

to the WTO in notions of democracy, therefore, is fundamentally flawed.

Taking Professor Hudec's sage advice, we see that, first and foremost, the WTO is an *intergovernmental* organization comprised of 146 member governments. Most decisions of its political/legislative bodies (i.e., the Ministerial Council, the General Council, other Councils, and Committees) are taken by consensus, although in certain cases the WTO Agreement provides for simple majority voting and in other cases for decisions to be taken by a two-thirds or three-fourths majority. The WTO Agreement itself also constitutes a system of law—for legal purists, an international system of rules—enforced through an automatic and binding dispute settlement system.

Thomas M. Franck, in his book, *The Power of Legitimacy Among Nations*, searches for the properties of "legitimacy" as it applies to international systems of rules.¹⁴ He defines "legitimacy" in this context as: "*a property of a rule or rule-making institution which itself exerts a pull toward compliance on those addressed normatively*¹⁵ because those addressed believe that the rule or institution has come into being and operates in accordance with generally accepted principles of right process."¹⁶ Legitimacy theory, he acknowledges, "has many mansions. If this be muddle, it is muddle of a very high order...."¹⁷ In his search for a taxonomy of the properties of legitimacy, Franck poses the question: "Why do nations obey rules?" And, he proposes the following hypothetical answer to this question: "Be-

¹⁴ Thomas M. Franck, *The Power of Legitimacy Among Nations*, Oxford University Press, 1990. For an excellent review of Franck's seminal work, see Jose E. Alvarez, "The Quest for Legitimacy: An Examination of the Power of Legitimacy Among Nations" by Thomas M. Franck", 24 *New York University Journal of International Law and Politics* (1991), 199-267.

¹⁵ "Those addressed", Franck states, could include "nations, international organizations, leadership elites, and, on occasion, multinational corporations and the global populace." *Ibid.*, 16.

¹⁶ *Ibid.*, 24.

¹⁷ *Ibid.*, 19.