Myths of Membership: The Politics of Legitimation in UN Security Council Reform

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The need to expand the UN Security Council is usually justified as necessary to update Council membership in light of changes in world politics. The mismatch between the existing membership and the increasingly diverse population of states is said to delegitimize the Council. This rests on an implicit hypothesis about the source of institutional legitimacy. This article surveys reform proposals and finds five distinct claims about the connection between membership and legitimacy, each of which is either logically inconsistent or empirically implausible. If formal membership is indeed the key to institutional legitimacy, the causal link remains at best indeterminate, and we may have to look elsewhere for a theory of legitimation. We must also look for explanations for why the language of legitimation is so prevalent in the rhetoric of Council reform. Keywords: legitimacy, Security Council reform, United Nations, diversity, inequality.

Among the competing proposals for reforming the UN Security Council, one theme is a near constant: that the Council’s legitimacy is in peril unless the body can be reformed to account for recent changes in world politics. This consensus is driven by a number of developments: geopolitical changes (in the distribution of military and economic power), systemic changes after decolonization (which multiplied the number of UN members), and normative changes (in the value given to diversity, equity, and representation). The result, summarized in the New York Times, is that the Security Council “is indisputably out of date.” Most arguments in favor of Council expansion identify the gap between Council membership and international realities as a threat specifically to the legitimacy of the Council. The gap is an objective fact, but the link to legitimacy is what gives it its political salience and has made it a controversial matter in world politics. This article investigates this link. Conventional wisdom holds that the Council’s outdated membership causes delegitimation but the causal mechanics behind this delegitimation are rarely explained.

The process by which institutions become legitimimized or delegitimimized is a hotly contested matter among organizational sociologists, and yet in the Council reform debates the connection between legitimacy and membership has been treated as unproblematic, even self-evident. I set out below a number
of potential causal mechanisms for delegitimation of the Council, which I derive from existing proposals for Council reform. Behind every proposal for Council reform is a different model for how legitimacy, effectiveness, and membership fit together. Comparing these models is important to understanding the stalemate in Council reform and the utility of legitimation claims in world politics.

This article compares the various claims made in Council reform proposals regarding the effects of membership change on the legitimacy of the Council. Its goal is to isolate the discrete elements that make up these claims and assess their logical consistency. All Council reform claims contain hypotheses about the effects of membership change on Council effectiveness. The first section defends my claim that the conventional wisdom is that the current membership structure constitutes a legitimacy crisis for the Council. The second section extracts five distinct empirical hypotheses about the relationship between membership and legitimacy as put forward in defense of Council expansion. It typologizes these claims according to their underlying theory of legitimacy. These are all, in principle, testable, though the difficulties inherent in measuring legitimacy or its effects mean that perhaps in practice the most we can do is look for logical consistency. The third section addresses the question, Which among these claims are empirically plausible and logically sustainable? In conclusion, I speculate about the political interests that motivate these arguments and suggest implications about trade-offs, rhetorical entrapment, and legitimacy in international organizations.

Council reform proposals often look transparently political and self-serving. For instance, it is entirely predictable that Italy would oppose a new German permanent seat and would put forward the case for a collective European Union (EU) seat. But by virtue of being made in the international public sphere, the interests that these arguments serve must be presented in reference to generalizable values of the community. My goal in this article is not to find empirical evidence by which we might test theories of legitimation. Rather, I seek to compare the logic of the legitimacy claims themselves, taking advantage of the fact that they are cast in terms of generalizable principles. As such, I necessarily leave aside several interesting questions. For one, I do not examine the connection between the effectiveness of the Council and its legitimacy. That these two are mutually implicated is obvious but the link between membership and legitimacy is conceptually prior to, and separate from, the connection between legitimacy and effectiveness. For another, I do not focus on the privileges of permanent over nonpermanent membership, including the veto. The role of the veto for new members is important in the debate on enlargement, but it is generally kept out of the framing of the legitimation problems of the Council. No states link a defense of the veto for new members to arguments about legitimacy. For that reason, and because the High-Level Panel, among others, have largely set
It aside as well, the veto does not play a large role in my analysis. In focusing on the internal logic of the claim that changing the Council’s membership will affect its legitimacy, I seek first to understand the causal mechanisms implicit in such a claim and then to chart the implications that arise from those mechanisms.

**Legitimacy, Inequality, and Council Reform**

Philip Gordon of the Brookings Institution says, “Reform of the Security Council has long been high on the international agenda, but the only thing everyone agrees on is that the current arrangement is deeply flawed.” Brent Scowcroft agrees: “Almost all our institutions are structured for a world that has departed.” Ed Luck says that “calls for radical overhaul” of the Council “qualify as common wisdom.” What is wrong with the existing membership of the Security Council that “everyone agrees” is a problem? By far the most common malady identified at the Council is that the membership of the Council contains such inequalities that it threatens to delegitimize the body as a whole. The High-Level Panel said that “the effectiveness of the global collective security system . . . depends ultimately not only on the legality of decisions but on common perceptions of their legitimacy” and that the anarchonistic structure of membership rules “diminishes support for Security Council decisions.” “The Security Council needs better credibility, legitimacy, and representation to do all that we demand of it.” Kofi Annan has expressed “the view, long held by the majority, that a change in the Council’s composition is needed to make it more broadly representative of the international community as a whole, as well as of the geopolitical realities of today, and thereby more legitimate in the eyes of the world.” The Open-Ended Working Group (OEWG) reported in 1995 a pervasive view among delegations that “an increase in the permanent membership would strengthen the United Nations and increase its legitimacy through bringing the organization closer to present-day global realities.” Changing the formal membership, it is said, is a necessary step to increasing, or to halting the loss of, the legitimacy of the Council and of its resolutions.

These claims treat the Council’s legitimacy as a precious resource that is important to its effectiveness. Being seen as legitimate is important to the Council because, it is said, it increases the likelihood that states will respect the decisions it makes. A more legitimate Council might be better at encouraging states to implement economic sanctions, or to contribute resources to peace missions, or to accept a Council-mandated solution to a dispute. Without coercive resources or financial power of its own, the Council must rely on its legitimacy to increase state compliance with its decisions.

Legitimacy is rarely defined by those who use it to justify Council reform. As I use it here, it refers to the belief by states that the Council has
the right to make authoritative decisions in its area of legal competence. The “right” in question is a normative one, rather than a legal one, and so states that hold this belief will feel a normative obligation to respect the decisions of the Council. The belief rests within individual states but has its most significant effects when it is shared by many states. Four elements of the definition should be underscored: first, this is a belief of states, and so it is necessarily subjective and psychological—outsiders might disagree with one’s belief, but the behavioral effects depend only on what the actor thinks, not on the assessments of others; second, the belief is held by states, and so I presume the corporate agency of the state; third, the belief is about the right of the body to make decisions, and this puts the Council in a position of authority over states, distinct from questions about its capacity to act or its effectiveness when it acts; and, finally, the legal structures of the Charter set a limit on the areas over which this right extends. The existence of this belief has consequences for how world politics proceeds. Disagreements on the consequences are examined below, but a conventional view is that a legitimate organization will find itself with higher levels of compliance, lower costs to enforcement, and higher levels of respect among its audience. All of these should add to its power.

The connection between legitimacy and Council reform is a chain of four linked steps. First, it is said that the inequalities inherent in the structure of Council membership are a drag on the legitimacy of the Council. The different powers given to permanent and nonpermanent members keep it from achieving the maximum potential level of legitimacy that might in principle be available to an international organization. Second, this lack of legitimacy is then said to reduce the effectiveness of the Council as a whole. This step in the argument relies on a theory of the power of international organizations (IOs) that identifies legitimacy as a crucial element of their corporate existence. Third, the argument suggests that changing the Council’s membership, or changing its membership rules, would remedy the legitimization deficit and so, by the fourth step, the Council’s increased legitimacy will lead to a consequent increase in its effectiveness. Together, these stages constitute a thoroughly consequentialist defense of the importance of legitimacy for the Council: legitimacy is to be valued in the Council because it produces an outcome (greater Council power) that is thought to be desirable.

These are four distinct causal claims, with distinct independent and dependent variables. Steps 1 and 3 make up a mirror-image pair, as do Steps 2 and 4. The four can be summarized as follows:

1. Step 1: inequality $\rightarrow$ loss of legitimacy
2. Step 2: loss of legitimacy $\rightarrow$ loss of power or effectiveness
3. Step 3: change in structure → increase in legitimacy
4. Step 4: increase in legitimacy → increase in effectiveness

This causal chain as applied to the Security Council is derived from a more general model of legitimation in sociological theory but deviates from it in crucial respects. Step 1 is based on a central tenet of modern sociology—that inequality in a society reduces its stability. Disparities between groups in wealth, power, or status are thought to generate social discontent and thus instability, and the modern tradition from Marx to Weber to Habermas presents legitimacy as a countervailing force that can buttress the unequal social order. In this tradition, inequality is not itself seen as a threat to legitimacy but rather as a threat to the stability of the regime: as James Olson and Carolyn Hafer say, “When a group or system distributes inequalities unequally among its members, those members (or most of them) must view the inequalities as justified if the system is to survive.” Legitimacy is a device to mitigate the threat. Legitimation is one source of reasons for individuals to accept the existing inequalities of society as appropriate (or natural, or defensible). It does not eliminate the inequalities; rather it justifies them and reduces their political salience. In this light, legitimacy is always a conservative force that acts to defend favored values against revolution.

The absence of legitimacy is therefore a dangerous condition for a social order based on inequalities, and Step 2 of the chain specifies the dangers. Without legitimacy, a society must rely on other tools to maintain order, notably coercion and inducement. This is particularly problematic for the Security Council, which cannot reliably use coercion to exert compliance with its decisions, and it has no resources to use as inducements. A Council without legitimacy would therefore have few tools with which to win states’ support and so would quickly lose power, influence, and effectiveness in world politics.

The sociological story about legitimacy says that legitimation is a cure for the instability that arises from social inequality. The Council reform story suggests that the inequalities of the Council are damaging to its legitimacy and thus to its power, and so reducing the inequalities is a step toward maximizing the Council’s effective authority (Step 3). The difference is that the latter believes that it is possible, or desirable, to reduce the inequalities in the society. Nevertheless, the key assumptions behind the two approaches are the same: that inequality is a threat to the effectiveness of the institution and that enhancing its legitimacy leads to an increase in its effectiveness (Step 4).

The practical dimension of the debate over the Council rests on Step 3. Competing theories of the link between Council structure and Council legitimacy produce very different proposals for Council reform. The policy debate is at present almost entirely over the question, What changes in the
structure of the Council are most likely to lead to an increase in its legitimacy? The following sections address these arguments, first by specifying the competing answers to the question and then by assessing their empirical plausibility as accounts of legitimation. Resolving whether Step 3 is true or not is crucial to the institutional design of the Council and to the future of the UN more generally.

Council Structure and Legitimacy: Five Hypotheses
Ian Clark suggests that legitimacy is essential in resolving the question of who can rightfully be a member of the society. For him, one function of a consensus about legitimacy within society is that it provides a criterion for deciding “right membership.”22 In the debates on Council reform, however, the two concepts are usually put in the opposite order: manipulating the structure of the Council is believed to have effects on the level of legitimacy of the Council as perceived by the audience of nation-states. The views cited in the previous section all agree that the formal structure of the Council is an important factor in determining its legitimacy. In what ways might this be so?

The “empirical mechanics” by which changes in Council structure are hypothesized to affect Council legitimacy differ between different proposals. There are two main classes of claims for how this works, distinguished between the ideas that (1) membership produces legitimacy and (2) deliberation produces legitimacy.23 Variants of each are possible and they sometimes combine with each other, as we shall see, but a first cut into typologizing the claims must organize them according to whether they prioritize the legitimating effects of the practice of deliberation or of the formal structure of institutional membership. The two produce very different images of the work of the Council and therefore different policy prescriptions for improving it.

Membership
In 2005, the United States called for “a Security Council that looks like the world of 2005.”24 This could be operationalized in a number of ways, but the most logical is that the membership of the Council must be updated to reflect changes in the population of nation-states. The central element of these claims is a theory that the formal presence of certain states in the Council’s membership will contribute to legitimizing the Council, and that conversely maintaining the present structure contributes to delegitimation. The goal of “equitable geographic distribution” is enshrined already in the selection of nonpermanent members, and it is not challenged by any state; but differences in how the clause is understood produces different versions of the “membership” argument on reform.25
Three variants of the membership argument are in common circulation, each premised on different assumptions about which states’ presence or absence affects the Council’s legitimacy. First, many argue that legitimation may come from the degree to which the Council faithfully represents the composition of the population of states in the General Assembly. A Council that poorly reflects the population of states would be illegitimate. For instance, the chairs of the OEWG have stated “that the effectiveness, credibility and legitimacy of the work of the Security Council depend on its representative character.” The ambassador of Germany has said that “the legitimacy of the Security Council is based on its representativeness.” Bruce Russett hints at it when he says that “if the Security Council adds Germany and Japan as permanent members without also adding some major less-developed countries it risks losing legitimacy in the eyes of the great majority of UN member states.” These arguments are sometimes explicitly connected to a broader theory of democracy, but this is not logically necessary; whether an institution that is more representative is necessarily more democratic is a conceptually separate claim that should be evaluated on its own.

Second, legitimacy may come from having a Council that encompasses the diversity that exists in the General Assembly. Distinct from representativeness, diversity might require overrepresenting tiny minorities from the General Assembly in the interest of encompassing the full range of states and views into the Council. Reflecting diversity was one of the original motivations for the Council reform drive in the 1990s. The New York Times reported at the time that “there are few who disagree that it is time to make the Security Council . . . look more like the diverse world it serves.” If the goal is to have inside the Council as full a sample as possible of the views in the General Assembly, then we would be justified in adding states based on how different they are from the current Council members. We would strive to maximize the differences among Council members, and this could result in a very different composition of the Council than might come about if one pursued the goal of representativeness. A number of countries in the Non-Aligned Movement (NAM) have argued that global diversity should be reflected in the composition of the Council. Cuba, for instance, has held that the diversity within a regional group should be taken into account when deciding how many seats the region should hold, implying that the purpose of a regional group is to project the region’s diversity into the Council. Singapore has asked whether adding more large countries to the Council as permanent members is really progress, arguing instead that small states must be included in the interest of diversity. In a very different context, the International Court of Justice (ICJ) has long institutionalized diversity as a value in its selection of judges. The ICJ statute includes a rule requiring ICJ judges to include individuals from all of “the principal legal systems of the world.” For the work of the court, it matters not just that the main legal
systems be represented, but that the full diversity of major systems be present to ensure that important principles of law that arise in only one of them not be overlooked entirely as the court considers international law.

Both diversity and representativeness depend on a comparison with an appropriate referent population. Specifying this group is crucial and yet unavoidably political and controversial. The results will be different if we believe that the Council membership should faithfully represent the population of states in the General Assembly or the population of people in the world; striving to accommodate the diversity of world religions is different from accommodating the diversity of national economic capacities. These questions cannot be settled definitively outside the political process of negotiation. Most reform schemes based on membership agree that representativeness or diversity should be assessed compared to the regional distribution that exists in the General Assembly. This assumes that the relevant measure is regional, that states share their most important interests with others in their region rather than with those outside the region. Singapore, as cited above, suggests a different metric: small states have more in common with other small states than with large states, regardless of region.

Finally, legitimacy may be a product of having one’s own country occupy a seat on the Council. Formal presence in a decisionmaking body may lead a state to support its decisions more than it would if it had not been present. If the change is a product of the legitimating effect of the presence, then we could sustain the argument that adding new members to the Council could increase its legitimacy in their eyes and thus add to its effectiveness. This argument, with its obviously self-serving implications, is rarely made publicly by diplomats, but its logic underpins the argument that only with a seat in the Council will a state’s population continue to support paying its UN dues.\(^{35}\)

For all three variants of the membership argument, the crucial element is a conviction that the formal structure of Council membership is the key source of legitimation or delegitimation. It is the formal, legal presence of certain states, or of certain kinds of states, that affects the institution’s legitimacy. This structural view is in sharp contrast with the procedural view of the “deliberative” argument, discussed next.

**Deliberation**

Many Council reform proposals interpose the concept of deliberation between the formal membership of the Council and the legitimacy of its outputs. Deliberation, in this view, is the source of legitimacy for organizations and opening up the Council’s membership is a means to increasing its deliberative qualities. This view sees the Council as primarily a deliberative chamber rather than an interest-aggregating body. The OEWG has said that it believes that “wider participation in the Council’s work would, in turn,
lend added credibility and legitimacy to the Security Council’s decisions.”  

Similarly, the NAM has suggested that increasing the participation of non-members of the Council in its deliberations would “confer added legitimacy and contribute in ensuring active support to and implementation of its decisions.”  

(Singapore dissents, saying that adding new members would decrease the deliberative opportunities for non–Council members.)  

The distinction between this approach and the membership approach above is clear when we trace the path for getting to legitimation: for the deliberative approach, participation in decisionmaking legitimizes outcomes; for the membership view, formal presence in the decisionmaking body legitimizes outcomes. If legitimacy is increased by deliberativeness, then changing the membership of the Council could lead to increased deliberation.  

Other strategies for increasing deliberation are contained in Cluster II issues in Council reform.  

That deliberation might legitimize collective decisions is an important component of many theories of democracy. Amy Gutmann and Dennis Thompson argue that “deliberation contributes to the legitimacy of decisions made under scarcity . . . [because] the hard choices that democratic governments make in these circumstances should be more acceptable even to those who receive less than they deserve if everyone’s claims have been considered on their merits.”  

James Fearon hypothesizes that “perhaps people feel that the decision process is fairer if they are allowed to have a discussion before voting, and this sense of procedural fairness then makes them more inclined to abide by or support the results.”  

This is confirmed by empirical surveys of Americans’ attitudes toward legal and political institutions: Tom Tyler finds that “legitimacy is linked to judgments about the fairness of decision-making procedures. People are found to judge the legitimacy of institutions and authorities by focusing on the fairness of the procedures they utilize when making decisions. . . . [This] is demonstrated by their continued compliance with that decision over time, even in situations in which the incentives for complying . . . are weak or non-existent.”  

Deliberation is a key component of procedural fairness.  

_How_ does deliberation legitimize? Two mechanisms are possible: through change in the outcomes or through change in the deliberators. Diego Gambetta describes the former and John Dryzek the latter. Gambetta says that the “positive consequences of deliberation primarily concern the distribution of information” and its effect on the decision. He says, “If information and reasoning skills are, for whatever reason, unevenly distributed among deliberators, deliberation improves their allocation and the awareness of the relative merits of different means.”  

Fearon models deliberation as a strategy for lessening the problem of bounded rationality. To the extent that deliberation increases the amount of useful information available to decisionmakers, it should lead to better decisions.
However, “better” decisions might not be the purpose of deliberation. Dryzek finds that “preferences can be transformed by deliberation” and sees the main value of deliberation to be the change it generates in participants themselves.\textsuperscript{46} Independent of any effect it has on outcomes, deliberation might also have a “psychological effect,” says Fearon, if “the opportunity to have one’s say may make one more inclined to support the outcome of the discussion, even if one ends up opposing the collective choice.”\textsuperscript{47} If this is true, then deliberation might lead to higher rates of compliance regardless of whether it affects the substance of the decision.

### Assessing the Five Hypotheses on Legitimacy and Council Reform

Taken together, the deliberative and membership arguments can be organized into five distinct hypotheses for how legitimacy is connected to Council membership. These are that a state will see the Council as more legitimate to the extent that:

- **H1**: the membership of the Council is representative of the General Assembly membership.
- **H2**: the membership of the Council is diverse.
- **H3**: the state is a member of the Council.
- **H4**: the state has an opportunity to participate in deliberations at the Council.
- **H5**: the level of deliberation at the Council is high.

The first three hypotheses are centered on membership, the last two on deliberation. Other hypotheses about legitimation are possible where the independent variable might be changes to working methods or changes in the Council’s outputs, but these only indirectly justify a formal change in membership. Article 23 of the Charter ensures that regional diversity is included in membership selection, and these hypotheses provide possible explanations for why that criterion is valued by states.

Hypotheses 1 and 2 are closely related. They differ on the value that they aim to see institutionalized in Council membership, but they share the same structure and the same weaknesses. Both rest on three premises that, if all are true, would make it possible to construct an enlargement scheme that successfully uses representativeness or diversity as a means to legitimize the Council. I trace through the case in terms of “representation” here, and then show that the “diversity” case is essentially the same.

The proposition that the Council’s representation of the General Assembly controls its legitimacy rests on three assumptions. First, states must really believe that representation is an important institutional norm. If states...
are simply posturing in their statements about the importance of representation, then the hypothesis will fail. Assuming they are genuine, we could conclude that states do indeed have an internalized attachment to the value of representation and the international system should, as a result, favor institutions that are believed to be representative. Second, states must agree on what constitutes an appropriate metric for representation. As discussed, disagreement over the metric will lead to substantive differences in assessing the legitimation effects of any particular change in membership. The history of the debates over enlargement seem to show that there is a good deal of disagreement over which dimension of representation is most important, with the result that we may well face a trade-off between increasing the legitimacy of the Council to one audience and reducing it for another. The existence of such a tradeoff would mean that the potential legitimating power of representativity is small. Finally, the membership change must succeed in increasing representation along this metric. This depends on the particular countries chosen as new members. Not all enlargement schemes would increase representation, and some (such as adding Germany and Japan as permanent members) would create greater disparities of representation along many metrics.

The argument that legitimation is tied to diversity is analogous to that of representation, although the two values they put forward are different. H2 rests on versions of the same three assumptions as H1: that states really do value diversity in international organizations, that they possess a shared understanding of the appropriate metric for diversity, and that the specifics of the proposal do indeed increase diversity.

The degree of plausibility for both H1 and H2 turns out to be heavily dependent on a separate and prior question: Does the international community possess a reasonably consistent agreement on a metric for representation or for diversity? Only if this is true does it make sense to advance these values as a defense of enlargement. The debates over representation and over diversity would likely be more productive if they explicitly addressed the differences among states in their views of the correct metric.

There is less controversy in H3 because the issue of the metric does not arise. If H3 correctly describes the mechanics by which actors perceive legitimacy in institutions, its lesson for the Council is that its legitimacy will always remain limited to those few states that gain seats. Because it identifies legitimation as a product of having one’s self-interest satisfied, this argument can justify the inclusion of individual states in the Council but cannot be generalized to all states. The legitimating effect does not extend beyond the particular state(s) added to formal membership. As a result, it is useful to the extent that we believe that the problem of delegitimation for the Council is limited to a few of the most important states but not beyond that. The United States, for instance, has said that its support for a Japanese
permanent seat is a result of Japan’s financial contribution to the UN. If the Japanese contribution is undermined by delegitimation that occurs due to not having a permanent seat, then adding it could be useful. Legitimacy in Japan’s eyes could be served by adding it as a permanent member. But given that the maximum number of likely new members is around ten, the implication is that the legitimacy deficit of the Council cannot be improved for the rest of the world’s states through membership changes. This would suggest that we could increase the legitimacy of the Council in the eyes of those ten countries but can do nothing, or only reduce it, for the rest of the UN population.

While membership is a scarce good, deliberation is in principle available to all. If we grant, for the sake of argument, that deliberation is the key to institutional legitimation, then we can inquire into how it might be manipulated for legitimation by expanding the Council. To assess both H4 and H5, we need to know the limits on Council deliberation at present.

The existing deliberative process at the Council includes some formal rights of participation for nonmembers. These represent an acknowledgment by the drafters of the Charter and of its rules of procedure, of the importance of deliberation to legitimizing outcomes. The Charter requires that the Council invite parties to a dispute to participate in its deliberations on the dispute (Article 32) and allows that the Council may invite any state whose interests it considers “specially affected” by the issue at hand (Article 31). In practice, the latter provision is used by nonmembers to request a seat in the deliberation. According to Sydney Bailey and Sam Daws, such requests are “seldom opposed.” It is almost automatic that a nonmember state can add its voice to the formal deliberations of the Council when it wants to. Because the deliberative model is mainly concerned with the breadth of information flowing into the process rather than the formal status of the speakers, this goes some distance toward satisfying a purely deliberative model of legitimation in that it opens the channel for states to express their views in the Council without distinction between members of the Council and nonmembers.

There are limits on this access, however, and they are illuminating because they point to unresolved issues in the deliberative model. For instance, only states that are “party to a dispute” have a right to participate (Article 32); other nonmembers are invited at the discretion of the Council. Even if these invitations are routinely granted, the formal control of access rests with the Council’s members. Also, nonmembers are allowed “voice” only. That is, they may express views and participate in the substantive discussions, but they may not vote. Their contribution is restricted to the currencies of argument and information. These limits create distinctions in status and formal decisionmaking power among the participants in the deliberative process but do not affect their equality in the argumentative field. A purely
deliberative model of legitimation should conclude that this does not mat-

ter, but one suspects that it does in practice. The opportunity to exercise
voice through informal practices does not carry the same political status as
does the chance to occupy a formal nonpermanent seat. The distinction
needs to be accounted for by those who defend the deliberative approach in
Council reform.

In this context, the only margin by which adding new formal members
could increase the Council’s deliberative quality is the same margin by which
requests to participate (Article 31) are at present rejected by the Council. It is
only the rejected states that stand to gain greater access to Council deliberation
than they have at the moment. States that are accepted into the process
under Article 31 already have the opportunity to contribute to the deliberation.
Therefore, the potential increase in deliberation that could possibly
come via adding new members must be quite small.

This conclusion may have to be amended based on changes in the Coun-

cil’s practice of informal consultations. The issue depends on whether we
see the many informal processes as extensions of Council deliberations or as
circumvention of them. If Council members have greater access to these in-
formal sessions than nonmembers have, then becoming a member might in-
crease one’s participation in the informal deliberative process outside of
formal Council meetings. It is plausible that this might be true, though it
probably depends on the state in question. Large states may already partic-
ipate in informal consultations, even as nonmembers, and so giving them
formal Council seats would not produce a net increase in deliberation.
Small nonmember states are unlikely to be invited to informal sessions ex-
cept in unusual circumstances—but even as formal members of the Council
they might find themselves excluded from informal sessions too. The power
of the informal process at present is precisely that it allows the dominant
states on the Council to pick from among the members and nonmembers
only those whose contribution to deliberation they feel is valuable to them.
It allows the Council to ignore the distinction between member and non-
member and changes the patterns of deliberation. This has an ambiguous
net effect on the quality and quantity of deliberation around the Council.

The fifth and final hypothesis is distinct from H4 in that it claims that
it is the quality of deliberation in the organization that generates belief in its
legitimacy by an actor, irrespective of whether that actor itself had the op-
portunity to contribute to the deliberation. Like H4, this argument is only as
strong as the link between the deliberation that it sees as its goal and the ex-
pansion of formal membership that it suggests as its means. The identity of
the deliberators is not important. What matters is that the Council be open to
considering all morally relevant claims (and no irrelevant ones). Unless the
limits of informal deliberation have already been reached, this argument looks
hollow.
Assessing the Hypotheses

Does formal reform of membership contribute to legitimacy in any of the five hypotheses? The five are based on different empirical claims, but at least three general patterns emerge when one examines them as a group.

First, each claim ultimately rests on a trade-off, and each trade-off involves a political decision regarding one’s priorities about the Council that cannot be resolved except by each state according to its own values and interests. Several of the hypotheses—H1, H2, and H3—set up a trade-off between increasing the Council’s legitimacy for some states while necessarily reducing it for other states. We may not be able to predict which states will fall into each category, but we do know that the lack of consensus over metrics of representation and diversity means that privileging one interpretation over others will contribute to the delegitimation of an enlarged Council in the eyes of some states. This weakens H1 and H2. H3 can, at best, increase legitimacy in the eyes of the individual states that might be added to the Council while reducing it for those that are not. The deliberative models create a different kind of trade-off, one between increasing the range of voices and issues that can be raised in the Council (which is seen as the source of legitimation) and reducing the possibility of consensus in decisions. More interests on the table will necessarily mean that it will be harder to reach an agreement. Finally, all legitimation hypotheses involve a trade-off between increasing the Council’s legitimacy and furthering other values, such as efficiency, effectiveness, or power. It is generally accepted that the size of the Council is negatively correlated to its effectiveness, and some countries raise this frequently as a cost of larger membership. A negative correlation here would mean that it was a fatal flaw for all legitimacy-through-enlargement arguments if, in fact, Council legitimacy was primarily a function of its substantive effectiveness rather than its membership.

Second, each hypothesis can be undermined by the possibility of “informal membership” in the Council. As the Council increases the opportunities for participation available to nonmembers, it steals the foundation from many of the reform arguments. The deliberative hypotheses, in particular, are weakened to the extent that Council rules of procedure, and Charter requirements, allow nonmembers of the Council to contribute to deliberation. The justification for adding new formal members is defeated if states’ presence and participation can be solicited on a case-by-case basis. What remains is the potential legitimating power of the pure membership argument, where formal presence is thought by itself to have a legitimating effect (as in H1, H2, and H3). In the end, it is not clear that the formal structure of Council membership is the most important constraint on deliberation, or that adding new members would necessarily add to its deliberative quality.

Finally, the weakness of many of these arguments relative to empirical evidence makes it plausible to conclude that much of the “legitimacy talk”
around which reform arguments are constructed is a false front, covering up the political interests of states. What aspirants to Council membership seem to be really seeking are the status and prestige that they believe go along with a seat. They are not without effect, however, given the nature of rhetorical power. Two new issues then come to the fore, each worthy of further research. First, the ubiquity with which reform arguments are defended by reference to the alleged “legitimacy deficit” of the Council suggests that the international community expects that proposals be couched in universal rather than particularistic values. Second, these generalizable claims may subject their speakers to the possibility of rhetorical entrapment, so that public statements about a principle of legitimation might be turned around by others in ways the speaker never intended but from which they can’t escape. International talk may be cheap, but it is never free.

Conclusion
My goal has been to assess the claim that adding members to the Security Council is a useful strategy to ensure the organization’s legitimacy in the future. There are competing versions of this claim and I identified five distinct hypotheses about membership and legitimacy that are commonly presented in defense of changing the composition of the Council. Each is, in principle, testable by empirical methods, although in practice the evidence needed to confirm or falsify them is unobtainable. As a result, I presented assessments of the empirical and logical plausibility of each, drawn both from the past experience of the Council and from evidence on legitimation in other organizations. None of the five emerges with a strong defense. Each ultimately relies on prior assumptions that are themselves questionable—for instance, that states agree on a metric for measuring diversity or representation in the Council, or that states value the pure deliberative quality of the Council and not the status distinctions between members and nonmembers. Bardo Fassbender has suggested that “conflicting views of member states continue to block a solution” to Council reform. The gaps in logic that undermine each of the five hypotheses may indicate that these “conflicting views” originate in incompatible notions about how legitimation works.

The hypotheses are not of a type that can be fully confirmed or disproved with evidence, but their evident weakness suggests that states may be largely insincere in their references to them. Assuming that what states really want is to gain a seat for themselves and to deny one to their rival, we should look at both why states find this to be an appealing goal and why talking in terms of legitimacy is seen as a useful strategy. While the hypotheses themselves may be weak, this article also shows the power that states see in using “legitimacy talk” to defend their interests. How this has
come to be the case is itself an interesting question that combines the geopolitics of states competing over Council seats with the social construction of language resources.

Notes
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10. Ibid., p. 66.
17. This theory has not yet been linked to Council expansion, but the theory itself exists in Michael Barnett and Martha Finnemore, Rules for the World: International Organizations in Global Politics (Ithaca: Cornell University Press, 2005); and Hurd, After Anarchy.
20. Hurd, “Legitimacy and Authority.”
21. This is true of material resources, since the Council must rely on ad hoc contributions from states, but if we consider legal authority or the power to legitimate as resources, then we could see some independent power in the Council.
23. That “results produce legitimacy” is a third class of claims. This is conceptually separate (see Morris Zelditch Jr., “Theories of Legitimacy,” in Jost and Major, Psychology of Legitimacy), but in relation to the Council, it is derivative of the other two. Not all results produce legitimacy, only those that accord with prior values to which the audience is attached. The prior values (of deliberation, representation, or perhaps substantive values like order) must be legitimated first.
26. See, for instance, the Canadian position: “The membership of the Security Council should more clearly represent the international community of the 21st century,”


32. A/AC.247/5 (e).


36. OEWG 1995, A/AC.247/4 (a). I take “participation” here to be equivalent to “deliberation.”

37. A/AC.247/5 (i).

38. Statement of Vanu Gopala Menon.

39. This, of course, is holding constant any feedback loop through changes in effectiveness back onto legitimacy.

40. The label comes from the OEWG, A/AC.247/1. I agree with Luck that it is productive to keep separate working methods and membership questions (Luck, “Step One”).


44. Diego Gambetto, “‘Claro!’ An Essay on Discursive Machismo,” in Elster, Deliberative Democracy, p. 22.

48. US Department of State, remarks of Secretary Rice, 14 April 2005.
51. Prantl sees “informal groups” as “narrowing the participatory gap.” Jochen Prantl, “Informal Groups of States and the UN Security Council,” *International Organization* 59, no. 3 (2005): 561. The increase in participation is not necessarily in conflict with the conclusion that informal processes increase the power of the permanent members, since power and participation address separate issues.
54. Each of these may also be complementary to legitimation, though through different mechanisms than I treat here.
59. We should be careful not to mistake the weakness of reform arguments with a defense of the status quo.