

cause they perceive the rule and its institutional penumbra to have a high degree of legitimacy.”¹⁸

In developing his hypothesis, Franck defines and examines four indicators of legitimacy applicable in “the community of states”: *determinacy*, *symbolic validation*, *coherence* and *adherence*. His hypothesis asserts, furthermore, that “to the extent a rule, or rule process, exhibits these four properties it will exert a strong pull on states to comply. To the extent these properties are not present, the institution will be easier to ignore and the rule easier to avoid by a state tempted to pursue its short-term self-interest.”¹⁹

A rule's *determinacy* is defined by its textual “clarity” or “transparency”—“that which makes its message clear.”²⁰ Franck recognizes, however, that the degree of clarity of a rule may reflect the degree of agreement among its negotiators. Even textually vague or opaque rules may be made determinant, he states, by a clarification process which itself is perceived as legitimate, such as a court or an international dispute settlement process.²¹

Symbolic validation represents the cultural and anthropological dimension of legitimacy that communicates the “validity” or the “authenticity” of a rule or a rule-making institution. “Ritual” and “pedigree” are forms of symbolic validation, which is part of the legitimation strategy of all communities, or rules-based systems.²²

Coherence, which Franck notes, is different from “consistency”²³, relates to a rule's “connectedness” or “nexus” to ra-

¹⁸ *Ibid.*, 25.

¹⁹ *Ibid.*, 49.

²⁰ *Ibid.*, 52.

²¹ *Ibid.*, 50-66.

²² *Ibid.*, 96.

²³ Franck states that “consistency requires that ‘likes be treated alike’ while coherence requires that distinctions in the treatment of ‘likes’ be *justifiable in principled terms*. ... Coherence demands a different level of con-