Cottrell seeks to provide a better understanding of international security institutions, specifically their institutional development and, importantly, replacement, by examining institutional legitimacy. Institutional legitimacy, which is both procedural and substantive, is a form of power for any given institution because it justifies its existence and function; lack thereof or, rather, its contestation, Cottrell argues, increases the likelihood of institutional replacement. Thus, this concept is doing a lot of explanatory work for the ups and downs – resilience and replacement – of international security institutions. By examining the League of Nations, the Mine Ban Treaty, and the Nuclear Nonproliferation Treaty, Cottrell demonstrates how the “lens of legitimacy” takes into consideration both the material power and rational design at play in the creation and maintenance of institutions, thereby incorporating the realist and rational functionalist approaches, while fundamentally taking stock of the shared understandings about those institutions, which is a constructivist line of inquiry, making this analytical tool the better (if not best) explanation for the evolution of international security institutions.\(^1\) In so doing, Cottrell puts forward a promising interpretative methodology, potentially useful beyond international security institutions. Nevertheless, its operationalization requires some attention because, as I hope to show, the legitimacy framework may have some weaknesses (both in terms of its conceptualization and application to the ‘hard’ cases).

Looking at any given institution through the lens of legitimacy necessitates the appraisal of (1) its procedural legitimacy (and contestation), (2) its substantive legitimacy (and contestation), and (3) the ideational basis of legitimacy. Procedural legitimacy, which is ‘input-oriented’, is the common perception that an institution is established and operates in accordance with a commonly accepted set of procedures; substantive legitimacy, which is ‘output-oriented’, is the common perception that an institution effectively functions to achieve its goals.\(^2\) Both therefore are kinds of sociological legitimacy.\(^3\) Yet, institutions are perceived to be desirable, proper, or appropriate (or not) in several ways: legally, politically, and morally. On Cottrell’s account, it is unclear whether and to what extent procedural legitimacy and substantive legitimacy are fundamentally legal, political, or moral in nature, or, as I suspect, some combination of the three. So, when a security institution lacks procedural and/or substantive legitimacy, do actors perceive it to be a legal, political, or moral failing?

Moreover, the lack of conceptual clarity with respect to legitimacy at times hinders the possibility of a clear and coherent picture of the grounds of legitimacy contestation. Take the procedural legitimacy contests of the Convention on Certain Conventional Weapons (CCW) as an example. Cottrell writes, “In procedural terms, the [International Campaign to Ban Landmines] and its supporters contested the legitimacy of the Amended Protocol II primarily because of the consensus-based decision-making process. Because any state could block proposals for a total ban, the Review Conference process as a whole was widely believed by ban proponents to be a non-starter”.\(^4\) The implication is that consensus-based procedures do not speak to the legitimacy of the CCW (for moral reasons perhaps?). But, surely the CCW and its Amended Protocol II is

\(^2\) Ibid, 39-40.
\(^4\) M. Patrick Cottrell, The Evolution and Legitimacy of International Security Institutions, 120.
procedurally legitimate precisely because of its consensus-based procedures; it may not be substantively legitimate because it does not achieve the political and humanitarian goal of a landmine ban (given that it only banned ‘dumb’ mines).5 This is in stark contrast to the Nuclear Nonproliferation Treaty (NPT). Cottrell writes, “In procedural terms, the NPT draws its legitimacy from its membership, participatory access, and the accountability mechanisms provided by the IAEA. Perhaps the strongest source of procedural legitimacy of the NPT resides in the sheer number of parties… Near universal membership can be an extremely important tool since consensus-based decisions speak for nearly the whole world. All members have a voice in the review process”.6 The implication here is that consensus-based procedures strongly speak to the legitimacy of the NPT. While it is acknowledged that there are tensions between procedural legitimacy and substantive legitimacy (especially when it comes to consensus-based procedures and the possibility of just political outcomes),7 what accounts for consensus-based decision-making processes being contested as procedurally legitimate for one international security institution, while being the very feature that makes another international security institution procedurally legitimate? This, I think, illustrates a potential problem with Cottrell’s account of the procedural legitimacy of international institutions.

Furthermore, an analysis of legitimacy contestations would suggest substantive legitimacy as being far more significant than procedural legitimacy for institutional replacement. Only consider that “the legitimacy of the League [of Nations] was contested primarily because it simply never lived up to its primary goal of providing some basis for international security”.8 It would

5 Ibid, 120-121.
6 Ibid, 153.
7 Ibid, 41.
8 Emphasis added. Ibid, 82.
seem that procedural legitimacy is contested only when the institution (directly or indirectly) produces outputs on account of those procedures that are politically or morally unfavorable, as can be seen from the CCW example above. With respect to the League of Nations, its procedural legitimacy was in question because (1) its negotiation was from the get-go exclusive and discriminatory (favoring the Great Powers), (2) its membership was not universal, and (3) its unanimity principle impeded valuable action. However, these three procedural features of the institution had a direct impact on the deplorable substantive output of the League of Nations – a lack of organized international security. This raises two questions: (i.) can procedural and substantive legitimacy come apart? and (ii.) if they do, to what extent is procedural legitimacy and its contestation a significant causal factor for institutional replacement?

Whether or not legitimacy contestations are procedural or substantive in nature (or both), there exists an ideational basis of legitimacy that “structures” procedural and substantive legitimacy contests, which, per Cottrell, plays a key causal role in the kind of institutional replacement that takes place. That is to say, the shared understanding or “ideational consensus” regarding the institution’s goals and values has a causal effect on how and to what extent an institution is replaced. When an institution experiences legitimacy contests, but the ideational consensus is strong, the institution will likely be replaced by a “retrofitted or expanded” institution that may be relatively similar to the original (replacement by reaffirmation); when an institution experiences legitimacy contests and there is a cognitive evolution that results in a different set of institutional goals and values, the institution that replaces the original will be significantly different so that it can accommodate the cognitive shift (replacement by reconstruction). The kind of

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9 Ibid, 81.
10 Ibid, 43-44, 57-59.
11 Ibid, 58.
ideational frame that effects replacement by reaffirmation or replacement by reconstruction depends on change agents, like norm entrepreneurs, and the political time ("the medium through which change agents encounter their received commitment to ideas").\(^{12}\) The addition of the agent and the temporal political context in the analysis, alongside the procedural and substantive legitimacy contests proper, produces a more complete explanation of institutional replacement; it seems clear that solely an analysis of legitimacy contests would not be able to explain why for example, despite the League’s legitimacy crisis, the United Nations codifies the same norms\(^{13}\) or why, even with a perceived legitimacy crisis – multiple legitimacy contests that resulted in failed RevCons, the NPT is not replaced.\(^{14}\)

Nevertheless, it seems to me that the role of change agents and political time in causing institutional replacement is just as important as the role of perceived institutional legitimacy (or lack thereof) in causing institutional replacement. In the Mine Ban Treaty case, Cottrell states that “legitimacy contests would likely not have been enough to disempower the CCW”, but that the mine ban movement and the political time allowed for the right kind of ideational reframing of the landmine issue with the result that the CCW was eventually replaced.\(^{15}\) This raises the question: to what extent are perceptions of institutional legitimacy the driving force for institutional replacement? I think that, at least for the Mine Ban Treaty, the primary cause for change were the change agents who took advantage of a politically opportune time in which humanitarian and moral arguments had the potential for replacing inadequate institutions.\(^{16}\) It would be ‘doubly decisive’ for me that institutional legitimacy is in fact the causal explanation for the replacement

\(^{12}\) Ibid, 55.
\(^{13}\) Ibid, 65.
\(^{14}\) Ibid, 167.
\(^{15}\) Ibid, 121.
\(^{16}\) Ibid, 121.
if these change agents took themselves to be de-legitimating the CCW; the idea that empowered agents of change created anew a treaty that was well-received, despite the legitimacy of the CCW, is not yet eliminated through Cottrell’s process tracing.\textsuperscript{17} That being said, even if legitimacy is not the primary cause for institutional replacement, it nevertheless provides a fuller, richer understanding of the development and evolution of institutions, as demonstrated by Cottrell’s nuanced analyses of the empirical cases. Without a doubt, Cottrell’s work, an inquiry into institutional legitimacy in historical context, is an important and necessary explanation of institutional change.

\textsuperscript{17} David Collier, “Understanding Process Tracing,” \textit{PS: Political Science and Politics} 44, no. 3 (2011), 825.