

Steffek, Jens

**Working Paper**

## The democratic output legitimacy of international organizations

WZB Discussion Paper, No. SP IV 2014-101

**Provided in Cooperation with:**

WZB Berlin Social Science Center

*Suggested Citation:* Steffek, Jens (2014) : The democratic output legitimacy of international organizations, WZB Discussion Paper, No. SP IV 2014-101, Wissenschaftszentrum Berlin für Sozialforschung (WZB), Berlin

This Version is available at:

<https://hdl.handle.net/10419/100651>

**Standard-Nutzungsbedingungen:**

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

**Terms of use:**

*Documents in EconStor may be saved and copied for your personal and scholarly purposes.*

*You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.*

*If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.*

# WZB

Wissenschaftszentrum Berlin  
für Sozialforschung



Jens Steffek

## **The Democratic Output Legitimacy of International Organizations**

**Discussion Paper**

SP IV 2014–101

February 2014

**Social Science Research Center Berlin (WZB)**

Research Area

**International Politics and Law**

Research Unit

**Global Governance**

Wissenschaftszentrum Berlin für Sozialforschung gGmbH  
Reichpietschufer 50  
10785 Berlin  
Germany  
[www.wzb.eu](http://www.wzb.eu)

Copyright remains with the author(s).

Discussion papers of the WZB serve to disseminate the research results of work in progress prior to publication to encourage the exchange of ideas and academic debate. Inclusion of a paper in the discussion paper series does not constitute publication and should not limit publication in any other venue. The discussion papers published by the WZB represent the views of the respective author(s) and not of the institute as a whole.

Jens Steffek  
Email: [steffek@pg.tu-darmstadt.de](mailto:steffek@pg.tu-darmstadt.de)  
The Democratic Output Legitimacy of International Organizations

Discussion Paper SP IV 2014–101  
Wissenschaftszentrum Berlin für Sozialforschung (2014)

Affiliation of the author other than WZB:

Jens Steffek  
Technische Universität Darmstadt  
Karolinenplatz 5, 64289 Darmstadt

# The Democratic Output Legitimacy of International Organizations

Jens Steffek

## Abstract

In this article I discuss output legitimacy as a category of normative analysis of international organizations (IOs). I first take issue with the widespread view that output legitimacy is just a synonym for organizational effectiveness or efficiency, and unrelated to democracy. Against this view, I argue that output legitimacy has an important democratic dimension. The touchstone of 'democratic output legitimacy' is the extent to which systems of governance generate results that cater to the public interest. This notion of democratic output legitimacy is then applied to IOs. The ability of IOs to safeguard a transnational public interest hinges on i) their ability to keep powerful (state and non-state) actors in check; ii) the epistemic quality of their decision-making procedures; iii) their respect for human and civil rights. Attaining these qualities may require shielding IOs from the input dimension of the international political process. I warn that some strategies to improve the democratic input legitimacy of IOs may enhance the power of strong nations over weaker ones, and of well-organized industry lobbies over other interests.

*Keywords: international organizations, legitimacy, democratic legitimacy, output legitimacy*

## Zusammenfassung

Der vorliegende Beitrag diskutiert Output-Legitimität als Kategorie normativer Analyse internationaler Organisationen (IOs). Dabei geht er zunächst auf eine weit verbreitete Ansicht ein, der zufolge Output-Legitimität lediglich ein Synonym für organisationale Effektivität oder Effizienz ist, ohne dabei einen Bezug zur Demokratie herzustellen. Im Gegensatz dazu wird hier die Auffassung vertreten, dass Output-Legitimität über eine bedeutende demokratische Dimension verfügt. Als Prüfstein demokratischer Output-Legitimität wird angelegt, inwiefern Governance-Systeme Ergebnisse generieren, die sich am öffentlichen Interesse orientieren. Anschließend wird dieses Verständnis demokratischer Output-Legitimität auf IOs angewendet. Die Fähigkeit von IOs, ein transnationales öffentliches Interesse abzusichern ist abhängig von i) ihrer Fähigkeit, einflussreiche (staatliche und nicht-staatliche) Akteure unter Kontrolle zu halten; ii) der epistemischen Qualität ihrer Entscheidungsverfahren; iii) der Achtung der Menschen- und Bürgerrechte durch die IO. Um dies zu erreichen, kann es erforderlich sein, IOs von der Input-Dimension des internationalen politischen Prozesses abzuschirmen. Der Beitrag warnt damit zugleich davor, dass einige Strategien zur Verbesserung der demokratischen Input-Legitimität von IOs die Macht stärkerer über schwächere Staaten oder gut organisierter Industrielobbys über andere Interessen vergrößern könnten.

*Schlüsselwörter: internationale Organisationen, Legitimität, demokratische Legitimität, Output-Legitimität*

## Introduction

The legitimacy of international governance has become a key topic on the agenda of international political theory. Few conceptual contributions have left more of an imprint on that debate than the distinction between input and output legitimacy that was introduced by German political scientist Fritz Scharpf. In the literature on international organizations (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. 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 (and control over) the political process, and hence is a democratic phenomenon; output legitimacy, on the other hand, results from effective/efficient problem-solving of institutions and hence is unrelated to democracy. I argue in this article that such a managerial conception of output legitimacy is simplistic and the alleged opposition to democracy misleading. It is misleading because it biases the discussion about global governance and democracy very strongly towards creating new avenues of input. Some forms of enhanced input, however, may bolster the power of strong nations over weaker ones, and of well-organized industry lobbies over other interests. More regard for the democratic output perspective and its insistence on the idea of a global public interest may be an important antidote in this respect.

My argument unfolds in the following 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. I recall that Fritz Scharpf in his original conceptualization from the 1970s used 'input' and 'output' as labels for two different perspectives of *normative democratic theory*. Input-oriented theories of democracy elaborate on how the interests, values and concerns of citizens are channelled into the political process. Output-oriented theories of democracy focus on the quality of the resulting decisions, their substantial rationality and public interest orientation. Scharpf singled out two principal avenues for securing rationality and public interest orientation on the output side. First, there are checks and balances that prevent abuses of power by office holders – 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 and comprehensive information about the issue at stake, rather than on partisan interests. Based on these considerations I establish a notion of 'democratic output legitimacy' as a category of normative political analysis.

In the second section I take issue with the question of whether IOs, and not just domestic political systems, can have such democratic output legitimacy. My answer is affirmative and I defend it against three rival views. I first refute the argument made by realists that IOs are simply the handmaidens of powerful states and as such cannot accommodate a global public interest. Second, drawing on some recent work in international theory I argue against the claim that international policy-making necessarily undermines domestic democracy. Third, I engage with the view that IOs themselves cannot be democratic. In section 3 I argue that public IOs can avail of democratic output legitimacy to the extent that they manage to keep factional interests of powerful states in check; to secure a high epistemic quality of their decision-making; and are respectful of human and civil rights in their operation. The argument that I develop in these sections is chiefly a normative one in that I defend a (cosmopolitan) conception of legitimacy of public international organisations in the light of democratic theory.

In section four I proceed to discussing the limitations of output legitimacy in the IO context. My starting point is the observation that democratic mechanisms of the output type function on the basis of *assumed interests* of citizens, as opposed to the *articulated interests* of citizens on the input side. Non-majoritarian institutions that contribute to output-legitimacy, in particular technocratic bodies, are operating on the claim that they are able to determine what solution would be in the best interest of all citizens. Their claim to authority is grounded in their ability to identify solutions catering to the public interest, which requires expertise, impartiality and a professional ethos. Being removed from the pushing and shoving of everyday politics is a safeguard against potential biases introduced by political factions. The hazard associated with technocratic types of governance is paternalism, which is likely to emerge whenever assumed citizen interests are not systematically and reliably aligned with articulated citizen interests. I therefore discuss strategies for connecting input-oriented and output-oriented mechanisms.

## **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 vigorously debated (Hurrelmann et al. 2007). Interestingly, this is not true for the sub-concepts of “input legitimacy” and “output legitimacy”, whose meaning and usefulness are in fact rarely contested (but see Gaus 2010). The distinction is commonly associated with the writings of Fritz Scharpf, and here most often with his work on the European Union (Scharpf 1999). Scharpf has been highly successful in coining a terminology that is so appealing and straightforward that most authors who cite it do not feel the need to discuss it in detail. Concepts, however, are appropriated by the scholarly community in a way that their authors may not have anticipated and that they cannot control. As I will show in this section, even if references to Scharpf’s writings are still present, his input/output distinction by now has gotten a life of its own.

With regard to input legitimacy, the usage of the term in the IR and EU literature is widely consistent. Input legitimacy is used to refer to institutional arrangements that allow citizens to communicate their interests, values, and anxieties to political decision-makers; or, as in the case of direct democracy, to take decisions themselves. Authors 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 in the literature over what input legitimacy means, within the state and beyond. If democracy is to be governance “by the people”, it seems, mechanisms enabling citizen input are imperative and must form an integral part of the institutional set-up of the polity.

What output legitimacy is, and how exactly it relates to democracy, is less obvious, and on closer inspection definitions and usages of this term vary considerably. As I will argue below, this oscillation might have something to do with Scharpf’s problematic appropriation of David Easton’s terminology. But let me begin with a brief survey of the current references to output legitimacy in the context of international and European governance. It is often said that the output-legitimacy of international governance is

related to its “effective” or “efficient” problem-solving (see, among others, Bäckstrand 2006, 292; Curtin and Meijer 2006, 112; Höreth 1999, 251; Lindgren and Persson 2010, 451; Risse 2006, 180). Authors adopting such a perspective stress the concrete benefits that citizens reap from the functioning of political institutions. It is also often suggested that deficits in institutional performance will decrease an institution’s 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 fact, with a focus on organizational performance and efficiency often comes the idea that output legitimacy is, conceptually speaking, the opposite, or the “other”, of democratic legitimacy. As Gaus (2010) remarks, it has become extremely common 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, empirically, 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 of such a ‘whatever works best’ approach, the term output legitimacy is used to simply denote the empirical acceptance of governance, unrelated to any explicit standard of evaluation (Take 2012, 6).

I contend that this managerial conception of output legitimacy as solely based on performance and unrelated to the democratic quality of governance is misleading and simplistic. In particular, it obscures the crucial connection between governance output and democracy. To highlight this connection I suggest going back to the original input/output distinction in the work of Scharpf, as laid out in his inaugural lecture at the University of Konstanz. The purpose of that lecture was to take stock of the contemporary development of democratic theory (Scharpf 1970, 8). Drawing on David Easton’s analysis of political systems (Easton 1965), Scharpf distinguishes two major perspectives on the political system that democratic theorists may 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 theoretical perspective is concerned



with the quality of the *output* that the system delivers. The key question in the output perspective is how the design of the democratic polity can ensure that its output serves “the public interest”<sup>1</sup> of the citizenry and not the particular interests of some well-organized or vociferous groups. Scharpf puts this perspective on democracy in a tradition ranging from Aristotle, over Montesquieu and the American Federalists to contemporary theories of democracy (see also Scharpf 2003, note 3).

Scharpf discusses a wide range of specific institutional mechanisms under the output heading. As output-oriented he classifies theories on the separation of powers, on parliamentary and public deliberation, and on the welfare state (Scharpf 1970, 21-24). The welfare state, where the ‘support for benefits’-logic outlined above may apply, is not present beyond the state and hence will not be discussed here any further.<sup>2</sup> What the other two mechanisms have in common is that they are geared towards safeguarding the public interest of the constituency. This requires preventing abuses of power by elected officials but also by influential private actors, and it requires organizing epistemic procedures to identify what is in the public interest of a constituency. “Effective problem-solving” is, at least in his original conception, not the primary aim of output-oriented features of a democratic political system, and it is not an empirical measure of output legitimacy.

How did it happen, then, that so many authors have come to view output legitimacy as related to problem-solving and efficiency of governance, and as being largely unrelated to democracy? Interestingly, the managerial problem-solving aspect comes much closer to Easton’s original understanding of system output. 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 the 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

---

<sup>1</sup> In his German writings Scharpf uses the term “Gemeinwohl”. Expressions like “common wheel” 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 last section of this text.

<sup>2</sup> In a similar vein, I cannot take issue here with the output-related functions of courts, in particular constitutional courts.

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 he calls “specific support” of the system and failure to deliver such benefits may undermine it. But such specific support, for Easton, is not sufficient to create political stability and needs to be complemented with “diffuse support”, which is created by beliefs in the legitimacy of the system. Easton (1965, 286–310) describes several types and sources of legitimacy at length, but none of them is related to the material outputs of the system. Hence, outputs for Easton 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 in line with Max Weber’s classic conceptualization of legitimacy, which explicitly excluded that “personal advantage” could be a basis of it (Weber 1978, 213).

This short excursion into Easton’s system theorizing helps us shed light on some oddities in Scharpf’s conception of output legitimacy. First of all, Scharpf named a dimension of democracy and political legitimacy by a term that in Easton’s conceptual universe denotes an *alternative* to political legitimacy. What is more, Scharpf himself has been edging away from his original conception of democratic output and towards a compound notion of output legitimacy as public good orientation plus effective / efficient problem-solving (he uses both adjectives in this context). On the one hand, Scharpf in his work on the EU places preventing abuses of power and securing the epistemic quality of decisions still in the realm of output legitimacy (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” (1999, 11; see also Scharpf 2000, 104).

The capacity of a political system to solve problems is analytically different, however, from the capacity of a political system to solve them in a particular manner respectful of democratic standards. These democratic standards are crucial, I argue, for the definition of output legitimacy. Efficacy and efficiency of governance may be well defended on pragmatic grounds (for IOs see Gutner and Thompson 2010). And to the extent that there is a collective preference in a constituency for cost-efficient government and administration,

the criteria of efficiency and democratic quality may in fact overlap. On the other hand, there is no general theoretical connection of the sort that efficiency is always and by necessity an asset to the democratic quality of governance. My conception of democratic output legitimacy is not intended to marginalize pragmatic concerns with efficiency and efficacy of governance. The idea rather is to highlight that also with regard to governance output there is a democratic dimension that needs to complement efficiency concerns.

The tension created by Scharpf's appropriation of Easton's terminology also reflects the very ambiguity of the concept of legitimacy (Beetham 1991, Chapter 1). Often, legitimacy is used in a descriptive, 'Weberian' sense, denoting motivations for individuals to accept structures of domination. This is the way Easton uses the term. On the other hand, legitimacy is also used to normatively evaluate political institutions. This normative approach is present in Scharpf's work. In developing my own account of output legitimacy I am interested in legitimacy as a *category of normative analysis*. My aim is to defend the view that output legitimacy is conceptually related to democracy. I call my conception 'democratic output legitimacy', in order to underline the idea that output legitimacy is, quite like input legitimacy, a necessary ingredient of democratic legitimacy (which is the wider, multidimensional concept). Democratic output legitimacy is present when government delivers results that are in the public interest of the respective community; based on encompassing knowledge pertinent to the issue; and that do not violate the human and civil rights of any member of the community.

This implies that a government that serves the economic interests of a small ruling clique at the expense of the rest of the constituency is democratically illegitimate in the output dimension even if it was voted into office by a majority (public interest aspect). The same is true if a government disregards important pieces of information when formulating its policies, for instance, when ignoring the nature of HIV/AIDS as a sexually transmitted disease (epistemic aspect). A government that passes laws that violate the rights of women, ethnic or religious minorities, of homosexuals or homeless people is democratically illegitimate in the output dimension, even if such laws were passed in full conformity with input-democratic procedure (human rights aspect). In the next sections I apply this notion of democratic output legitimacy to the analysis of institutions of international governance.

Before I proceed to this, one last conceptual clarification is in order. How does the conception of democratic output legitimacy relate to the idea of 'throughput legitimacy' that has gained clout in the literature over the last years? The concept of '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). Throughput refers once again to Easton's political system imagery, and in particular on how inputs into the system are processed on their way to the output side. As Schmidt argues with regard to EU politics "[t]hroughput is process-oriented, and based on the interactions [...] of all actors engaged in EU governance" (Schmidt 2012, 4). Crucial 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 have two objections to such a framing: 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 (Box 2006; Pierre 2000; Vigoda 2002).

My second point is more important for concept formation than this genealogical note. By isolating procedure the notion of throughput legitimacy suggests that input and output legitimacy do not have a procedural dimension. As we will see below, especially the epistemic 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. Procedures are crucially important for democracy in both dimensions. I therefore suggest that for the purpose of this essay it would not be an advantage to isolate aspects of procedure into a separate category of organizational legitimacy.

## **International Organizations and Democratic Legitimacy**

That IOs can and should be democratic is far from uncontroversial. In fact, a good number of scholars perceive IOs as a 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 international organizations by addressing the relationship between democracy and IOs more generally. Accordingly, I shall first address two key questions: Does democracy require the existence of IOs? And can IOs themselves be democratic?

Let us start thinking about the relations 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 we assume that 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 the question of “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, for instance, has external effects on others who are denied the possibility to impact the decision. The doctrine of state sovereignty implies that every state, and implicitly also every national democratic community, is justified in not taking the 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). The externalities of domestic governance give rise to a ‘democratic deficit’ that exists *before* any cooperation among states is institutionalized.

This deficit 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 genuinely international structures of authority. At the transnational level, there is no institution to prevent economically and militarily powerful actors from exploiting their capacities to bully and coerce 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, in which the absence of central authority invites abuses of power (Grant and Keohane 2005, 30).

It is not even assumed that states take into account a transnational public interest but rather that they maximize their national self-interest. Of course, self-interested behaviour of political representatives is not uniquely affecting the international level of politics. Elected representatives push the interests of their constituencies in national parliaments as well. However, national parliamentarians are embedded into structures that constrain the pursuit of parochial interests significantly. Their parties discipline them, force them to take other constituencies and issues into account. Political parties are normally operating nation-wide and hence already balance local concerns internally. Coalition governments or multi-chamber legislatures may impose similar restraints on rent-seeking. Not least, the national media, whose reporting elected politicians cannot ignore, are there to expose all too ruthless pursuit of parochial interests. All these constraints are not present, or starkly underdeveloped, at the international level.

To summarize, I 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 by a fiction of sovereignty of independent states. Public IOs with a multilateral design can be justified as a way of addressing the original democratic deficit in world politics. There is a democratic, and not just 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 do not have independent political agency. If this view was correct, there would be little room for IOs as neutral institutions oriented toward a transnational public interest.

However, other schools of international theory disagree sharply with the realist picture of IOs. Rational institutionalists approach IOs in a functionalist fashion. They view IOs 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 rules, thus hedging state power (Ruggie 1992). Moreover, constructivists have shown how IO Secretariats and expert staff are able to act quite independently from 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 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 the weaker states but also the hegemon itself. Thus, even if the US is 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 even the actions of the most powerful state.

Let us now turn to critics who argue from a democratic theory perspective that IOs are powerful actors in their own right but undermining 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 enabled to bypass parliamentary scrutiny and opposition by shifting certain policy decisions to the international level. IOs hence emerge as a threat to national democracy. Robert Dahl affirmed this line of argument but also added that IOs themselves can never be democratic (Dahl 1999). Dahl diagnosed 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 political participation but nevertheless can be an asset to national democracy. They can help off-setting factions, protecting minority rights, and enhancing the quality of democratic deliberation. They 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 different conclusions than Kaiser or Dahl regarding the effects of IOs on the quality of democracy is at least in part a consequence of their definition of what democracy actually is. They adopt a notion of ‘constitutional democracy’ that they posit against the focus on electoral and majoritarian mechanisms that are crucial for Dahl. Constitutional democracy, as they use the term, emphasizes the non-majoritarian and non-electoral institutions of a state: the rule of law, the provision of public goods and the protection of minority interests. In the terminology



adopted here, Keohane et al. clearly stress the output side of the democratic system over the input side and also imply 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 they do not discuss the possibility of transnational or global democracy. Among those who support global democratic institutions, Matthias Koenig-Archibugi has taken most care to reject the impossibility arguments made by Dahl and other sceptics of global democracy (Koenig-Archibugi 2011). Mustering empirical evidence on domestic democratization he manages to refute the claims that cultural homogeneity, economic growth or certain levels of socio-economic equality are necessary conditions for having democratic institutions. The example of India, the biggest democracy of the world in terms of population size, is his case in point – a huge state 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 not viable?

Koenig-Archibugi's notion of democracy is complex but the emphasis clearly is on mechanisms of the input type that would 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); de-centered global deliberation (Dryzek 2006); but this article is not the place to discuss such cosmopolitan input theories in detail. They are important and in section 4 below I shall explain why. Cosmopolitans, however, with their emphasis on government by the people so far have rarely considered democratic mechanisms of the output type. I shall do so in the next section.

## **The Democratic Output Legitimacy of IOs**

As outlined in the conceptual section above, democratic output legitimacy is generated by the quality of political results. Most output-oriented mechanisms of democratic

governance are non-majoritarian in character (Majone 1998). In the domestic arena they 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. I distinguished above three aspects of output legitimacy: the public interest aspect, the epistemic aspect and the human rights aspect. In this section I discuss the potential of IOs with regard to these three aspects in more detail, taken the public interest and epistemic aspect together, as they are to some degree related.

Let us hence begin with the protection of human and civil rights. 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 (Keohane et al. 2009, 7-8; Hafner-Burton and Tsutsui 2005). IOs promote state compliance with international treaties in the field of human rights (Raustiala and Slaughter 2002). Recent legal scholarship, however, has pointed out that IOs themselves in certain circumstances may take actions or decisions that 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. Let us now turn to the more complex issue of public-interest orientation.

“Output legitimacy is ‘government for the people,’ government oriented to the public interest rather than to the ‘general will’” (Moravcsik and Sangiovanni 2003, 127). The term public interest usually refers to the welfare of society as a whole, and is often compared to (and delineated from) the welfare of a private individual or company. It is an important conception not only in political science and philosophy but also in law, management, public administration and economics. Levine and Forrence (1990) nicely disentangle competing uses of the term. In this essay it is used in the context of a ‘normative theory about the desirability of reflecting the preferences of a general polity over special interests’ (Levine and Forrence 1990, 172). Public interest denotes one particular quality of output of the political system: the warranted presumption that its decisions benefit every citizen and not just a specific faction.

A crucial aspect of the ‘original democratic deficit’ of international politics as diagnosed in the first section is the absence of decisions taken in the ‘global public interest’. To clarify

that important point let us confront a world in which IOs are present with an (imagined) world from which IOs are absent and international politics follows the mode of inter-state bargaining, issue-specific and mostly bilateral. In such a situation, 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. 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 will affect a greater 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 post-war organizational boom and remains an important, if only partially fulfilled, aspect of IO operations today" (Abbott and Snidal 1998, 24). Due to their inclusiveness, IOs are the place where the public interest can be debated and information from very different territorial perspectives can be put forward. Many commentators, both in the past and present, have highlighted the potential of IOs to produce decisions that are conducive to such a transnational public interest. How do IOs safeguard the public interest? In what follows I focus on two features that (potentially) contribute to the task: their ability to hedge excessive state power and hence the power of factions in international policy-making; second, inclusive procedures guaranteeing a high deliberative quality of decisions.

Both goals are often served by strategies of delegation. In the domestic context, 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 it is the independent central bank. The problem that independent central banks are designed to tackle 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), not just pragmatic, reasons. The democratic justification for the exemption of the bank from parliamentary control and responsiveness to 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 in the last section.

Central banks are independent agencies with delegated and narrowly circumscribed tasks, and so are most IOs, with the exception of forum organizations that rather serve as a platform for states to negotiate and settle their conflicts. Functional or service organizations develop norms and regulations for a rather narrow policy field, and as specialized bodies usually work at arms-length from elected politicians and governmental representatives. Here the civil servants and expert consultants have a more prominent role in developing the agenda, preparing norms or recommendations, and monitoring the implementation of policies. This lends a technocratic character to these organizations, and makes the domestic analogy with independent agencies particularly plausible. In the more complex institutional setup of the EU that combines the features of a forum and a multi-issue rule-setting organization, this technocratic role is played by the Commission and the independent community agencies. As I will argue in the remainder of this section, both types of IOs can avail of democratic output legitimacy, with a different emphasis on the two types of principal mechanisms. Forum organizations can in particular tackle the democratic externalities that territorial fragmentation brings about and keep powerful states in check. The specific promise of functional organizations, on the other hand, is in enhancing the epistemic quality of governance.

I have argued 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 international organizations 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, *italics in original*). Advocates of international organization in the singular, and of

international organizations in the plural, always highlighted the need to hedge and limit the powers of military capacity and economic might.

Historically, this function has been allotted to global forum organizations such as the League of Nations and the United Nations. Their aim was and is to rescue international politics from the power games of national politicians. "[T]he institution of the League, with its principles of publicity and open diplomacy, is an attempt to take public policy away from the few overstrained centres 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 behaviour. We could hence say that IOs have the genuinely democratic potential to create an additional, vertical layer of checks and balances on state power.

The second, epistemic aspect of output legitimacy is more prominent in IOs of the functional type. Functional IOs with a dominantly technocratic and rule-making character exist since the 19<sup>th</sup> 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 and massive advances in transportation and communication technologies (Reinsch 1907, 1909, 1911). Early analysts, such as Paul Reinsch, were proposing such international organizations of the functional kind as a major avenue to world peace. These organisations were expected to tackle existing interdependencies among states and by doing so create new ones (Mitrany 1933; Salter 1921; Woolf 1916). Unlike 'forum organizations', functional organizations 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. In contemporary political theory, Philip Pettit makes a particularly strong case for de-politicizing institutions to enhance the deliberative quality of their proceedings. He emanates from a deliberative democracy perspective 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). Historically, part of the project of international organization 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 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 discourse is a type of communication in which one would generally expect 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 and debate is handed over to civil servants and independent experts. Hence, IOs of the functional kind 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 25 member states than any national official (Kassim and Menon 2003, 128).

To summarize, IOs may provide two assets in terms of public-interest orientation: another layer of checks and balances to control state power, and enhanced deliberative quality. What emerges from the discussion above is that a high degree of IO autonomy and resources is beneficial to performing these output-related functions. Organizational autonomy enhances the chance of an IO to successfully check and balance state power, and to guarantee a high deliberative quality of its decision-making procedures. The combination of organizational autonomy and expertise suggests that the character of an IO that can claim high democratic output-legitimacy would inevitably be technocratic or

expertocratic. However, from the debate over the democratic deficit of IOs it is clear that, in all likelihood, a high degree of democratic output legitimacy sits uneasily with input legitimization. I will turn to these problems in the next section.

## **Limits of Democratic Output Legitimacy**

It is beyond controversy that the transfer of decision-making competences to IOs has affected the lives of citizens and that this has repercussions on the democratic quality of governance. Even the early architects of IOs were aware of these repercussions and critically discussed them (Mitrany 1955). Already in 1930, Alfred Zimmermann observed 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” (Zimmermann 1930, 11) and found the general trade-off between expertise in government and democratic participation particularly pronounced at the international level. The crucial question that has kept IO and EU scholars busy in more recent years is how to deal with the deficiencies of internationalized governance in the democratic input dimension. The vast majority of authors in that debate believe that citizen input needs to be strengthened, and that the key question is how and under what conditions this can be achieved (Archibugi 2008; Hurrelmann and de Bardeleben 2009; Koenig-Archibugi 2011).

In this last section of the paper I will relate my ideas on democratic output legitimacy of international public bodies to this important input-oriented discussion. So far, I have explored ways in which IOs may generate democratic output legitimacy. What I outlined above are *potentials*, however, and I do not suggest that all IOs function empirically in the way described. In practice, there can be numerous ‘pathologies’ of IOs that prevent them from realizing this potential (Barnett and Finnemore 2004, 34-41). What is more, beyond instances of manifest malfunctioning, there seem to be some more general problems and trade-offs. As argued in the last section, IOs need a certain degree of autonomy if they are to maximize their output-democratic functions. Only autonomous IOs can hold states to account, and only autonomous IOs can solve problems “on their merits”, as Salter put it in the quotation above. Technocratization and de-politicization remove them from struggles of everyday politics. I have argued that autonomy and de-politicization are, from the

democratic theory point of view, an advantage in the 'output'-dimension, and that this may represent a contribution of IOs as they presently are to the democratic quality of a multi-level system of governance. On the other hand, the accountability of technocratic bodies and their responsiveness to the wishes of the constituency are obviously undermined by removing them from the political process proper. In this section I will take issue with this apparent trade-off, focusing in particular (but not exclusively) on technocratic organizations that are, as diagnosed above, intrusive by design.

To shed more light on the issue it seems useful to clarify the fundamentally different logic of operation at work within institutional mechanisms of the input and the output type. Although both input and output legitimacy are necessary for having a democratic polity, it seems that these two dimensions can hardly be maximised simultaneously. In order to analyse systematically how input and output are related I will once again return to Scharpf's original conceptualization and expand on it. Democratic mechanisms of the input type, as sketched above, are those that provide citizens with the opportunity to make their interests heard. They allow, as Scharpf had it, for an articulation of existing preferences, feeding them into the political system as "articulated interests" (Scharpf 1970, 21). The entire input side of the political system is geared towards processing these interests.

I contend that it is possible to identify an analogous logic at least for the technocratic institutions on the output side that are under discussion here: these mechanisms typically function on the basis of *assumed citizen interests*. Within the democratic polity, mechanisms securing output-legitimacy are a remedy to the hazards associated with the input-side of the system, in particular with electoral democracy and competitive selection of leaders. The dangers are the nepotism of rulers and the pathologies of party politics, where power games may outweigh substantial considerations. Such pathologies are imagined as being detrimental to the long-term interests of the constituency. Yet these long-term interests are not normally 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 way of thought experiment, inferring from some theoretical model of what citizens would rationally prefer.



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 common interest of all citizens exists, that it is largely uncontroversial and that specialists are able to cater to it can justify the technocratization of decision-making by means of delegation. This reference to assumed citizen interests forms the basis of all democratic delegations of tasks that are of technical nature to independent institutions, including functional IOs.

The strong reliance on assumed interests in the policy-making of IOs calls for checks and balances; for introducing strong accountability mechanisms to keep IOs and technocratic EU bodies in check (Moravcsik 2002). In fact, by now there is quite a substantive literature on the accountability of IOs. While it is controversial if IOs can be democratized, it is largely uncontroversial that they can and should be accountable (Koenig-Archibugi 2010). Some have argued that IOs and their leadership are, indeed, already accountable in many ways and to many constituencies, internally and externally (Grant and Keohane 2005). I would agree to the extent that IOs are accountable in the sense that state governments, manifold societal 'stakeholders' and peers watch them. However, IOs still are much less accountable to the transnational citizenry for the political programmes they pursue and the consequences that their decisions have (Papadopoulos 2010; Steffek 2010). They lack the electoral mechanism that in a national democratic polity triggers sensitivity for public opinion and citizen preferences within the political elite (Ashworth 2012; Manin et al. 1999: 45). IOs, as other technocracies, do not need the direct support of citizens and can stick to unpopular decisions and policies.

It is hence still possible that, even if IO elites are already accountable in many ways, the political results they produce do not match the expectations of citizens. This brings us to the issue of paternalism, which is the principal danger associated with technocracies or expertocracies, no matter if national or international in scope. As Kant had it, 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).

Even if technocracies are benevolent, the epistemic problems with the construction of assumed citizen interests are apparent. First, there is the problem of competing values and ranking. Technocracies not only work on the basis of assumed interests of citizens but also on the assumption that it is possible to distinguish superior from inferior policies and good from bad political results, requiring an uncontroversial scale of assessment. The standards of assessment may be contested in practice as much as the rank order of values. If these standards are simply imposed, without the 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 animals 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*, which in ancient Greek meant the knowledge of production. It is rather a question of how citizens want to live and hence calls for input from the constituency.

Second, there is the problem of shifts over time in the preferences of the constituency. That people come to know their own preferences (and change them) only through interaction with others is probably one of the strongest principled arguments against the assumption that technocratic institutions can work on an unproblematic and enduring notion of citizen interest. As Manin put it, “deliberation tends to increase information and to pinpoint individuals' preferences. It helps them to discover aspects both of proposed solutions and of their own objectives that they had not perceived earlier” (Manin 1987: 352). Even if it is possible for technocratic organizations to ascertain the preferences of the constituency at one point in time it is unclear how subsequent transformations of preferences can be taken into account (Føllesdal /Hix 2006: 554).

This raises the question of how exactly mechanisms of input and output can be combined in the polity, and in particular of how technocracies specialized in generating output legitimacy can be exposed to citizen interests. In the institutional framework of the

democratic nation-state, technocratic bodies are kept in check by elected politicians and parliament that act as their 'principals'. That hierarchy allows for a prerogative of elected officials to confront technocracies with the will of the citizenry. However, at the international level the supremacy of parliament does not exist. Moreover, 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-a-vis IO-bureaucracies, states thus face typical coordination problem of "collective principals" (Nielson and Tierney 2003: 242). They hence pressure IOs and other transnational technocratic bodies individually.

This leads to a characteristic reconfiguration of the relationship between technocracy and democracy that Martin Shapiro puts as follows: "In a transnational setting, however, 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).

Attempts to re-politicize IOs and to hedge their powers by strengthening *national* representatives would potentially reduce their democratic output-legitimacy, as conceived in this paper; for it would empower stable factions, strengthen veto positions and thus undermine the mission of the IO to defend a transnational public interest against usurpation by powerful factions. It follows that any input-oriented measure to counter the threat of technocratic paternalism by IOs would need to be cosmopolitan in nature. Therefore, these considerations should not be understood as a plea against transnational parliaments. The question rather is how such parliaments should be organized to protect the existing output legitimacy of IOs. They 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; sceptical Thomassen and Schmitt 2004).

Cosmopolitan parliamentarization, however, is not the only potential remedy to the democratic deficit in the input dimension discussed in the literature. More modest proposals abound that seek to create additional avenues of participation through transnational civil society access (overview in Omelicheva 2009; Steffek et al. 2008; Bexell et al. 2010). Yet again, the hazard associated with such mechanisms is that they may aggravate rather than reduce current imbalances in access to global policy-making. They may disproportionately privilege well-organized and well-funded private interests over others. Recent empirical studies have shown that the question of who actually represents 'global civil society' and which groups enjoy better input opportunities is a pressing one at both the European and the global level (Piewitt 2010; Kohler-Koch 2010).

This is not only a shortcoming on the input side of the balance sheet but also with regard to output legitimacy. For, again, the output legitimacy of IOs rests on the claim that private interests can be balanced effectively and that the epistemic process leading to decisions is unbiased and inclusive. This essay is not the place to discuss in more detail how exactly input legitimacy may be achieved in practice by IOs. The important point to make here is that reform measures intended to democratize IOs in the input dimensions may simultaneously decrease the democratic quality of their governance in the output dimension. I just would like to call attention to the hazard that well-intended measures may end up strengthening powerful factions, no matter if these are states or private actors. Taking the democratic output perspective seriously should make us more attentive to such hazards and inherent trade-offs in global institution-building.

## **Conclusion**

In this article I discussed the conception of output legitimacy and its significance for the democratic quality of governance by IOs. I used the first, largely conceptual, section to counter the increasingly common view that output legitimacy is unrelated to democracy. I also specified the contributions that output-oriented mechanisms 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; enhance the epistemic

quality of decision-making procedures; and safeguard human and civil rights. I then applied this conception of output legitimacy to governance by public IOs. In section 2 I defended the view that IOs can be an asset, rather than a threat, to democracy, and that democracy is possible (in principle) also at the transnational level. The third section outlined the considerable potential of IOs to acquire democratic output legitimacy. The argument did not imply that all existing organizations realize this potential. To what extent they do is an empirical question, which is beyond the scope of this essay.

In the fourth section I then discussed the hazards associated with output-legitimacy, in particular the problem of technocratic paternalism. I identified the two competing logics of democratic input legitimation and democratic output legitimation as underlying structure of the problem. While mechanisms of input legitimation work on the basis of *articulated* citizen interests, output-oriented mechanisms work on the basis of *assumed* citizen interests. Technocratic paternalism is imminent when policy-making based on assumed citizen interests escapes systematic confrontation with articulated interests. Therefore, output-oriented and input-oriented mechanisms need to be coupled in such a way that IOs as principally technocratic organizations are regularly exposed to the articulated interests of citizens. I concluded that for this essentially epistemic reason, transnational democracy requires a combination of input and output legitimation. Unlike apologists who would claim that international governance does not need any additional democratic credentials, I defended the case for enhanced citizen input.

I then took issue with institutional reform proposals for strengthening input legitimacy of IOs. I cautioned that new avenues of input collection should not jeopardize existing assets of IOs in the output dimension of democracy. My aim here was to issue a warning: some measures to strengthen democratic input legitimacy by strengthening member state governments of IOs (or their national parliaments) may undermine democratic output legitimacy of IOs. In a similar vein, some forms of collecting the input of non-state actors may benefit well-organized and well-funded societal groups. Such measures would hence increase accumulations of power in the public or in the private sphere, which have the potential to bias international decision-making processes. If this analysis is correct, the formidable challenge is to organize input collection by IOs in a way that safeguards those elements of democratic output legitimacy that IOs already have.

In concluding, let me come back to the initial discussion of concept formation. Is there any use in still debating the nexus of international governance and democracy in terms of input and output legitimacy? In my view the input/output terminology has one big 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 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 the emergent debate about IOs and democracy into input-oriented and output-oriented schools. This article can be read as an attempt to overcome this present bifurcation between liberal internationalists and cosmopolitans. Output considerations should be of concern to cosmopolitan theorists, and problems of input should matter also to liberal internationalists. The article also highlighted potential trade-offs between democratic input and output, which are quite familiar from the domestic context. Majoritarian instruments on the input side need to be designed with a view to simultaneously protecting the democratic output legitimacy of the emerging global polity.

## 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): 437–473.
- Archibugi, Daniele. 2008. *The Global Commonwealth of Citizens: Toward Cosmopolitan Democracy*. Princeton: Princeton University Press.
- Ashworth, Scott. 2012. "Electoral Accountability: Recent Theoretical and Empirical Work." *Annual Review of Political Science* 15: 183–201.
- Barnett, Michael and Martha Finnemore. 2004. *Rules for the World: International Organizations in Global Politics*. Ithaca, NY: Cornell University Press.
- Bäckstrand, Karin. 2006. "Multi-Stakeholder Partnerships for Sustainable Development: Rethinking Legitimacy, Accountability and Effectiveness." *Environmental Policy and Governance* 16(5): 290–306.
- Bartolini, Stefano. 2005. *Restructuring Europe: Centre Formation, System Building, and Political Structuring between the Nation State and the European Union*. Cambridge: Cambridge University Press.
- 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; Tallberg, Jonas 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): 472–490.
- Boswell, Christina. 2008. "The Political Functions of Expert Knowledge: Knowledge and Legitimation in European Union Immigration Policy." *Journal of European Public Policy* 15(4): 471–488.
- Box, Richard C., ed. 2006. *Democracy and Public Administration*. New York: M.E. Sharpe.
- 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): 109–122.
- 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.
- Dryzek, John. 2006. *Deliberative Global Politics*. Cambridge: Polity Press.
- Easton, David. 1965. *A Systems Analysis of Political Life*. New York: John Wiley.
- Easton, David. 1975. "A Re-Assessment of the Concept of Political Support." *British Journal of Political Science* 5 (4): 435–457.

- 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, 103–132. 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): 213–237.
- Falk, Richard and Andrew Strauss. 2001. "Toward Global Parliament." *Foreign Affairs* 80(1): 212–220.
- 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): 533–562.
- 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): 227–248.
- 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 Kyotero Tsutsui. 2005. "Human Rights in a Globalizing World: The Paradox of Empty Promises". *American Journal of Sociology* 110(5): 1373–1511.
- 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): 138–172.
- Höreth, Marcus. 1999. "No Way Out for the Beast? The Unsolved Legitimacy Problem of European Governance." *Journal of European Public Policy* 6(2): 249–268.
- Hurrelmann, Achim and Joan DeBardeleben. 2009. "Democratic Dilemmas in EU Multilevel Governance: Untangling the Gordian Knot." *European Political Science Review* 1(2): 229–247.
- Hurrelmann, Achim; Schneider, Steffen 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, 229–237. 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): 706–720.
- 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 H. S. Reiss. 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): 121–139.



- 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. 2010. "Accountability in Transnational Relations: How Distinctive Is It?" *West European Politics* 33(5): 1142–1164.
- Koenig-Archibugi, Mathias. 2011. "Is Global Democracy Possible?" *European Journal of International Relations* 17(3): 519–542.
- Kohler-Koch, Beate. 2010. "Civil Society and EU Democracy: 'Astroturf' Representation?" *Journal of European Public Policy* 17(1): 100–116.
- 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): 167–198.
- 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): 449–467.
- Macdonald, Terry. 2008. *Global Stakeholder Democracy: Power and Representation Beyond Liberal States*. Oxford: Oxford University Press
- Majone, Giandomenico. 1998. "Europe's 'Democratic Deficit': The Question of Standards." *European Law Journal* 4(1): 5–28.
- Hafner-Burton, Emily, Edward D. Mansfield and Jon Pevehouse. Forthcoming. "Democratization and Human Rights Institutions." *British Journal of Political Science*.
- Manin, Bernard. 1987. "On Legitimacy and Political Deliberation". *Political Theory* 15(3): 338–368.
- 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.
- 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.
- Mearsheimer, J. John. 1995. "A Realist Reply." *International Security* 20(1): 82–93.
- Mitrany, David. 1933. *The Progress of International Government*. London: Allen & Unwin.
- Mitrany, David. 1955. "Parliamentary Democracy and Poll Democracy." *Parliamentary Affairs* 9(1): 13–24.
- Moravcsik, Andrew. 2002. "In Defence of the 'Democratic Deficit': Reassessing Legitimacy in the European Union." *Journal of Common Market Studies* 40(4): 603–624.
- 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, 122–150. 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, 173–190. Aldershot: Ashgate.
- Näsström, Sofia. 2003. "What Globalization Overshadows." *Political Theory* 31(6): 808–834.
- Näsström, Sofia. 2007. "The Legitimacy of the People." *Political Theory* 35(5): 624–658.
- Nielson, Daniel L. and Michael J. Tierney. 2003. "Delegation to International Organizations: Agency Theory and World Bank Environmental Reform". *International Organization* 57(2): 241–276.
- 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): 1030–1049.
- 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): 467–488.
- Raustiala, Kal and Ann-Marie Slaughter. 2002. "International Law, International Relations and Compliance". In *Handbook of International Relations*, edited by Walter Carlsnaes et al., 538–558. London: Sage.
- Reinalda, Bob. 2009. *Routledge History of International Organizations: From 1815 to the Present Day*. London: Routledge.
- Reinsch, Paul S. 1907. "International Unions and Their Administration." *American Journal of International Law* 1 (3): 579–623.
- Reinsch, Paul S. 1909. "International Administrative Law and National Sovereignty." *American Journal of International Law* 3(1): 1–45.
- 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.
- Risse, Thomas. 2006. "Transnational Governance and Legitimacy." In *Governance and Democracy – Comparing National, European and Transnational Experiences*, edited by Arthur Benz and Ioannis Papadopoulos, 179–199. 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): 561–598.
- 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.
- Scharpf, Fritz W. 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, 101–120. Princeton: Princeton University Press.
- Scharpf, Fritz. 2003. *Problem-Solving Effectiveness and Democratic Accountability in the EU*. MPIfG Working Paper 03/1. Accessed 9 September 2013. <http://www.mpifg.de/pu/workpap/wp03-1/wp03-1.html>.
- Schmidt, Vivian A. 2012. Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'." *Political Studies*, preprint, doi: 10.1111/j.1467-9248.2012.00962.x.
- Schmidtke, Henning. 2010. "Die Vereinten Nationen - gespaltene Legitimität." In *Prekäre Legitimitäten: Rechtfertigung von Herrschaft in der postnationalen Konstellation*, edited by Frank Nullmeier et al., 197–246. Frankfurt / Main: Campus.
- Shapiro, Martin. 2005. "'Deliberative', 'Independent' Technocracy v. Democratic Politics: Will the Globe Echo the E.U.?" *Law and Contemporary Problems* 68 (3/4): 341–356.
- Steffek, Jens. 2010. Public Accountability and the Public Sphere of International Governance. *Ethics & International Affairs* 24 (1): 45–67.
- 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*, preprint, doi:10.1111/j.1748-5991.2012.01151.x.
- 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, 169–191. 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):143–171.
- Vigoda, Eran. 2002. "From Responsiveness to Collaboration: Governance, Citizens, and the Next Generation of Public Administration." *Public Administration Review* 62(5): 527–540.
- 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 Papadopoulos, 200–227. 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, M. 2000. "Democratic Governance Beyond the Nation State: The European Union." *European Journal of International Relations* 6(2): 183–222.

## Discussion Papers of the Research Area International Politics and Law 2014

Research Unit: **Global Governance**

**Jens Steffek**

SP IV 2014-101

The Democratic Output Legitimacy of International Organizations

All discussion papers are downloadable:

<http://www.wzb.eu/en/publications/discussion-papers/international-politics-and-law>