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NGO LEGITIMACY:

FOUR MODELS

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NGO Legitimacy: four models

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Abstract

The aim of this paper is to examine NGOs' legitimacy in the context of global politics. In order to yield a better understanding of NGOs' legitimacy at the international level it is important to examine how their legitimacy claims are evaluated. This paper proposes dividing the literature into four models based on the theoretical and analytical approaches to their legitimacy claims: the market model, social change model, new institutionalism model and the critical model. The legitimacy criteria generated by the models are significantly different in their analytical scope of how one is to assess the role of NGOs operating as political actors contributing to democracy. The paper argues that the models present incomplete, and sometimes conflicting, views of NGOs' legitimacy and that this poses a legitimacy dilemma for those assessing the political agency of NGOs in world politics. The paper concludes that only by approaching their legitimacy holistically can the democratic role of NGOs be explored and analysed in the context of world politics.

Speaking truth to power is a phrase that has been internalised by many non-governmental organisations (NGOs). It originally came from the Quakers who were, in effect, instrumental in the creation of many NGOs (e.g. Amnesty International, Greenpeace) especially during the 1960s upsurge of counter-culture movements (Hopgood, 2006:8; Zelko, 2004:198). The power that truth was to be spoken to was originally that of governments. However, with the rise of globalisation the audiences have expanded and come to include more complex and nuanced categories reflecting the emergent transnational public spheres (Crack, 2008). Part of this change is the trivialisation of states' sovereignty with competing conceptions of their legitimacy, and legitimacy as an effective limit on power in world politics (Collingwood, 2006:454), in where "NGOs act as a solvent against the strictures of sovereignty" (Charnovitz, 2006:348).

NGOs play an important role in politics. This can be in the form of service delivery, policy input or norm creation. Based on their expertise, their knowledge or their extensive global networks, many NGOs have become indispensable in delivering governmental policies both at the national and international levels (Cabinet Office, 2010; Clark, 2001; Kamminga, 2007). This paper explores the limits of power in international relations by focusing on NGOs' legitimacy claims and the criteria used to evaluate their political agency in

global politics. While the role of NGOs is somewhat less contested at the domestic level in liberal democracies, the notion of NGOs' role as contributing to the public good at the international level is more problematic. The paper argues that the debate about the global reach of NGOs and their involvement in world politics can be explored through arguments about their legitimacy.

One of the main legitimacy dilemmas regarding NGOs is the difficulty verifying their legality at the international level. The reason for this is that NGOs' legal validity is still embedded in and limited to national law, which gives force to questions and criticisms about how their legitimacy is constructed globally.[1] The notion of legitimacy signals that an NGO has a right to operate and that what it does is in some way good and benefits society as a whole. During the 1990s scholars started to ask pertinent questions about whom NGOs actually represented, whose interests they were promoting and whether their accountability measures withstood scrutiny in a democratic context (Edwards and Hulme, 1996; Farrington and Bebbington, 1993; Gidron, Kramer, et al., 1992a; Lipsky and Smith, 1989; Sogge, 1996). This set into motion a demand for greater clarity on how NGOs' legitimacy claims can be justified according to democratic criteria. Taking cue from these questions this paper provides a conceptual framework for assessing NGOs' legitimacy claims and how their political agency is viewed according to four theoretical models. The proposed models are a way to discuss the legitimacy problem of NGOs both precisely and in a holistic way, taking into consideration that legitimacy debates can be embedded in the charity sector, international relations or development studies.

The models try to answer how NGOs' legitimacy claims are explained and how their political agency can be understood by asking the following questions: do NGOs create their own legitimacy internally by socialisation or are their legitimacy claims embedded in external structures? Should NGOs' legitimacy claims be analysed based on performance indicators in the market place where NGOs are understood to be *a*political actors delivering services? Or should their claims be analysed from a political perspective where NGOs' legitimacy is seen as intrinsically political where NGOs strive for empowerment in solidarity with the poor, as advocates of people's interests, or perhaps as defenders of less tangible things?

Before proceeding 'NGO legitimacy' requires a brief terminological and conceptual clarification. Legitimacy is a complicated concept as its meaning can vary depending on ontological and epistemological premises between and within disciplines. In this paper, and following Beetham, legitimacy is used as a dynamic concept that has both normative and empirical qualities which can be assessed using legal validity, normative justifications and public affirmations (Beetham, forthcoming). That is, legitimacy is something an entity can claim, maintain and reproduce and thus establish over time, and then use to underpin or provide credibility to other legitimacy claims. If an entity fails to claim or establish legitimacy the reverse follows (Beetham,

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[1] There are very few exceptions to this. The only meaningful exception is the International Committee of the Red Cross that has a legal persona in international law under the Geneva Conventions. There are some theoretical advances being made in the direction of a derived legal personality for NGOs (Kissling, 2008; Lindblom, 2005). The discussion about a more democratic approach to international law is also a useful context for arguments on NGOs' legal status (Goodin and Ratner, 2011; Krisch, 2012).

1991:20). All three criteria are necessary for claiming legitimacy. In this sense, legitimacy is a political concept that emphasises the centrality of power and its structural embeddedness, i.e. power does not cease to operate when people stop believing in its legitimacy, decisions continue to be made regardless (Beetham, 1991:13, 107-8).

Exploring NGOs' legitimacy in global politics adds the extra complication of legal validity, since all NGOs are registered in national law, and although this remains a problem, "[t]ransnational NGOs have learned how to manoeuvre without formal international personality" (Charnovitz, 2006:356). Although legality is an inherent 'necessary first step' in claiming legitimacy, there is an important distinction to be made (Beetham, 1991). Legality is a narrow concept concerned with rightful procedures whilst legitimacy is a broader concept that embraces social and normative meanings (Beetham, 1991; Bodansky, 2008:311-12; Dyzenhaus, 1997). For example, a losing party in a legal dispute can accept the legitimacy of a verdict based on the decision-making process being legitimate and at the same time disagree with the reasons provided for the ruling (Bodansky, 2008). This distinction is significant because much of Anglo-Saxon law applied to NGOs is practised as legal positivism and thus often more concerned with criteria of legality than legitimacy (Hart, 1961; McMahon, 1994:ch.2). This paper considers legal validity an essential part of how NGOs claim legitimacy but that it only goes so far in explaining and understanding the construction and maintenance of NGOs' legitimacy. For the purpose of establishing their legitimacy at the international level, other legitimacy criteria are needed to present a fuller account of how NGOs justify their power.

Exploring the legitimacy of NGOs as global actors is a direct challenge to the prevailing explanations of who is allowed to make new rules and preside over them (Clark, 2007). Approaches that focus on NGOs' legal validity as a premise for their participation in world politics often dismiss NGOs as irrelevant political actors because the analysis is unable to overcome the insurmountable barrier of legality. But, approaches that focus on legitimacy as a political concept convey a notion of democracy extrapolated to include analysis of whose interests the rules serve (Beetham, 1991:46-47) – like theory, rules are always 'for someone and for some purpose' (Cox, 1981:128). The gap between legality and legitimacy has become a legitimacy quagmire at the international level because it has created inherent problems over the question of how to address NGOs' political agency. This is highlighted in arguments about NGOs' role in world politics, and whether their agency is seen to be generated by social processes or rooted in legal validity (Boli and Thomas, 1999; Bolton, 2000; Cardoso, 2004; Slade, 1982).

Despite the importance of rules for legitimacy analysis, rules do not explain themselves; a rule is not legitimate just because it is a rule (Beetham, 1991:69). When it comes to examining the power and authority of a (new) political entity, legitimacy as a broad concept is more appropriate because it extends beyond rules to include sources of legitimacy that are derived from non-legal authority. The three-dimensional legitimacy test devised by Beetham to examine power emphasises the broad remit of legitimacy as a concept. It states that power is legitimate if it can, in addition to demonstrating legal validity, provide adequate justifications

for the rules it produces and presides over, as well as evidence of expressed consent by those subject to the rules (Beetham, 1991:20). It is in this broadening of the concept that the connection with democracy is reinforced. There are of course nuances here that go beyond the scope of this paper.[2] It suffices to say that legitimacy is the democratic dimension that in addition to legality goes beyond meaning rightful procedure according to the law to include the justifications for the rules, thus giving more prominence to normative and social criteria.

And a short note on what constitutes an NGO. There are several ways to define an NGO. This has been demonstrated in the literature many times (Jordan and Tuijl, 2006; Kendall and Knapp, 1996; Morgan, 2010; Phills, 2005; Salamon and Anheier, 1997; Vakil, 1997; Vedder, 2007; Willetts, 2011). The literature has also tried to introduce new terms, of which the term 'civil society organisations' is the latest contender, to overcome the negative connotation implicit in the term NGO. However, the durability of the term NGO has turned it into "a natural darling" (Götz, 2008:248) that is somehow able to outlive other (perhaps more accurate) terms. The term NGO is used in this paper to refer to entities:

- that are registered according to law
- whose aim is to increase their income to advance their mission (many NGOs have fund-raising high on their agenda which can blur the line between income and profit (Gidron, Kramer, et al., 1992b:3; Phills, 2005) and thus their distinction from commercial companies)
- that have a normative agenda they consider intrinsically valuable and for the public good/benefit
- that are organised to achieve objectives that fulfil their mission through an internal decision-making processes
- whose operational remit often defies territorial boundaries
- that have a significant voluntary component, i.e. people who are willing to work to deliver the objectives of the NGO despite limited or no financial remuneration

Having stated the context, the application of the concept of legitimacy and the definition of NGOs, the paper now moves on to the models.

Four models of NGO legitimacy

The literature on NGOs' legitimacy often carries an implicit or explicit reference to their democratic role in society. Raising questions about NGOs' legitimacy is in effect alluding to their role as democratic actors since legitimacy is about more than just the rules and NGOs' right to operate. Some of these questions are about how NGOs can restore institutional chains of communication in a polity where the public is growing increasingly disillusioned and removed from political procedures and discussions, and thus disengaged

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[2] See for example studies on legal pluralism and social influences on the law (Fallon, 2005; Tamanha, 2000) as well as debates about the principle of national sovereignty and the Westphalian order underpinning international law and world politics (Clark, 2007; Goodin and Ratner, 2011).

democratically. Others focus on how NGOs can mobilise voiceless communities and empower the poor based on their internal legitimacy being representative, with or without constituents. The paradigms are intended to capture the theoretical and analytical range of various approaches in order to systematise the arguments into four models. This hopefully enables a sharper focus on how NGOs' legitimacy is argued in the literature and how their democratic agency is engaged politically.

The following four models are frameworks to clarify NGOs' political legitimacy and promote further analyses of their roles as democratic agents in world politics. Each model presents different interpretations of NGOs' legitimacy and provides different criteria for assessing their legitimacy claims based on a number of theoretical constituents that can clarify analytical insights, ontological standpoints and the general contributions of various theories. This facilitates a comparison between different approaches and provides a political spectrum that goes beyond the service-delivery – advocacy dichotomy of NGOs so often present in discussions of their legitimacy. The models can thus hopefully move the discussion on NGOs' legitimacy towards exploring their democratic legitimacy and political agency in world politics.

The market model

The market model analyses NGOs' legitimacy based on supply and demand that prioritises problem solving and output measured in efficiency. The theories grouped into this model are mainly addressing the question of NGOs' functionality in the marketplace. The initial issues associated with the market model are about the functional aspects of NGOs as delivering government services where they either have comparative advantage or are seen to be providing complementary services alongside the state (Gidron, Kramer, et al., 1992a:5-8; Weisbrod, 1998). Although the analytical emphasis has developed solely focusing on economics and rational choice, to include broader social aspects of NGOs, what has remained is the centrality of understanding NGOs' role within a marketplace. Frumkin's thesis, for example, advances the market model's argument by explaining different functions within NGOs that are more inclusive of their normative side and altruistic mission, albeit without compromising his focus on the marketplace (Frumkin, 2005). The theories in the market model mainly analyse NGOs through the lens of the marketplace based on performance indicators and efficiency, regulation is furthermore seen to be private (via contracts or self-regulatory mechanisms) and often geared towards donors. Some scholars have argued that this raises significant legitimacy problems in regulating NGOs since the normative agenda of NGOs does not fit neatly into the framework provided by most regulatory regimes, therefore leaving large accountability gaps since NGOs are premised on norms not profit (Clark, 2006; Ebrahim, 2006; Leonard, 2006).

In broad terms the market model aligns with the neoliberal agenda focusing on trade, political economy, and global governance of the new world order where NGOs' legitimacy is mainly associated with (financial) accountability or, as suggested by Brown (2008), linked with credibility, reinforced by peer regulation as in the NGO Accountability Charter and the NGO Supplement of the Global Reporting Initiative (Global Reporting

Initiative, 2009; INGO Accountability Charter, 2011; Kamminga, 2007). Brown's argument attempts to elucidate how NGOs can enhance their accountability by creating credibility as a sector at the international level. The accountability challenge has demonstrated the ambition of NGOs and some impressive performance in the shape of various indicators. The Accountability Charter pledges legitimacy and accountability with measurable targets implemented through the global regulatory body (Global Reporting Initiative, 2010; INGO Accountability Charter, 2011). The criteria elaborated in the Charter and the NGO supplement are accordingly tied to performance indicators and corporate accountability measures in which NGOs' legitimacy claims are assessed by and large, as *apolitical* in relation to those who have delegated power to them. For example, the NGO supplement discusses expectations of stakeholders by referring to "employees, shareholders, and suppliers" of NGOs, whilst the Charter elaborates on NGO stakeholders by listing numerous powerful (not disempowered) entities such as supporters, media, staff and donors (Global Reporting Initiative, 2010:14; INGO Accountability Charter, 2011).

However, there are significant problems with this approach to NGOs' legitimacy when exploring their role in world politics. Both the Charter and the Supplement are constructed around states' or donors' concerns about NGOs accountability as global actors. The emphasis on outcome, or utilitarian arguments, often places NGOs in the back seat indicating that their function in international politics is reduced to their significance in advancing or facilitating states' welfare services by improving performance and delivery. The crux of this argument is that although NGOs are recognised as meaningful actors in world politics they are far from developing a legitimacy that can rival states and intergovernmental institutions. In the meantime, their role is best viewed as that of an auxiliary to, and under the tutelage of, states. As such, NGOs' power (and operational capacity) is bound by the confines of national law and constrained by the principle of sovereign states at the international level. Consequently the market model is often used to analyse NGOs' service delivery function, hence reinforcing a division of legitimacy claims as explicitly political versus supposedly non-political. In this, the market model downplays or ignores NGOs' advocacy function and their more politically ambitious objectives leaving a large part of NGOs' legitimacy unexplained.

Under the market model, legitimacy issues are therefore often about output measured in contractual obligations that are exogenously imposed by those 'who can call for an account' (the donors) where the NGOs 'owe a duty of explanation' (Day and Klein, 1987:5). The legitimacy aim is effectiveness as in 'for the people' rather than authenticity as in 'by the people' (Scharpf, 1999:1-12). In this vein the market model's argument is based on NGOs' ability to deliver within the context of effective problem-solving undermining their "representational functions" (Gidron, Kramer, et al., 1992a:28). This is perhaps most evident in contracts NGOs make with governmental institutions monitored and evaluated in performance indicators and targets (Cabinet Office, 2010; DFID, 2008).[3] Legitimacy problems are associated with those who delegate power

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[3] This can be seen at all levels in contractual arrangements whether between NGOs and the UK government, UK Aid (Department for International Development) or the World Bank.

(regulators and donors) and involve issues about NGOs being properly registered, financially responsible, and the fulfilment of contractual obligations with donors. The legitimacy test is placed on procedural aspects and legality, paying less attention to the normative aspects of NGOs as representatives of disempowered peoples whose input into the legitimation process of NGOs remains of marginal interests. This can be seen at all levels in contractual arrangements whether between NGOs and the UK government, Department for International Development or the World Bank.

The market model analysis brings forth the legitimacy problem associated with the duality of the legitimacy concept as it stresses the legality side of legitimacy and in the process ignores that "rules cannot justify themselves simply by being rules, but require justifications by reference to considerations which lie beyond them" (Beetham, 1991:69). Although creating credibility is a positive sign in advancing the international legitimacy of NGOs, it is also a limited source of legitimacy, albeit an important one, that overemphasises the value of NGOs' service delivery and auxiliary function (contingent on their reputation) in the marketplace. Furthermore, it also remains to be seen whether the International NGO Charter envisages a separation of the international units of NGO hierarchies, thereby reinforcing the division between their national and international dimensions rather than trying to overcome this gap in a quest for a more holistic analysis of their legitimacy as democratic agents in world politics.

The social change model

The interpretations of NGOs' legitimacy by the theories that fall under the social change model are significantly different from the market model. A common feature in the market model analysis is the preoccupation with individual legitimacy components rather than legitimacy itself, such as accountability criteria, market efficiency and donor compliance. Although these are valuable constructs in legitimacy debates they can also eclipse the political and democratic essence of NGOs' legitimacy by aligning the debate with the legitimacy concerns of institutions or donors, thus shifting the focus away from NGOs and other constituents that are equally valuable components in how NGOs claim legitimacy.[4]

The social change model examines the democratic roots of NGOs' legitimacy. Its criteria can often be traced back to Toquevillian arguments about freedom of association where NGOs are seen to be intrinsically good for society and an integral part of a functioning liberal democracy. NGO legitimacy thus understood is endogenous rather than exogenous. Because the model focuses on the role of NGOs as constitutive agents of civil society, it can have a spill-over effect into other arguments where freedom of association is seen as a peremptory principle for other NGO legitimacy criteria. Thus, the legitimacy of NGOs is not viewed as market driven but as driven by social factors that have to do with social relationships within NGOs and a 'bottom-up' grassroots analysis of their distinctive social role (Hilton, McKay, et al., 2010; Putnam, 2000).

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[4] For a superb overview of the theoretical transition from the market model to the social change model see Clemens (2006).

The universal classification system devised by Salamon and Anheier raised the profile of NGOs as a new global force in their own right (Salamon and Anheier, 1996). The system defines twelve characteristics of NGOs that can be compared across countries generating statistics and reports about global civil society (Anheier and Katz, 2009). Although immensely valuable as a bottom-up approach to NGOs with universal application it also demonstrates the weaknesses of the social change model when it comes to analysing the political aspects of NGOs. Kendall and Knapp encountered this problem in their application of Salamon and Anheier's study in the UK, complaining that the system focused too much on the apolitical functions of NGOs that compromised analysis of politically motivated NGOs (Kendall and Knapp, 1996:21). Thus, although the social change model focuses on NGOs as harbingers of socialisation there is a problem with how it approaches, or excludes, the political voice of NGOs.

The analysis of NGOs' legitimacy is about the limits of accountability and representation. This includes questions about NGOs' democratic agency and debates about their democratic strength. For example, if NGOs are providing legitimacy to intergovernmental institutions as representatives of 'global public opinion' (Cardoso, 2004) how should their representativeness be understood? Is the collective voice of NGOs based on the participation of their members, the financial contributions of their supporters, or the force of their argument? Are NGOs powerful or remote representatives of their constituents? If members are not engaged can NGOs still be considered representative? These questions shift the discussion onto the political agency of NGOs and what constitutes their legitimacy. Theories tend to converge on the subject of NGOs' constitutive ability based on the principle of freedom of association, where NGOs are analysed as agents of change with a distinct voice and collective representation. The main difference lies in the analytical emphasis of *whom* or *what* NGOs represent (Steffek and Hahn, 2010:16-20).

In some cases the absence of members has raised concerns about a democratic hollowness of NGOs and spurred research on whose interests NGOs are touting.[5] If NGOs are to be "agents of democracy" that can "provide a link between the governed and those doing the governing" to what degree does their interaction with members matter? (Halpin, 2009:261,270-77). Or, as some scholars have asked, should we be focusing on what NGOs represent rather than whom they represent to better understand their democratic role.

Peruzzotti (2006) argues that the question of whom NGOs represent is problematic because it is directly linked with whom they are accountable to. He states that accountability can only be upwards because it is a mechanism to prevent the abuse of power that has been delegated. The only delegation of power to NGOs is from donors, which means that NGOs have become increasingly preoccupied with justifying their work to donors and lost their perspective as organisations working for the poor and disempowered (who have not

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[5] Clare Short in her capacity as the Development Secretary famously criticised NGOs' legitimacy by asking: "Who is better placed to speak on behalf of the poor, middle-class white people in the north or the elected representatives of the poor of Africa themselves?" (quoted in Seabrooke, 2001). Her statement implied that NGOs' legitimacy had so far been taken for granted and with their increased political influence that assumption was now being called into question.

delegated any power to them).[6] To avoid eroding their legitimacy, the benchmark of NGOs' legitimacy should therefore be *what* they represent not whom: "If civil society represents a specific form of society that aims at moulding social relationships around the normative principles entailed in modern constitutionalism, the question of how to democratize social beliefs, practices and associational life should become a key priority of democratizing forms of civic engagement" (Peruzzotti, 2006:56).

The approach of Halpin and McLaverty takes this analysis further. They argue that any discussion on *whom* NGOs represent requires constituents, which by default excludes the notion of *what* NGOs represent. Without constituents legitimacy can only be measured in solidarity (Halpin and McLaverty, 2010:65-67). Thus, an analysis of the moral force embedded in NGOs' arguments in the context of global democracy cannot be linked to the internal democratic processes of NGOs and can only be understood as solidarity. Any demands about internal democracy of NGOs whose legitimacy claims are based on solidarity would be unreasonable and futile (Halpin and McLaverty, 2010:68-69). Notwithstanding the analytical difference between whom and what NGOs represent, both arguments are trying to address the nature of NGOs' legitimacy as a collective voice whether of entities or interests. Approaching NGOs as a collective voice makes it possible to pitch NGOs against other collective representation such as government or corporations to examine their power relations (Slim, 2002). Another way to look at this dilemma, according to Lang, is to split NGOs' representation into institutional advocacy and public advocacy based on their strategies to influence a target audience. The former is about access to power to influence institutional decision-making processes, whilst the latter is about mobilising the public in a more confrontational manner to achieve policy success (Lang, 2012:22-3).

The legitimacy problem that is raised in these arguments relates to how one should go about analysing NGOs' legitimacy claims in the context of democratic criteria. Is NGOs' legitimacy to be judged based on associational principles or the normative substance of their message? If the latter, how do we account for legality? The precise nature of NGOs legitimacy cannot to be pinned on a single construct, whether it is form or substance. On the one hand the legitimacy of NGOs' voice in a political context is linked to representative justifications (in a democratic context) based on analysis of members and NGOs' internal (democratic) processes. On the other hand the legitimacy of the message of NGOs is linked to normative justifications and does not necessarily include an analysis of NGOs' legality, members or internal democratic processes. These are not mutually exclusive legitimacy criteria and it is important to include both when assessing NGOs' legitimacy claims.

The social change model demonstrates that the internal organisation of NGOs' democracy matters. Accountability issues raised under this rubric are concerned with the democratic nature of NGOs' legitimacy rather than with finances and efficiency in the market place. The questions about 'whom NGOs represent' and 'what NGOs represent' equally address the political agency of NGOs in a democratic context (Cardoso, 2004;

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[6] Although it should be stressed that poor communities can and do sometimes authorise NGOs to act on their behalf.

Peruzzotti, 2006:52-53). The concern is with how NGOs' voice is justified (whether this is based on engaged members or on the force of their arguments) and how their internal democratic organisation can be used to analyse and elucidate their democratic agency and constitutive abilities.

Criticisms raised about the social change model sometimes highlight the darker side of civil society and the possible danger of subcontracting welfare functions (or policy formations) to NGOs: "Devolving responsibilities also empowers associations – and this may not be a good thing when associational ties are linked to inequalities in control over economic resources, knowledge, professional skills, and the like" (Warren, 2001: 88; see also Rosenblum, 2000). Furthermore, reliance on informal procedures or loose organisational structures to avoid hierarchy and maintain 'genuine grassroots relations' (sometimes cited as an advantage for NGOs) can pose a risk to NGOs' legitimacy because "informal structures easily conceal covert divisions of power and control within organizations, and this danger probably increases with their size" (Atack, 1999:859). The criticism exposes the underlying political nature of NGOs' legitimacy claims in which the internal organisation of power is an important feature if one is to analyse their legitimacy claims in the context of democracy.

The new institutional model

The main focus of the new institutional model is norms. This is most evident in research on NGOs' management practices, how they correspond with external structures, their participation in norm creation at the international level and the possible legitimating function of NGOs as representatives of civil society in global institutions (Keck and Sikkink, 1999; Powell and DiMaggio, 1991; Powell, Gammal, et al., 2005; Reimann, 2006). NGOs are often seen as crucial partners for promoting democracy and widening political participation in global politics. Whilst the Toquevillan arguments in the social change model emphasise the inherent constitutional democratic properties of NGOs they also tend to overlook "the public coercive powers that underlie much supposedly private voluntary activity" (Novak, 2001:163).

In the new institutional model the research focus shifts away from NGOs' constitutive abilities and democratic agency towards NGOs' symbiotic relationship with external structures and institutions (Macdonald, 2008; Martens, 2005; Skocpol, 2003). Skocpol argues that the changing internal practices in NGOs have led them to become "much more focused on specialised, instrumental activities than on broad expressions of community or fellow citizenship" and thus more involved in the political process of policy making where NGOs are far from independent and often "profoundly intertwined" with the government and market forces (Skocpol, 2003:151,162-63).

At the international level NGOs' presence in intergovernmental organisations has raised questions about their role as partners in promoting democracy and the widening participation of different agents in (global) politics. This has led to research on the feasibility of including NGOs in policy-making processes at the

international level and their role in the process of norm creation in global institutions (Clark, 2001; Clark, Friedman, et al., 1998; Maragia, 2002). The emphasis on norm promotion in global politics is about power as persuasion not coercion. The role of NGOs in the policy formation of intergovernmental organisations is about influencing powerful states and persuading them to adopt and internalise new norms. In this process, the input of NGOs is to provide expertise that contributes to norm creation where those seeking change take something that is perceived "as natural or appropriate and convert it into something perceived as wrong or inappropriate" thus prompting a changed behaviour in other actors (Finnemore and Sikkink, 1998:899-900).

The corollary of this analysis is that NGOs' role is sometimes regarded as a legitimacy boost for intergovernmental institutions. International institutions provide NGOs with a platform to participate in order to justify their own decision-making processes and outcomes. The argument is that NGOs' input and seat at the table as representatives of 'global civil society' (Wapner, 1996) representing 'global public opinion' (Cardoso, 2004) provides intergovernmental organisations with democratic credibility that can balance their own legitimacy deficit (Steffek, Kissling, et al., 2008). Reimann argues that the promotion of NGOs as democratic representatives in global institutions has, in some cases, turned NGOs into indispensable partners where intergovernmental organisations have come to rely on NGOs "to fill institutional gaps and help them achieve their stated goals" (Reimann, 2006:64). The size and scope of NGOs, and the power they have come to wield, in global politics has also called for arguments about the need for effective "democratic control of NGOs ...[with] a distinctive legal character" (Macdonald, 2008:558). That is, an NGO regulatory regime that is fully integrated into international institutional law and global institutions.

Yet, analysing NGOs as auxiliary agents in global organisations misses out on the significance of their internal legitimacy and how NGOs claim legitimacy as organisations with both a national and an international dimension. It extrapolates the representative argument in the social change model to the international level and in so doing highlights the gap between how NGOs claim legitimacy at the national and international level. Lang has in effect argued that NGOs have obtained a seat at the political table, not as 'catalysts of public voice' but as 'proxy publics', where NGOs have replaced citizen participation as 'incubators of publics' (Lang, 2012:26-32). The representative legitimacy dilemma of NGOs at the international level has resonated with many governments that are not liberal democracies participating in policy processes and chairing forums in the UN system, many of whom like to dismiss NGOs as unsuitable political actors and repeatedly vote to block the input of NGOs (Evans, 2013).

The representative legitimacy dilemma of NGOs' political agency in global politics exposes the thin line that exists between NGOs' service delivery and advocacy functions. Even if an NGO's mission is not political and even if they are 'only' delivering welfare services they are still vulnerable to politics, especially when they have become institutionally embedded in the processes and politics of intergovernmental organisations as representatives of global publics (rightfully or wrongfully) influencing decisions made through the official political channels of states. Which begs the following question: is it possible to analyse NGOs' legitimacy as

apolitical? If NGOs seek to change the lives of others – whether by delivering welfare services or by campaigning to highlight unpopular political problems where politicians are not delivering or caring or even worse systematically ignoring the plight of certain groups in society – by changing the behaviour of those who perhaps ought to deliver and care is it possible for them to claim legitimacy as apolitical agents without falling prey to the system they seek to change? The new institutional model ducks the political question by focusing analysis on global institutions. The critical model, however, has tried to grapple with it by focusing on empowerment.

The critical model

Although both the social change model and the new institutional model deal with certain aspects of NGOs' political legitimacy, both avoid engaging in arguments about their political agency. The critical model departs from the other models on the issue of politics and tries to demonstrate that not addressing the political nature of NGOs can distort the analyses of their legitimacy claims. The model emphasises the role of NGOs in international development and engages more critically with the issue of NGOs' legitimacy in terms of power. The issues associated with the critical model pertain to the political dimension of legitimacy and "how to put effective limits on power" in world politics whether exercised by public or private actors (Collingwood, 2006:441). It focuses on NGOs as a way to potentially empower those who are disadvantaged or excluded from the decision-making processes in society. It is to a large extent a response to the theories that comprise the other models. It embraces the social change model's emphasis on 'bottom-up' agency but emphasises more strongly its normative dimension in terms of empowerment, the inclusion of culturally diverse societies and groups, and the politics of access and redistribution of resources. Much of the research focuses on the context of NGOs in international development (Bebbington, Hickey, et al., 2008; Sogge, 1996).

In their seminal work on NGOs' legitimacy in the 1990s Edwards and Hulme argued that the legitimacy of NGOs was tied in with government funding where too much state funding jeopardised their claim to legitimacy and affected their "ability to act independently in pursuing their goals" (Edwards and Hulme, 1996:962), therefore making NGOs over-dependent or vulnerable to the agenda of the state.[7] Bebbington has advanced a similar argument in his work on the issue of representation and relations between rural communities and donors from an anthropological perspective (Bebbington, 1997, 2005, 2008). He argues that NGOs are hiding the problems they encounter in the field, in fear of financial retribution from donors, thus complying with the arguments set forth by Peruzzotti about accountability always being upwards.

Bebbington's argument highlights how NGOs' legitimacy has become susceptible to donors' needs and requirements thus cloaking the political nature of poverty that NGOs should be addressing. The focus of NGOs

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[7] Although Edwards has argued against the concept of philanthrocapitalism (Edwards, 2008) he has remained a defender of NGOs' independence via accountability mechanisms in the marketplace where accountability is a platform for NGOs "to fulfil their mission to serve others more effectively" (Edwards, 2006:ix).

is directed away from tackling problems of poverty encountered in the field and put onto satisfying the policy criteria of donors. Priority is given to accountability towards donors and securing a long-term (stable) income through government contracts where NGOs concentrate on the "middle poor more than [...] the chronically poor" to create market orientated solutions to poverty (Bebbington, 2005:946). However, Bebbington argues, without problematising and politicising the issue at hand – by solely focusing on market solutions – there is a risk of prolonging politically abusive environments and reinforcing injustices that never get resolved at the political level, leaving behind those who are worst off (Bebbington, 2005:940). NGOs' representation of poor people is thus depoliticised to avoid difficult "questions of inequality, redistribution, and social organization" (Bebbington, 2005:946).

The critical model is more focused on power and legitimacy as justification of power. Rather than imposing a 'fixed definition of legitimacy' based on the liberal democratic doctrine, Collingwood suggests a mediation between sociological and normative aspects of legitimacy "that allows for competing perceptions and visions of what 'legitimate' rules and membership of international society actually mean" (Collingwood, 2006:454). In her criticism of the new institutional model theories, Lister argues that technical definitions of NGOs tend to hide their agency within power structures and power relations implying that "correct organizational structures and procedures will ensure legitimacy" (Lister, 2003:189). Hence, questions about rightful membership and conduct are not necessarily focused on legality but the normative and social aspects of what counts as legitimate (Clark, 2007:26-29). These attempts to open a dialogue about power and legitimacy in world politics also opens the door to NGOs and analysis of their political agency as agents in their own right independent of states and intergovernmental organisations.

The critical model embraces the political role of NGOs that is seen as an antidote to the over reliance of the other models on the neoliberal agenda. It criticises NGOs' legitimacy by analysing their access to power, power relationships, and over-compliance with donor agendas at the cost of the poorest. The critical model highlights the capacity that is embedded in NGOs' missions and their potential for introducing a legitimate political voice - in particular when it comes to addressing injustice, resource redistribution and power. However, the problem with this approach is that although NGOs' legitimacy is theorised in contrast to the other models by asking demanding questions about the political nature of power and poverty, it is hard to escape the principles of liberal democracy in international structures especially since many NGOs have internalised them in their own organisation of power to justify their legitimacy claims.

Table of the four models

	market model	social change model	new institutional model	critical model
Research	Weisbrod (1998), Frumkin (2005), Brown (2008)	Salamon and Anheier (1997), Kendall and Knapp (1996), Hilton et al. (2010)	Powell and DiMaggio (1991), Powell, Gammal et al. (2005), Reimann (2006), Macdonald (2008)	Edwards and Hulme (1996), Sogge (1996), Bebbington (2005)
Theoretical association	Neoliberal	Social capital/ change theories	Organisational theories / New institutional theories	Marxist/ critical theories
Underlying principle	Demand and supply	Freedom of association	Norms	Empowerment
Analytical emphasis	Market analysis, comparative advantage, complimentary to state (auxiliary)	NGOs' structure and agency, social interaction within NGOs, 'bottom-up' analysis, constitutive associational life	NGOs' organisational environment, interaction with states, functional role in institutions	Aid chains, NGOs interaction with donors, NGOs' beneficiaries,
Level of organisation (operational space/ legitimacy site)	National, domestic (international)	National, domestic (comparative, between nations)	International (local, country of origin)	International (local, host country)
Main argument	NGOs provide alternative or complimentary welfare services	NGOs are intrinsically good for democracy	NGOs have complex organisational relationships both with the state and in their chosen field	NGOs are self-centred organisationally and enmeshed in donors' agendas
Legitimacy criteria	Performance, supply-demand, cost-benefit, accountability (corporate in nature), self-regulation (codes of conduct)	Accountability, civil society can be a legitimate voice of global public opinion, networks, self-regulation or no regulation	Institutional processes, NGOs as legitimacy gap fillers in IGOs, norms, derived regulation (through governmental institutions)	Political legitimacy of NGOs, NGOs representing the poor and disempowered, pro regulation, (bilateral or self-regulation through codes of conduct)
NGOs' legitimacy claims	Claims are rooted in credibility (regulated by peers)	Claims are social driven rather than market driven	Claims are norm driven and embedded in structures	Claims have a political dimension and need political analysis
Political agency of NGOs	Apolitical	Semi-political	Apolitical or complimentary	Political
Terminological emphasis	Nonprofits, voluntary organisations, charities, philanthropy	Civil society organisations, social entrepreneurs, (community) associations	NGOs, (global) civil society	NGOs, civil society,

Conclusion

This paper has presented four paradigms in order to demonstrate how different theories approach NGOs' legitimacy. The models are organised according to theory, analytical emphasis and context to demonstrate their approaches to NGOs' legitimacy based on the criteria and arguments they produce. The significance of this organisation is that it exposes different approaches to NGOs' political agency. In order to move the debate forward on NGOs' legitimacy in global structures it is necessary to understand the different approaches to their legitimacy and the variety of explanations of NGOs' limits of power. The models help with answering, and identifying, questions about the limits of NGOs' power. Whether NGOs can be included in world politics as representatives of constituents and thereby global public opinion, matters for democratic theories and institutional design at the global level. Is the role of NGOs to be limited to the analysis of markets with curtailed agency excluding them from representing disempowered constituents globally? Or is their role essentially political due to the interests of their members or nature of the issues on which they campaign?

The perspective on NGOs' legitimacy and how their legitimacy is engaged politically varies between the models. The market model's argument might be used in a discussion on NGOs in the context of philanthro-capitalism and foundations where NGOs are seen to be operating in a market place, albeit with a different pretext. This is mainly an apolitical role that focuses mostly on fund-raising and financial accountability measures and how NGOs can be credible according to market mechanisms. The social change model's argument might talk about NGOs as social entrepreneurs, with an ability to socialise members and the local community. This raises big political questions about NGOs constituents and whom they are representing as grassroots organisations (members, donors, ideas) - and how this translates into global politics and institutions. The new institutional model is focused on external structures and norms and how NGOs comply with these. NGOs are approached as a complimentary legitimacy component that can compensate for the legitimacy shortcomings in global institutions created by states thus strengthening the overall legitimacy of an institution. The critical model involves a criticism of the other models, in particular the market model, and views NGOs' legitimacy as a political force for empowerment of those who are typically excluded from the political processes. In this, it presses for a more open approach to the question of NGOs' political agency.

The models have much to offer in terms of analytical insights into the roles and functions of NGOs and their democratic abilities in a globalised political system. There are a number of legitimacy criteria introduced pertaining to accountability, internal structures and socialisation, voice, institutional norms and access to power, and empowerment. Yet there are many questions unanswered. Thus the paper concludes with pointing out two legitimacy issues to take further. One concerns how NGOs' legitimacy cuts across the national and international dimensions in the same NGO; i.e. how does the same NGO claim legitimacy nationally and internationally? For example, the new institutional model's argument tends to discuss NGOs, such as Amnesty International, as independent entities without engaging in arguments or questions about the how their international legitimacy is constructed politically within the organisation as a global hierarchy. This

disjunction between international legitimacy and national (legally territorially defined) legitimacy of NGOs needs further scrutiny to gain better understanding of their democratic role at the international level. The organisation of power within NGOs as global hierarchies can vary greatly and this is likely to affect their international legitimacy.

The other concerns the audiences to NGOs' legitimacy claims, to whom are NGOs' legitimacy claims addressed? Governments, members of the European parliament, staff in intergovernmental organisations, the general public, those who stand outside of the political process, the poor or powerless? What remains missing in the models is an analysis of the different audiences for the legitimacy claims, whether they are raised in the capacity of representation, norms or solidarity. This shifts the focus onto the democratic relationship NGOs have with their various constituents that are expected to accept, grant, confer or support their legitimacy claims. Thus, there is a great need to clarify the 'democratic' component of NGOs' constituents and expand the arguments to take the debate forward if NGOs' participation is to shape the debate about democracy at the international level.

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