Introduction

International institutions constitute the basis of contemporary global order. Often based on treaties that are negotiated and signed by states to facilitate collective action, these institutions face the daunting task of reconciling the necessity of global teamwork to solve the world's most pressing problems with long-standing impediments to cooperation: uncertainty, mistrust, and the primacy of self-interest. But institutions do much more than simply provide a forum for states to cooperate. They monitor behavior, serve as hubs for some of the world's most advanced knowledge and focal points for global civil society, disseminate information, and, perhaps most importantly, embody a normative framework that influences how interests are formulated and behavior is judged. The United Nations, the World Trade Organization (WTO), and the Nuclear Nonproliferation Treaty (NPT), for example, each represents a pillar for international cooperation in their respective arenas.

Today many scholars and policy-makers perceive the cornerstone institutions of global governance to be under stress as they struggle to meet new challenges and accommodate shifts in power, with some going as far as to ponder a crisis in multilateralism.[1] The United Nations is slow to adapt to new geopolitical realities, having been forged in an era with different power dynamics and a steadfast commitment to state sovereignty. The World Trade Organization is largely stagnant, paralyzed by gridlock

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[1] See, for example, Patrick (2014), Schweller (2014), Acharya (2014), Kupchan (2012), Avant et al. (2010), Khanna (2008), Newman et al. (2006), and Morse and Keohane (2014). On crisis, see, for example, Gill (2015), Hale et al. (2013), Goldin (2013), and Newman (2007).

between its industrialized and developing constituents. And the Nuclear Nonproliferation Treaty (NPT) continues to limp along in the face of high profile instances of noncompliance, heightened fears of nuclear terrorism, and widespread perceptions of "nuclear apartheid." These pillars of order, many contend, are shaky and in dire need of either a major refurbishment or replacement.

Yet as a robust international relations literature suggests, neither outcome is very likely. The world's major international institutions serve to cement power relationships, are by-products of bargaining processes over rules and design that are far too costly to change drastically, and reflect a set of ossified ideational assumptions that inform identities and interests. The international community is therefore left to muddle through, relegated to the pursuit of incremental reforms at the margins of the cornerstone institutions or the piecemeal development of smaller, often less formal spin-off arrangements to plug the leaks. The prospect of replacing an existing institution with a new one is seldom considered as a topic of inquiry or a political possibility.

This book turns the conventional emphasis on the continuity or "stickiness" of international institutions inside-out by focusing instead on institutional replacement as an empirical baseline for examining dynamic processes of change. Replacement, as defined here, refers to the negotiation or renegotiation of an institution intended effectively to replace an existing one. While replacement may be rare, dismissing it off-hand would be a mistake for several reasons.

First, while relatively uncommon, replacement is indeed an empirical reality. In fact, many of the world's preeminent institutions are replacements of some kind. The United Nations rose from the ashes of the League of Nations. The WTO replaced the General Agreement on Tariffs and Trade (GATT). The Ottawa Convention banning anti-personnel landmines, widely considered to be a landmark development in the study of international security because it outlawed an existing weapons system in widespread use and the prominent role that nonstate actors played in the outcome, effectively replaced Protocol II of the Convention on Certain Conventional Weapons (CCW). The nuclear disarmament movement is attempting to follow a similar path. Meanwhile, the international community continues its search for a superior global institutional alternative to the Kyoto Protocol to arrest climate change. And as the preceding examples suggest, if and when replacement does occur, it is almost always significant, reflecting either a major normative shift or a turning point in

the evolution of efforts to uphold or build upon a preexisting set of international norms.

The demand for improved international cooperation is also an empirical reality. Deepening levels of economic interdependence, rapid and successive waves of technological advances, mutating transnational threats, and environmental degradation all require effective multilateral responses. Yet questions abound regarding the existing institutional architecture and its ability to adapt to these changes and accommodate twenty-first century power shifts such as the rise of regional powers and increased influence of nonstate actors. As states and other actors often search for governance solutions on an ad hoc basis, questions remain as to how much effect these efforts can have absent a major shift in institutional order. After all, many of these arrangements find their legal, historical, and cognitive roots in the world's major institutions. Replacement is one of the few options with the potential to bring about sweeping change.

Finally, replacement offers a springboard for theoretical development. U.S. leaders such as John F. Kennedy and Condoleeza Rice have reportedly been fond of pointing out in the spirit of diplomacy that the Chinese word for crisis is composed of two characters, one meaning danger and another meaning opportunity. While the sentiment may very well hold true, it also raises interesting questions of theoretical significance. How can we account for the tension between the relative frequency of perceived crises in the context of international institutions and the infrequency of replacement? And when replacement does occur, does it necessarily occur via the same pathway? Furthermore, a focus on the phenomenon of replacement inherently must confront long-standing questions of central importance to International Relations (IR) theory. Where do norms originate? How do they become legitimated and institutionalized? And once institutionalized, how do these norms evolve or decay?

To examine the phenomenon of replacement empirically, this book conducts an analytical narrative of the origins and evolution of three landmark security institutions: the League of Nations to United Nations, the Mine Ban Treaty, and the Nuclear Nonproliferation Treaty (NPT). For all of the burgeoning literature on the changing nature of security in recent years, security institutions have received comparatively little attention. These cases not only have implications for the present and future of cooperation in the security realm and beyond, but also raise empirical puzzles. If the League of Nations was such an unmitigated

failure, as the conventional wisdom suggests, why does its UN successor codify essentially the same norms? Would the Ottawa Convention banning anti-personnel landmines, widely considered to be a landmark accomplishment of an emerging transnational civil society, have been possible without its institutional precursor, Protocol II of the Convention on Certain Conventional Weapons? Why has the NPT proven to be so remarkably stable amid numerous periods of "crisis" over the course of its existence, including some that jeopardize the national security of nuclear capable state parties that could easily withdraw?

I argue that the questions about institutional replacement raised above are best considered through the lens of legitimacy. Legitimacy has unique attributes in that it offers the space to capture the dynamic interplay between the material and social, the past and the present, and agents and structure necessary to understand replacement and identify the different pathways by which it can occur. And while the empirical content in this book examines the evolution of some of the world's foremost security institutions, what follows is as much about the future as it is the past. In many respects, the future of world order hinges on the ability to balance the need for legitimacy in global governance while limiting the potential dark side that too much legitimacy can portend.

LEGITIMACY AND REPLACEMENT

There may not be a more important concept in governance, or world affairs today, than that of legitimacy. Legitimacy lies at the intersection of power and social purpose in international politics. The exercise of power without legitimacy can lead to injustice and exploitation, breed resentment and resistance, and undermine the prospects for cooperation. Legitimacy without power is prone to, in Henry Kissinger's words, "tempt empty posturing."[2] But shared social purpose can also attract support and facilitate cooperation, even when confronted with power disparities. Thus legitimacy *is* a form of power in its own right. In a global age characterized by complex interdependence, the rise of new and powerful actors in the political arena, and the digital revolution, legitimation or the "process of drawing and (re)establishing boundaries, ruling some courses of action acceptable and others unacceptable,"[3] is more important than ever. Yet for all of its broad usage and centrality in the study and practice

[2] See Kissinger (1994, p. 77).
[3] See Jackson (2006, p. 16).

of regulatory politics, legitimacy nevertheless remains underutilized as a basis for empirical inquiry in international relations.[4] Scholars have further identified a need for greater understandings about the processes that render institutions "legitimate" in the first place, how perceptions of legitimacy evolve, and how legitimacy erodes.[5]

When we speak of the legitimacy of an international institution, we are speaking of the collective "belief that the institution ought to be obeyed" and hence exist.[6] While great powers are commonly found as the anchors of international regulatory institutions, material forces alone are ill-equipped to maintain these institutions in the longer term. Even the most powerful need to tap into a wellspring of voluntarism among the governed to sustain an institutional order.[7] Moreover, once created, the institutions themselves often acquire power and take on lives of their own in international regulatory politics.[8]

The concept of legitimacy implies that institutional order rests on shared understandings by the governed that the existing institution is appropriate to address a given problem set. These understandings are rooted in causal and principled ideas, built on interpretation of previous experience, and inform the initial basis for legitimacy. When a given institution is perceived to face a legitimacy crisis, logic suggests that it represents a "critical turning point when decline in an actor's or institution's legitimacy forces adaptation (through re-legitimation or material inducement) or disempowerment,"[9] which could mean giving way to an alternative or even collapsing altogether. Yet as noted above, while the language of crisis is deployed with relative frequency in the context of international institutions, the phenomenon of institutional replacement is relatively rare.

To account for this disparity, this book probes more deeply and systematically into the sources of institutional legitimacy and the nature and timing of legitimacy contests themselves to help account for the variance in institutional outcomes with respect to replacement. The analytical framework developed in Chapter 2 rests on the premise that legitimacy, given its social and relational nature, is inherently contextual and must

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[4] See Chapter 2 for a broader discussion of the literature on the legitimacy of international institutions.
[5] See Barnett and Sikkink (2008) and Jackson (2006).
[6] See Hurd (2007a, p. 7).
[7] See, e.g., Ikenberry (2001).
[8] See Barnett and Finnemore (2004).
[9] See Reus-Smit (2007, p. 167).

be operationalized as such. Three primary features therefore distinguish the conceptual approach.

First, it situates the existing institution in its broader political developmental context. Global institutions do not arise from a blank slate. The existing institution must be viewed against a broader temporal and ideational backdrop for it is a by-product of an evolutionary process, shaped by its forerunners, tempered by past experience, and steeped in cognitive schemes that give meaning to this experience. Like an old tree with deep, sprawling roots, an existing institution can be exceedingly difficult to extirpate. Indeed, an influential moment in history forged into the institutional DNA can have a profound impact on shaping what legitimacy *means* in a given context. Tracing the origins and development of an institution provides a critical baseline to analyze the susceptibility to replacement for it involves an assessment of the cognitive framework or ideational consensus that informs perceptions of legitimacy and cements a given institutional order.

Second, the approach emphasizes the need for more careful empirical analysis of the interactive nature of the legitimation process itself. Legitimation processes, where boundaries for acceptable action are drawn, institutionalized, contested, and potentially redrawn, constitute the faultlines of institutional development. When actors engage in a legitimation struggle, whether procedural or substantive in nature,[10] their interaction with the existing institution is critical. The existing institution provides access to power and a procedural apparatus that can affect the likelihood for change. It also embodies the substantive status quo and the appropriate goals and means to achieve them, thus serving as an important reference point in efforts to redraw normative boundaries.

The empirical chapters of this book provide case examples of the legitimation process in the context of signature international security institutions. As demonstrated in Chapter 3, negotiations that surrounded the formulation of the UN Charter often invoked the League of Nations. Chapter 4 details how The International Campaign to Ban Landmines attracted supporters through its engagement of the Convention on Certain

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[10] Legitimacy contests are frequently categorized in terms of process and substance. Some may question institutional legitimacy on a procedural basis. Does the institution operate in accordance with the "right" (usually democratic) process? Others may question the institutional legitimacy in more substantive terms. Does the institution produce substantive outputs that are valued by the governed and are those outputs commonly viewed to be distributed fairly and justly? See Chapter 2 for additional discussion.

Conventional Weapons (CCW). Moreover, as described in Chapter 5, assessment of the nuclear nonproliferation regime is commonly conducted in the context of NPT Review Conferences.

Such an analysis of the legitimation process raises a number of questions necessary to gauge the prospects of replacement or weigh other potential options for institutional change. Are the legitimacy contests procedural or substantive and do these contests have different operational implications? Might there be tensions between them that affect the prospects for replacement? Is the institution convincingly used as a foil to recast or reframe the problem in a way that calls for replacement? Does it matter if these contests destabilize or reinforce the ideational consensus underpinning the existing institution? If so, how? As Chapter 2 argues, analysis of these questions helps assess the likelihood that the existing institution can absorb legitimacy contests, whether an attempt to move outside the existing institutional framework is made, and help identify different pathways toward replacement.

Third, the approach seeks to use legitimacy to capture the interactions between agents engaged in the legitimation process and the moment of time in which it takes place. Recent scholarship has taken a turn toward agent-centered approaches to show how the characteristics and tactics of norm entrepreneurs can have an important influence on institutional outcomes. Yet while we have a much better sense of how and why agents can matter, the likelihood that they will affect major institutional change such as replacement can vary considerably, which thus requires more granular analysis not just of how claims are situated vis-à-vis the institutional status quo, but also the temporal context in which they are being deployed.

In order to overcome ingrained habit and institutionalization, the arguments deployed in legitimation strategies must be very convincing if they are to attract the support necessary to affect change. A crisis cannot be defined in material terms alone, for it (and appropriate solutions thereto) must be interpreted and given intersubjective meaning as such by a critical mass of actors, which can prove to be a daunting task given the geographic, cultural, and material diversity of institutional stakeholders. For instance, although the NPT may be widely perceived to be in crisis, the nature of the crisis looks very different from the perspective of nuclear and non-nuclear states or the developed and developing world. While the former groupings tend to stress noncompliance with NPT norms, the latter emphasize great power hypocrisy (e.g., U.S. nuclear cooperation with India, which resides outside of the NPT) and question the fundamental

fairness of the regime itself, which some perceive to be tantamount to "nuclear apartheid."

Those best positioned to promote change must not only be aware of when political opportunities arise in an evolutionary context, but also deploy arguments in ways that will override existing divides to generate common understandings about the nature of the problem and appropriate solution through an authoritative interpretation of history. Indeed, in an era of globalization riddled with linguistic references like "clash of civilizations" and "hearts and minds," the cultivation of common understandings is paramount. In the complex realm of global governance and the cornerstone institutions around which the scaffolding is built, there may not be a commonly perceived threat or set of policies that lend themselves easily to strong consensus. But history can provide a powerful tool to construct the narrative and build a coalition that can overcome social obstacles to collective action.

Recall the Chinese expression of crisis discussed above, conventionally described as comprising one character meaning danger and another meaning opportunity. A more accurate translation of the second character is not opportunity, according to some Mandarin speakers, but is rather more akin to a "moment in time." It is incumbent upon agents to empower the moment in time that provides the window of political opportunity, to give it meaning and construct the basis for change instead of being constrained by it.

In short, the development and application of legitimacy in the chapters that follow seeks to harness further the concept's potential to capture the interplay between the material and social, the past and the present, and agents and structure in order to account for major change such as replacement. It recognizes the importance of the existing institution as a macro-structure in which legitimation processes take place. The interactive character of these processes – how procedural or substantive contests are situated vis-à-vis the existing institution, whether they can be absorbed by the existing institution or lead to an extra-institutional strategy, whether they destabilize or reinforce the prevailing ideational consensus, and whether they are situated within an evolutionary context such that legitimation strategies empower and even construct the moment of time instead of being constrained by it – have major implications for the prospects of replacement. The conceptual application of legitimacy further allows us a means to identify and differentiate between different pathways to replacement: one that reaffirms the cognitive basis for order and one that reconstructs it. Ultimately, the book argues, replacement is

most likely to occur when the legitimation process either reveals the existing institution as no longer able to sufficiently promote its founding goals and values (reaffirmation) or fundamentally changes what the "problem set" is and the existing institution is unable to accommodate the cognitive shift (reconstruction).

THE PARADOX OF LEGITIMACY AND THE FUTURE OF GLOBAL ORDER

The analysis in this book extends beyond replacement, for exploring major change comes back to institutional continuity. An institution surely needs a certain degree of legitimacy to operate, as it cements the social basis for transnational cooperation and institutional order. Without legitimacy, institutions will require more material inducements (coercive threats, bribery, or even war) to maintain and/or risk irrelevance. But it is seldom asked: can an institution have too much legitimacy?[11]

Chapter 6 makes the case that legitimacy does, in fact, have its own dark side. There could be widespread beliefs that institutional procedures are unfair or that substantive outputs are distributed unjustly, but so long as the underpinning ideas of the institution (and the power relationships they uphold) remain intact, this deeper sense of legitimacy could lock in a suboptimal set of norms. Students of U.S. politics, for example, might see the Electoral College as an antiquated means to determine the outcome of presidential elections and contest the procedural and substantive legitimacy of the institution, but find it difficult to replace or reform given the sacred place the U.S. Constitution occupies in society. Amid controversy surrounding the Gore versus Bush electoral process and outcome in 2000, while some questioned the legitimacy of the Supreme Court's decision, there was very little evidence to suggest that the authority of the Court or the functional existence of the Electoral College system was at risk.

Similar dynamics occur in international contexts, particularly when institutions have been around a long time or are forged and acquire social value at a particular moment in history. The UN, NPT, and WTO all serve as cornerstone institutions in their respective domains. Each continues to embody their own temporal origins, reflecting the ideas and multifaceted power relationships that prevailed at the time, which in turn structures the legitimation process and constricts the space for change.

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[11] But see the literature on institutional pathologies, e.g., Barnett and Finnemore (2004) and Eden (2004).

The contemporary world order, and most of the institutional pillars that reinforce it, derives a significant part of its legitimacy from its liberal character. Many of the governed continue to value the ideas of interdependence and process-oriented principles of democracy as appropriate. And while some powerful states like China and Russia may not espouse liberal social and cultural values in their domestic politics, they participate in the existing order as a means to advance their strategic interests. For these actors, legitimacy may be more derived from the substantive outputs and gains from cooperation than from the processes through which these outcomes are achieved. Thus, we are left with a liberal order that is, in Ikenberry's words, "easy to join and hard to overturn."[12]

While this order is durable, it is also characterized by deep divisions and problems. Some institutions operate under the veil of democracy, but are perceived to lack accountability and to be hijacked by the powerful to serve their self-interests. Institutional gridlock is more the norm than the exception, which in turn fuels perceptions of crisis from a wide variety of perspectives. The liberal order may, in this sense, reflect the Churchillian sentiment about democracy, "the worst form of government, except for the others that have been tried." Yet rather than seriously consider replacement, states and other actors seek to buttress major global institutions further by adding regional and informal arrangements that reinforce the status quo even when change might be necessary. And as many scholars point out, the proliferation of institutions brings about even more governance challenges and accountability issues.[13] The result is a suboptimal architecture comprised of "good enough" governance processes, at least for the time being.[14] Chapter 6 discusses additional problems arising from too much legitimacy, including countervailing legitimation processes across institutions that can stultify needed action and the tendency to equate successful legitimation efforts with progress.

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[12] See Ikenberry (2011).
[13] See, for example, Johnson (2014).
[14] Instead of replacing the United Nations or the Bretton Woods institutions or the NPT, we see the proliferation of spin-off arrangements and "regime complexes," which seek to expand upon and reinforce the legitimacy of existing cornerstones. The NPT, for example, is supplemented by informal export control arrangements like the Nuclear Suppliers Group, an International Atomic Energy Agency (IAEA) Additional Protocol, and the UN Security Council 1540 Committee, all of which seek to increase the capacity of the international community to prevent non-state actors from acquiring weapons of mass destruction. For additional discussion, see Chapters 1 and 6. On "good enough governance," see Patrick (2014).