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Legitimation Strategies of Transnational Private Institutions: Evidence From the International Organization for Standardization

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ABSTRACT

Transnational private institutions (TPIs) operate at the intersection of technocratic efficiency and democratic accountability, raising important questions about when and why they adopt particular legitimation strategies. This study theorizes and empirically examines the role of regulatory issue area as an explanatory variable by analyzing the legitimation strategies of a prominent TPI: the International Organization for Standardization (ISO), which presents a unique case due to its expansion from technical to societal standard-setting. Drawing on a two-dimensional conceptual framework from the literature on international organizations and a novel dataset covering ISO's full standard portfolio, the study shows that ISO's legitimation strategies vary systematically depending on whether a standard addresses societal or physical issue areas. These findings reinforce the argument that issue area shapes the use of democratic and technocratic legitimation strategies among TPIs. The insights are especially relevant as TPIs increasingly engage in the governance of societal concerns, a development that, as this study suggests, significantly shapes how they seek legitimacy and merits further scholarly attention.

1 | Introduction

Forms of transnational private governance have expanded significantly over the past few decades, now accounting for a substantial share of global regulation (Bartley 2022; Cutler et al. 1999). Known by many names, this form of governance generally includes voluntary regulatory initiatives such as certification systems, reporting guidelines, eco-labels, and standards (Pattberg 2005). These regulations are developed by networks of non-state actors, organizations referred to here as *transnational private institutions* (TPIs) (Pattberg 2004, 55). Because TPIs do not derive their authority from state sovereignty, the question of legitimacy in TPIs has emerged as an important field of study, including their legitimation strategies and, in the extension of that, which normative frameworks TPIs may derive legitimacy from Abbott and Snidal (2000) and Higgins and Hallström (2007).

While scholarship on legitimation in transnational private governance has grown (Bernstein 2011; Diprose et al. 2019; Quack 2010), the drivers behind different legitimation strategies remain poorly understood. As Schleifer (2019, 62) notes, "we need a better understanding of the scope conditions, mechanisms of choice, and broader evolutionary dynamics that shape processes of democratic legitimation in private governance." This article advances that agenda by theorizing and empirically assessing regulatory issue area as one such variable that helps explain the use of democratic and technocratic legitimation strategies.

Regulatory issue area is especially relevant given the ongoing expansion of transnational private governance, not just in volume but in scope. Increasingly, TPIs operate in societal issue areas such as environmental protection, labor

standards, and human rights (Bartley 2007, 2018; Boström and Hallström 2013; Eberlein et al. 2014). For example, Dingwerth (2017, 75) notes that the proliferation of TPIs has been particularly pronounced in sustainability governance, with prominent examples including the Forest Stewardship Council (FSC), the Global Reporting Initiative (GRI), and the World Commission on Dams (WDC). In addition, numerous private initiatives have been established to address the negative impacts of global supply chains on labor rights and the environment (LeBaron and Lister 2022; Locke 2013), while a growing number of corporate policies seek to combat human rights violations (Buhmann et al. 2019).

The International Organization for Standardization (ISO), the empirical focus of this article, represents a particularly well-suited case for examining this phenomenon. Traditionally a technocratic body, ISO has expanded its regulatory scope into societal issue areas such as environmental management and social responsibility. This internal development enables a comparison of legitimation strategies in which the organizational context remains constant while the issue area varies.

ISO is not unique in this development. While long valued for their technical expertise, TPIs are increasingly adopting the democratic legitimation strategy of hosting inclusive stakeholder consultations (Boström and Hallström 2013; de Bakker et al. 2019; Mena and Palazzo 2012; Moog et al. 2015; Schleifer 2019). These developments raise a central question: *Does regulatory issue area influence the use of technocratic and democratic legitimation strategies in transnational private governance?*

To address this question, the article proposes an alternative to the dominant input–output conceptualization prevalent in the literature (Dingwerth 2007; Richardson and Eberlein 2011; Risse 2006; Scharpf 1999). The conventional one-dimensional view tends to equate democratic legitimation with input processes, overlooking its relevance to output phases, and vice versa for technocratic legitimation. Thus, I draw instead on a two-dimensional framework developed in the literature on international organizations, which treats democratic and technocratic legitimation as distinct, cross-cutting dimensions (Tallberg and Zürn 2019).

Building on this framework and drawing on novel quantitative data, the article theorizes the relationship between regulatory issue area and legitimation strategies in transnational private governance, and investigates this empirically through the case of ISO.

The remainder of the article is structured as follows: Section 2 sets focus on technocratic and democratic legitimation in particular by presenting the potential tension between them. Section 3 reviews existing approaches to legitimation in TPIs, highlights their limitations for this study, and introduces the revised conceptual framework. Section 4 develops the theoretical link between issue areas and the use of different legitimation strategies. Section 5 outlines the rationale for selecting ISO as the empirical case and details the methodological approach. Finally, Section 6 presents the empirical findings and Section 7 concludes.

2 | Tension of Technocratic and Democratic Legitimation Strategies

A legitimation strategy can be defined as a goal-oriented activity that aims to establish, build and maintain support among core stakeholders (Tallberg and Zürn 2019). Legitimation strategies rest on the concept of sociological legitimacy, which centers on an audience's belief that an institution has the right to govern (Bernstein 2004; Bodansky 2013). Contrary to normative legitimacy, which assesses theoretical standards for what legitimacy entails, sociological legitimacy takes the empirical perception of stakeholders as the starting point. When organizations employ legitimation strategies, they seek to persuade relevant audiences that their authority is normatively appropriate (Gronau and Schmidtke 2016).

Because TPIs cannot assume that their audiences' perceptions will be homogeneous and stable, a growing body of scholarship has begun to examine how and why their legitimation strategies vary and the trade-offs that may exist between choice of strategy (Bernstein 2011; Schleifer 2019). In this sense, legitimacy becomes a resource that must be actively managed (Suchman 1995). Institutions will have to anticipate what norms their stakeholders deem important in specific contexts and justify their authority based on that (Dellmuth et al. 2022).

There is indeed a long-standing argument that what audiences consider normatively appropriate varies across contexts (Buchanan and Keohane 2006; Esty 2006; Schmidtke et al. 2024). This variation can be classified according to "normative yardsticks" (Dingwerth et al. 2020, 5), which holds that actors base their evaluation of institutions' legitimacy on different criteria, depending on various factors. For TPIs, a frequently discussed aspect of the normative framework underlying their legitimacy is their operation at the intersection of technocratic expertise and democratic accountability, and the tensions that this intersection can generate (Cutler 2009; Dingwerth 2017; Macdonald and Macdonald 2017; Nölke and Graz 2007).

On one hand, TPIs are technocratic institutions. They are often established on the basis of their expertise in complex issue areas and derive legitimacy from this specialized knowledge (Cutler 2009; Porter 2005; Tsingou 2007). They typically maintain a narrowly functional scope, emphasizing technical proficiency and expert-driven problem-solving. This technocratic orientation can partly be explained by their role in addressing "governance gaps" (Dingwerth 2017; Eberlein 2019), where they tend to fill a technocratic role by responding to "governments' lack of requisite technical expertise, financial resources, or flexibility to deal expeditiously with ever more complex and urgent regulatory tasks" (Büthe and Mattli 2011, 5). Within this context, a TPI's legitimacy becomes closely tied to its capacity to efficiently and competently address technical problems. As noted by Delbrück (2003, 42), "[e]fficiency can have a legitimizing effect." From this perspective, the legitimacy of TPIs stems from their ability to deliver policy outcomes, and it is maintained through the consistent provision of expert solutions to complex regulatory challenges (Cutler 2009; Higgins and Hallström 2007).

On the other hand, many scholars argue that because TPIs exercise governance functions, they should be held to democratic standards (Dingwerth 2007; Koenig-Archibugi and Macdonald 2013; Richardson and Eberlein 2011). Lacking grounding in democratic states, TPIs offer no formal mechanisms for citizen participation in rule-making, nor do they provide avenues for holding decision-makers accountable through electoral processes (Risse 2006). Moreover, without a basis in international legal frameworks, they cannot be subjected to judicial oversight through established legal institutions (Black 2008). As a result, even though TPIs set rules with potentially wide-ranging implications for citizens, they fall short of democratic ideals such as representation and accountability. Recent scholarship highlights how many TPIs attempt to address this deficit through mechanisms like multi-stakeholder initiatives (MSIs) (Boström and Hallström 2013; de Bakker et al. 2019; Mena and Palazzo 2012; Moog et al. 2015; Schleifer 2019).[1]

Thus, as a result of this dual positioning, TPIs draw on both technocratic and democratic legitimacy to varying degrees (Auld et al. 2015; Durocher et al. 2019; Jongen and Scholte 2024). However, when pursuing legitimation strategies, balancing these sources of legitimacy can be challenging because democratic ideals of broad participation and transparency can conflict with technocratic ideals of decision-making efficiency (Ruggie 2007). As Koppell (2010, 3) notes, "[i]ncluding a broader range of constituencies is normatively and politically appealing, but it obviously will not speed up the standard-generating process, it would most likely rather slow it down." Peña (2015, 62) describes this as a "legitimacy-effectiveness trade-off," where involving many participants in decision-making complicates consensus and collective action. Increased representation and transparency can also lead to more demands from other stakeholders (Boström and Hallström 2013), and including diverse stakeholders often requires less technical discussions, which challenges technocratic legitimacy. For instance, studies on standard-setting within ICT (Jakobs 2010) and nanotechnology (Forsberg 2012) suggest democratic strategies can conflict with demands for technical expertise.

3 | Conceptualizing Legitimation Strategies

This article examines democratic and technocratic legitimation. However, prominent frameworks for analyzing legitimation in transnational private governance, most notably those proposed by Suchman (1995), Scharpf (1999), and Quack (2010), are not designed to capture the distinction between these two forms. For example, Suchman's widely cited typology distinguishes between pragmatic, moral, and cognitive legitimacy. Pragmatic legitimacy rests on stakeholder self-interest, moral legitimacy on normative approval, and cognitive legitimacy on the taken-for-granted status of institutions. While this framework has proven highly useful across various organizational contexts, it offers limited analytical leverage for understanding norm-based legitimation strategies, since only one category, moral legitimacy, explicitly addresses normative claims.

Quack (2010) offers a more targeted approach by identifying three normative yardsticks for evaluating TPI legitimacy: inclusiveness of participation, procedural fairness, and expertise-based effectiveness. This framework aligns closely with the well-known distinction between input, throughput, and output legitimacy provided by Scharpf (1999). It has proven useful in various contexts, for example in explaining the rise of multi-stakeholder initiatives (MSIs), where scholars note that TPIs increasingly adopt MSIs to highlight inclusivity and representation in their rule-making processes (Boström and Hallström 2013; de Bakker et al. 2019; Mena and Palazzo 2012; Moog et al. 2015; Schleifer 2019). In other examples, Richardson and Eberlein (2011) apply the framework to trace a shift in the International Accounting Standards Board's (IASB) legitimation strategy, from emphasizing technical expertise (output legitimacy) to procedural fairness (throughput legitimacy) in response to criticism following the financial crisis (Burlaud and Colasse 2011). Similarly, quasi-judicial conflict resolution mechanisms have been examined as tools to uphold norms of procedural fairness (throughput legitimacy) (Marx 2014), while technical expertise (output legitimacy) has been used to assess the legitimacy of private security providers (Cutler 2009) and transnational fishery governance (Kalfagianni and Pattberg 2014).

However, this framework also encounters conceptual limitations, particularly due to its one-dimensional categorization of legitimation stages. Input legitimacy is typically associated with the participatory quality of decision-making and draws on democratic principles such as inclusion, representation, transparency, consensus, and procedural fairness (Dingwerth 2007). However, these democratic values are not confined to the input phase alone. As research shows, they may also be invoked retrospectively in public communication to justify decisions after rules have already been established (Dingwerth 2017; Dingwerth and Pattberg 2009).

Similarly, output legitimacy is often linked to technocratic forms of authority, emphasizing the problem-solving effectiveness of established rules (Mena and Palazzo 2012). Yet, expectations of efficiency can just as easily shape deliberative processes. For example, Krahmann (2017) demonstrates how, in sectors like health and security where performance is difficult to measure, private actors often resort to notions of "performativity," blurring the boundary between input and output by framing procedural elements (such as stakeholder consultation) as evidence of results. Studying the role of expert knowledge and process management in MSIs, Ponte and Cheyns (2013, 472) conclude that "input, process and output legitimacy are insufficient for a nuanced understanding of the role of private authority in economic governance."

The conceptual blur is highlighted by Tallberg and Zürn (2019, 592), who point out that "[p]rocedural (input) standards may pertain to other qualities of the decision-making process than democracy, such as efficiency, legality, and expert involvement. Likewise, performance (output) standards may pertain to other qualities than effectiveness, such as protection of democratic rights and processes." Research on IOs further supports this critique, showing that citizens respond to both technocratic and democratic justifications at both input and output stages of governance (Dellmuth et al. 2019).

TABLE 1 | Legitimation strategies of transnational private institutions, adapted from Tallberg and Zürn (2019).

	Technocratic	Democratic
Input	Expert advice; efficiency; legality	Participation; accountability; deliberation; transparency
Output	Problem solving; collective welfare gains; distributive fairness	Protection of rights; protection of the democratic process

Note: This study focuses on democratic and technocratic legitimation.

Thus, drawing on the IO literature, this article adopts a two-dimensional conceptualization of legitimation strategies (Dellmuth et al. 2019; Dingwerth et al. 2020; Schmidtke et al. 2024; Tallberg and Zürn 2019). The framework, adapted from Tallberg and Zürn (2019), distinguishes between input and output legitimation as well as democratic and technocratic legitimation, as illustrated in Table 1.[2] Within the scholarship of TPIs, this expanded framework has recently been used to study institutional sources of legitimacy in the Internet Corporation for Assigned Names and Numbers (ICANN) (Jongen and Scholte 2024), but it has not yet been used to study possible drivers of legitimation strategies among TPIs. While this article focuses primarily on the distinction between democratic and technocratic legitimation, the input–output dimension is retained to situate the analysis within established frameworks and ensure consistency with existing scholarship.

4 | Regulatory Issue Area as a Driver of Legitimation Strategies

Numerous factors shape the legitimation strategies of TPIs, ranging from stakeholder protest to institutional path dependencies and reputational shocks (Scholte 2019). Quack (2010), for instance, proposes that TPIs may shift their legitimation strategies when audiences express protest or criticism in response to a perceived mismatch between a TPI's legitimacy claims and their own expectations. Schleifer (2019) adds to this by identifying additional mechanisms such as institutional entrepreneurs, internal bargaining between stakeholders, and isomorphic pressures within organizational fields. Others highlight the role of public perceptions and affective heuristics, such as scandals or reputational shocks (Haack et al. 2014).

This article foregrounds a more structural variable: the issue area itself. Drawing on insights from the IO literature (Dellmuth et al. 2019; Rocabert et al. 2019), it argues that issue areas shape legitimacy expectations by embedding TPIs within distinct normative environments. As outlined by Bernstein (2011), these environments reflect broader social structures that define what forms of authority are appropriate within a given field. They do so by institutionalizing norms through various social constructs such as treaties, declarations, and trade regimes. As such, norms embedded in the international political economy of an issue can shape what forms of legitimation are considered appropriate. Dingwerth (2017), for instance, finds that within areas that contain established public regulation, TPIs tend to emphasize democratic legitimacy.

Theorizing issue area as a driver of normative expectations aligns with the theory of functional differentiation. Peña (2015) argues that standards are organized within different function systems, with legitimacy depending on those systems' logics, in particular, "one normative and policy-oriented, and one knowledge-based and aimed towards innovation" (Peña 2015, 67). This perspective refers to how modern societies develop distinct subsystems (e.g., science, economy, law, politics, and health), each operating according to its own internal logic and rationality (Luhmann 2007). In turn, various functional systems can influence the legitimation criteria of an issue. In highly specialized technical fields, such as engineering or accounting, functional differentiation produces strong internal logics centered on efficiency, compatibility, and expert knowledge. In these areas, norms are often shaped by epistemic communities and institutionalized through technocratic processes, with legitimation strategies focused on demonstrating technical competence, neutrality, and adherence to best practices (Büthe and Mattli 2011; Peña 2015).

In contrast, societal issue areas, such as labor, environmental protection, or human rights, are less specialized and more open to normative contestation and political intervention. The absence of clear technical benchmarks, combined with a stronger focus on human and ethical concerns, often generates heightened sensitivity, politicization, and divergent expectations from a wide range of stakeholders (de Wil et al. 2019; Madsen et al. 2022; Zürn 2020). It is, for instance, noteworthy that most long-term surviving IOs over the past 100 years are occupied with narrow technical or administrative issues, rather than societal issues (Von Borzyskowski and Vabulas 2019). Moreover, the proliferation of MSIs across societal domains mentioned above illustrates how TPIs in these contexts often prioritize inclusivity, stakeholder participation, and alignment with broader public values. In this way, functional differentiation helps explain how the nature of the issue area shapes the legitimation strategies available to TPIs.

Importantly, this theoretical expectation does not claim that issue area is the sole factor explaining TPIs' legitimation strategies. Rather, it positions issue area as a structural background variable that interacts with, and may be mediated or moderated by, other factors. One such factor is audience composition, which often correlates with issue area, as different domains attract different types of stakeholders. As Cashore (2008) notes, organizational audiences are unevenly distributed across issue areas: civil society organizations, for example, are more prominent in domains such as human rights and environmental governance than in more technical fields. This variation shapes the normative criteria for legitimacy. In societal issue areas, advocacy-oriented actors, such as NGOs, trade unions, or environmental groups, tend to demand democratic qualities like transparency, inclusivity, and representation. By contrast, issue areas dominated by industry stakeholders or technical experts often prioritize procedural rigor and technical adequacy. In this way, the normative expectations tied to an issue area may both reflect and reinforce the preferences of its dominant audiences.

In sum, this article proposes that societal issue areas, characterized by normative contestation and lower functional specialization, are more likely to prompt democratic legitimation strategies. By contrast, technical issue areas, marked by knowledge-based norms emphasizing efficiency, compatibility, and expertise, tend to favor technocratic legitimation. This leads to two hypotheses:

Hypothesis 1. *Technocratic legitimation strategies are more prevalent in technical issue areas.*

Hypothesis 2. *Democratic legitimation strategies are more prevalent in societal issue areas.*

5 | Research Design

The International Organization for Standardization (ISO) provides a compelling case for examining the relationship between regulatory issue area and legitimation strategy. While historically focused on the technical standardization of matters such as shipping container dimensions, ISO has increasingly expanded into societal domains including labor protection and environmental responsibility. This expansion offers variation in issue area while the organization's institutional form remains constant, enabling an analysis that isolates how shifts in issue area may correspond to changes in technocratic versus democratic legitimation strategies. To investigate this relationship, the article adopts a quantitative case study design. The following sections elaborate on the ISO case and outline the data and measurement strategy employed.

5.1 | Case: The International Organization for Standardization

ISO represents a typical example of a transnational private institution (TPI) (Büthe and Mattli 2011). Its members include mostly non-state actors organized through national standards bodies. These bodies represent the leading standardization entities within their respective countries and are typically private sector organizations (Mattli 2003). They organize domestic representatives from various sectors, such as business, public sector, consumer groups, research groups, NGOs, accreditation firms, and trade unions. Through the membership of their national standards body, these representatives participate in various technical committees (TCs) at ISO, where they negotiate standards.

Following its foundation in 1946, ISO covers a wide range of technical fields such as manufacturing and communication technology. However, in the 1980s, ISO broadened its scope from exclusively technical standards to include standards addressing societal issues (Graz 2019; Heires 2008). This began with the publication of standards on quality management and assurance (ISO 9000) in 1987, followed by standards on environmental management (ISO 14000) in 1996 and social responsibility (ISO 26000) in 2010 (Hallstrøm 2008). Thus, two generations of standards emerged—the "physical standards" and the "societal standards" (Ruwet 2011).

As ISO's portfolio expanded from physical to societal standards, its legitimation strategies appear to have shifted as well. Like many TPIs, ISO's legitimacy is closely tied to its functional purpose (Peña 2015). Dealing with the standardization of manufacturing objects such as screws and shipping containers, ISO's legitimacy has generally stemmed from technical proficiency, principles of rationality, and solving collective problems (Loya and Boli 1999). Traditionally, among ISO's stakeholders, technocratic legitimacy has carried particular weight in the evaluation of both technical and societal standards, with emphasis placed on ease of implementation as well as contributions to competitiveness, efficiency, and profitability (Bailey et al. 2020; Kamil et al. 2023; Urban 2012; Van der Wiele et al. 2009).[3]

Yet, several scholars have observed how ISO faced pushback in response to publishing prominent societal standards, leading it to adapt its legitimation strategies (Hahn and Weidtmann 2012; Hallström 2010; Hallstrøm 2008; Heires 2008). For instance, the ISO 14000 series on environmental management faced criticism for lacking democratic legitimacy, specifically for not having a representative delegation in terms of global reach and organizational diversity to negotiate the standards (Heires 2008). Similarly, when ISO expanded into the broader field of social responsibility (ISO 26000), some core stakeholders raised concerns about the standards' representativeness, such as the International Labour Organization (ILO) and the UN Global Compact, which criticized ISO for attempting to regulate public issues typically governed by intergovernmental organizations (Hallström 2010). ISO responded by implementing more democratic procedures, such as establishing fixed stakeholder categories to create a multi-stakeholder process and framing the standards as guidance documents rather than certifiable standards (Castka and Balzarova 2008; Hahn and Weidtmann 2012; Hallström 2010).

5.2 | Data and Measurement

This section introduces data and measurements for issue area and legitimation strategies respectively. Issue area is coded broadly for every standard produced by ISO. Legitimation strategies are assessed using the two-by-two typology presented in Table 1, which distinguishes between democratic and technocratic forms of both input and output legitimation, using multiple measures to account for the complexity of the legitimation concept. Due to differences in data and coding, the measures of input and output legitimation differ. Input legitimation is measured behaviorally by the number and composition of countries and organizations involved in ISO standardization processes, while output legitimation is measured discursively using ISO news updates. This distinction avoids assumptions about communication reflecting behavior, aligns with the data, and provides a clear separation between input and output measures. As outlined in Section 3, the primary focus is on democratic versus technocratic legitimation, but the measures are organized by input and output dimensions to reflect how they are operationalized.

5.2.1 | Issue Area

Previous empirical research into the legitimacy and legitimation of ISO standards has mostly been focused on

TABLE 2 | Definitions and examples of physical and societal standards, based on Ruwet (2011).

	Definition	Examples (International Classification of Standards, ICS)
Physical	Provide technical specifications, such as scientific formula or ICT specifications. They ensure interchangeability and solve coordination problems. Physical standards are specific to products, materials or behaviors and focus primarily on the final results.	Coding of audio, video, multimedia and hypermedia information, Road transport, Paper and board, Footwear, Salts, Telephone networks, Chemical analysis, Petroleum products in general, Cork and cork products.
Societal	Address performance, quality, safety, and health in various processes. They aim to promote consistent and responsible practices, ensure the well-being of stakeholders, and encourage mindful management of resources and long-term outcomes. Societal standards focus on regulating public spaces, common resources, organizations, or systems.	IT Security, Management systems, Management of human resources, IT applications in education, Environmental economics. Sustainability, Ergonomics, Education, Other standards relating to leisure and tourism.

single standard-series (e.g., Hahn and Weidtmann 2012; Tarí et al. 2012; White 2021). This study uses large-N data on ISO's standard portfolio gathered from the StanDat database to study the connection between policy expansion and legitimation strategies (Bjørkholt 2025).

Classification of standards into societal and technical is based on the distinction made by Ruwet (2011), who argues that ISO's expansion into new domains has given rise to two broad families of standards: the "physical" and the "societal." As Ruwet (2011, 13) explains, "[t]he different objects standardized can be located on a continuum between, on one side, physical measures whose invariable attributes are indisputable and, on the other side, values socially and historically constructed – and thus always questionable." This continuum forms the basis for differentiating between physical and societal standards in this study. Definitions of each category are presented in Table 2. Notably, Ruwet classifies service-oriented standards as societal, reflecting a broad interpretation of what constitutes a societal issue area.

To classify the standards into either physical or societal, I use the large language model *gpt-5-mini*. This is a budget-friendly coding assistant which has shown itself to be on par with using research assistants and crowd-coders (Gilardi et al. 2023). Its training on large quantities of text gives it a versatility in a wide range of tasks (Kocoń et al. 2023). This is useful when coding technically complex text, such as the abstract of standards. While the model's reliance on training data might introduce bias or errors (without uncertainty estimates), this is unlikely to be an issue here because the task does not involve bias-prone data or require precise answers. The final classification correlates with standards' sustainability goals and TC origin, and manual coding of 50 standards shows a 92% overall agreement. Prompt and validation can be found in Appendix A: Supporting Information. Figure 1 displays the share of ISO standards given the physical and societal category respectively, illustrating ISO's increased expansion into societal issues.

5.2.2 | Democratic and Technocratic Input Legitimation

Democratic input legitimation is measured as the participatory quality of standard-setting from two central types of participants: national member bodies (countries) and liaison organizations (i.e., international organizations that are included into the process). Member bodies serve as the primary indicator since liaison organizations are mostly international and therefore less suitable for capturing efforts to ensure diversity. Here, the units of analysis are year-wise technical committees (TCs), with a total of 979 TCs.[4] These *committee diversity* measures proxy the regional and sectorial variation of participating members in TCs. A greater diversity of actors involved in the standardization process reflects inclusiveness and mirrors a multi-stakeholder approach, where affected groups are invited into decision-making to enhance institutional accountability (de Bakker et al. 2019). Thus, this measures the behavioral processes and procedures of ISO's decision-making.

Indicators are quantified using two common measures of diversity (Boydstun et al. 2014); the Douglas Rae's method of electoral fractionalization (Rae Index) and the Shannon Diversity Index (Shannon *H*), with Shannon *H* being the main indicator. Shannon *H* has two advantages over the Rae Index. First, it is more sensitive to the number of regions and sectors available. For instance, if a committee is dominated by one region with two other small regions present, the Rae Index may weigh the inclusion of regions higher and overestimate the diversity. Conversely, the Shannon Index will increase more as rare regions are represented, and be higher for a committee with many regions roughly equally represented than a sizable committee with a high presence of one region. Second, the Shannon Index has been found to be more sensitive and thus better at capturing changes in diversity in both low and high ends of the scale (Boydstun et al. 2014).

I use the normalized versions of both to account for the potential of each committee to be represented from a total of five regions or 10 sectors. Thus, the measure expresses to which degree TCs are dominated by representatives from one region or one sector (lower values) or sporting high diversity from various regions or sectors (higher values). Details for both measures can be found in Appendix C: Supporting Information.

One limitation of this approach is that while the data capture formal membership in a committee, membership alone does not guarantee active participation, as meaningful involvement

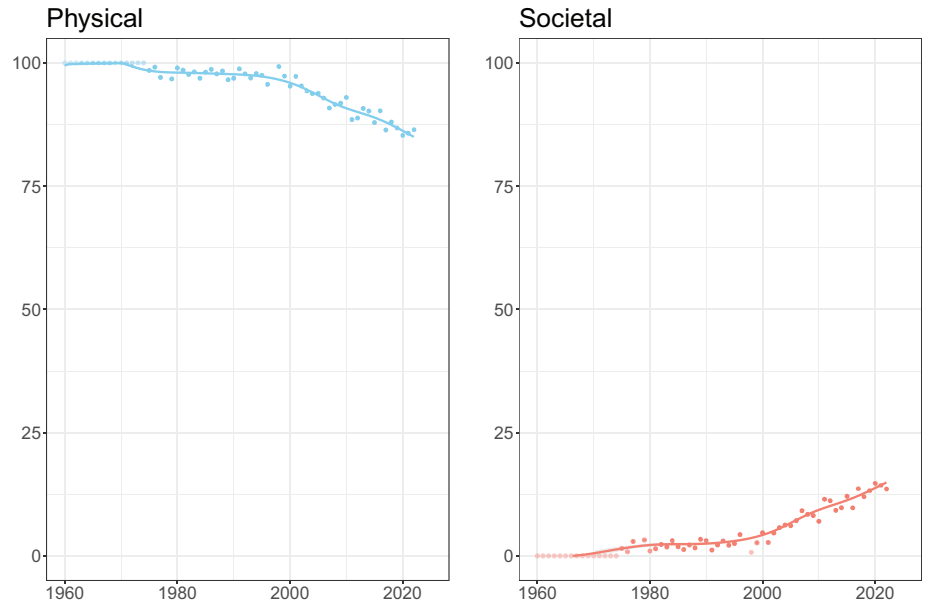

FIGURE 1 | Share of physical and societal standards per year.

depends on factors such as resources, time, and expertise (Alshadafan 2020). Thus, this measure serves only as a proxy and cannot capture variation in members' actual ability to contribute (see Appendix C: Supporting Information).

Technocratic input legitimation is measured in terms of committee expertise. These measures proxy countries' expertise, particularly industry expertise, emphasizing their ability to send competent representatives to TCs. The main indicator is "Researchers in R&D (per million people)," which is gathered from the World Bank and has time series from 2001. Researchers are defined broadly as "professionals engaged in the conception or creation of new knowledge, products, processes, methods and systems, as well as in the management of the projects concerned" (OECD 2015, 162), and thus includes persons from both the public and private sectors. Because of this broad definition, one need not hold a researcher title or a doctor's degree to be labeled a researcher, making the data match better with the idea of a committee expert in ISO.

However, there is no universally accepted quantitative indicator for measuring technocratic processes (Bertsou and Caramani 2020). To address this, the analysis includes a range of robustness checks drawing on multiple indicators. From the World Bank, the analysis incorporates "Research and development expenditure (as % of GDP)." From the World Intellectual Property Organization (WIPO), more fine-grained indicators include: "Gross domestic expenditure on research and development (GERD) performed by business % GDP," "High-tech exports (as % of total trade)," "University–industry R&D collaboration," "Scientific and technical articles per billion PPP$ GDP," and "Percentage of knowledge-intensive employment."

There are still some limitations to this approach. First, the data introduces a level of abstraction, as it does not directly measure the composition of TCs, but instead uses the national number of researchers in R&D as a proxy for TC expertise. However, while it is conceivable that a country's domestic research capacity may not be fully reflected in its firm-level representation within ISO committees, it is nonetheless reasonable to expect a correlation between national expertise and participation in ISO standard-setting. As with other international organizations, countries with more developed scientific and technological infrastructures are generally better positioned to contribute expert knowledge to transnational governance processes (Louis and Maertens 2021).

Using these variables, committee expertise is calculated as the year-wise average over all countries with participating membership (P-membership) in the given TC. Further details on these measures can be found in Appendix D: Supporting Information.

5.2.3 | Democratic and Technocratic Output Legitimation

For the output legitimation models, I measure ISO's justification of its standards to a broader audience using ISO's news updates. These "news pieces," posted on ISO's official website, are brief communications aimed at its stakeholders, providing accessible information on newly developed standards, ongoing standardization processes, and other relevant organizational activities. In these updates, ISO presents and justifies its standards in relation to relevant norms, making them suitable indicators of legitimation strategies. Here, the units of analysis are standards, and measurements are made by identifying legitimation statements. Thus, this is a discursive measure of performance. Dictionary methods are then employed as robustness checks.

I code legitimation statements by breaking each news piece into individual sentences and classifying each sentence as (1) not a legitimation statement, (2) a democratic legitimation statement, or (3) a technocratic legitimation statement. This approach follows Schmidtke et al. (2024), who developed a comprehensive

dataset on legitimation in international organizations following the same methodology. Their classification is based on distinct conceptual criteria. Democratic legitimation refers to justifications grounded in values such as representation, participation, transparency, accountability, equality, non-discrimination, human rights, and sustainability. Technocratic legitimation draws on claims of objectivity, expertise, scientific knowledge, professional competence, innovation, and efficiency.[5] This framework is directly adaptable to the current study because ISO's news pieces communicate standards to a broad audience, and the sentences in these updates can be coded according to these same conceptual distinctions.

The process resulted in roughly 38,500 sentences from 1500 articles. The dependent variable measures share of sentences with democratic or technocratic legitimation statements within a news article mentioning a standard. To make the coding feasible with the given resources, I use *gpt-4.1-mini*. The prompt was refined iteratively and validated by manually coding 1000 randomly chosen sentences, resulting in an accuracy of 0.92. Details are in Appendix E: Supporting Information.

Although regulatory issue area and legitimation statements are conceptually related, they are analytically distinct and measured independently. An issue area captures the substantive area of an institution's work, whereas a legitimation statement reflects the normative principles invoked to justify the institution's authority within that domain (Gronau and Schmidtke 2016). While democratic legitimation may appear to follow naturally from regulating societal issue areas related to quality, safety, or health (see Table 2), this relationship is not self-evident. Normative expectations vary across contexts and over time, and institutions may therefore justify similar types of regulatory activity through different combinations of democratic and technocratic norms. This analytical distinction and its implications for interpretation are further discussed and illustrated in Section 6.

Empirically, this distinction is implemented by coding legitimation statements separately from descriptive statements. Legitimation statements are defined as references to democratic or technocratic norms used to justify authority, whereas pure statements merely describe activities or outputs. For example, a statement such as "we work with labor standards" is coded as merely a statement, while "our work on labor standards enhances justice and human rights" constitutes a legitimation statement. The coding prompt explicitly incorporates this distinction by first separating legitimation statements from pure statements, before coding legitimation statements as either democratic or technocratic. Examples of the descriptive statements include phrases such as "to have any sort of beneficial impact, it is vital that the standards are successfully implemented worldwide" and "the standard sets out guidance and requirements relating to the way in which market research studies are planned." The full prompt and examples of coded output are provided in Appendix E: Supporting Information.

As robustness checks, the dictionary methods measure democratic and technocratic rhetoric. The dictionaries are used to analyze word usage in ISO news articles. There are two democratic dictionaries: one compiled from speeches in the United Nations General Assembly (UNGA) between 1990 and 2000 (Baturo et al. 2017), and one Corporate Social Responsibility (CSR) dictionary made by Pencle and Mălăescu (2016). The CSR dictionary is composed of four different dimensions, each relating to various expressions of democratic legitimation, namely labor, human rights, environment, and community.

I compile two dictionaries of technocratic rhetoric; one based on abstracts from research papers and one based on abstracts from patents, with relevant texts filtered out based on keyword search for technocratic legitimation words. Details of these dictionaries can be found in Appendix F.3: Supporting Information.

While these dictionaries offer valuable insights, they are a less precise measure of legitimation strategies, as certain terms (e.g., "employment") may reflect both issue areas and legitimation rhetoric. Nonetheless, when used alongside the coded legitimation statements, they provide a complementary set of indicators to evaluate the relationship. Further details on these dictionaries, along with robustness checks on cut-offs, can be found in Appendix F: Supporting Information.

6 | Analysis

With continuous dependent variables, all models are estimated using ordinary least squares (OLS) with committee and year fixed effects, and standard errors two-way clustered by committee and year. The fixed effects account for unobserved, time-invariant heterogeneity across committees (e.g., leadership or internal priorities) and common shocks affecting all committees in a given year (e.g., stakeholder protests) (Dingwerth et al. 2020). Two-way clustering of standard errors further adjusts for potential serial correlation within committees and contemporaneous correlation across committees in the same year, which is appropriate for panel-structured data. Because the fixed effects specification already accounts for substantial unobserved heterogeneity across committees and over time, and because issue area is treated as a background variable, meaning that including additional controls could introduce post-treatment bias, no further covariates are added, except for an additional control for month in the output legitimation models.

In the input legitimation models, one unit is a technical committee (TC) in a given year and the independent variable is the number of societal or physical standards developed within the committee in the given year. The dependent variable measures committee diversity or expertise, respectively. Thus, the units of analysis in the input models are committee-years. For the output legitimation models, the unit of analysis is standards mentioned in ISO news articles in a given year. The independent variable indicates whether a societal or physical standard was mentioned, and the dependent variable measures the share of democratic or technocratic legitimation in that article.[6]

While detailed explanations and tables for each analysis can be found in Appendix G: Supporting Information, Tables 3 and 4 show coefficients for the main variables.

First, the results for input legitimation are in the expected direction but not significant for societal standards. Technical committees producing more physical standards are often from

countries with more researchers per million. Each additional physical standard increases researchers per million by roughly 0.78, with a non-significant reversed effect for societal standards. Societal standards are also associated with greater regional diversity. Each additional societal standard increases the Shannon H index by about 0.00069 (0.034 for 50 standards), whereas the effect for physical standards is reversed and not significant.

Second, the results for output legitimation are more clear-cut. ISO employs technocratic legitimation more when referencing physical standards, with an increase of 2.7 percentage points. Conversely, societal standards are more often justified with democratic rhetoric, increasing democratic statements by 3.8 percentage points. The relationship is reversed for physical standards and democratic legitimation, and societal standards and technocratic legitimation.

Figure 2 summarizes the results of all variables in a coefficient plot, with the main variables highlighted. The coefficients are standardized to allow for better comparison between effect sizes. Note that the red coefficients illustrate models where the change is to societal standards, while the blue coefficients illustrate models for physical standards. Thus, for the upper two squares (technocratic legitimation), the theory expects positive blue coefficients and negative red coefficients, while for the lower two squares (democratic legitimation), the reverse is expected.

The results largely support the hypotheses in that most coefficients go in the expected direction, though some fall short of statistical significance. In particular, indicators of democratic input legitimation produce mixed results. For instance, sectoral diversity is positively associated with both societal and physical standards, possibly because a higher number of sectoral categories inherently increases diversity. It may also reflect the limited salience of liaison organizations in ISO's standard-setting processes, in contrast to the frequent stakeholder concerns about regional diversity.

Thus, overall, the results indicate that ISO tends to employ democratic legitimation strategies for societal standards and technocratic strategies for physical standards, supporting Hypotheses 1 and 2. Moreover, the findings suggest a trade-off in selecting legitimation strategies, as these relationships reverse depending on the regulatory issue area of the standard. For example, TCs producing many societal standards are significantly less likely to be composed of countries with high R&D expenditure relative to GDP. This may reflect an efficiency–legitimacy trade-off as described in Section 2, where

TABLE 3 | Regression table for main coefficients relating to input legitimation.

	Technocratic input		Democratic input	
	Researchers	**Researchers**	**Shannon *H* region**	**Shannon *H* region**
Physical standards produced in TC	0.77788**		−0.000077057	
	0.26354		0.000075811	
Societal standards produced in TC		−2.8041		0.00068721*
		1.7893		0.00026211
Num. Obs.	11,639	11,639	11,912	11,912
R^2	0.863	0.862	0.824	0.824
R^2 Adj.	0.853	0.853	0.812	0.813

Note: Fixed effects: Year and committee. Clustered standard errors by committee and year. Coverage: 2004–2022. $+p<0.1$, $*p<0.05$, $**p<0.01$, $***p<0.001$.

TABLE 4 | Regression table for main coefficients relating to output legitimation.

	Technocratic output		Democratic output	
	Legitimation statements	**Legitimation statements**	**Legitimation statements**	**Legitimation statements**
Physical standards (per news piece)	0.0271*		−0.0382*	
	0.0130		0.0175	
Societal standards (per news piece)		−0.0271*		0.0382*
		0.0130		0.0175
Num. Obs.	1505	1505	1505	1505
R^2	0.399	0.399	0.505	0.505
R^2 Adj.	0.287	0.287	0.412	0.412

Note: Fixed effects: Year and committee. Control variables: Month. Clustered standard errors by committee and year. Coverage: 2004–2022. $+p<0.1$, $*p<0.05$, $**p<0.01$, $***p<0.001$.

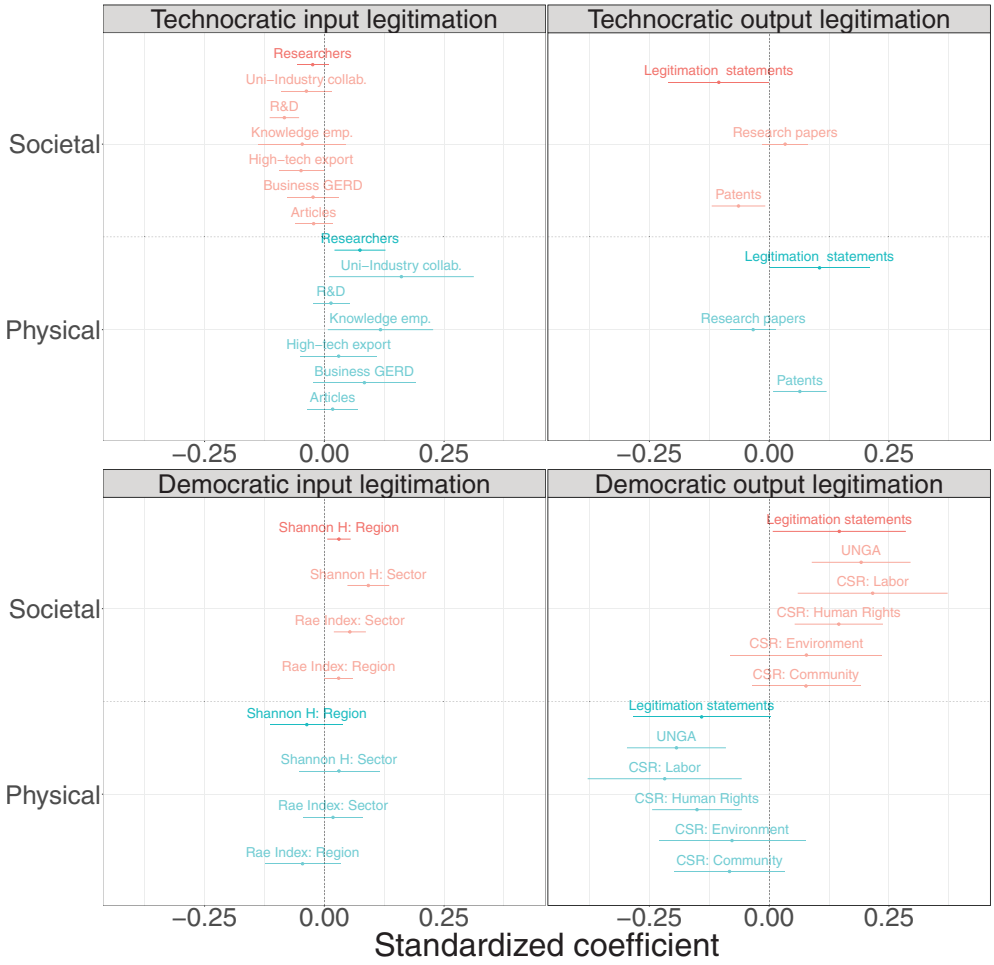

FIGURE 2 | Coefficient plot for the relationship between democratic input and output legitimation when producing societal standards and technocratic input and output legitimation when producing physical standards.

the inclusion of a more diverse set of countries, including those with lower R&D capacity, complicates efforts to maintain technocratic credibility.

The results further indicate that regulatory issue areas and legitimation statements are analytically distinct. Even within issue areas coded as societal, legitimation strategies vary substantially. For example, standards addressing digital technologies, an issue area that is relatively new and therefore arguably still in a normative gray zone between technocratic and democratic expectations, range from predominantly technocratic legitimation (e.g., ISO/IEC 38500:2008 on Corporate Governance of Information Technology) to predominantly democratic legitimation (e.g., ISO/IEC 20546:2019 on Big Data) to mixed strategies (e.g., ISO/IEC TR 24027:2021 on Artificial Intelligence). This variation occurs despite their shared classification as societal. Such patterns suggest that the observed legitimation statements are not merely routine descriptions of committee work or reflections of issue content, but rather represent strategic responses to differing normative expectations.

Being an observational study, this analysis cannot fully disentangle the mechanisms driving changes in legitimation strategies. While the inclusion of year- and committee-fixed effects helps account for some potential influences, such as initiatives by institutional entrepreneurs, stakeholder dynamics within individual TCs, or broader isomorphic pressures that encourage convergence across TCs over time (Schleifer 2019), unobserved factors may still play a role. As highlighted in Section 4, audience demands, for instance, might act as an intermediate variable, in which specific issue areas generate particular expectations from an audience, which in turn could drive demands for democratic legitimacy. While this interpretation recognizes that issue-specific norms shape expectations about legitimate governance, these intermediate variables also play a crucial role within the underlying mechanism.

Yet, these findings indicate that ISO employs democratic legitimation strategies for societal issues broadly, not only for prominent standard series that have faced push-back as described in Section 5, suggesting that explicit audience demands for democratic legitimacy are a possible but not essential factor in explaining TPIs' use of democratic legitimation strategies. Overall, these findings support the theory that which issue area a TPI regulates may in itself influence legitimation strategies, due to the normative expectations within that issue area (Bernstein 2011; Peña 2015). Furthermore, democratic and technocratic legitimation strategies are important in both the input and output phases of the standardization process, emphasizing the utility of using a two-dimensional framework when studying legitimation strategies of TPIs.

7 | Conclusion

Transnational private institutions (TPIs) represent a compelling subject for examining legitimation strategies due to the inherent tension they face between democratic and technocratic legitimacy. Scholars have increasingly observed a shift toward democratic legitimation through multi-stakeholder processes, highlighting the importance of investigating the drivers behind these patterns (Boström and Hallström 2013; de Bakker et al. 2019; Mena and Palazzo 2012; Moog et al. 2015; Schleifer 2019). This article has applied a framework originally developed for international organizations (Tallberg and Zürn 2019) to explore how regulatory issue areas influence legitimation strategies among TPIs (Bernstein 2011; Peña 2015), using the International Organization for Standardization (ISO) as a case study.

The article makes three contributions. First, it proposes a two-dimensional framework that integrates democratic and technocratic legitimacy with input and output legitimacy, offering a more productive lens for analyzing TPIs. Existing frameworks for assessing legitimation strategies among TPIs—such as those by Suchman (1995), Scharpf (1999), and Quack (2010)—typically place input and output legitimacy alongside democratic and technocratic legitimacy, omitting the conceptual possibility of, for example, technocratic input legitimacy. This study demonstrates that adopting a more nuanced conceptualization, in line with Tallberg and Zürn (2019), provides deeper insights into the legitimation strategies of TPIs.

Second, this study theorizes regulatory issue area as a driver of legitimation strategies, arguing that different issue areas generate distinct normative expectations. Following Esty (2006) and Dingwerth et al. (2020), what is considered normatively appropriate varies with the context in which legitimacy is established. These contexts can vary functionally along distinct subsystems—such as science, economy, law, politics, and health—each with their own internal logic that shapes legitimacy criteria (Peña 2015). These subsystems, again, institutionalize norms through collaboration, documents, events, and so forth, thus influencing which forms of authority are considered appropriate (Bernstein 2011). In highly technical fields, norms are often shaped by epistemic communities and technocratic processes, with legitimation strategies emphasizing technical competence, neutrality, and adherence to best practices. In contrast, societal issue areas, such as labor, environmental protection, or human rights, are less specialized and more open to normative contestation and political intervention (Büthe and Mattli 2011; Luhmann 2007).

Third, using ISO's expansion into societal standards as a quantitative case study, the article tests and finds support for this theory. For traditional physical standards, ISO relies primarily on technocratic legitimation strategies, whereas democratic legitimation is more prominent for societal standards. This suggests that TPIs adjust their legitimation strategies in response to shifts in regulatory issue areas. These shifts are evident in both the input and output stages of the standardization process, highlighting both the usefulness of a two-dimensional conceptualization of legitimation strategies and the potential trade-off between them.

Using ISO as a case study offers both advantages and limitations. First, the research design allows for the identification of issue area effects by holding organizational context constant and controlling for committee-level and temporal variation through fixed-effects modeling. However, the study cannot fully uncover longer causal chains, for example, how audience expectations shape normative criteria within specific issue areas.

Second, ISO represents a particular type of TPIs, which has implications for generalizability. It is an international standardization organization, alongside bodies such as the International Accounting Standards Board (IASB) and the International Electrotechnical Commission (IEC) (Büthe and Mattli 2010), but it also exemplifies the broader category of TPIs: voluntary regulatory bodies composed mainly of non-state actors (such as business associations, trade unions, standard-setting bodies, think tanks, and environmental organizations) that create and implement norms beyond the state (Pattberg 2004; Risse 2006). Examples of other TPIs include the Forest Stewardship Council (FSC), Marine Stewardship Council (MSC), and the Basle Committee on Banking Supervision (Dingwerth 2017; Pattberg 2005; Tsingou 2007).

TPIs have grown to regulate both societal and technical issues worldwide (Bartley 2022; Cutler et al. 1999). ISO's broad mandate, spanning both technical and societal domains, makes it a particularly informative case for examining how issue area shapes legitimation strategies. While not all TPIs operate at the same scale or scope, the patterns observed in ISO suggest that TPIs, which have been observed to increasingly regulate societal issues (Bartley 2007, 2018; Boström and Hallström 2013; Eberlein et al. 2014), are likely to adjust their legitimation strategies accordingly, for example, by employing multi-stakeholder initiatives (Boström and Hallström 2013; de Bakker et al. 2019; Mena and Palazzo 2012; Moog et al. 2015; Schleifer 2019). These findings provide a plausibility probe that regulatory issue area shapes legitimation strategies among TPIs and highlight the value of further research for a larger set of TPIs.

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Conflicts of Interest

The author declares no conflicts of interest.

Data Availability Statement

The data that support the findings of this study are openly available in the Harvard Database at https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/E43V2B.

Endnotes

[1] Widening the lens, research on international organizations (IOs) also indicates that while technocratic legitimation strategies are still widespread, the share of democratic legitimation has grown since the 1980s (Schmidtke et al. 2024). IOs are inviting more transnational actors to decision-making fora (Tallberg et al. 2013), and several IOs establish parliamentary bodies (Rocabert et al. 2019). Beyond institutional changes, IOs' discourses are also increasingly incorporating democratic values (Dingwerth et al. 2020; Lenz and Schmidtke 2023).

[2] As this article focuses on the variation between technocratic and democratic legitimation, throughput legitimacy is excluded to maintain analytical clarity. However, incorporating this dimension may be valuable in other contexts; for such cases, see for example Dellmuth et al. (2019).

[3] ISO's stakeholders encompass a wide spectrum of actors, including small and medium-sized businesses, large corporations, multinational enterprises, non-governmental organizations, and public bodies.

[4] There are 168 countries and 1372 liaison organizations in the dataset.

[5] For further details and examples, see Appendix E: Supporting Information.

[6] Because the theory treats issue area as a structural background variable, the specific actor responding to it is not directly theorized. Issue area rather functions as a normative context shaping all actors. The difference in units of analysis (committees for input models, standards for output models) therefore does not affect the argument. This distinction reflects data availability, while all models use the same estimation strategy.

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Supporting Information

Additional supporting information can be found online in the Supporting Information section. **Data S1:** rego70123-sup-0001-Supplementary_Material.pdf.