not unaware of power politics. On the contrary, they conceived of these organizations as ways to *reduce* the impact of unequal military and economic resources on policy' (Keohane 2006, 5–6). Advocates of IO in the singular, and of IOs in the plural, always highlighted the need to hedge and limit the power of military capacities and economic wealth.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

Historically, this function has been allotted to global forum organizations such as the League of Nations and the United Nations. They were to 'take public policy away from the few overstrained centers of excessive power, and to base it boldly and broadly on the general wishes and will of the peoples of the world' (Salter 1921, 255). Even if that might have been too high an aspiration, the League and other IOs have certainly begun to hold states publicly to account for their international and, increasingly so, also for their domestic behavior. We could hence say that IOs have the genuinely democratic potential to create an additional, vertical layer of checks and balances on state power.

IOs of the forum type can expose state conduct to the scrutiny of diplomatic peers and a 'global public', searching for collective approval of their policies (Claude 1966). Such attempts may fail, as in the case when US Secretary of State, Colin Powell, in February 2003 produced bogus 'evidence' of Iraqi weapons of mass destruction in the United Nations Security Council. While the Security Council was unable to ultimately stop the US operation in Iraq it reinforced the legal principles of the Charter and raised the political costs of the hegemon's unilateralism (Hurd 2007, 191–3). The Security Council is not shielded against state power in the sense of being financially or organizationally autonomous. As a global forum it facilitates checking states by forcing them to explain and justify their conduct before a global audience. Forum organizations can thus tackle the democratic externalities that territorial fragmentation brings about and keep powerful states in check.

The specific promise of functional IOs, on the other hand, is in enhancing the epistemic quality of governance. Collecting, verifying and comparing data is one of the chief accountability techniques of IOs *vis-á-vis* their member states (Ward 2004). However, the decisive criterion, as explained above, is to what extent the decisions produced in IOs are in the global public interest. This aspect of output legitimacy is more relevant for rule-making organizations of the functional agency type. These IOs develop norms and regulations for a rather narrow policy fields, and as specialized bodies usually work at arms-length from elected politicians and governmental representatives. Here civil servants and expert consultants have a more prominent role in developing the agenda, preparing norms or recommendations, and monitoring their implementation. This lends a technocratic character to these organizations, and renders the 'domestic analogy' with independent agencies within the state particularly plausible.

Functional IOs with a predominantly technocratic and rule-making character exist since the 19th century (Reinalda 2009). The purpose of these 'public unions', as they were usually called in the early days, was to manage the mounting interdependence that resulted from economic globalization

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

and massive advances in transportation and communication technologies. Early advocates suggested IOs to tackle existing interdependencies among states and by doing so create new ones (Reinsch 1911; Woolf 1916; Mitrany 1933). Unlike 'forum organizations', functional organizations often take over tasks from the state and impose collective decisions in their particular functional area upon it. They are intrusive by design, which renders the question of their legitimacy particularly pressing. Functional IOs make rules, and in order for these to be 'rules for the world' certain conditions must apply. Historically, part of the project of IO was to shift the negotiation mode from diplomatic horse-trading to 'arguing', a communicative practice in which participants try to persuade each other only by the force of the better argument (Elster 1986; Risse 2000). To quote James Arthur Salter once again, this implies '(…) that even a particular negotiation should not be of the nature of a bargain; that there is for most questions somewhere a just solution independent of the relative strength of the contending parties, and that the question should be settled on these its intrinsic merits' (Salter 1921, 257).

Legal and scientific discourses are types of communication in which one would generally presume an orientation of speakers towards the better argument. Therefore, IOs of the functional kind are suggested as organizational environments facilitating such a shift of discourse, due to their de-politicized nature in which much of the agenda-setting is handed over to civil servants and independent experts. Hence, IOs of the functional kind (ideally) provide an environment in which the epistemic quality of decisions can be enhanced by virtue of the expertise of the specialized staff employed by the organizations and/or by the scientific expertise they solicit (Haas 1978). Largely technocratic IOs, such as for instance the OECD, collect and aggregate data, and allow for a comparison of political experience from different parts of the world (Martens and Jakobi 2010). Ideally, this will allow for a collaborative search for best practices, with a wider horizon of experiences at hand than national policy-makers would normally have. An official of the European Commission may not know more about a sector in a member state than a civil servant from that state, but will probably know more about that sector across 28 member states than any national official (Kassim and Menon 2003, 128). The public interest orientation of IOs may hence be defined with Andrew Baker as 'the extent to which IO bureaucracies deliberately catalyze and facilitate participatory and consultative mechanisms for the formulation and implementation of regulatory principles, in ways which restrain powerful, vested sectional interests, while attaining a balance between a range of perspectives' (Baker 2012, 394).

To summarize, under ideal circumstances IOs can and should provide two assets in terms of public-interest orientation: another layer of checks

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

and balances to control state power, and enhanced deliberative quality. Forum organizations like the UN Security Council, if they function properly, can serve especially the first goal. Functional standard-setting organizations serve the second. The latter type of organization thrives on a specific combination of organizational autonomy and expertise, which suggests that the character of a functional IO that can claim high democratic output-legitimacy would inevitably be technocratic. It seems important, therefore, to relate the critical discussion of technocratic paternalism from the second section to the debate on IOs. This is the task of the next section.

Input, output and global democracy

In the section on output legitimacy and the public interest above I argued that thought experiments are potentially insufficient to approach the public interest of a constituency. Approximating the public interest in cases of crisis requires inclusive procedures of communication, a give and take of reasons. This is a blind spot of the technocratic IO model. While reasonably accountable to states, IOs still are much less responsive to the transnational citizenry for the political programs they pursue and the consequences that their decisions have (Papadopoulos 2010). They lack the electoral mechanism that in a national democratic polity triggers sensitivity for public opinion and citizen preferences within the political elite (Manin *et al.* 1999, 45; Ashworth 2012). Even if international technocrats are benevolent, the epistemic problem with the construction of the public interest by experts remains.

Interestingly, some early advocates of IOs were aware of such hazards and critically discussed them. Already in 1930, liberal internationalist Alfred Zimmern argued that 'the most striking achievements in international policy in the last decade have not been due to the decisions of statesmen but to the "recommendations" of experts', and he found the trade-off between expertise in government and democratic participation particularly pronounced at the international level (Zimmern 1930, 11; see also Mitrany 1955). Translated into the terminology of input and output legitimacy adopted here, the question is the following: how much input, and what kind of, do IOs need that are specialized in creating democratic output? To what extent can this be reconciled with the requirement that they be shielded against political pressures?

First of all, there may be 'pathologies' of IOs that prevent them from realizing their democratic potential as guardians of the transnational public interest (Barnett and Finnemore 2004, 34–41). Officials may pursue their own ideas or self-interest and evade external accountability; dynamics of group think may prompt entire IOs to dig themselves in ideologically, becoming impermeable to outside criticism and advice. These (potential)

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

pathologies of IOs refer us back to the trade-off between organizational autonomy and openness to criticism. As argued in the last section, IOs need a certain degree of autonomy if they are to maximize their output-democratic functions. Only relatively independent IOs can hold states to account and decide issues 'on their merits'. I have argued that autonomy and de-politicization are, from the democratic theory point of view, a potential advantage in the 'output'-dimension of a multi-level system of governance. On the other hand, the links of technocratic bodies to their constituency must not be severed completely, so as to allow for contestation and conversation regarding the global public interest.

In the institutional framework of the democratic nation-state, technocratic bodies are overseen by elected politicians. That mechanism can confront technocracies with the oscillating wishes of the citizenry. However, at the international level an executive with a direct electoral mandate does not exist. The intergovernmental legislative (conference or council of state parties) is a collective bargaining apparatus in which many, if not all, actors enjoy veto power and that finds it hard to act swiftly and decisively. *Vis-á-vis* IO-bureaucracies states face typical coordination problems of 'collective principals' (Nielson and Tierney 2003, 242). Politicians therefore pressure IOs and other transnational technocratic bodies individually. This leads to a characteristic re-configuration of the relationship between technocracy and democracy that Martin Shapiro describes as follows: 'In a transnational setting, […] attempts at political intervention in 'technical' regulatory decisions largely will be attempts by politicians representing particular nation-states. They will be seen not as democratic interventions against technocracy but as national interventions intended to gain national advantage at the expense of other members of the transnational regime. Therefore, in a transnational regulatory regime, politics and politicians tend to be identified with bad national self-interest, and international technicians with the common good' (Shapiro 2005, 349).

Therefore, a 'statist' strategy to make IOs more responsive to individual member states would not really resolve the conundrum. Rather, input-oriented measures to counter the threat of technocratic paternalism need to be cosmopolitan in nature. Transnational parliamentary assemblies would be one way to organize accountability of technocracies in analogy to the democratic nation-state. Such assemblies would, it seems, need to feature genuinely transnational forms of political organization, such as transnational political parties, in order to structure citizen input along the lines of transnational political cleavages, rather than national ones (on this, see Bartolini 2005; Noël and Thérien 2008; skeptical Thomassen and Schmitt 2004).

Yet parliamentarization at the global level is a utopia for the time being. It is, however, not the only potential remedy to the democratic deficit in the

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

input dimension. More modest proposals abound that seek to create additional avenues of participation through transnational civil society access (overview in Steffek *et al.* 2008; Omelicheva 2009; Bexell *et al.* 2010). Civil society organizations are contributing to a conversation about global governance by monitoring public governance; by translating highly technical discourse into a language that citizens can understand; and by re-framing issues and promoting alternatives. There is a broad variety of actors, including social movements, religious congregations, special interest groups, and public interest NGOs involved in identifying and flagging problematic topics and decisions. These non-state actors feed new pieces of information, 'local knowledge' and critical commentary to IOs. They can bring new arguments to bear, yet without the threatening potential and veto power of influential states. In my view they are in a better position to challenge and debate the notion of a public good on which an IO operates.

There are some hazards associated with civil society participation in that it may aggravate, rather than reduce, current imbalances in access to global policy-making. Empirical studies have shown that the question of who actually represents 'global civil society' and which groups enjoy better input opportunities is a non-trivial one at the European and the global level (Kohler-Koch 2010). Business interests tend to be better represented in global governance, and the North-Atlantic area better than the global South. But detailed analyses of civil society participation in global governance reveal more complex patterns. For instance, advocacy NGOs from Africa and Asia are better represented at the World Trade Organization than business groups from the same regions (Piewitt 2010, 480). Inequalities in global civil society are a cause for concern and they will never be eliminated completely. On the other hand, civil society organizations still have a non-negligible ability to voice political concerns and to act as watchdogs *vis-á-vis* states and IOs (Steffek 2010, 63/64).

For reasons of space, I cannot discuss such avenues of citizen input in more detail here. The point of this section was to show how the gap between IOs and citizens could be bridged in principle to allow for contestation of the public interest definitions that IOs use. As electoral democracy beyond the state is not in sight, the challenge is to ingenuously strengthen established instruments of participation to make IOs responsive to criticisms arising from the transnational public, and to thus shift them to the crisis mode of operation.

Conclusion

In this article, I established a conception of democratic output legitimacy and discussed its significance for the democratic quality of governance by

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

IOs. I used the first, largely conceptual, section to counter the increasingly common view that output legitimacy is unrelated to democracy. I then specified the contributions that output-oriented institutions can make to democratic governance. Their main function is to protect the public interest of a political community by keeping concentrations of public and private power in check; and to enhance the epistemic quality of decision-making procedures.

I then applied this normative conception of output legitimacy to governance by public IOs. In a first step, I defended the view that IOs are an asset, rather than a threat, to democracy, and that democracy is possible (in principle) also at the transnational level. I then outlined the considerable potential of IOs to acquire democratic output legitimacy, but also discussed potential hazards associated with an emphasis on output-legitimacy, in particular the problem of paternalism. Technocratic paternalism is imminent when policy-making based on assumed citizen interests eschews confrontation with articulated citizen interests, when a specific conception of the (global) public good is simply locked in. Therefore, output-oriented and input-oriented mechanisms need to be coupled in such a way that functional IOs as principally technocratic organizations can be exposed to the articulated interests of citizens. This does not mean that input-oriented and output-oriented mechanisms of governance need to be permanently intertwined. What we need in practice are avenues of communication that can be activated when the conception of the public interest on which the output side works, is called into question.

Unlike liberal internationalists I thus made the case for enhanced citizen input and sided with cosmopolitans in their debate with 'statists' about the design of global governance. Liberal internationalists, such as Keohane, Moravcsik and Pettit, adamantly support international cooperation but democracy for them has its place within the confines of the sovereign state, not in the transnational arena. According to their view, IOs are an asset in democratic terms, but an asset to national democracy. As long as IOs avoid 'pathologies' and remain accountable to states, there is nothing wrong with the current arrangements of global governance (Pettit 2014, 169/70). Cosmopolitans, by contrast, argue for new transnational avenues of citizen participation and representation, thus making the case for global democracy. They believe that enhanced citizen input is needed, and that the key question is how and under what conditions this can be achieved. While statists are good at outlining the output-related virtues of IOs they do not have a convincing response to the paternalist hazard inherent in governance delegated to international expert bodies.

These bodies, at least in some situations, need input from the citizenry. I cautioned, however, that new avenues of input collection should not

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

jeopardize existing assets of IOs in the output dimension. Strengthening member state governments (or national parliaments) may in the end undermine democratic output legitimacy of IOs by giving more power to well-organized factions. The formidable challenge is to enable input collection by IOs in a way that safeguards those elements of democratic output legitimacy that IOs already have. This is why I would prefer transnational parliaments based on transnational party structures as providers of input or, if this cannot be realized, broad and balanced civil society participation.

To conclude, let me come back to the initial discussion about concept formation. Is there any use in debating the nexus of international governance and democracy in the terminology of input and output legitimacy? In my view, the input/output dichotomy has one considerable heuristic advantage. It helps us recognize that there are two crucial aspects of transnational democracy. The input side is about how citizens can impact and control international decision-making, directly or by way of representation. Output legitimacy is about the way that the system produces results that are in the global public interest. As I have shown, cosmopolitan theorists focus mostly on the input side of the coin, on participation, deliberation, and representative assemblies. Liberal internationalists, by contrast, defend IOs with output-related arguments: the rule of law, the protection of human rights, and decisions in the public interest. Cosmopolitans stress global governance *by* the people, whereas liberal internationalists focus on global governance *for* the people. We hence can divide not only classic writings of democratic theory but also our contemporary debate about international governance and democracy into input-oriented and output-oriented schools. This article should be read as an invitation to overcome the present bifurcation between liberal internationalism and cosmopolitan approaches. Output considerations, I submit, should be of concern to cosmopolitan theorists while problems of input should matter also to liberal internationalists.

Acknowledgments

Earlier versions of this article were presented at the University of Bremen, Carleton University, Technische Universität Darmstadt, University of Minnesota, University of Sankt Gallen, ETH Zurich and at the Berlin Social Science Center (WZB). The author is indebted to a great number of seminar participants for their helpful suggestions. The author also thanks the anonymous reviewers and editors of *International Theory* for their constructive criticism. Research for this article was supported by the *Deutsche Forschungsgemeinschaft* (DFG) through its Cluster of Excellence 'The Formation of Normative Orders' (EXC 243).

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

References

Abbott, Kenneth W., and Duncan Snidal. 1998. "Why States Act through Formal International Organizations." *Journal of Conflict Resolution* 42(1):3–32.

Archibugi, Daniele. 2004. "Cosmopolitan Democracy and Its Critics: A Review." *European Journal of International Relations* 10(3):437–73.

Arrow, Kenneth J. 1963. *Social Choice and Individual Values*, 2nd ed. New Haven: Yale University Press.

Ashworth, Scott. 2012. "Electoral Accountability: Recent Theoretical and Empirical Work." *Annual Review of Political Science* 15:183–201.

Bäckstrand, Karin. 2006. "Multi-Stakeholder Partnerships for Sustainable Development: Rethinking Legitimacy, Accountability and Effectiveness." *Environmental Policy and Governance* 16(5):290–306.

Baker, Andrew. 2012. "The 'Public Interest' Agency of International Organizations? The Case of the OECD Principles of Corporate Governance." *Review of International Political Economy* 19(3):389–414.

Barnett, Michael, and Martha Finnemore. 2004. *Rules for the World: International Organizations in Global Politics*. Ithaca, NY: Cornell University Press.

Bartolini, Stefano. 2005. *Restructuring Europe: Centre Formation, System Building, and Political Structuring between the Nation State and the European Union*. Cambridge: Cambridge University Press.

Benhabib, Seyla. 2012. "The Future of Democractic Sovereignty and Transnational Law". Paper presented at the Max Weber Lecture Series, MWP – LS 2012/04, European University Institute, Florence.

Benvenisti, Eyal. 2013. "Sovereigns as Trustees of Humanity. On the Accountability of States to Foreign Stakeholders." *American Journal of International Law* 107(2):295–333.

Bexell, Magdalena, Jonas Tallberg, and Anders Uhlin. 2010. "Democracy in Global Governance: The Promises and Pitfalls of Transnational Actors." *Global Governance* 16(1): 81–101.

Bolleyer, Nicole, and Christine Reh. 2012. "EU Legitimacy Revisited: The Normative Foundations of a Multilevel Polity." *Journal of European Public Policy* 19(4):472–90.

Box, Richard C. ed. 2006. *Democracy and Public Administration*. New York: M.E. Sharpe.

Bozeman, Barry. 2007. *Public Values and Public Interest: Counterbalancing Economic Individualism*. Washington, DC: Georgetown University Press.

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

Claude, Inis. 1966. "Collective Legitimization as a Political Function of the United Nations." *International Organization* 20(3):267–79.

Crick, Bernard. 1959. *The American Science of Politics: Its Origins and Conditions*. Berkeley: University of California Press.

Curtin, Deirdre, and Albert J. Meijer. 2006. "Does Transparency Strengthen Legitimacy? A Critical Analysis of European Union Documents." *Information Polity* 11(2):109–22.

Dahl, Robert A. 1999. "Can International Organizations be Democratic? A Skeptic's View." In *Democracy`s Edges*, edited by Ian Shapiro and Casiano Hacker-Cordón, 19–36. Cambridge: Cambridge University Press.

Dickinson, Goldsworthy L. 1916. *The European Anarchy*. London: Allen & Unwin.

Downs, Anthony. 1962. "The Public Interest: Its Meaning in a Democracy." *Social Research* 29(1):1–36.

Drezner, Daniel W. 2007. *All Politics Is Global: Explaining International Regulatory Regimes*. Princeton: Princeton University Press.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

Dryzek, John. 2006. *Deliberative Global Politics*. Cambridge: Polity Press.
Easton, David. 1965. *A Systems Analysis of Political Life*. New York: John Wiley.
—— 1975. "A Re-Assessment of the Concept of Political Support." *British Journal of Political Science* 5(4):435–57.
Elster, Jon. 1986. "The Market and the Forum: Three Varieties of Political Theory." In *Foundations of Social Choice Theory*, edited by Jon Elster and Aanund Hylland, 103–32. Cambridge: Cambridge University Press.
Eriksen, Stein Sundstøl, and Ole Jacob Sending. 2013. "There Is No Global Public: the Idea of the Public and the Legitimation of Governance." *International Theory* 5(2):213–37.
Falk, Richard, and Andrew Strauss. 2001. "Toward Global Parliament." *Foreign Affairs* 80(1): 212–
Føllesdal, Andreas, and Simon Hix. 2006. "Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik." *Journal of Common Market Studies* 44(3): 533–
Gaus, Daniel. 2010. "Two Kinds of Democratic Legitimacy for the EU? Input- and Output-Oriented Legitimacy as a Case of Conceptual Misformation". Manuscript, ARENA/ University of Oslo.
Grant, Ruth W., and Robert O. Keohane. 2005. "Accountability and Abuses of Power in World Politics." *American Political Science Review* 99(1):29–43.
Gutner, Tamar, and Alexander Thompson. 2010. "The Politics of IO Performance: a Framework." *Review of International Organizations* 5(3):227–48.
Haas, Ernst B. 1978. *Scientists and World Order: The Uses of Technical Knowledge in International Organizations*. Berkeley: University of California Press.
Hafner-Burton, Emilie M., and Kyiotero Tsutsui. 2005. "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110(5): 1373–1511.
Harmon, Michael Mont. 1969. "Administrative Policy Formulation and the Public Interest." *Public Administration Review* 29(5):483–91.
Haus, Michael, Hubert Heinelt, and Stewart Murray. 2005. *Urban Governance and Democracy: Leadership and Community Involvement*. London: Routledge.
Held, David. 1991. "Democracy, the Nation-state and the Global System." *Economy and Society* 20(2):138–72.
Ho, Lok Sang. 2012. *Public Policy and the Public Interest*. Abingdon: Routledge.
Höreth, Marcus. 1999. "No Way Out for the Beast? The Unsolved Legitimacy Problem of European Governance." *Journal of European Public Policy* 6(2):249–68.
Hurd, Ian. 2007. *After Anarchy: Legitimacy and Power in the United Nations Security Council*. Princeton: Princeton University Press.
Hurrelmann, Achim, Steffen Schneider, and Jens Steffek. 2007. "Conclusion: Legitimacy – Making Sense of an Essentially Contested Concept." In *Legitimacy in an Age of Global Politics*, edited by Achim Hurrelmann, Steffen Schneider, and Jens Steffek, 229–37. Houndmills, Basingstoke: Palgrave Macmillan.
Ikenberry, John. 2011. *Liberal Leviathan*. Princeton: Princeton University Press.
Kaiser, Karl. 1971. "Transnational Relations as a Threat to the Democratic Process." *International Organization* 25(3):706–20.
Kant, Immanuel. 1991. "On the Common Saying: 'This May Be True in Theory But It Does Not Apply in Practice'." In *Kant: Political Writings*, edited by Hans S. Reiss, 61–92. Cambridge: Cambridge University Press.
Kassim, Hussein, and Anand Menon. 2003. "The Principal–agent Approach and the Study of the European Union: Promise Unfulfilled?" *Journal of European Public Policy* 10(1):121–39.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

Keohane, Robert O. 2006. "The Contingent Legitimacy of Multilateralism." In *Multilateralism under Challenge? Power, International Structure, and World Order*, edited by Edward Newman, Ramesh Thakur, and John Tirman, 56–76. Tokyo: United Nations University Press.

Keohane, Robert O., Stephen Macedo, and Andrew Moravcsik. 2009. "Democracy-Enhancing Multilateralism." *International Organization* 63(1):1–31.

Koenig-Archibugi, Mathias. 2011. "Is Global Democracy Possible?" *European Journal of International Relations* 17(3):519–42.

Kohler-Koch, Beate. 2010. "Civil Society and EU Democracy: 'Astroturf' Representation?" *Journal of European Public Policy* 17(1):100–16.

Kriesi, Hanspeter. 2013. "Democratic Legitimacy: Is There a Legitimacy Crisis in Contemporary Politics?" *Politische Vierteljahresschrift* 54(4):609–63.

Levine, Michael E., and Jennifer L. Forrence. 1990. "Regulatory Capture, Public Interest and the Public Agenda: Towards a Synthesis." *Journal of Law, Economics, and Organization* 6(1):167–98.

Lindgren, Karl-Oskar, and Thomas Persson. 2010. "Input and Output Legitimacy: Synergy or Trade-off? Empirical Evidence from an EU Survey." *Journal of European Public Policy* 17(4):449–67.

Lippmann, Walter. 1955. *Essays in the Public Philosophy*. Boston: Little.

Macdonald, Terry. 2008. *Global Stakeholder Democracy: Power and Representation beyond Liberal States*. Oxford: Oxford University Press.

Mahoney, Joseph T., Anita M. McGahan, and Christos N. Pitelis. 2009. "The Interdependence of Private and Public Interests." *Organization Science* 20(6):1034–

Majone, Giandomenico. 1998. "Europe's 'Democratic Deficit': The Question of Standards." *European Law Journal* 4(1):5–28.

Manin, Bernard, Adam Przeworski, and Susan Stokes. 1999. "Elections and Representation." In *Democracy, Accountability and Representation*, edited by Adam Przeworski, Bernard Manin, and Susan Stokes, 29–54. Cambridge: Cambridge University Press.

Martens, Kerstin, and Anja P. Jakobi. eds. 2010. *Mechanisms of OECD Governance: International Incentives for National Policy-Making?*. Oxford: Oxford University Press.

Mashaw, Jerry. 1997. *Greed, Chaos, and Governance: Using Public Choice to Improve Public Law*. New Haven: Yale University Press.

Mattli, Walter, and Ngaire Woods. 2009. "In Whose Benefit? Explaining Regulatory Change in Global Politics." In *The Politics of Global Regulation*, edited by Walter Mattli and Ngaire Woods, 1–43. Princeton: Princeton University Press.

Mayntz, Renate. 2010. *Legitimacy and Compliance in Transnational Governance*. Cologne: MPIfG Working Paper 10/5.

Mearsheimer, J. John. 1995. "A Realist Reply." *International Security* 20(1):82–93.

Mitrany, David. 1933. *The Progress of International Government*. London: Allen & Unwin.

—— 1955. "Parliamentary Democracy and Poll Democracy." *Parliamentary Affairs* 9(1):13–24.

Mitzen, Jennifer. 2013. *Power in Concert: The Nineteenth Century Origins of Global Governance*. Chicago: University of Chicago Press.

Moravcsik, Andrew, and Andrea Sangiovanni. 2003. "On Democracy and 'Public Interest' in the European Integration." In *Die Reformierbarkeit der Demokratie. Innovationen und Blockaden*, edited by Renate Mayntz and Wolfgang Streeck, 122–50. Frankfurt am Main: Campus.

Morgan, Glyn. 2003. "Democratic Equality, Transnational Institutions, and the Constraints of Modernity." In *Transnational Democracy in Critical and Comparative Perspective: Democracy's Range Reconsidered*, edited by Bruce Morrison, 173–90. Aldershot: Ashgate.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

Näsström, Sofia. 2003. "What Globalization Overshadows." *Political Theory* 31(6):808–34.
—— 2007. "The Legitimacy of the People." *Political Theory* 35(5):624–58.
Nielson, Daniel L., and Michael J. Tierney. 2003. "Delegation to International Organizations: Agency Theory and World Bank Environmental Reform." *International Organization* 57(2):241–76.
Noël, Alain, and Jean-Philippe Thérien. 2008. *Left and Right in Global Politics*. Cambridge: Cambridge University Press.
Omelicheva, Mariya Y. 2009. "Global Civil Society and Democratization of World Politics: A Bona Fide Relationship or Illusory Liaison?" *International Studies Review* 11(1): 109–132.
Papadopoulos, Yannis. 2010. "Accountability and Multi-level Governance: More Accountability, Less Democracy?" *West European Politics* 33(5):1030–
Peters, Bernhard. 1993. *Die Integration Moderner Gesellschaften*. Frankfurt/Main: Suhrkamp.
Pettit, Philip. 2004. "Depoliticizing Democracy." *Ratio Iuris* 17(1):52–65.
—— 2014. *Just Freedom: A Moral Compass for a Complex World*. New York: W.W. Norton.
Pierre, Jon. ed. 2000. *Debating Governance: Authority, Steering, and Democracy*. Oxford: Oxford University Press.
Piewitt, Martina. 2010. "Participatory Governance in the WTO: How Inclusive Is Global Civil Society?" *Journal of World Trade* 44(2):467–88.
Raustiala, Kal, and Ann-Marie Slaughter. 2002. "International Law, International Relations and Compliance." In *Handbook of International Relations*, edited by Walter Carlsnaes, Thomas Risse and Beth A Simmons, 538–58. London: Sage.
Rawls, John. 1999. *The Law of Peoples*. Harvard: Harvard University Press.
Reinalda, Bob. 2009. *Routledge History of International Organizations: From 1815 to the Present Day*. London: Routledge.
Reinsch, Paul S. 1911. *Public International Unions: Their Work and Organization*. Boston: Ginn and Company.
Risse, Thomas. 2000. "'Let's Argue!' Communicative Action in World Politics." *International Organization* 54(1):1–39.
—— 2006. "Transnational Governance and Legitimacy." In *Governance and Democracy – Comparing National, European and Transnational Experiences*, edited by Arthur Benz and Ioannis Papadopoulos, 179–99. Abingdon: Routledge.
Risse, Thomas, and Mareike Kleine. 2007. "Assessing the Legitimacy of European Treaty Revisions." *Journal of Common Market Studies* 45(1):69–80.
Ruggie, John G. 1992. "Multilateralism: the Anatomy of an Institution." *International Organization* 46(3):561–98.
Salter, James A. 1921. *Allied Shipping Control: An Experiment in International Administration*. Oxford: Clarendon.
Scharpf, Fritz W. 1970. *Demokratietheorie zwischen Utopie und Anpassung*. Konstanz: Universitätsverlag.
—— 1999. *Governing in Europe: Effective and Democratic?* Oxford: Oxford University Press.
Scharpf, Fritz. 2000. "Interdependence and Democratic Legitimation." In *Disaffected Democracies: What's Troubling the Trilateral Countries?*, edited by Susan J. Pharr and Robert D. Putnam, 101–20. Princeton: Princeton University Press.
—— 2003. "Problem-Solving Effectiveness and Democratic Accountability in the EU". MPIfG Working Paper 03/1. Accessed November 9, 2014. http://www.mpifg.de/pu/workpap/wp03-1/wp03-1.html.
Schmidt, Vivian A. 2013. "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'." *Political Studies* 61(1):2–22.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press

Shapiro, Martin. 2005. "'Deliberative', 'Independent' Technocracy v. Democratic Politics: Will the Globe Echo the E.U.?" *Law and Contemporary Problems* 68(3/4):341–56.

Soederberg, Susanne. 2003. "The Promotion of 'Anglo-American' Corporate Governance in the Global South: Who Benefits from the New International Standard?" *Third World Quarterly* 24(1):7–27.

Sorauf, Frank J. 1962. "The Conceptual Muddle." In *The Public Interest. Nomos No. 5*, edited by Carl J. Friedrich, 183–90. New York: Atherton.

Steffek, Jens. 2010. "Public Accountability and the Public Sphere of International Governance." *Ethics & International Affairs* 24(1):45–68.

Steffek, Jens, Kissling Claudia, and Patrizia Nanz. eds. 2008. *Civil Society Participation in European and Global Governance. A Cure for the Democratic Deficit?*. Houndmills, Basingstoke: Palgrave Macmillan.

Take, Ingo. 2012. "Regulating the Internet Infrastructure: A Comparative Appraisal of the Legitimacy of ICANN, ITU, and the WSIS." *Regulation & Governance* 6(4):499–523.

Thomassen, Jacques, and Hermann Schmitt. 2004. "Democracy and Legitimacy in the European Union." *Tidsskrift for Samfunnsforskning* 45(1):377–410.

Tilly, Charles. 1985. "War Making and State Making as Organized Crime." In *Bringing the State Back in*, edited by Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol, 169–91. Cambridge: Cambridge University Press.

Van Kersbergen, Kees, and Frans Van Waarden. 2004. "'Governance' as a Bridge between Disciplines: Cross-disciplinary Inspiration Regarding Shifts in Governance and Problems of Governability, Accountability and Legitimacy." *European Journal of Political Research* 43(2):143–71.

Vigoda, Eran. 2002. "From Responsiveness to Collaboration: Governance, Citizens, and the Next Generation of Public Administration." *Public Administration Review* 62(5):527–40.

Ward, Michael. 2004. *Quantifying the World: UN Ideas and Statistics*. Bloomington: Indiana University Press.

Weber, Max. 1978. *Economy and Society*, edited by Guenther Roth and Claus Wittich. Berkeley: University of California Press.

Wolf, Klaus Dieter. 2006. "Private Actors and the Legitimacy of Governance beyond the State: Conceptional Outlines and Empirical Explorations." In *Governance and Democracy: Comparing National, European and International Experiences*, edited by Arthur Benz and Yannis Papadopoulus, 200–27. Abingdon: Routledge.

Woolf, Leonard. 1916. *International Government*. London: Fabian Society and George Allen & Unwin.

Wouters, Jan, *et al.* 2010. *Accountability for Human Rights Violations by International Organisations*. Antwerp: Intersentia.

Zimmern, Alfred. 1930. "Democracy and the Expert." *The Political Quarterly* 1(1):7–25.

Zürn, Michael. 2000. "Democratic Governance beyond the Nation State: The European Union." *European Journal of International Relations* 6(2):183–222.

https://doi.org/10.1017/S1752971915000044 Published online by Cambridge University Press