Global Public Power: The *Subject* of Principles of Global Political Legitimacy

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Abstract

This paper elaborates the concept of *global public power* as the subject of principles of political legitimacy in global politics, and defends it through a critical comparison with other concepts widely employed to depict this regulative subject: states, global basic structure, and global governance. The goal underlying this argument is to bring some greater unity and integration to conceptual understandings of the subject of principles of political legitimacy within analyses of global politics, and in doing so to frame a broader research agenda for locating in practice the concrete political agencies and institutions that are appropriate targets for demands of political legitimization under the prevailing empirical conditions of global *pluralism*.

Keywords

Political legitimacy; global justice; pluralism; global governance; basic structure

Introduction

We currently confront a pressing demand for greater legitimacy in the exercise of political power within the global domain. The uncontrolled exercise of power by a range of actors – including states, International Organisations (IOs), Non-Governmental Organisations (NGOs), transnational corporations (TNCs), and hybrid institutional actors of various kinds – is widely documented and subject to routine critique. This criticism is associated with vociferous demands for building greater participation, accountability, transparency, democracy, and similar (often broadly liberal) institutions for political control. The viability of this reformist agenda is significantly undermined, however, by deep ambivalence about the appropriate *subject* of standards of political legitimacy such as these.

Here, there is much uncertainty and disagreement surrounding questions of the following kind. Ought only states be subject to control via application of such regulatory political principles? Can IOs achieve legitimacy through delegation of their powers by states, or must they be directly subject to legitimate political control? Ought corporations and/or NGOs be directly subject to these regulatory principles, as many of their critics claim and these organisations themselves increasingly acknowledge? Do we need to build new political agencies to generate political legitimacy, or is it a matter only of establishing effective controls for the existing ones? In more general terms, which political actors and institutions ought to be subject to political critique and control in global politics, through application of normative standards of political legitimacy? These questions comprise the challenge posed by the political *pluralism* of the global order to our settled understandings about political legitimacy and its regulative subject: by pluralism, we mean an order in which important forms of political power are exercised somewhat independently by myriad state, inter-governmental, and non-state actors operating at multiple and overlapping jurisdictional levels, rather than unified through any one supreme global political authority or hierarchy of constitutional principles (Macdonald & Macdonald, 2010; Macdonald, 2008; Cerny, 2006; Cerny, 1999; Krisch, 2011).

Answering these questions is a task of crucial importance, since it is impossible to formulate coherently or pursue politically any set of principles for strengthening global political legitimacy until we understand what it is precisely that these principles are supposed to regulate. John Rawls has famously observed that ‘the correct regulative principle for a thing depends on the nature of that thing’ (Rawls, 1999, p. 25). Insofar as there is agreement that widely-endorsed standards of global political legitimacy (such as accountability, transparency, and so on) entail the ‘correct regulative principles’ for global political life, progress in the pursuit of such legitimacy thus depends upon answering the converse question: what is the ‘nature of the thing’ that these are the correct regulative principles *for*?

Despite the importance of this question, there is a surprising lack of convergence within existing analyses of global political legitimacy on any clear concept of the subject of these principles. Three very different concepts of this regulative subject, in

particular, are frequently invoked in different sub-fields of the literature. First, the idea that *states* are subjects of these principles is commonplace within traditions of political and legal philosophy that link the concept of political legitimacy either to the justification of coercive state power, or to the authority of a state's legal norms and directives. Second, the idea that principles of global political legitimacy should regulate a global *basic structure* or *institutional scheme* is sometimes encountered within post-Rawlsian theoretical literatures on global 'justice', in which the question of the subject of principles of *political legitimacy* is not clearly distinguished from the question of the subject of *distributive principles of justice*, such that the same regulative subject – global basic structure – is (sometimes implicitly) ascribed to both. Third, literatures on institutional legitimacy that spring from the discipline of International Relations commonly adopt a more empirically-grounded notion of global *governance* – or sometimes disaggregated 'global governance institutions' – as the subject(s) of principles of political legitimacy.

The differences between these conceptual understandings of this regulative subject are striking in several dimensions, as we will proceed later here to discuss in more depth. But these differences are rarely brought into clear focus or direct confrontation through any systematic conceptual analysis – perhaps because they predominate within different political sub-disciplines from which the problem of global political legitimacy can be approached. It is our contention here, however, that our precise concept of the subject of principles of global political legitimacy is in fact a matter of great theoretical importance, since this is what frames our thinking about where and how in global political life our substantive principles of political legitimacy should be *applied*; more specifically, our concept of this subject will have enormous implications for how we go about the task of identifying the concrete institutions or actors that ought to be targeted and regulated as means of strengthening political legitimacy at the global level.

It is our aim in this paper to bring some greater unity and integration to conceptual understandings of the subject of principles of political legitimacy within analyses of global politics, and in doing so to frame a broader research agenda for locating in practice the concrete political agencies and institutions that are appropriate targets for demands of political legitimation under the prevailing empirical conditions of global

pluralism. We begin by setting out some fundamental assumptions about the normative character and purpose of principles of political legitimacy, and explain where the problem of political legitimacy is situated within the broader domain of what we are calling, in this collection, ‘global political justice’. Drawing on this analysis we identify some simple desiderata for a theoretical concept of the subject of principles of global political legitimacy to operate under conditions of political pluralism. Next, we draw on these desiderata to highlight the limitations of the standard concepts of this regulative subject – states, basic structure, and governance – and in doing so we clear the theoretical ground for a new conceptual framework. We then present the idea of *global public power* as a more promising concept through which to frame further investigation of the concrete political scope of this subject, and sketch in conclusion some specific normative and empirical questions that would need to be answered as part of a broader research programme focused on mapping the concrete agents and institutions of global public power in contemporary world politics.

Principles of global political legitimacy and the problem of their subject

The best place to start in tackling the question of what kind of subjects should be regulated by principles of political legitimacy is to consider in more depth: *what kind of normative principles are principles of political legitimacy*, and what are they for? Grasping the relationship between normative principles of political legitimacy and other kinds of normative principles (such as moral principles of ‘distributive justice’, or principles of ‘morality’ more broadly speaking) is not a straightforward matter, and there are many different views about the relationships between these types of normative principles.

It is often thought that principles of political legitimacy can be understood as a category of principles of applied morality, concerned with the moral justification of some *special political subject* – such as the state, or some more specific feature of the state, such as its coercive power, or its ‘moral power’ to impose obligations on its subjects to comply with the law through the function of political ‘authority’

(Simmons, 1999; Wellman, 1996; Copp, 1999; Buchanan, 2002). We agree it is true that principles of political legitimacy can be distinguished from other moral principles in part by their special political subject. However, since the *character* of this subject is precisely the question we are placing at issue here, we cannot begin our analysis with an overarching concept of political legitimacy that *itself* incorporates statist assumptions about the subject – as the concepts of political legitimacy as the right to coercive rule, on the one hand, or as the moral power to impose obligations to comply with law, on the other, both do – since this would generate a circular argument.

Fortunately, we take the view that principles of political legitimacy are distinguished from other kinds of normative principles not only by their special subject, but *additionally* through being grounded in forms of justification that bear a far from straightforward relationship to moral justification; this is fortunate, since this other independent conceptual dimension of legitimacy supplies us with a starting-point for conceptual reflection on the subject of principles of legitimacy that can yield a *non*-circular argument about the question of subject. It is beyond the scope of this paper to present a fully developed account of ‘political normativity’, and the relationship between ‘moral’ and ‘political’ justification in general terms, of the kind that would be required to explain fully and vindicate our view about this second conceptual dimension of political legitimacy. But it is nonetheless important for the present purposes at least to state clearly what we take to be some key features of the justificatory practices that underpin principles of political legitimacy, so that our assumptions on this matter – and the ways in which our desiderata for a concept of the subject of principles of political legitimacy depend on them – are at least transparent.

One view, with which ours resonates in some key dimensions, holds that principles of political legitimacy are distinguished from certain other moral principles by their special function of embodying something akin to ‘non-ideal’ standards of justice. On this view, principles of legitimacy set out the conditions under which political institutions will be worthy of compliance and support in the here and now as the best that we can (right now) achieve, as distinct from articulating ideal standards for orienting institutional evaluation and longer-term reformist aspiration (Rawls, 1996; Valentini, this volume).

Although we do not make use here of the categories of ‘ideal’ and ‘non-ideal’, this view of political legitimacy embodies one important insight that we wish to endorse, by highlighting the way in which principles of political legitimacy – such as ‘transparency’, ‘accountability’, ‘participation’, etc – are constituted in part by *strategic* goals, of a kind that can be pursued only with the right kind of responsiveness to a very full range of empirical facts. It is of course true that these principles are justified in part through reference to moral values (such as individual autonomy and equality, for instance). But the content of the principles is also determined with responsiveness to the strategic goal of restraining political power, and ensuring some compliance by the powerful with the fundamental moral norms of the social order. Whereas ideal theories of justice deliberately disregard problems of moral non-compliance – seeking only institutions that could attract stable support if actors were motivated by moral reasons (Rawls, 1996), not institutions that can attract stable support given actors’ actual, and often less morally pure, motivations – it is precisely the possibility and pervasive reality of such (non-compliant) abuses of power that *real* political institutions (and their associated principles of political legitimacy) must be formulated to regulate. The importance of developing principles of political legitimacy that are responsive to such political realities is of particular weight in the context of global politics, given the huge scale of inequalities (of power, status, and social and economic condition) at this level, and the temptations for predation and abuse that these inequalities routinely create.

We can elaborate and refine this very general claim with the following statement about the justificatory practices underpinning principles of political legitimacy: they are characterised by a central preoccupation with solving *the problem of political order*, and building political institutions that can achieve *real political acceptability* among their participants as a central instrument for doing so. What we are here calling *political order* is connected to the institutionalized pursuit of certain fundamental *common interests*, which – in significant part at least – constitutes a group as a political society (Bull, 1977; Hurrell, 2007). By *political acceptability* we mean the justifiability of political institutions in terms of reasons that are articulated and widely supported within certain wider social practices – of political claim-making, recognition, and mutual justification – in which the institutions in question are historically and sociologically embedded, and in which those subject to the power of

the institutions are participants.ⁱ These two features of political justification are emphasised also by some recent proponents of so-called ‘realist’ approaches to normative political theory – most notably by Bernard Williams (2005) in his sketch of a realist political theory with the idea of legitimacy at its centre.ⁱⁱ

With this understanding of political legitimacy in mind, we are in a position to clarify how it relates to the concept of ‘political justice’, as that has been characterised in this collection. Briefly, we can say that the question of political legitimacy falls within the scope of the question of political justice, but is more narrowly circumscribed than it in the following sense. The more ambitiously drawn question of political justice seeks to determine not only the principles by which the agents and institutions within political societies should politically *regulate* one another, but also how these fundamental sociological entities should be politically *constituted* in the first place – that is, what their basic institutional structures and social identities ought to be. The question of political legitimacy, in contrast, brackets these deeper constitutive questions from the normative analysis, as the content of the shared interests and the character of the institutions established to advance them (which together shape the political ‘order’), as well as the social identities of the political actors that seek recognition and make and justify claims in relation to these institutions, are taken as historical and sociological givens at the outset of the normative analysis.

Identifying these features of the practices of political justification that are associated with principles of political legitimacy falls a long way short of articulating a full normative theory of political legitimacy. There is enough in what we have sketched, however, to enable us to draw out some very basic *desiderata* for a concept of the subject of principles of political legitimacy, which we can subsequently employ in a critical assessment of common concepts of this subject in established literatures. Here we identify five desiderata – four of which impose direct *conceptual* requirements on our concept of subject, and one of which attaches it to fulfilment of a *substantive empirical* criterion. As we shall indicate as we proceed, these desiderata are derived from a conjunction of the following: the very general normative account of the purpose and character of principles of political legitimacy that we have just set out; an empirical picture of the current global political order that casts it as ‘pluralist’, as earlier characterised; and the logical demands of the substantive practical questions

about global political regulation we are ultimately interested in settling, and the investigation of which our concept of the subject of these principles will be utilised to frame.

The first desideratum (D1) is the straightforward conceptual requirement that our concept of the subject of principles of political legitimacy must be *sociologically non-stipulative* – that is, non-question-begging, or at least somewhat conceptually *open* with respect to the range of social agents and institutions that can be denoted by it. In other words, if the purpose of formulating a clear concept of this subject is to frame a research agenda in which we explore which of a range of candidate agents and institutions (states, IOs, NGOs, corporations, etc) should be subject to the regulative demands of political legitimacy, then we need a concept of the subject that is sufficiently conceptually flexible to accommodate a range of plausible answers to the question at issue.

The second desideratum (D2) is also conceptual, and functions in a sense to counteract or place limits on D1. It is the requirement that our concept of the subject of principles of political legitimacy must be *sociologically non-inclusive* – that is, it must incorporate some kind of *conceptual criterion of differentiation* between the set of social agents and institutions that are to count as subjects of these principles, and the set of agents and institutions that are not. This desideratum is a function of the substantive view (outlined above) that principles of legitimacy are not intended to function as universal moral principles regulating the whole of social life, but rather have a more narrowly circumscribed regulative function connected to the specifically *political* values of achieving order, and regulating power within this order on terms that are politically acceptable to its participants.

The third desideratum (D3) refines, or places limits on, D1, in an even more specific sociological dimension: it requires that our concept of the subject, while remaining non-stipulative, must at least be *agent-centric*. By this, we mean that the subject must be some set of agents – or some set of social institutions through which groups of agents intentionally and systematically act – rather than some set of background social structures that generate social outcomes through *unintended* patterns of behaviour (or their effects). This desideratum reflects our general understanding,

sketched briefly above, of the *purpose and function* of principles of political legitimacy – as one subset of a wider set of normative principles that may be invoked to regulate different aspects of social and political life. Whereas we would take principles of *distributive* justice to be exemplary of a scheme of normative principles concerned at least in part with the regulation of the patterned (though often unintended) social causes and effects constitutive of social structures, principles of political legitimacy (a sub-set of the broader set of principles of ‘political justice’) have a more narrowly *agent-centric* regulative purpose, namely: regulation of the *institutionalized social relationships between powerful agents and others within a political society*, in service of the political values of order and acceptability discussed above.

The fourth desideratum (D4) attaches a substantive empirical criterion to the demand for a conceptual criterion of differentiation (between the set of social agents and institutions that are to count as subjects of these principles, and the set of agents and institutions that are not) as specified at D2. This requires that any concrete social agent or institution that is to qualify as a viable subject for principles of political legitimacy must satisfy an empirical requirement of *causal efficacy in the protection of core political values* (associated with political order and acceptability, as specified in the discussion above). This desideratum reflects the fact that a principle of political legitimacy will be unable in practice to achieve its purpose of protecting these core political values if the social agents or institutions it ‘goes to work on’ with its regulative function themselves lack basic causal efficacy with respect to the protection of these values.

We can add to this a fifth desideratum (D5) which attaches an additional conceptual requirement to the empirical criterion of efficacy specified at D4: this is the requirement of *conceptual openness to both positive and negative readings of efficacy* in relation to the protection of key political values, where by ‘positive’ efficacy we mean an agent’s or institution’s *capacities to advance goods that are grounded in consensus and common interests*, and by ‘negative’ efficacy we mean an agent’s or institution’s *ongoing or likely detrimental impacts on some population’s fundamental interests or autonomy*. In part this is a requirement that our conception of efficacy be reasonably non-stipulative, so that it is sufficiently conceptually open to permit

consideration and investigation of a range of different agents and institutions (with widely variable social functions, capacities, and effects); this is important given the *pluralism* of the current global political order, which is one of our key empirical premises, as indicated above. In part, also, the requirement reflects a recognition of the importance of both positive and negative dimensions of the characteristically *political* values linked to normative principles of legitimacy, which are concerned *both* with the promotion and coordination of common interests within a social order *and* with the management of conflict, disagreement, and abuses of power.

Beyond Concepts of ‘States’, ‘Basic Structure’, and ‘Governance’

With this understanding of political legitimacy and these desiderata for a concept of its regulative subject in hand, the next task is to evaluate and compare critically the prominent candidates for such a concept that we identified at the outset of this paper: states, global basic structure, and global governance.

The Limitations of ‘States’ as Subjects

Traditionally, the most prevalent concept of the subject of principles of political legitimacy – cutting across multiple normative and empirical disciplinary fields – has been that of the *state*. The idea that the state is the subject of political legitimacy, as the basic unit of political analysis generally, has been adopted by many in normative theoretical literatures; often this assumption is made explicit, such as in Robert Wolff’s claim that ‘[p]olitics is the exercise of the power of the state, or the attempt to influence that exercise’, and consequently that political philosophy ‘must begin with the concept of the state’ (Wolff, 1990, p.20). As noted earlier, it is common in philosophical analysis to incorporate constitutive features of states even into the very *concept* of political legitimacy, by *defining* it as the justification of state power, or of more specific feature of it, such as its coercive power or its ‘moral power’ to impose obligations on its subjects to comply with the law through the function of political ‘authority’. The concept of the state (along with the related concepts of ‘sovereignty’, and ‘government’) has further served as a central subject of analysis for many *empirical* scholars concerned with questions of political legitimacy, in global as well as domestic domains. Questions asked here have been of the following kind: what

range of activities is it legitimate for states and their diplomatic delegates to engage in within global politics – through direct foreign policy and through IOs – and what collective institutional constraints ought to be imposed upon states' conduct?

States of course remain centrally important actors on the global stage, and it seems that no plausible account of the subject of global political legitimacy could be formulated that did not incorporate some recognition of states and their IOs as prominent among the appropriate subjects of these political principles. However, there is a very straightforward problem with designating states as the sole subjects of global political legitimacy by invoking the idea of the state as the basic *concept* of subject: doing so precludes any conceptual framework for evaluating certain widespread, and potentially well-founded, intuitions that certain non-state actors and institutions may *also* be appropriate subjects for principles of political legitimacy – intuitions that are commonly held among real political actors in the context of our present pluralist global order.

The reality of political pluralism under conditions of globalization is such that states are no longer the sole bearers of the kind of decision-making power that have traditionally been subject to legitimating political control. Instead, non-state actors such as Multinational Corporations (MNCs), Non-Governmental Organisations (NGOs), and hybrid institutional actors constituted by both state and non-state actors, now wield many of these forms of decision-making power (in fields of law-making, economic development, public service-provision, and so on), alongside a plurality of states (Strange, 2000; Held, 1995; Cutler, Haufler, and Porter, 1999). In other words, there are now some firm grounds for judging that many non-state actors and institutions may now meet the crucial empirical criterion for qualification as subjects of principles of political legitimacy (D4): *causal efficacy in the protection of core political values* (associated with political order and acceptability, as specified in the discussion above). Correspondingly, this expanding and strengthening array of non-state actors is in practice now subject to many of the same political demands for greater legitimacy (through increased 'transparency', 'accountability', 'participation', and so on) as states.

Of course the fact that non-state actors are increasingly viewed by activists and stakeholders as appropriate subjects for principles of political legitimacy does not establish decisively that the state-centric view is misguided; it remains a theoretical possibility that it is the activists and stakeholders, rather than the state-centric theorists of legitimacy, who have got it wrong. These widespread political views do suggest, however, that the state-centric view of political legitimacy at the very least requires critical examination. And such critical examination clearly requires a broader analytic lens for evaluating the political status of these non-state actors than can be provided by the idea of 'states' itself; we need a concept of the subject of global political legitimacy formulated at a higher order of abstraction, through which we can evaluate arguments on both sides for viewing states as having a special status as such subjects.

In other words, the concept of state as subject fails to satisfy our first desideratum (D1), which requires that that our concept of the subject of principles of political legitimacy must be *sociologically non-stipulative* – that is, at least somewhat conceptually *open* with respect to the range of social agents and institutions that can be denoted by it. And underlying this objection is the widespread view (plausible enough to warrant at least a conceptual framework equipped to engage with and evaluate it) that it may not be only states but also many non-state actors which now meet D4: causal efficacy in the protection of core political values.

The Limitations of the Global 'Basic Structure' as Subject

One such broader concept of the subject of principles of global political legitimacy, which has wide currency among normative political theorists influenced by the work of John Rawls (1999), is that of a global 'basic structure'. (In this literature the regulative principles in question are conceptualised as standards of 'justice', but these are often taken to incorporate some set of principles of political legitimacy as well as principles regulating the distribution of social goods.) Rawls defines the basic structure of a society as 'the way in which the major social institutions distribute fundamental rights and duties to determine the distribution of advantages from social cooperation,' and claims that this is the primary subject of justice 'because its effects are so profound and present from the start' (Rawls, 1999, p. 6-7) Thomas Pogge (1989) has developed from this the broader concept of an 'institutional scheme',

which he characterises as any set of basic ground rules of a social system that constitute and constrain interactions in such a way as to produce morally significant ‘effects’. Although Rawls himself resisted the proposition that there is an institutional structure of this kind at the global level, many others have maintained that there *is* such a ‘global basic structure’ already in existence, and accordingly designated this as the appropriate subject of global principles of justice (Buchanan, 2000; Beitz, 1999; Pogge, 1989). As Ronzoni (2009) has argued, we might also see the basic structure as subject of principles in a different sense: as something the principles obligate us to *create*, as a means of achieving the normative purposes embodied in the principles.

There are many ambiguities and difficulties surrounding interpretations of the sense in which a global basic structure can be regarded as a ‘subject’ of principles of justice, but here we focus on just one problem, which makes the idea of basic structure problematic specifically as a concept for the subject of principles of *political legitimacy*, given the desiderata set out above. The problem we wish to highlight here arises from the way in which the concept of ‘basic structure’ is linked to a strong form of theoretical ‘holism’. By ‘holism’, we refer here to an approach to normative political theory – given this label by Samuel Scheffler (2003) which holds that all normative principles within a social order must be integrated within an overarching and cohesive framework of principles, systematically enacted through application to all social agents and institutions together, as a unified whole. Such ‘holism’ – which Scheffler argues Rawlsian theories of justice share in common with utilitarianism – can be justified on the grounds that, under circumstances of complex interdependence such as is experienced in domestic societies and arguably also global society, all social interactions have morally significant implications for other people, and thus cannot be morally assessed without consideration of the wider context.

A key problem with this kind of normative holism for thinking about the problem at hand is that it seems inhospitable to the general idea that there are distinct categories and sets of normative principles applicable to political life, each with its own purpose and function within some wider normative order, which may warrant different regulative subjects being attached to each.ⁱⁱⁱ On the brief account we offered above of the role of principles of political legitimacy within such a (functional) division of normative labour, these principles have the purpose of regulating institutionalized

relationships between (more and less powerful) political actors, with the joint aims of political order and acceptability. This differs from the function of principles of *distributive* justice, which is to direct the production of whichever *distributions of goods* throughout society are deemed to be most morally justified.

Once we recognise this difference, we can see that the rationale for holism makes more sense with respect to the application of principles of *distributive justice* than with respect to those of *political legitimacy*. We can see, first, how a holist approach makes sense for thinking about distributive justice given the purpose of these particular principles: if our goal is to bring about some overall social distribution of goods, then a holistic approach to social regulation is best able to achieve this, since it can take account of distributions brought about through unintended structural effects as well as through intentional decisions of agents. Principles of political legitimacy, however, are not concerned with the production of some overarching social distribution, but rather with the regulation of political *relationships* among actors; an understanding of the purpose of these principles thus leads us away from a preoccupation with regulating unintended effects of actions embedded in social *structures*, and instead towards the direct regulation of powerful political *agents* in whatever form they are – as a matter of historical and sociological fact – actually constituted.

The purposes underlying principles of political legitimacy could in principle be achieved through the regulation of an agent or institution constituted at the most overarching global level (consistent with the holism of the basic structure idea) if one of two conditions obtained: either if some centralized or constitutionalized global agency or institution did already exist; or if it seemed a feasible prospect that some identifiable set of existing political agents could create one within some reasonable timeframe. As noted earlier, however, we take it as an empirical assumption that political pluralism is an important existing feature of the existing global order, and that this pluralism is likely to persist as a pervasive feature of world politics for some time. Given this assumption, we can conclude that – at least under present conditions of global pluralism – it is some fairly disaggregated set of actors and institutions that we need to target for regulation via principles of political legitimacy, rather the kind of unified structural entity associated with the basic structure idea.

To put this in the terms of the desiderata we set out earlier in the paper, we can say that the basic-structure-as-subject concept does not adequately satisfy our third desideratum for a concept of the subject of principles of political legitimacy (D3), which requires that such a concept must be *agent-centric*. This is so since it does not permit the targeting of principles of political legitimacy to particular agents, and within particular social relationships, within a pluralist political order of the kind we presently confront at a global level.

The Limitations of Global ‘Governance’ as Subject

While the concept of the global ‘basic structure’ is widely employed by normative theorists to characterise the subject of principles of global political legitimacy in non-state-centric terms, the concept most widely invoked by empirical analysts for this purpose is that of ‘global governance’. At a very general level, the notion of global ‘governance’ denotes the various political institutions through which social coordination and control are maintained in global society, in the pursuit of some set of social goods. James Rosenau defines governance as ‘systems of rule, as the purposive activities of any collectivity that sustain mechanisms designed to insure its safety, prosperity, coherence, stability, and continuance’ (Rosenau, 2000, p. 171). Such governance occurs on a global scale, he argues, ‘through both the co-ordination of states and the activities of a vast array of rule systems that exercise authority in the pursuit of goals and that function outside national jurisdictions’ (Rosenau, 2000, p. 172). These ‘rule systems’ can include informal and inchoate structures as well as established formal institutions, and can be generated and maintained by non-state actors as well as by state governments.

The concept of global ‘governance’ has been developed to frame empirical analysis of how these specified social *functions* (of coordination, promoting ‘public goods’, etc) – which have conventionally been performed by states’ governments – are being performed at the global level through institutions and processes very different from the hierarchical and centralised authority structures constitutive of states. Perhaps because the concept of ‘governance’ is employed in much empirical analysis as the functional equivalent of governments, many discussions of global political legitimacy are framed as discussions about the legitimacy (‘accountability’, ‘transparency’,

‘democracy’, etc.) of global ‘governance’. (Buchanan and Keohane, 2006; Held and Koenig-Archibugi, 2003)

Of the three concepts of subject we have examined here, the idea of ‘governance’ may in fact get the closest to satisfying the desiderata we set out above. To begin, the concept is non-state-centric and in general sociologically non-stipulative (satisfying D1). It is also sociologically non-inclusive (satisfying D2) in virtue of incorporating a functional criterion of differentiation between the set of social agents and institutions that are to count as subjects of these principles, and the set of agents and institutions that are not: agents and institutions count as elements of a framework of ‘governance’ if and only if they perform or contribute to the relevant functions (of coordination, promoting public goods, etc). Finally, although there are some empirical analyses of governance processes that place more emphasis on structural than on agent-centric mechanisms for performance of governance functions, the concept of governance is at least able to accommodate agent-centric readings (through talk of particular ‘governance agents’ or ‘governance institutions’ for instance), and so has at least the potential to satisfy D3.

This concept does less well, however, in satisfying fully the requirements of D4 and D5. The functional character of the criterion of differentiation associated with the idea of governance does give it at least the potential to satisfy D4, which requires causal efficacy in the protection of core political values (associated with political order and acceptability); however, the substantive content of the functions most commonly linked to the idea of governance may not correspond fully with the substantive political values linked to the normative idea of legitimacy. Although a fuller normative theory of legitimacy than we have supplied here would be required to assess robustly the relationship between these respective functions and values, we can provisionally observe that the understandings of function entailed in the idea of governance place too much conceptual emphasis on the pursuit of goods that presuppose some harmony of interests and underlying consensus among members of the social order, and too little emphasis on the importance of the characteristically *political* values that are concerned instead with the management of conflict, disagreement and conflicting interests, and the curtailment of abuses of power.

We can perhaps capture this objection most succinctly by saying that the idea of governance does not adequately satisfy the requirements of D5, which demands *conceptual openness to both positive and negative readings of efficacy* in relation to the protection of key political values. This is so since there is too much emphasis on the positive dimensions of efficacy (concerned with an agent's or institution's capacities to advance goods that are grounded in consensus and common interests), and insufficient emphasis on the negative dimensions (concerned with an agent's or institution's ongoing or likely detrimental impacts on some population's fundamental interests or autonomy).

Towards a new conceptual framework: locating 'global public power'

In place of the ideas discussed so far, we propose the concept of *global public power* for capturing the subject of principles of global political legitimacy. The term 'public power' is one that is occasionally employed in both normative and empirical literatures on political legitimacy, but it has not been unpacked carefully or critically examined as a concept distinct from the alternatives we have discussed so far – and it has not (to our knowledge) been given any formal definition in these literatures. For our present purposes, we can define global public power both with respect to its *conceptual meaning*, and with respect to the *substantive normative and empirical criteria* that a concrete sociological entity must satisfy in order to qualify as an instance of global public power.

On the purely conceptual definition, we can say: global public power denotes *all forms of social power within the global domain that are proper subjects of principles of global political legitimacy*. On the substantive definition, we can say: global public power denotes all forms of social power within the global domain that: (a) are exercised through the institutionalized decisions and intentional actions of some *identifiable social agents* (as distinct from inhering in social structures); (b) possess significant *causal efficacy in the protection of core political values* (associated with political order and acceptability, as specified by some more fine-grained normative conceptions of these); and (c) satisfy some justified normative criteria specifying both

the relevant thresholds of causal efficacy, and the appropriate conceptions of the core political values at issue – these are what we earlier called the *criteria of differentiation*, distinguishing *public* from *private* forms of social power.

Defined this way, we can see how the concept of global public power is able to satisfy all of the desiderata we identified earlier for a subject of principles of political legitimacy. It is not only that we have defined the concept here precisely *in order to* satisfy these desiderata (although it is true that we have done so – indeed this is just the point of the concept). It is also that this conceptualization points us towards richer traditions of thinking about both ‘power’ and the ‘public’/‘private’ distinction in political life, which can further orient and expand our analysis of the subject of principles of political legitimacy. To see how this is so, it may help to hold the concept of public power directly against the five desiderata we elaborated earlier – as we did for the other concepts under consideration here – for purposes of critical comparison.

First, public power is a non-state-centric and (more broadly) sociologically non-stipulative concept, which can be employed to designate the subject of principles of political legitimacy, without pre-judging the question of whether, and under what conditions, non-state as well as state-based agents and institutions may qualify as subjects of principles of political legitimacy. As such, this concept straightforwardly satisfies the requirements of D1. Second, it is a sociologically non-inclusive concept, thus satisfying D2, in virtue of incorporating a conceptual criterion of differentiation whereby ‘public’ power denotes the political agents and institutions that qualify as subjects for principles of political legitimacy and ‘private’ power denotes those that do not. Third, it is a concept that is able to satisfy the requirements of D3 – that is, the requirement of agent-centrism – at least so long as the concept of power is given a relational (that is agent-relative) rather than a structural reading, which it commonly is and readily can be.

Finally, it is able to satisfy both D4 and D5 in virtue of the fact that the central concept of power is concerned very much with efficacy – in both the ‘effective’ and ‘affective’ readings of the concept of power (Morriss, 2002). This last point can be strengthened by the recognition that it is not only different readings of the concept of

power but also different traditions of political thinking about the character of ‘publicness’ which draw in both positive and negative readings of political efficacy. To simplify somewhat, we might say that positive readings of political efficacy are most strongly associated with certain aspects of ‘republican’ thinking about the ‘public’, concerned with joint action and the pursuit of common social goods (of which Buckinx’s discussion in this collection provides a clear statement), whereas certain liberal traditions emphasise the importance of negative dimensions of efficacy – concerned with political conflict, coercion, and harm – in marking out the parameters of a ‘public’ or political sphere (such as in Macdonald, 2008).

But of course the idea of public power gives us only an analytic concept of the subject of principles of political legitimacy, which in itself is devoid of much substantive normative or empirical content. Adopting the concept of global public power as subject is not sufficient to answer the substantive question of which agents or institutions within the global political domain ought to be subject to principles of political legitimacy, though it does succeed in equipping us with the analytic tools to frame the right kind of research agenda on this question, through which fuller answers can be sought via further normative and empirical research inquiry. An integrated (normative and empirical) research agenda on the scope of global public power would need to tackle the following questions in particular.

To begin with, there is a need to develop more fully the *normative theory of political legitimacy*, and the underlying values of political order and acceptability that we have identified as central to this. More would need to be said here both about how these characteristically political values should be interpreted and operationalised, as well as about the relationship between the ‘political’ forms of justification associated with political legitimacy and the ‘moral’ justificatory strategies and principles that are applied in non-political domains of practical decision-making.

Connected to this, there is a need to identify the substantive normative criteria for distinguishing ‘public’ from ‘private’ forms of power in global political life. First, this requires determining to what extent we should apply ‘negative’ criteria of publicness concerned with problematic impact of power (on autonomy, interests, and so on), and to what extent we should apply ‘positive’ criteria of publicness that demand an active

role, by the power in question, in the promotion or protection of important collective interests. Second, it requires the specification of more fine-grained normative conceptions of publicness (such as the republican conception developed by Buckinx in this collection) to guide the application of these criteria in more detail.

Once some suitable normative criteria have been established, there is then a need for further *empirical* analysis that investigates which concrete agents and institutions in fact satisfy these criteria – and thus qualify as the bearers of public power – in contemporary global politics. Traditionally, public power has been linked to institutional forms associated with statehood. In particular, it has been linked to the use of force (organised violence), centralised or hierarchical decision-making structures, and law-making. These institutional forms are commonly thought of as uniquely and definitively ‘political’ or ‘public’, while other institutional forms (markets, corporations, processes of economic ‘production’, institutionalised ‘supply chains’, ‘civil associations’, ‘social movements’, NGOs, etc.) are designated as private. But with an institutionally non-stipulative concept of public power and some associated normative criteria in hand, empirical analysts will be equipped to evaluate these common associations more critically.

Conclusions

Conceptualizing the subject of principles of global political legitimacy as global public power, rather than in terms of the conceptual alternatives we have considered here, comes with three key advantages for analysis of legitimacy in global politics. First, the idea of global public power supplies a concept of subject that can help to *unify* analysis of legitimacy across the multiple political sub-disciplines in which it is studied, thus facilitating the future development of a more methodologically diverse and integrated research agenda on the question of the scope of application of these principles than has been undertaken so far in the existing literature. Second, recasting our concept of the subject of principles of political legitimacy in the way we have proposed has important implications for how we conceptualise political legitimacy *itself*: insofar as the concept of legitimacy is commonly defined in part with reference to its subject (as the justification of certain specified forms of power), our proposed reconceptualisation of this subject entails an argument for the reconceptualisation of

political legitimacy – as the (political) justification of public power. Third, this reconceptualisation of political legitimacy and its subject provides analytic tools for grappling with the complex normative problems and dilemmas raised by the significant forms of power now exercised by non-state actors, as well as by states through the fragmented and disaggregated institutional architecture of the present global order. In sum, our arguments supply concepts better able to support robust political analysis of the problems raised by the *pluralism* of contemporary world politics than our existing theories of legitimacy have achieved.

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ⁱ The question of which social practices in particular are salient here, and how the reasons articulated within them should be interpreted, is a much bigger question that we cannot settle here.

ⁱⁱ Whether this kind of justificatory practice can be regarded as properly ‘moral’ raises bigger questions than we can resolve here; but all that matters for our present argument is that political order and political acceptability are central values in the justifications underpinning principles of political legitimacy, whatever we take the ‘moral’ status of such justifications to be.

ⁱⁱⁱ We do not assume that these different sets of principles must be fully commensurable such that they together constitute a single unified and coherent normative order, but we cannot further elaborate and defend this view here.

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