Power and Legitimacy in Global Governance

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The Princeton workshop is concerned with the normative and empirical assessment of global governance and with the various standards by which we might evaluate the governance of global institutions. One initial question concerns the link between ‘governance’ and ‘institutions’: how far is the predominant focus on formal institutions or rather on the wide array of ordering mechanisms that have been lumped together under the capacious category of ‘governance’? These include networks, private governance, hybrid public/private models etc, but also the more general idea that states should be seen as competing with international bodies, market actors and civil society groups to provide cost-effective and efficient solutions to governance problems. If we do think in this way, how should we identify the scope of global public power that is to be the subject to the normative standards identified in the organizers’ memo? To what extent does our understanding of public need to include both the capacity to influence or shape decisions as to what gets decided via formal institutions and what is ‘governed’ or ‘ordered’ via other mechanisms, and the degree to which the actions and activities of many private actors can have a very significant public face?

A further question concerns the relationship between particular institutions and the stability and legitimacy of the broader distribution of power within the system. How should we think about the relationship between the older pluralist mechanisms of providing order within the inter-state system and the rise of new forms of governance? It is this aspect that I would like to explore in this brief essay.

There are various ways in which this relationship can be categorized. Institutions may create within their structure institutional space for such mechanisms to operate. The UNSC was intended both to facilitate political negotiation between the major powers, to insulate it from excessive legal constraints via the veto, and to reflect an overtly hierarchical ordering of global politics in terms of implementing such policies as the permanent members might from time to time agree upon. Where they could not do so, the UN as a formal institution would play a useful but marginal role. To the extent that the collective element in security management has increased (for example in relation to military intervention), then, on this account, it is likely to be threatened by efforts to increase democratic legitimacy, whether by changed patterns of state representation or by attempts to ‘constitutionalize’ or ‘legalize’ its operation.

Another way of dealing with the tension between formal institutions and the continuing role of major power politics has been through the growing importance of informal groupings of states – contact groups, core groups, groups of friends – that act in and around formal institutions. Such groupings occupy a vital space between
multilateral governance on the one hand and traditional major power diplomacy and more concert-like modes of governance on the other.

Finally, the two ‘worlds’ may run in parallel with little regularized or visible linkage but with enormous implications as to how institutions or regimes actually operates. Thus, in the 1990s, liberals tended to play down the coercive and hierarchical side of the prescriptive multilateralism that they so resolutely favoured. They also tended to neglect the extent which the acceptance of many aspects of the global liberal order on the part of developing countries was not the result of a Kantian process of progressive enmeshment but rather of coercive socialization and, in places, straightforward hegemonic imposition. But if the values of liberal global governance were tied so securely to the victory of the west and to the power-political realities of a unipolar world, then the issue of power became, for many, much less of a problem and far more of an opportunity. As the debate on US power sharpened so we saw an increasing number of commentators and politicians succumbing to the temptations and illusions of liberal empire – viewing the United States as the only possible provider of global security and other international public goods; as the only state with the capacity to undertake the interventionist and state-building tasks that the changing character of security have rendered to vital; and as the essential power-political pivot for the expansion of global liberalism.

However, the link between the major-power order and the institutional order is also visible from the other side as it were: In my recent research on India, for example, I have been struck by the common argument amongst elites and policymakers that India can afford to engage more actively within institutions (and with liberal globalization more generally) precisely because its major power status has been recognized (including by the US) and because the country is moving to take its place in an emerging six power balance of power system. (How far this is an accurate understanding of power or of political realities is another question).

There is a long tradition of thought that evaluates the stability and effectiveness of governance in terms of its acceptability and legitimacy in the eyes of those with the potential to challenge and disrupt it. Challenges to the legitimacy of international order have rarely resulted from the protests of the weak. They have come more often from those states or peoples with the capacity and political organization to demand a revision of the established order and of its dominant norms in ways that reflected their own interests, concerns and values. Thus a central theme of twentieth century international history was the struggle of revisionist states for Gleichberechtigung involving the redistribution of territory, the recognition of regional spheres of influence, and the drive for equality of status within international institutions both formal and

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1 Compare the debates on world order in the 1940s and 1950s with the debates on global governance of the 1990s. In the former there was heavy emphasis on the need to build more elaborate formal institutions, including moves towards world government (an argument accepted by many realists) and to engage in serious disarmament and arms control (especially with regards to atomic weapons). In the 1990s, the objectives and scope of governance had expanded greatly, elaborate institutionalization was mostly rejected but there was at the same time a clear move towards harder and more coercive means of enforcing international norms. Such a combination of characteristics is only understandable when seen against the background of the hegemonic power of the US or, perhaps, of the Greater West. The idea that this distribution of power could be both effective and legitimate also made it easy for political theorists to work around a clear separation between moral and political cosmopolitanism and to avoid confronting directly some of the most difficult issues of global political justice.
informal. However much the currency of power or the rules of the power-political game may have changed, this pattern of behaviour remains an important element of global politics. Although the possibilities of major power military confrontation may have been tamed, the issue of recognition has been sharpened by the growth of the idea that international society should aim to promote shared values and purposes rather than simply underpin coexistence and the minimization of conflict. What makes the current situation so fluid and so complex is that the potential revisionist states (particular large developing countries such as China, India and Brazil) face a core power that itself harbours far-reaching, indeed revolutionary, ambitions as to how the fundamental norms of international society should be transformed (for example relating to the use of force, to the conditionality of sovereignty, or to the pursuit of democratization).

For those who insist on the continued importance of major power relations (whatever the precise interplay between hierarchy and balance), formal institutions and the rules of international law depend on a prior political order and on the political norms and practices that underpin that order. It is the fragility of this underlying political order that led classical realists to be suspicious of transposing the standards for evaluating domestic governance into the international arena. And it is the empirical assessment/judgement call about the solidity or otherwise of this political order that continues to separate those who believe that we should press ahead with the project of making global public power subject to standards of democratic legitimacy from those who doubt not only the viability but also the wisdom of any such a project.

On this traditional account, the evaluative criteria are mostly concerned with stability and security: avoiding major power rivalry and preventing such rivalry from spilling-over and contaminating other aspects of global governance. But they also involve the claim that facilitating major-power consensus is essential if legitimacy is to be secured – especially given that so many aspects of governance involve deep intrusion or coercion or both; and especially given that it is the major powers that have been most resistant to accepting revision of traditional norms of sovereignty and non-intervention. On this account, it is the stability of consensus amongst the major states and the acceptability of a policy to other major powers that is politically crucial -- rather than consensus within some broader, and perhaps illusory, international community.

Countries such as China, India and Brazil have also sought to press the argument that the current order fails to represent the global range of cultural, racial, religious and political values and that many more particular aspects of contemporary global governance fail to meet important normative standards. In the case of the WTO, Brazil and India have been in the forefront of new developing country coalitions demanding a fairer and more equitable trading system and changes in the rules and

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2 This is complicated still more by the move of the US away from an emphasis on the stability of unipolarity and the viability of hegemonic policing and towards the altogether more traditional foreign policy goal of seeking to cultivate relations with major powers and major regional powers in a hub-and-spoke model.
3 Major second-tier states have tended to share a preference for hard conceptions of national sovereignty and, although sometimes professing a liking for multilateralism, have tended to resist the effective delegation of authority to international bodies. In this, of course, they have much in common with the United States. Within this company the European preference for more elaborate forms of institutionalized global governance represents the outlier.
processes of the WTO to facilitate this – fairness in relation to process as with the realities of WTO consensus-based decision-making and of Green Room diplomacy; and in relation to outcomes as with the criticism that the developed countries have reneged on important elements of the Uruguay Round ‘Grand Bargain’. The campaign for reform of the UNSC has involved frequent arguments about fairness: ‘the construction of a democratic and fair international order’; ‘countries that represent different parts of the world’; the necessity of avoiding ‘exclusivist conceptions of security’. And, historically at least, it was India that led the view that NPT was inherently discriminatory, both in terms of the distribution of military power and the freezing the of the world power structure and in terms of blocking access to advanced technology.

If we are to understand the current practices of international institutions and the possibilities and limits of change in them, then there is a strong case that we should at least raise the question of how the solidarist world of multilateralism, international institutions and global governance relates to the older pluralist mechanisms for stabilizing and legitimizing relations among the major powers. This is an analytically recalcitrant subject, and I would only claim that it is one of a wide range of worthwhile questions concerning empirical research into global governance. Moreover, if there are good reasons for doubting the viability of hegemonic or imperial ordering of global politics, many of the same doubts apply to a system in which the major powers sought collectively to manage or to stabilize the system. Indeed the other side of traditional arguments has been that major power dominated systems have been legitimate to the extent that the major powers take account of the views and interests of weaker states and formulate their own policies in such a manner that the weak see themselves as having a stake in the system.

Is there a normative dimension as well? It goes without saying that many of the justice claims made by states seeking to revise international order have been heavily motivated by self-interest – whether we are talking about Japan and racial equality at Versailles, or Brazil and India in the WTO.\(^4\) It is also true that, even in the case of democratic governments, there are normative difficulties with the idea that reforming the Security Council to include say Brazil and India would be an appropriate way to go about democratizing the institution. Brazil under the Workers Party provides a perhaps depressing test case of the tensions between a reformist rhetoric (emphasis on the global south, on global civil society and world social forum, redistribution domestically and internationally) and not just the limits of what can be achieved politically but also the pressures to adopt a statist and power-focused foreign policy. If we ask ‘who speaks for the Global South?’ the position of large developing states occupies, at best, a highly ambivalent position.

However, there is potentially another side. The liberal discourse on global justice sometimes appears to be a discourse about what the rich and powerful owe to the

\(^4\) Even if self-interested, we may still need to investigate the evolving politics and principles of legitimacy within international institutions in order to understand how such claims are received and how far they represent effective strategies (for example by facilitating coalition-formation between developing states and NGOs on the issue of pharmaceutical patents). Understanding historically evolving principles of legitimacy may also be crucial for understanding the ways in which the mutual satisfaction of interests is understood amongst the major powers.
poor, weak and oppressed. The weak, the oppressed, the dispossessed are the passive objects of benevolence. Their voices, their visions, their understandings of the world are seldom heard or seldom deliberated upon. Now one answer is, of course, to open up decision-making and political process to a much broader range of constituencies. The democratizing agenda of global governance includes both proposed reforms in the ways in which states are represented within international organizations and increased attention to the claims of civil society groups to represent and speak for particular cultural and transnational constituencies.

But opening decision-making in the absence of a genuine capacity to engage is at best a very partial answer. Participation in a political process requires more than simply presence. Having an effective voice requires material capacities and enjoying the material conditions on which meaningful political participation depends. A second possibility is therefore to argue that improving fair political process will require substantial redistribution of resources from the rich to the poor. Equally, we might argue, upholding an ideal of human rights requires that we include rights of access to law and to effective legal process. Fair process, then, does diminish our concern with global inequality and with distributive justice. Quite the reverse.

But does even significant redistribution amongst individuals address the crucial issue of political agency? The advance of justice has rarely been conceded easily by the strong and still more rarely has it been the result of altruism. It has rather been the result of political struggle and political struggle requires effective political agency. It is here that the question of states and of large developing states comes back into the picture. Even if we share a cosmopolitan concern with individuals, we need to recognise that state strength is an important determinant of the capacity of individuals and groups to manage the costs and benefits of globalization. More importantly, the political agency of states acting internationally is necessary to achieve the mutuality and reciprocity that has surely to be central to a shared scheme of global social cooperation and to a meaningful global justice community. For all the problems of mixed motives and cross-cutting interests, achieving even a minimum degree of procedural legitimacy is likely to require a significant redistribution of political power and the creation by the weak and marginalized of effective collective political agency to challenge the currently strong and dominant.