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Three Essays on Legitimacy

Gruban Moritz

FACULTÉ DES HAUTES ÉTUDES COMMERCIALES

DÉPARTEMENT STRATÉGIE, GLOBALISATION ET SOCIÉTÉ

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THÈSE DE DOCTORAT

présentée à la

Faculté des Hautes Études Commerciales
de l'Université de Lausanne

pour l'obtention du grade de
Docteur ès Sciences Économiques, mention « Management »

par

Moritz GRUBAN

Directeur de thèse
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Prof. Roy Suddaby, expert externe
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I M P R I M A T U R

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Sans se prononcer sur les opinions de l'auteur, la Faculté des Hautes Etudes Commerciales de l'Université de Lausanne autorise l'impression de la thèse de Monsieur Moritz GRUBAN, titulaire d'un bachelor en sciences politiques et administratives de l'Université de Konstanz, et d'un master en sciences politiques et administratives de l'Université de Konstanz et de l'Université de Warwick, en vue de l'obtention du grade de docteur ès Sciences économiques, mention management.

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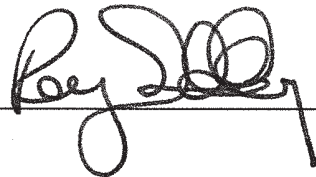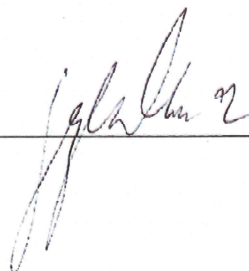Subject area "Management"

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Introduction

In January 2017, I started the Ph.D. in Management at the University of Lausanne. At the time, I was uncertain about the focus of my dissertation. The management literature was unchartered territory for me because I had done my bachelor and master studies in political science. However, one concept that I was familiar with was legitimacy. Drawing on Max Weber's (1947) notion of authority, political theorists conceive of legitimacy as an actor's belief that a rule or an institution ought to be obeyed (Beetham, 1991; Hurd, 1999; Lipset, 1959). When actors perceive a rule as legitimate, they are no longer motivated to comply with the rule because they fear the punishment of rule enforcers, or by self-interested calculations, but instead by an internal sense of obligation (Dahl & Lindblom, 1992).

Legitimacy is also a fundamental concept in organization and management studies, particularly in institutional theory (Colyvas & Powell, 2006; Deephouse, Bundy, Tost, & Suchman, 2017; Suddaby, Bitektine, & Haack, 2017). Legitimacy is of particular importance for institutional scholars because it is an antecedent of institutional stability and institutional change (Dacin, Goodstein, & Scott, 2002; Greenwood, Oliver, Lawrence, & Meyer, 2017; Oliver, 1992). Legitimate institutional arrangements are said to be stable, whereas perceived illegitimacy prompts actors to engage in efforts to change an institution (Greenwood, Suddaby, & Hinings, 2002; Tost, 2011). Legitimacy plays a major role in socio-political processes. In recent years, legitimacy has become a "hot button" in political discussions, particularly in the United States (Schoon, 2020). Importantly, the growing polarization in politics and society more generally, points to the key insight that legitimacy "resides in the eye of the beholder" (Ashforth & Gibbs, 1990: 177). Given that people hold different beliefs and apply different norms and values in evaluations (Lamin & Zaheer, 2012; Pontikes, 2012; Ruef & Scott, 1998), they can arrive at different judgments of

legitimacy objects such as individuals, organizations, industries, and practices. As a result, the legitimacy of policies such as mandates to wear masks or be vaccinated to contain the spread of the Covid-19 pandemic can be contested.

Situating my Dissertation Research in the Legitimacy Literature

In the second year of my Ph.D., I took a deep dive into the legitimacy literature in organization and management studies. I started by reading the classic contributions such as Meyer and Rowan (1977), Ashforth and Gibbs (1990), and Suchman (1995), and worked my way through to more recent articles such as Huy, Corley, and Kraatz (2014), Bitektine and Haack (2015), and Suddaby et al. (2017). This was a time-consuming, but helpful exercise, which allowed me to develop a deeper understanding of the literature and its development. Because legitimacy is an interdisciplinary concept, I also read sociological (e.g., Dornbusch & Scott, 1975; Thomas, Walker, & Zelditch, 1986; Zelditch, 2001) and psychological (e.g., Johnson, Dowd, & Ridgeway, 2006; Tyler, 1997) research. This was useful when developing ideas for my dissertation projects, in particular the second dissertation chapter, in which I investigate the understudied behavioral implications of legitimacy judgments in a series of experiments. Several articles were particularly formative for my research. In the following paragraphs, I will briefly discuss how these articles informed my dissertation.

Three empirical articles offered important methodological and theoretical inspiration for my first dissertation chapter—a case study of the Central Intelligence Agency's (CIA) legitimation of "enhanced interrogation techniques" after the September 11, 2001, terrorist attacks. The first article was Suddaby and Greenwood's (2005) in-depth case study of the rhetorical strategies used to legitimate profound institutional change. When discussing their findings, Suddaby and Greenwood highlighted the potential for research on backstage components to controversial

debates and called on organizational scholars to use previously concealed or inaccessible material to gain insights into organizational processes. I found this discussion very encouraging for my research because most of the data that I collected for the first dissertation chapter were classified and only became publicly available through Freedom of Information Act litigation. These declassified documents gave me a unique opportunity to investigate the inner workings of the CIA's interrogation activities after the 9/11 terrorist attacks and allowed my co-authors and me to study how medieval practices of torture such as waterboarding were legitimated.

A second article that was relevant for my first dissertation chapter was Anteby's (2010) study of jurisdictional disputes in the U.S. commerce in cadavers. Anteby's qualitative case study relied primarily on archival data and showed how professionals in the market for cadavers used "narrative distinctions" to demarcate their practices from less moral actions of for-profit companies. Our study of the CIA's Detention and Interrogation Program extends Anteby's notion of narrative distinctions beyond moral arguments. We found that professionals working for the CIA used legal interpretations, references to evidence and tradition, and commensuration to distinguish between legitimate enhanced interrogation techniques and illegitimate practices of torture. The article thus demonstrates how professionals are effective at using the myths and ceremonies of rationality to legitimate practices that inflict serious human suffering.

Finally, Wright and Zammuto's (2013) longitudinal archival study of institutional change processes in the field of English cricket informed the methodological and analytical approach used in the first dissertation chapter. I found Wright and Zammuto's data collection efforts and the thorough description of how they analyzed their data impressive and a helpful template for my data analysis. In addition, it was encouraging to see that research conducted in unusual contexts like commerce in human cadavers and cricket was publishable in top management journals.

One article that improved my understanding of the legitimacy concept significantly was Suchman (1995). I read this article for the first time in the "Theories of Organization" class of the doctoral school in spring 2017. Suchman (1995: 574) defined legitimacy as "a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions." He also argued that legitimacy is socially constructed and intersubjective. Suchman's article made a lasting impact on legitimacy research—even beyond the field of management. Virtually every article that touches upon the concept of legitimacy cites his definition and many scholars refer to his classification of legitimacy into three dimensions: moral legitimacy based on normative approval, pragmatic legitimacy based on self-serving calculations, and cognitive legitimacy based on comprehensibility and taken-for-grantedness.

While Suchman's article made several important contributions, such as integrating institutional and strategic approaches and bringing definitional clarity to the study of legitimacy, it also has limitations. In particular, his conceptualization of legitimacy as a "generalized" perception, which is "independent from particular observers" (Suchman, 1995: 576), is questionable because it discounts the role of individuals in legitimacy processes. One implication of Suchman's monolithic conceptualization of legitimacy is that scholars, for the most part, focused on the study of legitimacy judgments of collective actors like the media or professional groups, whereas the diversity of evaluators and the potential for heterogeneity in legitimacy judgments at the individual level were neglected (Bitektine & Haack, 2015). Recent scholarly work in the "legitimacy-as-perception" (Suddaby et al., 2017) perspective, however, stressed the importance of understanding the formation and change of legitimacy judgments at the individual level (propriety) as legitimacy at the collective level (validity) depends on the coalescence of the

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"cognitive processing, information search efforts, and social interactions" of individual evaluators (Bitektine, 2011: 151). My dissertation research, in particular chapters two and three, are based on an "evaluator's perspective" of legitimacy (Bitektine, 2011: 151) and thus pay special attention to judgment formation processes and the behavioral implications of legitimacy judgments at the individual level (Suddaby et al., 2017; Tost, 2011).

One article within the legitimacy-as-perception perspective that was particularly inspiring for my research was Tost (2011). In the article, Tost makes a widely shared, but often implicit assumption of legitimacy research explicit; namely, that individual legitimacy judgments have behavioral implications: positive legitimacy judgments lead to support for a legitimacy object, whereas negative legitimacy judgments lead to efforts to change the illegitimate object. Her model of the legitimacy judgment process suggests that judgments formed in the "judgment formation stage" translate into the "use stage," where they manifest themselves through individuals' actions (Tost, 2011: 695). However, I was wondering whether judgments really translate into behaviors as seamlessly as Tost's model implies. In the second chapter of my dissertation, I investigate this question in a controlled experimental setting together with my co-authors. Our finding that normative and instrumental concerns have significant effects on individual behavior but that these effects cancel out when eliciting individual-level legitimacy judgments, i.e., propriety and validity beliefs, before measuring behavior suggest that the link between legitimacy judgments and behavior may not be as straightforward as theorized by Tost and others (e.g., Bitektine, 2011; Hoefer & Green, 2016).

Tost's article also constituted the starting point for my third dissertation chapter. Tost (2011: 695) argued that three dimensions, i.e., moral, instrumental, and relational, simultaneously affect the formation of individuals' "generalized legitimacy judgments." While Tost mentions that

these dimensions may interact—a possibility already acknowledged by Suchman (1995)—, her article remains silent on how the dimensions impact each other in the judgment formation process. My third dissertation chapter extends Tost's model by theorizing four effects that influence stakeholders' evaluations of an organization that advances commodification, i.e., the expansion of market values in social life (Sandel, 2012), by introducing norm-violating market practices: compensation, buffering, dependence, and adjustment. The process model that I develop elucidates the interplay between legitimacy dimensions and explains how individual stakeholders come to view an organization that violates their normative expectations by driving a market practice forward as acceptable.

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1 Article 1: Legitimating Torture through Professional Authority: The CIA's "Enhanced Interrogation Techniques"

Abstract

Rational-legal authority is often assumed to be inherently associated with progressive values because it promotes decisions based on scientific reasoning rather than myth or superstition. This assumption has been challenged by institutional theory, which argues that much of what appears to be rational in organizations relies on assumptions about what rationality should look like. Practices drawn from long-standing traditions, myths, and superstitions appear logical, rational, and progressive when couched in the dispassionate rhetoric of science and professionalism, and thereby help to legitimate organizational behavior that is immoral. However, we have little understanding of how professionals employ their expert knowledge to make immoral practices appear legitimate. Our research sheds light on this process by investigating how the Central Intelligence Agency used professional authority to legitimate medieval practices of torture after the terrorist attacks of September 11, 2001. Drawing on rich archival data, we show how lawyers, psychologists, and intelligence professionals used strategies of *categorical rationalization* and *scientization* to reinstate previously banned interrogation practices that violated long-standing international norms and moral standards former U.S. governments had held. Our case study thus provides insights into how professionals may use rational-legal authority to legitimate immoral behavior in organizations.

Keywords: legitimacy, professions, organizational wrongdoing, archival case study

1.1 Introduction

In May 2004, the Inspector General of the Central Intelligence Agency (CIA) released a classified review of the Detention and Interrogation Program that the CIA had set up in the aftermath of the terrorist attacks on September 11, 2001. The report details several brutal practices that CIA personnel applied while interrogating detainees implicated in the 9/11 attacks. The report includes an account of how CIA officers chased and dragged a naked detainee down a prison corridor as part of a "hard takedown" (CIA, 2004a: 77). In another account, CIA personnel used the "waterboarding" technique so excessively on a detainee that it evolved into a "series of near drownings" (SSCI, 2014: 86). While the report criticizes the use of several "improvised" techniques such as threatening a detainee with a power drill and a handgun, it concludes that most of the practices fell within the agency's guidelines, which, we learn, authorized interrogators to use "enhanced interrogation techniques" (EITs), such as slapping detainees' faces and abdomens repeatedly. Interrogators were also allowed to force captives to stay awake in painful positions for as long as 180 hours—seven and a half days in total—and to confine them in coffin-shaped boxes for up to 18 hours, sometimes placing insects inside to exploit detainees' fears (CIA, 2002d). Many of these techniques have their roots in medieval practices of torture (Scott, 2003). For instance, a form of waterboarding, called *tormento de toca*, was used during the Spanish Inquisition (Scott, 2003; Weiner, 2007).

Perhaps as shocking as the actual practices of interrogation is the banal bureaucratic tone of the guidelines. The rules of enhanced interrogation are detailed as precisely and dispassionately as, for example, the guidelines on allowable travel expenses in a large corporation. Contextualizing practices of torture in professional and scientific terms seems to lend immoral acts the appearance of calculable rationality. The capacity to make torture appear lawful, scientific, and ultimately

rational is the focus of this study. While the inexorable expansion of rationality is regarded as the foundation of human progress in modernity (Weber, 1946), much of what appears to be rational, upon closer examination often proves to be merely a traditional practice embedded in cultural assumptions about what rational practices should look like. It is well established in the management literature that in organizations many practices that appear to be efficient are often simply traditional practices wrapped in the language and routines that denote efficiency (Meyer & Rowan, 1977). Importantly, rationalization allows individuals who engage in morally dubious activities to draw on institutionalized accounts of knowledge to legitimate immoral means in the quest of achieving desired ends. Rationalization is therefore a crucial antecedent of legitimation (Suddaby & Greenwood, 2005; van Leeuwen, 2007).

However, we know little about the processes through which immoral practices are legitimated by being couched in the precise language and routinized practices of various forms of professional authority. Accounts of the horrors of the Holocaust provide some insight into how these processes might work. In her powerful reflection on the trial of Adolf Eichmann, the organizer of the mass deportation and extermination of Jews during the Nazi regime, Hannah Arendt (1964) coined the term "the banality of evil" to capture Eichmann's retrospective rationalization of his actions. Eichmann justified his lack of guilt by arguing that he was simply doing his job, obeying orders, and following the law. Arendt's (1964) argument is that the bureaucratization of atrocity allows individuals to engage in objectively immoral acts but maintain subjective innocence by justifying their acts on rational grounds. Particularly notable is Arendt's (1964: 49) observation that Eichmann consistently used "stock phrases and self-invented clichés" to convince himself of the legitimacy of his behavior. This example indicates that technical

rationality is frequently used to displace compassion and morality as defining elements of human life (Bauman, 1989).

The observation that as practices become more rational and bureaucratic, they tend to drift toward immorality is of particular interest because it draws attention to a serious gap in our understanding of legitimacy; namely, the links between professional authority and the legitimation of actions that are regarded as immoral. We know that professions play a critical role in processes of legitimation (Anteby, 2010; DiMaggio & Powell, 1983; Scott, 2008). Scholars of the professions note that the process through which professionals legitimate social and organizational practices is reflexively reinforcing in that it also serves to reinforce the legitimacy of their own professional project (Larson, 1977). Claims of professional legitimacy rely on technical legitimacy and moral legitimacy (Abbott, 1988). For example, lawyers ground their claims to legitimacy on further claims that they abide by the code of justice as well as on claims that justice is efficiently administered. Similarly, physicians base their claim to legitimacy both on moral claims that they alleviate human suffering and on scientific claims that they offer effective health treatments (Brint, 1994).

When professional groups shift the emphasis in their claims to legitimacy from morality to pure rational efficiency, the change may encourage immoral practices that threaten the legitimacy of their professional project. Abbott (1988: 195) observed that, in recent times, there has been a major shift away from traditional claims of morality to "a reliance on scientization or rationalization of technique and efficiency of service." The change has been incremental, however, providing little opportunity to observe directly the debates on and the contestation of legitimacy in the course of this shift. Despite the theoretical insight that substituting morality with efficiency as a value tends to encourage immoral behavior (Kalberg, 1980), we have little empirical insight

into how professionals contribute to the legitimation of actions that overtly violate established norms and rules of moral conduct.

Our in-depth case study of the once secret internal communications of the CIA and the U.S. Department of Justice (DOJ) suggests that the answer to this question rests in the strategic use of different forms of professional authority. Our analysis demonstrates that, on the one hand, government agencies mobilized legal authority and used strategies based on categorization to construct a boundary between EITs and torture. To describe these strategies collectively, we use the term "categorical rationalization." Scientific authority, on the other hand, sanctified the new practices as legitimate by mandating medical and psychological experts to be present at each instance of torture, ostensibly to monitor how these practices were applied. Moreover, consultations with prominent psychologists and senior representatives of the American Psychological Association (APA) served to implicitly endorse torture. We use the term "scientization" to describe this type of strategies. Our findings illustrate that legitimacy is a process of rationalization, rather than a rational process as such.

We contribute to the organization and management literature by analyzing how an organization not only engaged in but also justified the immoral practice of torture by invoking professional authority. We believe that shedding light on how professional authority may enable actors to justify immoral actions by construing them as necessary means to a desired end is of significant scholarly value because it may help restrain or even prevent organizational wrongdoing.

1.2 Professions and Legitimacy

Professions are key producers of legitimacy in contemporary society (Scott, 2008). Their legitimating power derives from two foundational attributes: technical expertise based on a highly developed system of abstract knowledge and the capacity to embed that knowledge in prevailing

societal values (Abbott, 1988). The first attribute is a source of technical or pragmatic legitimacy and the second attribute is a source of moral or normative legitimacy (Suchman, 1995). The two attributes require different forms of judgment (Halliday, 1985). *Professional* knowledge is premised on judgments of fact; empirical statements based on logic and rationality that accurately describe the world as it is. *Normative* knowledge, by contrast, is premised on judgments of value; that is, prescriptive statements about what ought to be. Technical knowledge legitimates professional work on the basis of effectiveness—in other words: does this work? Normative knowledge, on the other hand, legitimates professional work in relation to prevailing social values—in other words: is this the right thing to do?

These two attributes of professional legitimacy are often at odds with each other: what may be efficient or effective is not always the right thing to do. Abbott (1988) observed that professions are more likely to lose their legitimacy when they forsake their normative connection to prevailing cultural beliefs than when they comprise their pragmatic claims to effectiveness or efficiency. For example, American medicine, "which has increasingly relied on the culture's male values of heroism and efficiency to legitimate its interventionist health care, has faced serious challenges from competitors," i.e., midwives, "justifying their [...] presence in the healthcare field with the female values of nurturance and forethought" (Abbott, 1988: 188). Similarly, some elite U.S. law firms have justified the indubitably inefficient practice of rejecting technically superior Jewish applicants on the grounds that these applicants' ethics and character were questionable; a view that reflected prevailing cultural values at the time (Auerbach, 1976; Sherer & Lee, 2002).

What happens to the normative claims of professions, however, when prevailing cultural values shift to adopt rationality and efficiency as a dominant social value? Brint (1994) observed that, increasingly, claims of professional legitimacy are based on technical skill and efficiency,

rather than on moral character or contribution to society. The lapse of the "social trustee model" of professional legitimacy that Brint described is documented in a series of empirical studies of professional service firms that increasingly tend to value rational efficiency and effectiveness over traditional values of character and morality (Scott et al., 2000; Suddaby & Greenwood, 2005). Abbott (1988) anticipated this emerging trend as an extension of Weber's thesis of inexorable rationalization, observing, however, that emerging professions base their claims of legitimacy on efficiency rather than morality, in order to challenge incumbents. Moreover, Abbott (1988) argued that, because the shift to scientization and rationalization has been a slow process, it is difficult to observe either the mechanics of the shift or its full implications.

Contemporary studies of professional wrongdoing, however, suggest that the process of adopting rationalization as a dominant societal ideal within the professions is neither as slow nor as inscrutable as Abbott suggests. Several prominent corporate scandals, including the 2001 bankruptcy of Enron and the 2016 leak of information on illegal corporate and individual tax evasion, commonly known as the "Panama Papers," have shown how professionals orchestrated a range of unethical and illegal activities (Gabbioneta et al., 2019; Harrington, 2019; Mitchell, Sikka, & Willmott, 1998). In the Holocaust, professions, including lawyers, physicians, engineers, architects, and accountants contributed to the systematic destruction of the Jews and justified their actions based on claims of rational efficiency (Hilberg, 1989; Martí & Fernández, 2013). Physicians and other professions used pseudoscientific methods to dehumanize and murder human beings. This grim historical example shows that, in certain circumstances, the seemingly objective and rational criteria of scientific analysis may mask the ethical implications of, and thereby help legitimate, wrongdoing (Adams & Balfour, 1998; Lifton, 1986).

Yet, we still know little about how the adoption of rational efficiency as a legitimating claim in professional practice facilitates the legitimation of organizational wrongdoing. Our central research question is thus *how is professional authority (mis-)used to legitimate actions that overtly violate established norms and rules of moral conduct?* To answer this question, we examine how the CIA legitimized torture, following the terrorist attacks on September 11, 2001.

1.3 Setting and Methods

1.3.1 The 9/11 Attacks

For the purposes of our archival case study on the legitimation of torture after the September 11, 2001, terrorist attacks, we decided to "go back in time," to understand the specific circumstances, and acknowledge and understand the motives of the actors (Cole & Chandler, 2019; Lipartito, 2013; Rerup & Zbaracki, 2021). To understand the mindset post 9/11, we read original newspaper articles, transcripts of radio and TV programs, and speeches by government officials that we collected on *LexisNexis*.

Almost 3,000 people died in the terrorist attacks of September 11, 2001; most in New York City, where two hijacked airplanes crashed into the World Trade Center. After the attacks, emotions ran high. The attacks triggered feelings of grief and anxiety but also anger and a desire for vengeance (Back, Küfner, & Egloff, 2011; Harden, 2001; Tierney, 2001). A *Newsweek* article, published two weeks after the attacks, stated that "Americans want vengeance now" and that "numbness [had] turned to rage" (Hirsh & Barry, 2001). The administration and the American public feared a second wave of attacks in the immediate aftermath of 9/11 (Huddy et al., 2005; Smith & Rasinski, 2002).

Soon after 9/11, there were calls for swift action to hold those who masterminded it accountable and prevent further attacks (Hirsh & Barry, 2001; Nichols, 2001). In response, the George W. Bush administration declared a "War on Terror," making counterterrorism a top priority. With just one opposing vote, Congress passed a joint resolution, granting the President the authority to use all "necessary and appropriate force" against those whom he determined "planned, authorized, committed or aided" the September 11 attacks, or who "harbored said persons or groups" (U.S. Congress, 2001). Less than a month after the attacks, the U.S. began "Operation Enduring Freedom," launching airstrikes on Taliban and al Qaeda targets in Afghanistan. A few weeks later, Congress passed the USA Patriot Act, which significantly expanded the authority of law enforcement and intelligence agencies. At about the same time, Vice President Dick Cheney foreshadowed the administration's expectations of the CIA's role in the War on Terror, stating that the CIA and other security agencies would have to "work through, sort of, the dark side" (*NBC*, 2001). Cheney further elaborated:

> We've got to spend time in the shadows in the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies. (*NBC*, 2001)

Cheney's statement points to the administration's resolve to utilize covert action as a strategic asset to combat terrorism. The secret nature of CIA operations ensured plausible deniability and limited public accountability.

One priority in the War on Terror was capturing and interrogating high-ranking members of al Qaeda to gather information on how the 9/11 attacks were executed and on whether further attacks were being planned. Six days after 9/11, President George W. Bush signed a still classified Memorandum of Notification (MON), granting the CIA the authority to covertly capture and detain individuals "posing a continuing, serious threat of violence or death to U.S. persons and

interests or planning terrorist activities" (SSCI, 2014: 9). The CIA executed this mission by setting up a global network of secret prisons—dubbed "black sites"—where detainees were subjected to EITs (SSCI, 2014). The program was operated by the CIA's Counterterrorism Center (CTC) and focused on capturing, detaining, and interrogating senior al Qaeda operators—"high value detainees"—who were suspected of being involved in the planning of 9/11 and to have knowledge of terrorist threats against the U.S. (CIA, 2004a).

The Detention and Interrogation Program was not the first time that the CIA applied coercive interrogations and torture. During the Cold War, the CIA had researched interrogation techniques based on "deprivation of sensory stimuli, threats and fear, debility, pain, heightened suggestibility and hypnosis, and drugs," which were used by the communist regimes of China, North Korea, and the Soviet Union (CIA, 1963: 103). In July 1963, the CIA disseminated a classified interrogation manual that described the use of coercive techniques such as electric shocks, sensory deprivation, and isolation. Moreover, with the help of universities and hospitals, the CIA conducted mind-control experiments on human subjects between 1953 and 1973 (McCoy, 2007). In 1985, the CIA issued a second classified interrogation manual that sketched a "theory of coercion" based on debility, dependency, and dread (CIA, 1985). This manual was used to train interrogators in Latin American countries with a dark track record in torturing members of the political opposition (McCoy, 2007).

At the end of the Cold War, the CIA's experience of coercive interrogation led the agency to conclude that torture was an illegitimate and ineffective means of gathering information: "Physical abuse or other degrading treatment was rejected not only because it is wrong, but because it has historically proven to be ineffective" (SSCI, 1988: 15). In 1989, the CIA informed the U.S. Senate that "inhumane physical or psychological techniques are counterproductive because they

do not produce intelligence and will probably result in false answers" (Helgerson, 1989: 7–8). The CIA's Directorate of Operations Handbook, published in October 2001, reflected this position, prohibiting officers to participate in "interrogation which involves the use of force, mental or physical torture, extremely demeaning indignities or exposure to inhuman treatment of any kind as an aid to interrogation" (SSCI, 2014: 18).

1.3.2 The Public Debate on Torture after 9/11

The 9/11 attacks prompted a public debate on torture. In November 2001, *New York Times* writer Jim Rutenberg (2001) observed that "torture is already a topic of discussion in bars, on commuter trains, and at dinner tables." Torture also became a subject on popular U.S. action television series like *24* and *Alias* (Deggans, 2014; Neroni, 2015). These shows purported that torture was an effective means of obtaining information that proved lifesaving. Journalists, security experts, and politicians urged the administration to use any means possible to prevent further terrorist attacks. According to the then Secretary of Justice, John Ashcroft, the government was under tremendous pressure: "History's judgment will be harsh—and the people's judgment will be sure—if we fail to use every available resource to prevent future terrorism attacks" (Ashcroft, 2001). Television host Tucker Carlson argued that torture, when used to protect the country, was as a lesser evil, compared to the consequences of terrorism: "Torture is bad. Keep in mind, some things are worse. And under certain circumstances, it may be the lesser of two evils" (*CNN*, 2001a). In a similar vein, terrorism expert Yonah Alexander emphasized the potential benefits of torture: "One has to use whatever resources one has to obtain information, even if you have to forego some civil liberties. In other words some sort of moderate torture, if you will, or some physical force that is needed in order to save lives" (*CNN*, 2001b). Harvard Law School professor Alan Dershowitz (2001) argued that the use of torture was constitutional in situations of imminent threat to national

security and proposed that government agents should obtain advanced judicial approval—so-called torture warrants—before subjecting terrorists to coercive interrogations.

The advocates of torture claimed that it was effective as a means of protecting the nation by pointing to several cases where torture, or the threat of torture, reportedly helped elicit information from uncooperative terrorists (*CNN*, 2001a; *CBS*, 2002; Lithwick, 2001). One example frequently cited at the time was the use of torture against Abdul Hakim Murad by the Philippine police, which allegedly helped crack the case of the 1993 World Trade Center bombings. In an article in the liberal-progressive online magazine *Slate*, writer Dahlia Lithwick (2001) claimed, "The CIA has always known that torture works," and reported that the CIA had tortured suspected spies and trained agents of allied countries on torture techniques during the Cold War.

Although many actors demanded of the government to use torture against captured terrorists, others had reservations about using physical torture. Liberal and conservative writers alike opposed physical violence, suggesting that supposedly more sophisticated, psychological means of torture should be used instead. For instance, *Newsweek* writer Johnathan Alter argued:

> We can't legalize physical torture; it's contrary to American values. But even as we continue to speak out against human-rights abuses around the world, we need to keep an open mind about certain measures to fight terrorism, like court-sanctioned psychological interrogation. (Alter, 2001)

Similarly, Rich Lowry, the editor of the conservative magazine *National Review*, reasoned, "I'm not talking about beating. But look, there should be an atmosphere of intimidation. There should be some psychological stress" (*CNN*, 2001b). Others recommended the use of sodium pentothal, so-called truth serum, to make terrorists reveal information (Alter, 2001; *NPR*, 2001). University of Pittsburg law professors John Parry and Welsh White (2001) argued that "in order to determine

the nature of the suspect's knowledge, [interrogators] should be allowed to use scientific techniques, such as administering truth serum."

However, not everyone was in favor of torture. There were voices of objection to torturing captured terrorists. The main argument of the opponents was that torture violated fundamental American values and would jeopardize the country's credibility as a champion of human rights (Keller, 2001; Rutenberg, 2001). For those reasons, the American government should remain faithful to its principles and reject torture, despite the pain and outrage that the 9/11 attacks had caused. A second line of argument against the use of torture was that the U.S. government had signed several international treaties banning torture and the constitution prohibited its use. "This is one of the most basic principles of international law—torture is never justified," stressed David Cole, a law professor at Georgetown University (*NPR*, 2001). Similarly, an editorial in the *Chicago Tribune* warned against attempts to legalize torture because in other countries experience had shown that such practices tended to transgress the limits of what was considered legal (Chapman, 2001). Finally, the opponents of torture rejected the alleged effectiveness of physical and psychological coercion, arguing that information elicited through torture was often unreliable (*MSNBC*, 2002). Kenneth Roth of *Human Rights Watch* summarized the arguments against torture as follows:

> I mean you get garbage information out of torture. People will say anything under torture. [...] I think there's a deeper, apart from the pragmatic reason, there's a basic moral reason, which is, we don't want to adopt the means of terrorism to fight terrorists. (*CNN*, 2001b)

1.3.3 Case Selection

The legitimation of torture within the CIA offers a unique opportunity to gain insights into how professional authority can be used to legitimate immoral practices—in this case, torture (Eisenhardt & Graebner, 2007; Yin, 2014). Bamberger and Pratt (2010) noted that unconventional

contexts may enable scholars to observe new organizational phenomena or to view well-known phenomena in a new light. In our context, studying extreme applications of common mechanisms of authority helps us understand how such mechanisms can facilitate immoral behavior and demonstrates that crimes against humanity can and do occur, albeit unpredictably, in organizational contexts (Clegg, 2006; Clegg, Courpasson, & Phillips, 2006). The CIA's Detention and Interrogation Program became emblematic of the descent into moral darkness during the War on Terror. As such, it is a cautionary example of how fragile and situational supposedly taken-for-granted assumptions and beliefs of what is morally appropriate can be.

It also reveals the organizational processes through which immoral behavior is legitimated, which are difficult to observe in conventional settings. Obtaining access to classified documents not intended for public release gave us an opportunity to study how actors inside the CIA construed practices of torture as legitimate interrogation techniques without public scrutiny. The low probability of public exposure means that these classified data sources are likely to constitute frank and authentic accounts of those practices, rather than presentations targeted at external audiences and dictated by the tactics of impression management (Greenwood, Suddaby, & Hinings, 2002; Lipartito, 2013; Schneiberg & Clemens, 2006). Furthermore, as the archival data we collected are time-stamped, they allow us to capture how the process of legitimation developed over time.

1.3.4 Data Collection

In December 2014, the U.S. Senate Select Committee on Intelligence (SSCI), which oversees the activities of the American intelligence agencies, released an executive summary of its investigation into the CIA's Detention and Interrogation Program. Crucially, the release facilitated the declassification of important documents related to the CIA's EITs. Our primary data sources are therefore declassified, i.e., publicly available, CIA documents; mostly memoranda and cables

recording communication between the CIA headquarters and the detention sites where captured terrorists were held. We decided to collect these documents from online archives because we wanted to analyze primary data that had not been interpreted by SSCI staff. While we did not use the SSCI executive summary as a primary source, we did use it to triangulate our findings.

We collected our primary data from two online archives. The first, "The Torture Database" is operated by the *American Civil Liberties Union* and the second one is the *National Security Archive's* "The Torture Archive." These two databases contain government documents that were obtained primarily through litigation relying on the Freedom of Information Act after the public release of the SSCI executive summary. We searched the databases for documents that specifically refer to the CIA's Detention and Interrogation Program and excluded documents that concerned the interrogation techniques employed by the military. The data we collected cover the period September 11, 2001 to January 22, 2009. We chose these dates because 9/11 triggered debates about the legitimacy of torture, while President Barack Obama terminated the Detention and Interrogation Program on January 22, 2009. In total, we collected 280 classified documents with a combined length of 2,066 pages; however, many documents remain classified due to their sensitive content and concerns for national security and are therefore inaccessible to researchers. Nevertheless, the data we collected provide deep insights into the covert activities of one of the most influential intelligence agencies in the world.

1.3.5 Analyzing Archival Data

Files collected from archives can produce a rich set of materials for studying the internal processes of organizations (Rojas, 2010; Rowlinson, Hassard, & Decker, 2014; Ventresca & Mohr, 2002). Even illegal organizational activities tend to be textually recorded (Ventresca & Mohr, 2002). Archival data, however, may be fragmented, incomplete, or designed to serve the purposes of

specific actors and must therefore be assessed carefully (Rojas, 2010; Ventresca & Mohr, 2002). To address these concerns, we followed the advice of Kipping, Wadhwani, and Bucheli (2013) and applied a three-step procedure.

In the first step, we evaluated each document to determine its validity and credibility. This method, known as "source criticism," involves examining in depth the provenance of the source, its purpose and intended audience, and the context in which it was created (Alvesson & Sköldberg, 2009; Berg & Lune, 2012; Rowlinson et al., 2014). The first author reviewed the sources and wrote memos on each classified document, including the date the document was created, the issuing organization, and where possible, the author and recipient. In these memos, the first author described the content of each document ("What are actors talking about?"), reflected on it ("What do I think about it?"), and noted what details were lacking ("What is missing?"). The first author's memos (totaling 364 pages and over 130,000 words) ensured that our primary data were reliable and helped us refine our research question. Drawing on the memos, the first author then wrote a temporal case narrative (Langley, 1999) of key events that occurred over the course of the Detention and Interrogation Program. Figure 1 provides an illustration of the key events.

Period 1: Bureaucratic Planning	Period 2: Application Phase	Period 3: Public Disclosure
September 11, 2001 – August 4, 2002	August 5, 2002 – September 5, 2006	September 6, 2006 – January 22, 2009
September 11, 2001: Terrorist attacks kill almost 3,000 people in New York City, the Pentagon, and all passengers of Flight 93	November 20, 2002: Detainee Gul Rahman dies at CIA detention site "Salt Pit" in Afghanistan	September 6, 2006: President Bush publicly acknowledges the existence of secret CIA detention sites and the use of "alternative" interrogation techniques
September 17, 2001: President Bush signs a Memorandum of Notification, authorizing the CIA to capture and detain al Qaeda members	December 26, 2002: *The Washington Post* reports on a secret detention site in Afghanistan, where the CIA uses "stress and duress" techniques	October and December 2006: The International Committee of the Red Cross (ICRC) interviews detainees that were transferred from CIA detention sites to Guantanamo
November 26, 2001: A CIA draft memorandum suggests legal defenses for using torture	End of December 2002: Detainee Abd al-Rahim al-Nashiri is threatened with a handgun and a power drill during interrogations	February 2007: The ICRC sends a classified report to the CIA that concludes that detainees were subjected to ill treatment that "constituted torture"
December 2001: James Mitchell and Bruce Jessen review an al Qaeda interrogation resistance manual and suggest countermeasures	January 28, 2003: Director of Central Intelligence (DCI) George Tenet issues interrogation and confinement guidelines	November 8, 2007: Last recorded use of the EITs
February 7, 2002: President Bush decides that al Qaeda and Taliban members are not entitled to protections under the Geneva Conventions	March 1, 2003: Capture of Khalid Sheikh Mohammed (KSM) in Pakistan; KSM is waterboarded at least 183 times by the CIA	December 2007: The Senate Select Committee on Intelligence launches an investigation into the destruction of interrogation videotapes
March 28, 2002: Capture of the first high value detainee, Abu Zubaydah, in Pakistan	June 26, 2003: President Bush states that the U.S. "is committed to the world-wide elimination of torture and leading the fight by example"	April 2008: The CIA holds no detainee after this month
April 1, 2002: The CIA tasks James Mitchell to "provide real-time	July 29, 2003: Senior administration officials reaffirm the EITs; DCI Tenet requests that White House officials "cease	January 22, 2009: President Obama issues Executive Order 13491 (Ensuring Lawful

recommendations to overcome Abu Zubaydah's resistance to interrogation"

April-May 2002: Joint CIA and FBI interrogations of Abu Zubaydah

Early June 2002: The CIA decides "to ratchet up the interrogation"

June 18, 2002: Abu Zubaydah is placed in isolation for 47 days; FBI agents withdraw

Early July: James Mitchell proposes 12 EITs; the CIA contracts Bruce Jessen

August 1, 2002: The DOJ approves 10 EITs

August 4, 2002: The use of the EITs begins

stating that US Government practices were 'humane'"

April 28, 2004: Photographs of detainee abuse at the Abu Ghraib prison are released

May 7, 2004: The CIA's Inspector General completes the "Special Review" of detention and interrogation activities

June 22, 2004: White House Counsel Alberto Gonzales publicly disavows the August 1, 2002 "torture memo"

March 2005: Mitchell and Jessen form a company (Mitchell, Jessen and Associates) specifically for conducting their work with the CIA

November 8, 2005: Jose Rodriguez, Director of the CIA's Counterterrorism Center, orders to destroy videotapes of interrogations

Interrogations), terminating the CIA's Detention and Interrogation Program

Figure 1: Timeline of the CIA's Detention and Interrogation Program

In the second step, the first author triangulated various sources to develop a comprehensive understanding of the subject matter to reduce bias (Denzin, 2006; Jick, 1979). The first author supplemented the classified documents with the SSCI's executive summary, the minority views authored by Republican members of the SSCI, the CIA's June 2013 response to the SSCI study, the DOJ "Investigation into the Office of Legal Counsel's Memoranda Concerning Issues Relating to the Central Intelligence Agency's Use of 'Enhanced Interrogation Techniques' on Suspected Terrorists," the "Independent Review Relating to American Psychological Association Ethics Guidelines, National Security Interrogations, and Torture," (which became known as the "Hoffman Report"), as well as newspaper articles and memoirs written by actors that were involved in the CIA's Detention and Interrogation Program. This step helped us to confirm the provenance of the documents and establish the trajectory of key events (Garud & Rappa, 1994). In the third and final step, the first author situated the documents in their context and related them to other sources that represented authors with different motives and perspectives (Kipping et al., 2013).

1.3.6 Coding and Analysis

Following the principles of grounded theory, we employed content-analysis methods (Gioia, Corley, & Hamilton, 2013; Strauss & Corbin, 1998). Our core concepts emerged inductively from the data through several iterations (Glaser & Strauss, 2009). The first author started by open coding the data, with a focus on moral and legal arguments for and against EITs. While discussing the emerging themes, we noticed that references to scientific evidence and professional credentials played a crucial role in the legitimation of EITs. For that reason, we decided to revisit the data and analyze how professional authority was used to legitimate torture. Refining our codification, we identified recurring codes that we collapsed into 19 first-order concepts. The first and second

author coded a 5% sample of the first-order concepts to validate the reliability of the coding framework. Cohen's kappa for the sample across all codes in our analysis was 0.828, which is above the 0.80 threshold indicating excellent agreement beyond chance (Landis and Koch, 1977). We then examined how these first-order concepts interrelated to identify how internal actors constructed torture techniques as legitimate. We cycled iteratively between data, emerging themes, and the literature, identifying five more abstract and general second-order themes. Finally, we linked the emerging phenomena by aggregating the second-order themes into two theoretical dimensions. We repeated this procedure multiple times to ensure that the raw data and our coding interpretations matched. Table 1 shows the data structure of the first-order concepts, second-order themes, and aggregate dimensions, while Table 2 in the Appendix provides examples of each first-order concept.

First-order concepts	Second-order themes	Aggregate theoretical dimensions
A. Interpreting vague legal terms	1. Legal distinction	Categorical rationalization
B. Suggesting legal defenses		
C. Determining the scope and applicability of the law		
D. Citing legal doctrine		
E. Discussing legislative history		
F. Pointing to origins in military training	2. Evidence-based distinction	
G. Describing effects observed during military training		
H. Purporting the safety of the techniques		
I. Affirming the effectiveness of the techniques		
J. Obfuscating distinction	3. Commensuration	
K. Establishing measurable parameters and limits		
L. Accentuating interrogation experience	4. Invoking expertise	Scientization
M. Emphasizing academic credentials and specialized knowledge		
N. Consulting with researchers and other experts		
O. Establishing a training curriculum		
P. Stipulating a scientific mission	5. Leveraging scientific practice and language	
Q. Using scientific jargon		
R. Reviewing and citing academic research		
S. Medical and psychological monitoring		

Table 1: Data structure

1.4 Findings

Our findings show that professional authority played a crucial role in construing practices of torture that were medieval in origin and rejected by previous U.S. governments—as legal and scientific methods of interrogation. After the 9/11 attacks, the CIA hired two psychologists, James Mitchell and Bruce Jessen, who had worked with the U.S. Air Force Survival, Evasion, Resistance, and Escape (SERE) school to assist with developing the Detention and Interrogation Program. The contract psychologists proposed techniques adapted from SERE training for interrogating captured al Qaeda operatives. During the development and initial application of the EITs, Mitchell and Jessen engaged in active exchanges with prominent psychologists and senior representatives of the APA. The CIA decided that psychologists and medical personnel would monitor the application of EITs. Crucially, senior government lawyers like Alberto Gonzales, John Yoo, and Jay Bybee lent these techniques legal authority by establishing a difference between EITs, which they proclaimed lawful, and torture, which remained unlawful.

1.4.1 Categorical Rationalization

We use the term "categorical rationalization" to refer to the process through which professionals defined EITs as a distinct category of interrogation methods that were regarded as verging on, but not qualifying as torture. We thereby complement Anteby's (2010) notion of narrative distinction by showing that, apart from moral narratives, professionals also use legal interpretations, references to evidence and tradition, and commensuration to distinguish between legitimate and illegitimate practices. In this case, categorical rationalization involved three strategies—legal distinction, evidence-based distinction, and commensuration—for differentiating torture from EITs, which we discuss below.

Legal distinction. We use this term to describe the process through which legal authorities determine whether a practice is lawful and distinguish legal from illegal conduct. Government lawyers created a legal distinction between illegal torture and legal EITs by interpreting vague legal terms, suggesting legal defenses, determining the scope and applicability of the law, citing legal doctrine, and discussing legal history.

A key challenge for the CIA was to render practices that essentially amounted to torture compatible with the long-standing obligations of the U.S. to abide by international humanitarian law. Previous administrations had committed the U.S. to the principles of Article 3 of the Geneva Conventions, which outlaws the use of torture. The Geneva Conventions require signatory nations to enact criminal legislation, punishing anyone that engages in "grave breaches" defined as the "willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to [the] body or health" of prisoners. The U.S. War Crimes Act (18 U.S. Code § 2441) incorporated the language of the Geneva Conventions, making such breaches punishable by death.

At the beginning of 2002, lawyers working for the White House and the DOJ's Office of Legal Counsel (OLC)[1] constructed a legal rationale for stripping captured terrorists from such protections and justifying the use of practices amounting to torture. The categorical rationalization of these practices as legitimate by government lawyers is contained in a cluster of secret memos now known as the "Torture Memos" among the critics of EITs. Two memos written by OLC attorney John Yoo and White House counsel Alberto Gonzales in January 2002 demonstrate a pattern of legal reasoning designed to draw a distinction between the events of 9/11 and the concept

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[1] The OLC is an office in the DOJ that "provides legal advice to the President and all executive branch agencies" (DOJ, n.d.).

of "war," as it is conceived in the Geneva Conventions and the U.S. War Crimes Act. In these two memos, al Qaeda and Taliban members are designated as "unlawful enemy combatants" and, as such, denied the protections of international humanitarian law that generally governs armed conflicts (DOJ, 2002a; Gonzales, 2002). To underline that captured terrorists were not considered Prisoners of War (POWs) pursuant to the Third Geneva Convention, government officials referred to them as "detainees" instead of "prisoners."

The January 2002 memos established a legal distinction between the 9/11 terrorist attacks and the acts that according to international conventions are recognized as warfare, which consequently differentiated captured terrorists from POWs. In much the same vein, on August 1, 2002, two OLC memos distinguished illegal practices of torture from legal EITs. The legal opinions were drafted by John Yoo but signed by his supervisor, Assistant Attorney General Jay Bybee. Referring to the advice of the two contract psychologists, the first memo approved ten EITs, described in Table 3, for the interrogation of the first captured high value detainee, Abu Zubaydah: "attention grasp," "walling," "facial hold," "facial slap," "cramped confinement," "wall standing," "stress positions," "sleep deprivation," "waterboard," "use of diapers," and "use of insects."

Name of technique	Description of technique
Attention grasp	The attention grasp consists of grasping the detainee with both hands, with one hand on each side of the collar opening, in a controlled and quick motion. In the same motion as the grasp, the detainee is drawn toward the interrogator.
Walling	The individual is stood in front of a specifically constructed flexible wall. The individual's heels touch the wall. The individual is pulled forward and then quickly and firmly pushed into the wall. The head and neck are supported with a rolled hood or towel that provides a c-collar effect to help prevent whiplash. Contact with the wall is made with the individual's shoulder blades. To reduce the probability of injury, the individual is allowed to rebound from the wall.

Facial hold	The facial hold is used to hold the detainee's head immobile. The interrogator places an open palm on either side of the detainee's face and the interrogator's fingertips are kept well away from the detainee's eyes.
Facial slap (insult slap)	The slap is delivered with fingers slightly spread. Contact should be made with the area directly between the tip of the chin and the bottom of the corresponding earlobe.
Cramped confinement	In cramped confinement, the detainee is placed in a confined space, typically a small or large box, which is usually dark. Confinement in the smaller space (21 inches wide, 30 inches deep and 30 inches high) lasts no more than two hours and in the larger space (85 inches long, 30 inches wide and 20 inches deep) it can last up to 18 hours.
Insects	Insects placed in a confinement box involve placing a harmless insect in the box with the detainee.
Wall standing	During wall standing, the detainee may stand about 4 to 5 feet from a wall with his feet spread approximately to his shoulder width. His arms are stretched out in front of him and his fingers rest on the wall to support all his body weight. The detainee is not allowed to reposition his hands or feet.
Stress positions	A variety of stress positions are possible. They focus on producing mild physical discomfort from prolonged muscle use, rather than pain associated with contortions or twisting of the body. The two discussed were (1) the subject sitting on the floor with legs extended straight out in front of him with his arms raised above his head; and (2) having the subject kneel on the floor and lean back at a 45 degree angle.
Sleep deprivation	Preventing sleep is intended to have the effect of reducing the subject's ability to think on his feet secondary to fatigue and to motivate him to cooperate because of the discomfort associated with sleep debt. For most people, the effects of sleep deprivation remit after one or two nights of uninterrupted sleep. In rare circumstances, individuals redisposed to psycho-logical problems may display abreactions, but these too generally remit after the individual sleeps. The record (Guinness Book of World Records) of voluntary sleep deprivation is 205 hours with the subject showing no significant psychological problems and quick recovery after one or two days of sleep.
Waterboard	With this procedure, individuals are bound securely to an inclined bench. Initially a cloth is placed over the subject's forehead and eyes. As water is applied in a controlled manner, the cloth is slowly lowered until it also covers the mouth and nose. Once the cloth is saturated and completely covering the mouth and nose, subject would be exposed to 20 to 40 seconds of restricted airflow. Water is applied to keep the cloth saturated. After the 20 to 40 seconds of restricted airflow, the cloth is removed and the subject is allowed to breathe unimpeded. Water is usually applied from a canteen cup or small watering can with a spout.
Use of diapers	The subject appears to be very fastidious. He spends much time cleaning himself and seems to go out of his way to avoid circumstances likely to bring him in contact with potentially unclean objects or materials. He is very sensitive to situations that reflect a loss of status or are potentially

	humiliating. One way to leverage his concerns, while helping ensure his wound doesn't become infected with human waste when in cramped confinement is to place him in an adult diaper. If soiled, care would have to be taken to keep human waste out of his leg wound.

Table 3: Description of enhanced interrogation techniques

The August 1, 2002 memos established complex definitional distinctions between torture and EITs. Citing the U.S. War Crimes Act, Bybee and Yoo defined torture as "an act committed by a person acting under the color of law specifically intended to inflict severe physical pain or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody of physical control" (18 U.S. Code § 2340(1)). The OLC officials focused their legal interpretation on the degree of distress that the word "severe" implies, which needed to be exceeded for an act to constitute torture. Bybee and Yoo argued that this term was vague and required interpretation:

> The statute does not, however, define the term "severe." "In the absence of such a definition, we construe a statutory term in accordance with its ordinary or natural meaning." […] The dictionary defines "severe" as "[u]nsparing in exaction, punishment, or censure" or "[I]nflicting discomfort or pain hard to endure; sharp; afflictive; distressing; violent; extreme; as *severe* pain, anguish, torture." […] Thus, the adjective "severe" conveys that the pain or suffering must be of such a high level of intensity that the pain is difficult for the subject to endure. (DOJ, 2002b: 5)

According to the interpretation of the OLC lawyers, the term "severe" only covers the most extreme forms of pain; namely, physical damage that could "rise to the level of death, organ failure, or the permanent impairment of a significant body function" (DOJ, 2002b: 6). Concrete "acts inflicting severe pain that typify torture" included "severe beatings with weapons such as clubs, and the burning of prisoners" (DOJ, 2002c: 10). On the basis of the information provided by the contract psychologists and the CIA, Bybee and Yoo concluded that EITs would not cross the threshold of "severe" physical and mental pain, but rather cause "physical discomfort" in detainees that would encourage them "to disclose critical information" (DOJ, 2002c: 13). Even if an

interrogation technique exceeded the threshold of "severe" pain, the main criterion for deciding whether the application of that technique constituted torture was whether it had been the "specific intent" of the interrogator to cause severe pain. In effect, interrogators who tortured an individual but later claimed that their aim had been to collect information instead of inflicting pain, could not be prosecuted. This made it virtually impossible for EITs to constitute torture from a legal point of view.

Furthermore, Yoo and Bybee provided several legal defenses in the event that an EIT was found to violate 18 U.S. Code § 2340A and constitute torture. For instance, they suggested invoking a "necessity defense," on the grounds that committing the criminal act of torture could be justified to prevent a greater harm:

> It appears to us that under the current circumstances the necessity defense could be successfully maintained in response to an allegation of a Section 2340A violation. [A] detainee may possess information that could enable the United States to prevent attacks that potentially could equal or surpass the September 11 attacks in their magnitude. Clearly, any harm that might occur during an interrogation would pale to insignificance compared to the harm avoided by preventing such an attack, which could take hundreds or thousands of lives. (DOJ, 2002b: 40–41)

The OLC lawyers also provided legal arguments construing self-defense as a justification for torture:

> the nation's right to self-defense has been triggered by the events of September 11. If a government defendant were to harm an enemy combatant during an interrogation in a manner that might arguably violate Section 2340A, he would be doing so in order to prevent further attacks on the United States by the al Qaeda terrorist network. In that case, we believe that he could argue that his actions were justified by the executive branch's constitutional authority to protect the nation from attack. (DOJ, 2002b: 46)

Furthermore, Bybee and Yoo stipulated that, as a last resort, 18 U.S. Code § 2340A "does not apply to the President's detention and interrogation of enemy combatants pursuant to his Commander-in-Chief authority" (DOJ, 2002b: 35). The argument that laws prohibiting torture did

not bind the President effectively gave then President Bush the authority to order any interrogation method he deemed necessary even if it involved torture.

The OLC interprets the law, evaluates whether pending legislation is compatible with the Constitution, and provides binding legal advice to the President and the entire executive branch. Apparently, the OLC strives "for clarity and conciseness in the analysis and a balanced presentation of arguments on each side of an issue" to provide "candid, independent, and principled advice—even when that advice may be inconsistent with the desires of policymakers" (DOJ, 2005b: 1). However, the OLC's categorization of EITs as practices that were lawful in the context of the War on Terror suggests that, at times, lawyers can transform the meaning of the law so that it is in line with partisan interests (Suchman & Edelman, 1996). Indeed, while the law is often portrayed as impartial and authoritative, the "legal distinction" strategy shows that, in fact, the law is malleable, political, and socially constructed (Suchman & Edelman, 1996). Legal experts, who are a crucial source of what Weber (1947) termed "rational-legal authority," play a key role in enacting legal provisions by interpreting their often ambiguous meaning (Baier, March, & Saetren, 1986; Weick, 1979). The prevalent belief is that legal authorities have the right to interpret the law and define what constitutes appropriate behavior (Tyler & Jackson, 2014; Weber, 1947). Hence, legal authorities play a crucial role in putting the law's coercive power into practice (Scott, 2008).

Evidence-based distinction. We describe the process through which professionals draw on empirical evidence and tradition to categorize practices as rational, proven, and reliable as "evidence-based distinction." With the help of the contract psychologists, the CIA created an evidence-based distinction between torture and EITs by pointing to the techniques' origins in

military training, describing effects observed during military training, purporting the safety of the techniques, and affirming their effectiveness.

The EITs that the contract psychologists recommended were adapted from the SERE training that the U.S. Army, Navy, and Air Force provide to personnel at risk of being captured during military operations in hostile environments. Trainees on the SERE program are taught to evade enemy capture and to resist harsh treatment in captivity by being exposed to physical and psychological interrogation methods that do not comply with the Geneva Conventions (U.S. Senate, 2008). According to the training instructions, the SERE program is designed to build, not break, resistance: "Maximum effort will be made to ensure that students do not develop a sense of 'learned helplessness' during the pre-academic laboratory" (DOD, 2002: 4).

Both contract psychologists Mitchell and Jessen had been employed on the U.S. Air Force SERE training. When they proposed EITs to the CIA, they emphasized that these were "the same techniques used on U.S. soldiers during SERE training" (CIA, 2002h: 5). The claim that EITs were "validated by the training methods employed for U.S. Special Forces" was crucial to construing them as tried and tested (CIA, 2002e: 3). Mitchell and Jessen stressed that they had modeled the EITs on established military methods, used to train thousands of U.S. soldiers, and could therefore not constitute torture. After all, the U.S. military had taken precautions to ensure that soldiers would not suffer any lasting harm from their training:

> CIA interrogation techniques have all been adapted from military Survival, Evasion, Resistance, Escape ("SERE") training. Although there are obvious differences between training exercises and actual interrogations, the fact that the United States uses similar techniques on its own troops for training purposes strongly suggests that these techniques are not categorically beyond the pale. (DOJ, 2005c: 3)

Mitchell and Jessen gathered and reviewed evidence on the use of these techniques in military training, focusing on their physical and mental effects on soldiers. The contract psychologists'

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review of the empirical evidence enabled them and the CIA to claim credibly that EITs would have

no considerable negative effects:

> Of the 26,829 students trained from 1992 through 2001 in the Air Force SERE training, 4.3 percent of those students had contact with psychological services. Of those 4.3 percent, only 3.2 percent were pulled from the program for psychological reasons. Thus, out of the students trained overall, only 0.14 percent were pulled from the program for psychological reasons. (DOJ, 2002c: 5)

On the basis of their review of data gathered from military training, which included analyses of

individual EITs, such as waterboarding, the contract psychologists informed the CIA and DOJ that

"in many years of use on thousands of participants in SERE training, the waterboard technique

[…] has not resulted in any cases of serious physical pain or prolonged mental harm" (DOJ, 2005a:

15). Similarly, the contractors' survey emphasized "that the Navy has not reported any significant

long term mental health consequences from use of the waterboard in training" (CIA, 2002j: 2).

The review of this and other techniques used in SERE training was key to claiming that EITs were

different from torture.

The fact that EITs originated from established military training methods allowed the CIA

to suggest that the techniques were safe and that detainees would not be exposed to "anything

which has not been approved, and proven safe for use on our own people by long use in the SERE

program" (CIA, n.d.-a: 1). The contract psychologists asserted that EITs were benign and would

"not engender lasting and severe mental or physical harm" (CIA, 2002i: 2). Waterboarding for

instance was depicted as "a controlled acute episode, lacking the connotation of a protracted period

of time generally given to suffering" (DOJ, 2002c: 11). Similarly, regarding sleep deprivation,

Bruce Jessen made the following claim:

> People can go hundreds of hours with sleep deprivation and not have ill effects. It weakens your ability to resist and muster that energy to fight back against what is going on. It's a great technique to use and doesn't hurt anyone. (CIA, 2003a: 5)

Besides the techniques' safety, the CIA also stressed their effectiveness, presenting them as superior to the allegedly ineffective traditional rapport-building techniques used by the Federal Bureau of Investigation (FBI). According to the contract psychologists' review of al Qaeda's training manual, the CIA should expect senior al Qaeda operatives to resist traditional interrogation techniques. In contrast, EITs were depicted as the only effective means of gathering information:

> Our experience has repeatedly shown how important these techniques are to leading detainees to reveal information. In the case of KSM [Khalid Shaykh Muhammad] for example, he initially refused to cooperate. Only after we initiated the use of enhanced measures did he reveal actionable information. (CIA, 2004b: 2)

The contract psychologists suggested that EITs such as the "confinement box" had "a history of demonstrated effectiveness in the SERE program" (CIA, 2002b: 1) and were a "highly effective way to move past the 'throw away' intelligence" (CIA, 2002a: 3). Mitchell and Jessen insisted particularly on the use of the waterboard, claiming that "without the waterboard, the remaining pressures would constitute a 50 percent solution and their effectiveness would dissipate progressively over time" (CIA, 2002j: 2). They furthermore suggested that waterboarding was "historically the most effective interrogation technique used by the U.S. military" and was "almost 100 percent effective in producing cooperation among the trainees" (DOJ, 2002c: 6).

The evidence-based distinction strategy suggests that appeals to long-standing practice play an important role in distinguishing legitimate from illegitimate conduct (Nelson, 1993; Suddaby & Greenwood, 2005; Weber, 1947). The tradition of applying similar techniques that had been "handed down from the past" (Weber, 1947: 334), originating in U.S. military training, was used as evidence to depict EITs as safe, reliable, and rational. The alleged sense of continuity between SERE training methods and EITs (Suddaby & Greenwood, 2005) conferred to them a status of cognitive validity and taken-for-grantedness (Bitektine & Haack, 2015).

Commensuration. Working with the contract psychologists, the CIA engaged in a process of commensuration to legitimate torture. Commensuration describes "the comparison of different entities according to a common metric" as a "vehicle of rationalization" (Espeland & Stevens, 1998: 313). The CIA used this common method of employing objective measures and standards to present subjectively different entities or practices as comparable to differentiate between two categories of qualitatively experienced pain and extreme distress: EITs and torture.

To avoid allegations of torture, the contract psychologists used what we describe as "obfuscating distinction," to claim that EITs were qualitatively different from ancient practices of torture because they were neither designed nor intended to cause severe pain:

> Finally, in sharp contrast to those practices condemned as torture over the centuries, the techniques we consider here have been carefully evaluated to avoid causing severe pain or suffering to the detainees. As OMS [CIA's Office of Medical Services] has described these techniques as a group: In all instances the general goal of these techniques is a psychological impact, and not some physical effect, with a specific goal of "dislocat[ing] expectations regarding the treatment he believes [the detainee] will receive." (DOJ, 2005a: 30)

Regarding the EIT of "dietary manipulation," for instance, the CIA asserted that the stipulated strict caloric limits resembled weight-loss programs popular in the U.S. and would therefore not cause severe physical pain amounting to torture:

> Although we do not equate a person who voluntarily enters a weight-loss program with a detainee subjected to dietary manipulation as an interrogation technique, we believe that it is relevant that several commercial weight-loss programs available in the United States involve similar or even greater reductions of caloric intake. (DOJ, 2005a: 31)

In sum, the CIA used measurable parameters and limits, based on the reports of the contract psychologists, to operationalize the qualitative difference between EITs and torture. For instance, "confinement box" sessions were limited to 18 hours in the large, coffin-size confinement box and no more than two hours in the small confinement box, which was 21 inches wide, 2.5 feet deep, and 2.5 feet long (SSCI, 2014). Interrogation teams were provided with timekeeping devices to

ensure compliance with these measurable limits: "Where a specific time period was allowed for a particular technique, a timekeeper was used to ensure that the techniques was [sic] only employed within the timeframe authorized" (CIA, 2003b: 4). For example, for "sleep deprivation," which was limited to a maximum of 180 hours, the CIA developed a formula to calculate the time detainees would need to recover from the resulting sleep deficit:

> [A] detainee should be allocated 8 + [(Number of sleep cycles lost – 1) x (6 hours of core sleep per cycle) x (.33). The .33 represent the actual percentage of lost core sleep time that subjects make up for in extended sleep deprivation experiments. (CIA, 2004c: 16)

Such formulas and other means of quantification suggested that EITs and their effects could be measured with precision and therefore justified as rational clinical practices, rather than torture.

The strategy of operationalizing torture in quantitative terms was crucial to differentiate EITs from torture. For instance, the contract psychologists, the CIA, and the DOJ determined that if a detainee was subjected to waterboarding strictly for a specific time period, the threshold of "severe" pain would not be exceeded:

> an "application" during a waterboard session is the time period in which water is poured on the cloth being held on the subject's face. Under the DCI [Director of Central Intelligence] interrogation guidelines, the time of total contact of water with the face will not exceed 40 seconds. The vast majority of applications are less than 40 seconds, many for fewer than 10 seconds. Individual application lasting 10 seconds or longer will be limited to no more than 10 applications during any one waterboard session. The Agency will limit the aggregate of applications to no more than 12 minutes in any one 24-hour period. (CIA, 2004c: 19)

Here, the logic of rationalization is applied in the form of commensurability. Limiting each waterboarding session and its phases to periods ostensibly calculated on a scientific basis, the CIA aimed to construct the illusion of reasoned justification for what was previously deemed immoral and illegal. Stipulating measurable limits on the application of EITs captures the essence of Weber's (1946: 139) concept of rationality, as "the knowledge or belief […] that there are no

mysterious incalculable forces that come into play, but rather that one can master all things by calculation." The CIA's distinction between torture and EITs is premised on quantifying both the intensity of and the duration of mental and physical pain.

As studies on how government organizations use performance measures have shown, performance measures and related techniques of commensuration are useful mechanisms of rationalization for two reasons (Townley, Cooper, & Oakes, 2003). First, numbers "have an unmistakable power in modern culture" (Rose, 1991: 673), lending a degree of scientific authority to decision making, as it is often and sometimes wrongly assumed that number-driven measures are independent of self-interest and political judgments. Second, quantification in the form of performance measures is typically attached to desired outcomes or goals whose morality can often be obscured by the assiduity of striving to achieve those measures as such. In other words, quantifiable performance measures make it easier for managers to substitute ends for means (Ouchi & Maguire, 1975; Townley et al., 2003). In our study, the professionals involved in the EITs program used the expertise associated with their profession as a knowledge mandate (Halliday, 1985) to legitimate forms of extreme duress—the EITs—as quantitatively and therefore qualitatively distinct from torture.

Halliday (1985) argued that different bodies of knowledge underpin different "knowledge mandates" that define the scope and degree of influence have over their primary audiences; i.e., the public and the state. He identified three types of professional knowledge mandates. *Normative knowledge* is premised on an understanding of prevailing cultural norms and values in the social context in which a profession exercises its authority. The normative knowledge mandate authorizes professional groups such as the legal profession to develop laws of conduct based on their expert understanding of community values and standards of appropriateness (Shils, 1965). *Scientific*

knowledge, by contrast, derives from an understanding of the laws of the physical world. Professions that possess scientific knowledge include doctors, engineers and so on. Finally, *syncretic knowledge* is an "amalgam of scientific and normative elements" (Halliday, 1985: 426). The military and academics are professional groups that evince syncretic knowledge.

Our results demonstrate how the CIA and its collaborators mobilized all three forms of professional knowledge mandates to legitimate torture by constructing EITs as a distinct category of interrogation that verges on, but does not reach quantitatively or qualitatively, the threshold of torture. Government lawyers, working closely with contract psychologists created the abstract legal category of EITs, populated it with a scientifically defined set of practices that they claimed did not meet the legal criteria for being recognized as torture, and then created performance measures that operationalized the distinction. In other words, they employed a claim of professional knowledge to define a distinct class of activities in a theoretical context, then attached to that claim empirical content to operationalize it, and finally reified it by formally assigning to it the property of legality.

1.4.2 Scientization

Scientization refers to the process by which a social or cultural practice is made to appear valid or, in our case, legitimate through adopting the form and language of science, but not the substance of the scientific method. Scientization is an outcome of the inexorable expansion of rationality in society (Weber, 1946) and feeds the growing expectation that science can address all societal problems (Drori & Meyer, 2006). "Scientizing" a social practice means lending it a scientific character through the ostensible demonstration of scientific expertise and the inappropriate application of scientific discourse to persuade an audience that this practice is objectively valid (Karjalainen, Islam, & Holm, 2021). Here we use the term to refer to the process by which the

trappings of scientific expertise and scientific discourse were used to make practices that were previously illegal and illegitimate appear legitimate and therefore legal.

Invoking expertise. Contract psychologists Mitchell and Jessen "invoked expertise" by pointing to their experience, academic credentials, and specialized knowledge in interrogations. The CIA credited the contract psychologists with providing objective recommendations and applying scientific methods that would achieve results. Moreover, Mitchell and Jessen consulted with prominent psychologists and other experts and established a training curriculum to prepare CIA officers for using EITs.

The CIA consulted with James Mitchell and Bruce Jessen because it lacked in-house expertise in interrogating terrorists (CIA, 2007a). The Chief of the Research and Analysis Branch of the CIA's Operational Assessment Division, Kirk Hubbard, introduced Mitchell and Jessen to the CIA when the agency was exploring methods to interrogate senior al Qaeda members (Bloche, 2011; Hoffman et al., 2015). In December 2001, the CIA's Office of Technical Services commissioned Mitchell and Jessen to research al Qaeda's interrogation resistance strategies and to recommend countermeasures (Mitchell & Harlow, 2016; SSCI, 2014). Mitchell and Jessen concluded that al Qaeda members were trained in sophisticated resistance techniques and that traditional rapport-building interrogation techniques used by law enforcement would be ineffective and recommended developing "skillfully crafted counter-measures" to overcome the presumed resistance (CIA, 2001: 6). Notably, Mitchell and Jessen emphasized that their assessment was "based on 32 years of combined experience in providing operational support to detained U.S. personnel, training special operations personnel in resistance to interrogation, and debriefing hostages" (CIA, 2001: 2).

By highlighting their experience, particularly as military psychologists, Mitchell and Jessen validated their role as experts. Their experience in studying, developing, and applying interrogation techniques in military training helped the CIA construe EITs as professionally sound and therefore legitimate methods. A few days after the CIA captured the first high value detainee, Abu Zubaydah, in Pakistan in March 2002, the CIA contracted Mitchell to "provide real-time recommendations to overcome Abu Zubaydah's resistance to interrogation" (SSCI, 2014: 26). The CIA contracted Bruce Jessen in early July 2002 to support Mitchell in the implementation of enhanced interrogations (SSCI, 2014). The CIA highlighted both contractors' "extensive experience, gained within the Department of Defense, on the psychological and physical methods of interrogation and the resistance techniques employed as countermeasures to such interrogation" (CIA, 2003b: 4).

The contractors' academic credentials, in particular the fact that they both had a Ph.D. in psychology, and their experience as SERE instructors gave them an aura of expertise. The CIA emphasized Mitchell's credentials and specialized knowledge, stating that he held a "Ph.D. in Clinical Psychology," was a "[c]ertified SERE Psychologist" and had spent "7 years at USAF [U.S. Air Force] Survival School as SERE Psychologist" (CIA, 2002f: 2), while Jessen was "[recognized] throughout US Government agencies and internationally as an expert on resilience, survival, captivity, exploitation, and interrogation" (CIA, n.d.-b: 2). Moreover, the CIA eagerly maintained that only senior and highly qualified staff employed EITs:

> The proposed techniques are not for wide application, or for use by young and untrained personnel who might be more likely to misuse or abuse them. The average age of a CIA interrogator authorized to apply these techniques is 43, and many possess advanced degrees in psychology. (DOJ, 2007: 7)

The CIA and the contract psychologists tried to engage with and leverage the expertise of scientists and practitioners. In exchanges with the DOJ, CIA officials emphasized that while

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developing the EITs program, it had engaged extensively with "interrogation experts, including those with substantial SERE school experience, [and] with outside psychologists" (DOJ, 2002c: 18). Moreover, Mitchell and Jessen consulted "a number of psychologists and knowledgeable academics in the area of psychopathology" to gather evidence on the potential physical and mental effects of EITs (CIA, 2004a: 14). Consulting researchers enabled the CIA to claim that EITs were based on science. Specifically, from 2001 to 2004 the CIA interacted frequently with APA officials and senior psychologists on topics relating to interrogations (Hoffman et al., 2015). Mitchell and CIA officials met with psychologist Martin Seligman at his home in December 2001 to understand fully his theory of "learned helplessness," i.e., a state of induced resignedness in the face of adverse events (Hoffman et al., 2015). In 2003 and 2004, the CIA sponsored conferences to discuss the scientific evidence on the detection of deception (Hoffman et al., 2015). Well-known academics, APA representatives, government officials, and Mitchell and Jessen attended these conferences. During the conference, the two contract psychologists consulted scientists and APA representatives on how "sensory overloads" or "pharmacological agents" could help detect deception (Hoffman et al., 2015: 179). Additionally, the CIA asked former APA President Joseph Matarazzo to provide an opinion on whether sleep deprivation constituted torture (Hoffman et al., 2015). Matarazzo (2018), who confirmed this exchange, told the CIA that sleep deprivation was not torture.

With the help of the contract psychologists, the CIA established a "meticulous and rigorous interrogation training and certification program with follow-up refresher courses" (CIA, n.d.-c: 2). The training curriculum was designed to give "officers the capability of employing 'state of the art' scientifically based exploitation and interrogation tactics" (CIA, 2005b: 5). The training familiarized CIA officers with "the specific resistance strategies and techniques likely to be

employed by al-Qa'ida," taught them "to recognize and develop countermeasures for resistance techniques," and elucidated "the fundamentals of developing an interrogation plan" (CIA, 2002g: 4). The course material included "planning an interrogation, the conditioning process, resistance techniques, legal requirements, Islamic culture and religion, the Arab mind, and Al-Qa'ida networks" (CIA, 2004a: 39). To become a certified interrogator, candidates had to go through 280 hours of basic training (CIA, 2007a).

The CIA's use of contract psychologists demonstrates the nuanced and dualistic nature of expert knowledge in bureaucracies. The overt use of professional expertise is instrumental; i.e., it is primarily employed to assist an organization in achieving outcomes and is valued intrinsically for this service. However, expert knowledge can also be used symbolically. For example, corporations that rely on external auditors to validate their reports recognize not only the technical but also the legitimating value of the auditors' expert authority (Power, 2003). The consultants that advise governments on various issues serve a similar role. Importantly, consultants often justify government policies, rather than rationally evaluating them (Boswell, 2008). However, it is often difficult to tease apart the technical and symbolic effects of professional expertise, precisely because its normative and objective uses reinforce each other.

Our study reveals an important aspect of the mechanism through which professional expertise is used to legitimate questionable administrative policies: the professional experts must be *external* to the organization. While the contract psychologists hired by the CIA had previously worked for the military, their capacity to legitimate torture would be seriously compromised if they had been directly employed by the CIA, the Department of Defense, or any other branch of the federal government. Relying on experts outside the bureaucracy rationalizes the motivations of the contractors as objective and creates the illusion of independence from the political interests

of the organization that employs them. Creating the impression of objective distance is therefore crucial to using expert knowledge to legitimate immoral actions.

Endorsing torture through scientization relied on the professional expertise of psychologists who legitimated EITs without being directly involved in their design. Notably, the Hoffman Report confirms that, while the CIA consulted heavily with prominent psychologists like Martin Seligman, there was "no evidence to support the […] theory that Seligman was deeply involved in constructing or consulting on the CIA's interrogation program" (Hoffman et al., 2015: 165). The CIA cultivated ongoing associations with prominent psychologists as a form of "proxy endorsement" of EITs in which the approval of scientific experts was inferred by association rather than direct contribution. This finding suggests that scientization relies on the dualistic nature of expert knowledge, which, as Abbott (1988: 54) observes, is "less practical than symbolic." The CIA hired external professionals and consulted with academic researchers not in order to design a new program of interrogation based on scientific knowledge, but to legitimate ancient methods of torture that were well-understood to be unscientific.

Leveraging scientific practice and language. This strategy involved linking EITs to a scientific mission, using scientific jargon, reviewing academic research, consulting with psychologists and senior members of the APA, and employing psychologists and physicians to monitor interrogations, which made the EITs appear plausibly as science-based methods.

At the beginning of the Detention and Interrogation Program, the CIA was looking for experts with knowledge of research methods, particularly in the area of operational psychology, to assist in the development of interrogation techniques. In April 2002, the CIA's CTC contracted James Mitchell to "identify reliable and valid methods for conducting cross-cultural psychological assessments" (CIA, n.d.-d: 1). The aim was a "scientific, empirical, experiential based application

of counter measures to resistance to exploitation" (CIA, 2002c: 1). Accordingly, the contract psychologist's task was to "fully understand the science behind the enhanced measures" and to "focus on how to physically control the detainee in an effort to psychologically manipulate the detainee towards learned helplessness, compliance, and transition to debriefing/cooperation" (CIA, n.d.-a: 2). Mitchell and Jessen's academic background, in combination with their experience as SERE psychologists, implied that they were able to research, design, and ultimately apply scientific methods of interrogation.

On the assumption that the contract psychologists were able to "conduct applied research in high-risk operational settings" (CIA, n.d.-e: 1), the CIA charged them with a scientific mission. The CIA commissioned Mitchell and Jessen "to provide consultation and operational capabilities for the 'weaponization' of psychology as a tool in the war on terror" (CIA, 2005b: 10). Over the course of the Detention and Interrogation Program, the CIA expanded the scope of that mission, asking Mitchell and Jessen to "adapt and modify the Bandura social cognitive theory for application in operational settings" (CIA, 2003d: 2) and to "fully vet, validate and understand the physio-psychological limitations" (CIA, n.d.-a: 2) of newly proposed techniques.

The contract psychologists and CIA officials typically used dispassionate language, academic terms, and scientific jargon to describe the EITs and their effects. Interrogation protocols typically referred to detainees as "subjects" and reported on the use of EITs in a factual and neutral tone. The following CIA cable on the interrogation of Abu Zubaydah gives a taste of the clinical language used:

> The deliberate manipulation of the environment is intended to cause psychological disorientation, and reduced psychological wherewithal for the interrogation, the deliberate establishment of psychological dependence upon the interrogator as well as an increased sense of learned helplessness. (CIA, 2002a: 2)

Similarly, the CIA noted that the purpose of EITs is "to induce an exploitable mental state and then take advantage of the opening to further manipulate the detainee" (CIA, 2007b: 45). What the CIA meant by "psychological disorientation," "psychological dependence," and "exploitable mental state" and how exactly the agency would "take advantage" of this condition remained unclear, but it made EITs sound like scientific methods. At the same time, the use of jargon obfuscated the lack of data on the effects of EITs, which were impossible to study in line with ethical standards.

The contract psychologists also drew on scientific publications to justify the use of EITs. Mitchell and Jessen reviewed the pertinent literature on the psychological effects of EITs, reporting that they "uncovered no empirical data on the use of the procedures, with exception of sleep deprivation for which no long-term health consequences resulted" (DOJ, 2002c: 18). According to their literature review, the CIA's method of sleep deprivation, which was limited to 180 consecutive hours, was unproblematic: "Notably, humans have been kept continuously awake in excess of 250 hours in medical studies. There are medical studies suggesting that sleep deprivation has few measurable physical effects" (DOJ, 2007: 46). The contract psychologists cited publications by renowned scholars such as Ivan Pavlov, Martin Seligman, and Albert Bandura to suggest that EITs were rooted in behavioral and psychological research. James Mitchell claimed that EITs would constantly expose detainees to adverse and uncontrollable events, inducing a state of "learned helplessness" that in turn would make them cooperate and provide vital information. The contractors also relied on Pavlovian conditioning to evoke fears in detainees when they had thoughts of lying (Mitchell & Harlow, 2016). Referencing the works of widely recognized experts and claiming that EITs were informed by influential research made these practices look scientific and therefore legitimate.

The CIA required that physicians and psychologists were present at the detention sites to "monitor for evidence of condition or injury that most people would consider painful" and to "observe the individual for outward displays and expressions associated with the experience of pain" (CIA, 2005a: 3). Medical and psychological personnel served a dual role. First, they examined the detainees' mental and physical condition prior to interrogations and declared them fit for exposure to EITs. This served as a safeguard to ensure that a detainee "is not likely to suffer any severe physical or mental pain or suffering as a result of interrogation" (DOJ, 2005c: 8). Second, medical and psychological personnel monitored the application of EITs and the physical and mental effects that the techniques had on the detainees to ensure that the threshold of "severe" pain was not crossed during interrogations. Closely monitoring interrogations was meant to serve as a safeguard, to protect detainees from harm, and as a scientific best practice:

> OMS personnel monitor the detainee's condition throughout the application of enhanced techniques, and the interrogation team would stop the use of particular techniques or halt the interrogation altogether if the detainee's medical or psychological condition were to indicate that the detainee might suffer physical or mental harm. (DOJ, 2007: 6)

If psychologists or physicians noted any evidence that the detainee was suffering severe mental or physical pain, they had the authority to intervene and stop the interrogation. For instance, when the "dietary manipulation" technique was employed, medical doctors were requested to "closely monitor" detainees and to terminate its application in case of "any statistically significant weight loss" (DOJ, 2007: 47). Medical and psychological monitoring increased confidence in the scientific nature of EITs and, according to the CIA, prevented "escalating 'drift' in the frequency, intensity, and duration in the use of enhanced measures that could lead to increase [sic] risk of lasting mental or physical harm" (CIA, 2003c: 1). The presence of expert authority and the stipulation that scientific experts must supervise each application of EITs lent torture a façade of

scientific oversight, as it had done previously in the Milgram experiments, where the presence of a scientist in a white coat appeared to legitimate immoral actions in the eyes of the subject who was ordered to administer to another subject what he believed to be electric shocks of increasing intensity (Milgram, 1974).

Despite having the trappings of scientific rigor, however, the EITs were actually premised on myths and ceremonies, rather than substantive scientific practices. Mitchell acknowledged that he and Bruce Jessen, assessed the effectiveness of interrogations by identifying "poker tells, or body language that would tip us off to when he [Abu Zubaydah] was telling the truth and when he was being deceitful" (Mitchell & Harlow, 2016: 58). The contract psychologists' approach constitutes an operational manual for using the rhetoric and trappings of science to legitimate pseudoscientific practices. Mitchell and Jessen drew heavily on cultural assumptions of what science *should* look like to wrap torture in the guise of scientific reason. Foremost, they relied heavily on the rhetoric of science and of the scientific method to legitimate EITs.

1.5 Discussion and Conclusion

1.5.1 Contributions to the Literature on Professions

Our study makes a much-needed contribution to research on how professionals may use their status and expert knowledge to endorse immoral organizational activity. Although the dehumanizing potential of bureaucratic practices (Arendt, 1964) is well-documented, we lack a clear understanding of how professions contribute to instances of organizational wrongdoing. More specifically, we lack empirical analyses of how professionals can use technical rationality to draw arbitrary distinctions between moral and immoral practices. This is rather surprising, given the well-known role of certain professional groups in the Holocaust (Adams, 2011; Martí &

Fernández, 2013) and the prominent role played by professionals in the obedience experiments designed by Stanley Milgram which were, in fact, inspired by the trial of prominent Holocaust organizer Adolf Eichmann (Russell, 2011).

Our study offers a point of entry into a program of research that explores the role of professionals and expert knowledge in facilitating "administrative evil" (Adams & Balfour, 1998). While recent scholarship has initiated a discussion around the role of professional misconduct (Muzio et al., 2016), this stream of research focuses somewhat narrowly on ethical malfeasance within a profession. More critically, this research almost exclusively addresses professional malfeasance in commerce. Our contribution lies in demonstrating how professionals can effectively use both substantive rationality and, more importantly, the myths and ceremonies that create the impression of rationality, to legitimate bureaucratic practices that inflict serious harm to human beings. In our case study, the human suffering was somewhat narrowly circumscribed. However, growing societal awareness of the dehumanizing outcomes of colonization, slavery, and other historical examples of systemically evil administrative practices raise serious empirical questions about the unexamined role of a broad range of professionals in legitimating what is now recognized as institutionalized oppression and socially embedded immorality. Professionals may be the quintessential agents of institutions (Scott, 2008), but we should not assume, as much of the literature on professions suggests (Freidson, 2001), that professional work always benefits societal interests.

1.5.2 "Enhanced Interrogation Techniques:" A Rational Myth

The CIA and the psychologists it contracted made assiduous efforts to lend EITs a scientific and professional appearance, and therefore legitimacy. In practice, however, EITs were neither scientific nor professional. Rather, the claims of science and professionalism were only weakly

backed by substance. The pretense of scientific expertise that the contract psychologists brought to the program and the pseudoscientific language and methods they used helped construct the rational myth of legitimate and broadly desirable EITs.

Rational myths appear rational because they set out in a rule-like manner what organizations must do to be efficient. Nevertheless, they are myths, because the "validity" of their prescriptions rests on the fact that they are widely shared, rather than inherently cogent (Edelman, Uggen, & Erlanger, 1999; Meyer & Rowan, 1977; Scott, 1987). One of the rational myths that helped construe the EITs as legitimate practices was the presence of medical and psychological professionals monitoring their application, which implied that detainees would suffer no harm. Yet, the excessive applications of EITs and rampant detainee abuse, as documented in the SSCI executive summary, suggest that the presence of medical and psychological personnel served a symbolic purpose rather than as a genuine safeguard of the detainees' mental and physical health. For instance, the excessive use of the waterboard against Abu Zubaydah resulted "in immediate fluid intake and involuntary body (leg, chest and arm) spasms" (SSCI, 2014: 423). Moreover, at least five detainees were subjected to "rectal rehydration" or "rectal feeding" by medical personnel without any documented medical necessity (SSCI, 2014). Rectal feeding, also known as "nutrient enema," was a popular medical practice in medieval times (Short & Bywater, 1913), but became obsolete with the invention of intravenous feeding in the first half of the 20th century, which made the administration of nutrients safer and more efficient (Yuhas, 2014). According to CIA internal documents, medical personnel rectally infused detainees with a mix of hummus, pasta with sauce, nuts, and raisins for punishment (SSCI, 2014). Despite medical and psychological monitoring, detainees were humiliated and threatened during interrogations. Forced nudity was used because it was "an embarrassment to Muslims" (CIA, 2002k: 3) and would therefore "cause cultural

humiliation" (CIA, 2004a: 67). During an interrogation Abu Zubaydah was confronted with the threat, "'If one child dies in America, and I find out you knew something about it, I will personally cut your mother's throat'" (CIA, 2004a: 37). However, because medical and psychological personnel are normally expected to provide care and do no harm, in such cases their mere presence as well as the absence of any implicit or explicit objections rationalized the use of threats and punishments that were clearly immoral.

Another rational myth was that the effectiveness of EITs as methods for eliciting information from uncooperative detainees was backed by scientific evidence from social cognitive theory and research on concepts such as learned helplessness and Pavlovian conditioning. In fact, however, there was neither scientific research nor robust evidence on the effects and effectiveness of EITs on human subjects, because it was forbidden to conduct such research for ethical reasons. Nevertheless, the CIA created the impression that the effects and performance of EITs were quantifiable and that it was possible to calibrate "safe" limits for each procedure. With regard to the latter, however, some opinions the contract psychologists had provided were internally challenged. For example, an internal investigation conducted by the CIA's Inspector General John Helgerson concluded that there was no "*a priori* reason to believe that applying the waterboard with the frequency and intensity with which it was used by the psychologist/interrogators was either efficacious or medically safe" (CIA, 2004a: 22). Officials in the CIA's Office of Medical Services echoed this criticism, arguing that the CIA "had been poorly served by shallow research on the waterboard and its purported irresistibility" (CIA, 2007b: 40). The Office of Medical Services also challenged unequivocally Mitchell and Jessen's expertise, stating that "the experience with AZ [Abu Zubaydah] and KSM [Khalid Sheikh Mohammed] had been little more

than an amateurish experiment, with no reason at the outset to believe it would either be safe or effective (CIA, 2007b: 40–41).

In response to these challenges, the CIA attempted several times to conduct "objective" assessments of the EITs' effects and effectiveness. In 2005, a panel consisting of John Hamre, Deputy Defense Secretary in the Clinton Administration, and Gardner Peckham, an advisor to then House Speaker Newt Gingrich, concluded that "there is no objective way to answer the question of efficacy" (CIA, 2005c: 5). Similarly, an "informal operational assessment" conducted by two senior CIA officers determined that it would not be possible to assess the EITs' effectiveness without violating "Federal Policy for the Protection of Human Subjects" regarding human experimentation (SSCI, 2014). Ultimately, the actual practice of EITs suggests a loose coupling between the ideal type of rational, i.e., objective and dispassionate, methods and widespread detainee abuse, violating both scientific standards and professional ethics.

Our study reveals an important but largely unarticulated aspect of rational myths and how they are misused to legitimate immoral behavior. Rational myths are institutionalized belief systems that determine which means are appropriate for achieving goals or pursuing social purposes that emerge from the environment (Dobbin, 1994; Meyer & Rowan, 1977; Zucker, 1988). Meyer and Rowan (1977) identified two key properties of rational myths. First, rational myths tend to commodify human values, transform social purposes into technical ones, and "specify in a rule-like way the appropriate means to pursue" the latter (Meyer & Rowan, 1977: 343–344). Second, these technical purposes become embedded in broad social institutions and practices that take them "beyond the discretion of any individual participant or organization" (Meyer & Rowan, 1977: 343). Most of the subsequent empirical research on the process through which social purposes become transformed into technical purposes has focused on relatively innocuous aspects

of organizational life, such as the proliferation of personnel practices (Edelman et al., 1999), ISO certifications (Boiral, 2007), and the global expansion of organizational practices (Strang & Macy, 2001).

Considerably less attention has been paid to understanding how processes of rationalization have transformed moral and ethical values in society in general and within organizations in particular. For example, how have myths of organizational efficiency contributed to employee burnout or emotional labor? What is the role of rational myths in transforming practices like gambling, which were previously considered socially prohibited, into socially accepted practices? Our study delves into the largely unexplored capacity of rational myths to subvert ends and means, transform societal values into commercial objectives, and legitimate immoral practices by transforming them into technical purposes that they eventually institutionalize.

1.5.3 Distinguishing Moral from Immoral Conduct

Studying the legitimation of EITs improves our understanding of how professionals distinguish moral from immoral conduct (Anteby, 2010; Greve, Palmer, & Pozner, 2010). Anteby (2010), for instance, showed how professionals in the market for cadavers in New York used moral narratives to create a distinction between their own commerce and less moral independent ventures. In the case of the CIA's Detention and Interrogation Program, professionals did not rely on moral arguments to create a narrative distinction between EITs and torture, but on legal interpretations, tradition, previous experience of similar techniques, and commensuration. Apart from consequentialist arguments according to which the EITs would help saving American lives, moral arguments were strikingly absent in the legitimation process. Mainly through the professional authority of government lawyers, contract psychologists, and medical and psychological

personnel, practices that had been previously classified as torture were construed as rational and legitimate EITs.

The case of the CIA's EITs also yields insights that are important to the study of organizational wrongdoing (Greve et al., 2010; Palmer, 2008). Greve et al. (2010: 56) define organizational misconduct "as behavior in or by an organization that a social-control agent judges to transgress a line separating right from wrong; where such a line can separate legal, ethical, and socially responsible behavior from their antitheses." This definition suggests that social-control agents can shift the line separating right from wrong and thereby shape the boundaries for moral and immoral behavior. The legitimation of torture after 9/11 points to a serious and potentially dangerous limitation in the overly relativist understanding of organizational wrongdoing. Although EITs violated firmly established norms and would have been designated as wrongdoing by social-control agents under "normal" circumstances, they were nevertheless construed as morally justifiable by government officials and professionals after 9/11 suspended normality. As a result, torture became seen as an acceptable method of interrogation. In extraordinary circumstances, even in democratic countries, social-control agents can misuse their authority for strategic purposes and redefine practices that were clearly illegitimate and explicitly outlawed as legitimate and lawful.

Our study demonstrates how scientific language, methods, and measures can be mobilized by professionals to make immoral practices seem reasonable and legitimate. The effectiveness of the legitimation process relies heavily on contemporary societal values that increasingly valorize science as independent of political, commercial, or other instrumental motivations, despite substantial evidence that science can never be completely value-free (Douglas, 2009). In our extreme case study, the mechanisms by which science was used to mask immorality become

discernable. However, we suspect that, on a smaller scale, scientific rationality may be used by corporations to justify practices such as discriminatory hiring, excessive executive compensation, and a host of related unethical or ethically questionable practices.

1.5.4 Limitations and Future Research

The extraordinary circumstances of 9/11 and fears of a second wave of attacks created conditions that facilitated the legitimation of torture. Given these specific circumstances, our findings are not generalizable in a statistical sense to a larger population (Yin, 2014). Moreover, as an intelligence agency that operates largely in secret, the CIA is very different from "conventional" organizations. However, our primary aim was to produce new insights into the understudied role of professional authority in legitimating immoral actions (Yin, 2014), rather than achieving statistical generalizability. This unique case study enabled us to demonstrate empirically how professional authority facilitates the legitimation of wrongdoing, which may have implications for a range of controversial organizational practices (Bamberger & Pratt, 2010) in other contexts. Another limitation is that our analysis relies mainly on declassified documents, some of which had been heavily redacted. Furthermore, other relevant documents remain classified. It is possible that the data that are still inaccessible would have shed a different light on our findings. Our research focuses on the internal efforts of psychologists contracted by the CIA, government lawyers, and other professionals to legitimate torture after 9/11. We decided to focus on these actors because their professional authority played a decisive role in the legitimation process. Yet, other actors legitimated or contested torture in the public like the news media and human rights organizations.

Even though our research context is unique and unusual, it is important to stress that our findings on the legitimation of torture are of significant relevance to organization and management scholarship. The collective fear and anger that terrorist attacks evoke lead frequently to calls for

torture or other immoral means of protecting national security—even in democratic countries. According to *Amnesty International*, 141 countries around the world used torture between 2009 and 2013 (*Amnesty International*, n.d.). Torture is thus a pervasive phenomenon. The former U.S. President Donald Trump repeatedly justified EITs, stating for instance: "I would bring back waterboarding, and I'd bring back a hell of a lot worse than waterboarding" (McCarthy, 2016). In popular culture, torture is often presented as an effective means of extracting information that helps to save lives (Bellamy, 2006). In that regard, the insights our research yields into the legitimation of torture are relevant to scholars, policymakers, and human rights advocates alike.

Acknowledgments

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Appendix

Table 2 Dimensions, Themes, Concepts, and Quotes

Second-Order Themes and First-Order Concepts	Representative Quotes
Overarching dimension: Categorical rationalization 1. Legal distinction A. Interpreting vague legal terms	A1. First, some of the language of the GPW [Geneva Convention (III) Relative to the Treatment of Prisoners of War] is undefined (it prohibits, for example, "outrages upon personal dignity" and "inhuman treatment"), and it is difficult to predict with confidence what actions might be deemed to constitute violations of the relevant provisions of GPW. A2. The phrase "disrupt profoundly the senses or personality" is not used in mental health literature nor is it derived from elsewhere in U.S. law. Nonetheless, we think the following examples would constitute a profound disruption of the senses or personality. Such an effect might be seen in a drug-induced dementia. In such a state, the individual suffers from significant memory impairment, such as the inability to retain any new information or recall information about things previously of interest to the individual. A3. The statute provides no further definition of what constitutes a mind-altering substance. The phrase "mind-altering substances" is found nowhere else in the U.S. Code nor is it found in dictionaries. It is, however, a commonly used synonym for drugs. See, e.g., *United States v. Kingsley*, 241 F.3d 828, 834 (6th Cir.) (referring to controlled substances as "mind-altering substance[s]") cert. denied, 122 S. Ct. 137 (2001); *Hogue v. Johnson*, 131 F.3d 466, 501 (5th Cir. 1997) (referring to drugs and alcohol as "mind-altering substance[s]"), cert, denied, 523 U.S. 1014 (1998). In addition, the phrase appears in a number of state statutes, and the context in which it appears confirms this understanding of the phrase.

B. Suggesting legal defenses

B1. Under the current circumstances, we believe that a defendant accused of violating Section 2340A could have, in certain circumstances, grounds to properly claim the defense of another. The threat of an impending terrorist attack threatens the lives of hundreds if not thousands of American citizens. Whether such a defense will be upheld depends on the specific context within which the interrogation decision is made. If an attack appears increasingly likely, but our intelligence services and armed forces cannot prevent it without the information from the interrogation of a specific individual, then the more likely it will appear that the conduct in question will be seen as necessary.

B2. As Commander-in-Chief, the President has the constitutional authority to order interrogations of enemy combatants to gain intelligence information concerning the military plans of the enemy. The demands of the Commander-in-Chief power are especially pronounced in the middle of a war in which the nation has already suffered a direct attack. In such a case, the information gained from interrogations may prevent future attacks by foreign enemies. Any effort to apply Section 2340A in a manner that interferes with the President's direction of such core war matters as the detention and interrogation of enemy combatants thus would be unconstitutional.

B3. If the right to defend the national government can be raised as a defense in an individual prosecution, as *Neagle* suggests, then a government defendant, acting in his official capacity, should be able to argue that any conduct that arguably violated Section 2340A was undertaken pursuant to more than just individual self-defense or defense of another. In addition, the defendant could claim that he was fulfilling the Executive Branch's authority to protect the federal government, and the nation, from attack. The September 11 attacks have already triggered that authority, as recognized both under domestic and international law. Following the example of *In re Neagle*, we conclude that a government defendant may also argue that

his conduct of an interrogation, if properly authorized, is justified on the basis of protecting the nation from attack.

C. Determining the scope and applicability of the law

C1. In conjunction with common Article 2, the text of Article 3 simply does not reach international conflict where one of the parties is not a Nation State. If we were to read the Geneva Conventions as applying to all forms of armed conflict, we would expect the High Contracting Parties to have used broader language, which they easily could have done. To interpret common Article 3 by expanding the scope well beyond the meaning borne by the text is effectively to amend the Geneva Conventions without the approval of the State Parties to the agreements.

C2. Al Qaeda's status as a non-State actor renders it ineligible to claim the protections of the treaties specified by the WCA [War Crimes Act]. Al Qaeda is not a State. It is a non-governmental terrorist organization composed of members from many nations, with ongoing operations in dozens of nations. Its members seem united in following a radical brand of Islam that seeks to attack Americans throughout the world. Non-governmental organizations cannot be parties of any of the international agreements here governing the laws of war. Al Qaeda is not eligible to sign the Geneva Conventions—and even if it were eligible, it has not done so.

C3. Even if the course of conduct were thought to pose a threat of physical pain or suffering, it would nevertheless—on the facts before us—not constitute a violation of Section 2340A. Not only must the course of conduct be a predicate act, but also those who use the procedure must actually cause prolonged mental harm. Based on the information that you have provided lo us, indicating that no evidence exists that this course of conduct produces any prolonged mental harm, we conclude that a course of conduct using these procedures and culminating in the waterboard would not violate Section 2340A.

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D. Citing legal doctrine

D1. To violate Section 2340A, the statute requires that severe pain and suffering must be inflicted with specific intent. See 18 U.S.C. § 2340(1). In order for a defendant to have acted with specific intent, he must expressly intend to achieve the forbidden act. See *United States v. Carter*, 530 U.S. 255, 269 (2000); Black's Law Dictionary at 814 (7th ed. 1999) (defining specific intent as "[t]he intent to accomplish the precise criminal act that one is later charged with"). For example, in *Ratzlaf v. United States*, 510 U.S. 135, 141 (1994), the statute at issue was construed to require that the defendant act with the "specific intent to commit the crime."

D2. In criminal law, courts generally determine whether an individual's words or actions constitute a threat by examining whether a reasonable person in the same circumstances would conclude that a threat had been made. See, e.g., *Watts v. United States*, 394 U.S. 705, 708 (1969) (holding that whether a statement constituted a threat against the president's life had to be determined in light of all the surrounding circumstances); *Sachdev*, 279 F.3d at 29 ("a reasonable person in defendant's position would perceive there to be a threat, explicit, or implicit, of physical injury").

D3. The Supreme Court has used the following example to illustrate the difference between these two mental states: [A] person entered a bank and took money from a teller at gunpoint, but deliberately failed to make a quick getaway from the bank in the hope of being arrested so that he would be returned to prison and treated for alcoholism. Though this defendant knowingly engaged in the acts of using force and taking money (satisfying "general intent"), he did not intend permanently to deprive the bank of its possession of the money (failing to satisfy "specific intent").

E. Discussing legislative history

E1. When it submitted the Convention to the Senate, the Reagan administration took the position that CAT [Convention against Torture] reached only the most heinous acts. The Reagan administration included the following understanding: The United

States understands that, in order to constitute torture, an act must be a deliberate and calculated act of an extremely cruel and inhuman nature, specifically intended to inflict excruciating and agonizing physical or mental pain or suffering. S. Treaty Doc. No. 100-20, at 4-5.

E2. Analysis of the background to the adoption of the Geneva Conventions in 1949 confirms our understanding of common Article 3. It appears that the drafters of the Conventions had in mind only the two forms of armed conflict that were regarded as matters of general international concern at the time: armed conflict between Nation States (subject to Article 2) and large-scale civil war within a Nation State (subject to Article 3). To understand the context in which the Geneva Conventions were drafted, it will be helpful to identify three distinct phases in the development of the laws of war.

E3. The Geneva Conventions were approved by a diplomatic conference on August 12, 1949, and remain the agreements to which more States have become parties than any other concerning the laws of war. Convention I deals with the treatment of wounded and sick in armed forces in field; Convention II addresses treatment of the wounded, sick, and shipwrecked in armed forces at sea; Convention III regulates treatment of POWs [Prisoners of War]; Convention IV addresses the treatment of citizens. While the Hague Convention IV establishes the rules of conduct against the enemy, the Geneva Conventions set the rules for the treatment of the victims of war.

2. Evidence-based distinction
  F. Pointing to origins in military training

F1. The techniques are drawn from methods used in DOD interrogation resistance training at the Survival, Evasion, Resistance, and Escape ("SERE") schools.

F2. CIA's Enhanced Interrogation Techniques (EITs) are based on DOD's SERE training methodology, which is used to prepare US servicemen for possible capture, detention, and interrogation in hostile areas, and were all found to be lawful by DOJ before they were used.

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F3. Each of the CIA's enhanced interrogation techniques has been adapted from military SERE training, where the techniques have long been used on our own troops.

G. Describing effects observed during military training

G1. SERE notes that 5000-6000 U.S. military personnel undergo this training each year. The few who are unable to complete the box training usually have a preexisting condition that is aggravated by the box, claustrophobia or clinical anxiety being the two primary concerns.

G2. The experience of the SERE psychologist here is that approximately 60 percent of individuals find the confinement box an unwanted experience that further mobilizes the individual's willingness to comply with interrogators requests in order to avoid being put in the box again.

G3. Moreover, he has indicated that during the three and a half years he spent as [redacted] of the SERE program, he trained 10,000 students. Of those students, only two dropped out of the training following the use of these techniques. Although on rare occasions some students temporarily postponed the remainder of their training and received psychological counseling, those students were able to finish the program without any indication of subsequent mental health effects.

H. Purporting the safety of the techniques

H1. Given the relatively small amount of water that is applied and the method of application, there are virtually no health or safety concerns with water PFT [pouring, flicking, or tossing] as part of an approved interrogation plan.

H2. The SERE program provided empirical evidence that the techniques as used in the SERE program were safe. As a result of subjecting hundreds of thousands of military personnel to variations of the six techniques at issue here over decades, the military has long experience with the medical and psychological effects of such techniques.

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H3. Fear of the unknown, sleep deprivation, with a friendly approach mixed in are the best techniques. You can use this almost indefinitely and not hurt anyone.

I. Affirming the effectiveness of the techniques

I1. SERE trainers consider it [waterboarding] their most effective technique, and deem it virtually irresistible in the training setting.

I2. An independent review conducted in 2005 on the efficacy of authorized EITs determined that EITs were generally effective in producing a state of cooperation needed to obtain intelligence.

I3. Collectively, these techniques had been dramatically successful in producing indispensable intelligence not otherwise obtainable. Though often discounted in the press, the information that flowed out of detainee interrogations and debriefings had led to the capture of other key al-Qa'ida players and the disruption of several planned attacks.

3. Commensuration
   J. Obfuscating distinction

J1. The program, moreover, is designed to minimize the risk of injury or any suffering that is unintended or does not advance the purpose of the program. For example, in dietary manipulation, the minimum caloric intake is set at or above levels used in commercial weight-loss programs, thereby avoiding the possibility of significant weight loss.

J2. While the CIA uses some "corrective techniques" that involve physical contact with the detainees, the CIA has stated that they are used to upset the detainee's expectations and to regain his attention, and they would not be used with an intensity or frequency to cause significant physical pain, much less to constitute the type of beating implied by the term "serious physical abuse."

J3. this technique [walling] is not designed to, and does not, cause severe pain, even when used repeatedly as you have described. Rather, it is designed to wear down the detainee and to shock or surprise the detainee and alter his expectations about the treatment he believes he will receive. In particular, we specifically understand that the

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repetitive use of the walling technique is intended to contribute to the shock and drama of the experience, to dispel a detainee's expectations that interrogators will not use increasing levels of force, and to wear down his resistance. It is not intended to—and based on experience you have informed us that it does not—inflict any injury or cause severe pain.

K. Establishing measurable parameters and limits

K1. the waterboard is currently subject to the following limits: no more than two sessions a day; sessions on no more than 5 out of 30 days; sessions last no more than two hours each; no single application can exceed 40 seconds and no more than 6 applications exceeding 10 seconds in any one session; no more than 12 minutes total application per day.

K2. The scope of this technique is limited: The detainee would be subjected to no more than 96 hours of continuous sleep deprivation, absent specific additional approval, including legal approval from this Office and approval from the Director of the CIA; the detainee would be allowed an opportunity for eight hours of uninterrupted sleep following the application of the technique; and he would be subjected to no more than a total of 180 hours of the sleep deprivation technique in one 30-day period.

K3. As a practical matter, and with OMS concurrence, there were to be two sizes of confinement boxes. Confinement in the previously described larger box would be limited to 8 hours (and no more than 18 hours total in a 24 hour period). A much smaller box also would be built, measuring 30" high x 21"x 30". Confinement in this box would be limited to two hours.

Overarching dimension: Scientization
4. Invoking expertise
  L. Accentuating interrogation experience

L1. CIA's current contract cadre of senior certified interrogators consists of: - a clinical psychologist with 18 years experience in intelligence operations related to human behavior in captivity,

interrogation and resistance to interrogation, with five years experience in the CIA program; - a clinical psychologist with 20 years expertise in intelligence operations related to human behavior in captivity, interrogation and resistance interrogation, with five years experience in the CIA program.

L2. Combined, they have over 38 years of experience in this area and have demonstrated the expertise to assist in the development of psychological assessment tools in the arenas of framing exploitation questions.

L3. Extensive experience questioning hostile, deceptive subjects for psychological profiling, forensic assessment, sanity evaluations, suitability for continued duty assessments, and security evaluations for individuals who had committed a variety of criminal offenses including: murder, sexual assault, kidnapping, aggravated assault, hate crimes, physical child abuse, child sexual assault, theft and malingering.

M. Emphasizing academic credentials and specialized knowledge	M1. We have 2 retired SERE IC [independent contractors] psychologist with us who have excellent clinical, operational, and research skills. They are currently involved in high level interrogations and are masters at the craft. M2. They are Ph.D. psychologists and trained interrogators, who have served in both capabilities. They have been involved in the selection and development of interrogation and exploitation techniques currently in use and have been instrumental in training and mentoring other CIA interrogators and debriefers. M3. Psychologists Jessen and Mitchell are experienced interrogators in addition to being [redacted] psychologists. Both are qualified and certified to use the full range of level I enhanced measures.
N. Consulting with researchers and other experts	N1. The mental health experts that you have consulted have indicated that the psychological impact of a course of conduct must be assessed with reference to the subject's psychological history and current

mental health status. The healthier the individual, the less likely that the use of any one procedure or set of procedures as a course of conduct will result in prolonged mental harm. A comprehensive psychological profile of Zubaydah has been created.

N2. The issue of drug-based interrogation vs. SERE techniques was discussed with three OMS field-based psychiatrists at a Mental Health Division (MHD) field conference the first of October. […] The psychiatrists, while not optimistic, thought that given the alternative the subject was worth more study. A long distance dialogue continued for the next 2-3 months, while each did his literature review, and submitted thoughts.

N3. Physicians from OMS have informed us, however, that they are of the view that, in general, no "profound" disruption would result from the length of sleep deprivation contemplated by the CIA, and again the scientific literature we have reviewed appears to support this conclusion.

O. Establishing a training curriculum

O1. CTC [Counterterrorism Center] also instituted a training program to build our expertise. The number of hours of basic training required to become a CIA trained and qualified interrogator is 280 hours. The interrogator must then spend time in the field at a CIA Blacksite under the oversight of the Staff Site Manager and Senior HVDI [high value detainee interrogator] for at least an additional 20 hours of active interrogation.

O2. All personnel assigned to an interrogation site must receive thorough training in their respective area of responsibility; in particular, [redacted] must develop and implement a formal high value captive interrogation (HVCI) interrogation training program, with the provision of meaningful resistance training and experience one of the components of that program.

O3. The curriculum should keep the basics from the pilot running of the course and expand a few areas. My initial optic is to provide the students with better instructions on the psychology of interrogation

with the goal of quickly gaining actionable intelligence and transition the detainee to compliance and debriefing.

5. Leveraging scientific practice and language
   P. Stipulating a scientific mission

P1. Provide the [redacted] with recommendations and suggested courses of action for applying research methodology to meet mission goals and objectives in conducting psychological assessment in high-risk operational settings.

P2. The Contractors shall study potential exploitation, interrogation, debriefing, and resistance tactics, techniques and procedures not in current use by the sponsor, evaluate the suitability of developing and validating such procedures, and provide a written report containing recommendations and suggested courses of action for implementing select techniques and procedures.

P3. A second project, which they are writing a proposal for, is to study how we can develop and apply even less-intrusive techniques without any loss in the interrogation's psychological impact. They believe this can be done and we have much to gain by asking them to try. They will draft a paper outlining the process and, pending our approval, we will field test it.

   Q. Using scientific jargon

Q1. The goal of interrogation is to create a state of learned helplessness and dependence conducive to the collection of intelligence in a predictable, reliable, and sustainable manner.

Q2. This causes an increase in carbon dioxide level in the individual's blood. This increase in the carbon dioxide level stimulates increased effort to breathe. This effort plus the cloth produces the perception of "suffocation and incipient panic," i.e., the perception of drowning.

Q3. If it is intended to be one element in the process of demonstrating helplessness in an unpleasant environment, a short nap of two hours or so would be sufficient. Perceptual distortion effects are not uncommon after 96 hours of sleep deprivation, but frank psychosis is very rare. Cognitive effects, of course, are common.

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R. Reviewing and citing academic research

R1. Specifically, medical studies provide some evidence that sleep deprivation may reduce tolerance to some forms of pain in some subjects. *See, e.g.,* B. Kundermann *et al., Sleep Deprivation Affects Thermal Pain Thresholds but not Somatosensory Thresholds in Healthy Volunteers*, 66 Psychosomatic Med. 932 (2004) (finding a significant decrease in heat pain thresholds and some decrease in cold pain thresholds after one night without sleep); S. Hakki Onen *et al., The Effects of Total Sleep Deprivation, Selective Sleep Interruption and Sleep Recovery on Pain Tolerance Thresholds in Healthy Subjects*, 10 J. Sleep Research 35, 41 (2001) (finding a statistically significant drop of 8-9% in tolerance thresholds for mechanical or pressure pain after 40 hours) id. At 35-36 (discussing other studies). Moreover, subjects in these medical studies have been observed to increase their consumption of food during a period of sleep deprivation. *See Why We Sleep* at 38.

R2. Both SERE and initial Agency thinking, however, drew on the same early Agency and military-funded studies. The early research was summarized in Albert D. Biderman and Herbert Zimmer, eds., *The Manipulation of Human Behavior* (New York, Wiley & Sons, 1961), with which Jessen Mitchell were familiar. Their conceptual framework relied heavily on the Biderman chapter by Lawrence Hinkle on "The physiological state of the interrogation subject as it affects brain function."

R3. In its early years—though unknown to OMS in 2003—the Agency regarded forced interrogational standing as dangerous. A widely disseminated 1956 study asserted that the resulting edema soon led to circulatory and renal failure, and psychosis. Detainees in the RDG program provided no evidence for this belief.

S. Medical and psychological monitoring

S1. Appropriate medical and psychological personnel shall be either on site or readily available for consultation and travel to the interrogation site during all detainee interrogations employing Standard Techniques, and appropriate medical and psychological

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personnel must be on site during all detainee interrogations employing Enhanced Techniques.

S2. Before using the techniques on other detainees, the CIA would need to ensure, in each case, that all medical and psychological assessments indicate that the detainee is fit to undergo the use of the interrogation techniques.

S3. OMS is responsible for assessing and monitoring the health of all Agency detainees subjected to "enhanced" interrogation techniques, and for determining that the authorized administration of these techniques would not be expected to cause serious or permanent harm.

2 Article 2: The Behavioral Implications of Legitimacy: An Experimental Approach

Abstract

Legitimacy is assumed to have behavioral implications and to constitute an important antecedent of institutional stability and institutional change. Most research, however, focused on the perceptual component of legitimacy or studied intentions to act towards legitimacy objects through hypothetical decisions. To advance the understanding of the behavioral implications of legitimacy, we conducted three experiments to examine the effects of normative and instrumental concerns on support for a legitimacy object. Moreover, we compare the effects of normative and instrumental concerns on behavior with the effects of both concerns on two types of individual-level legitimacy judgments, propriety and validity beliefs, to find out which judgment best reflects behavior. We found that normative concerns affect propriety beliefs and the degree of support for legitimacy objects. By contrast, instrumental concerns significantly influence the degree of support for legitimacy objects, but they seem to have no impact on propriety and validity beliefs. Importantly, eliciting individuals' propriety and validity beliefs reduced the influence of instrumental concerns on their support for a legitimacy object. These findings demonstrate that the relationship between legitimacy judgments and behavior is more complex than commonly assumed and suggests that it is essential to include behavioral measures in experimental research on legitimacy.

Keywords: legitimacy, behavior, judgments, experiments

2.1 Introduction

A widely accepted premise of legitimacy research in organization and management theory is that judgments of a legitimacy object—an entity such as an organization, a practice, or an action whose legitimacy is assessed by evaluators (Johnson, 2004; Suddaby, Bitektine, & Haack, 2017)—affect the behavior of individuals (Ashforth & Gibbs, 1990; Bitektine, 2011; Tost, 2011). Positive legitimacy judgments are expected to result in support for the legitimacy object, whereas negative legitimacy judgments are expected to lead to sanctions or attempts to change a legitimacy object that is perceived as illegitimate (Bitektine, 2011; Hoefer & Green, 2016). Indeed, the notion that legitimacy amounts to an important antecedent of both resistance to and, at the other end of the behavioral spectrum, support for institutional change constitutes a core tenet of the institutional theory literature (Greenwood, Oliver, Lawrence, & Meyer, 2017; Tost, 2011).

Research provided valuable insights into the dynamics of legitimation and institutional change and demonstrated the crucial role of legitimacy judgments in supporting or challenging the status quo (e.g., Huy, Corley, & Kraatz, 2014; Reay, Golden-Biddle, & Germann, 2006). One line of research that studies how individual legitimacy judgments are formed and altered (the "legitimacy-as-perception perspective," see Suddaby et al., 2017) has advocated using survey and experimental designs to study legitimacy (e.g., Haack, Schilke, & Zucker, 2021). Recent research focused on measuring legitimacy judgments (e.g., Bitektine, Hill, Song, & Vandenberghe, 2020; Jahn, Eichhorn, & Brühl, 2020) and, in addition, measured intentions to behave or employed hypothetical measures of behavior (e.g., Alexiou & Wiggins, 2019; Zhang, Deephouse, van Gorp, & Ebbers, 2020). However, intentions and hypothetical measures of behavior may provide limited insights into the behavioral implications of legitimacy judgments. Research suggests that people often fail to translate their intentions into action (Webb & Sheeran, 2006). Moreover, evidence from fields with long-standing experience in

experimental research suggests that hypothetical measures of behavior can be biased and thus yield limited insights into actual behaviors (Harrison & Rutström, 2008; Schmidt & Bijmolt, 2020). We argue that it is crucial to capture actual behavior to test a key premise of legitimacy research, namely that legitimacy judgments are tightly reflected by and connected to action (Dacin, Goodstein, & Scott, 2002; Greenwood, Suddaby, & Hinings, 2002; Tost, 2011).

To advance the understanding of the behavioral implications of legitimacy judgments, we conducted three experimental studies, in which we used punishments and rewards to operationalize evaluators' willingness to support—or not—a legitimacy object. In our experiments, we focus on two factors that affect the legitimacy judgments and the willingness of evaluators to support or not a legitimacy object: normative and instrumental concerns (Tost, 2011; Tyler, 1997). *Normative* concerns address the question of whether a legitimacy object is in line with norms of appropriate behavior (Ruef & Scott, 1998; Suchman, 1995), whereas *instrumental* concerns relate to whether a legitimacy object promotes or affects in any way an evaluator's self-interest (Ashforth & Gibbs, 1990; Suchman, 1995). Normative and instrumental concerns represent two broad categories of beliefs underlying legitimacy judgments (Tost, 2011). Empirical evidence suggests that the two types of concerns have a distinct impact on individual legitimacy judgments (Tyler, 1997). However, how these concerns influence legitimacy judgments simultaneously and how they affect an evaluator's behavior has yet to be studied.

The precise connections between legitimacy judgments and behavior are difficult to disentangle, however, because it is hard to account for factors that might act as antecedents of both (Antonakis, Bendahan, Jacquart, & Lalive, 2010). This inherent endogeneity of judgments and behavior (Abelson, Kinder, Peters, Fiske, 1982; Ajzen, 1991; Ajzen & Fishbein, 1975) poses a methodological challenge when attempting to establish a causal link between legitimacy judgments and their behavioral implications. Considering this challenge, we study

the effects of normative and instrumental concerns on legitimacy judgments and on behavior separately. In the first study, we measure the effects of normative and instrumental concerns on behavior. We do not elicit participants' legitimacy judgments, which means that participants' actions are unaffected by the expression of a judgment. Study 1 thus establishes a baseline on how people act towards the legitimacy object. We conduct two follow-up studies that measure the impact of normative and instrumental concerns on both legitimacy judgments and behaviors. The purpose of Studies 2 and 3 is to investigate the effects of normative and instrumental concerns on different types of legitimacy judgments. Moreover, conducting sperate studies allows us to measure the effects of eliciting legitimacy judgments on evaluators' support for the legitimacy object.

We measure two types of legitimacy judgments, propriety and validity beliefs, because they "are likely to have distinct antecedents and behavioral consequences" (Haack et al., 2021: 753). In Study 2, we focus on "propriety beliefs," which denote an individual's belief that a legitimacy object is appropriate for its social context (Dornbusch & Scott, 1975; Johnson, Dowd, & Ridgeway, 2006; Tost, 2011). In Study 3, we measure "validity beliefs," which describe an individual's belief that a legitimacy object is viewed as appropriate by a collective of evaluators, independent of the individual's own assessments of that object (Johnson et al., 2006; Tost, 2011). Extant studies adopting the legitimacy-as-perception perspective typically measure judgments through survey items that cannot unambiguously distinguish between propriety and validity beliefs. This raises doubts about the construct validity of extant measurement instruments and limits our knowledge of legitimacy judgments' behavioral implications (Haack & Sieweke, 2020). In our experiments we employ measures that clearly distinguish between propriety and validity beliefs to avoid this issue and that allow us to examine whether propriety and validity beliefs have different behavioral implications. Our

results suggest that expressing legitimacy judgments prior to measuring behavior cancels participants' willingness to support the legitimacy object.

Our contribution is threefold. First, we advance scholarship on legitimacy in organization and management studies by foregrounding the behavioral component of legitimacy. Although some scholars theorize about the behavioral implications of legitimacy, there is a paucity of research that directly observes behaviors towards legitimacy objects. Second, we investigate whether normative and instrumental concerns affect propriety and validity beliefs differently by employing measures that clearly distinguish between the individual-level perceptual components of legitimacy. Third, our research makes important methodological contributions in response to calls to apply experimental designs in legitimacy research (Deephouse, Bundy, Tost, & Suchman, 2017; Haack et al., 2021; Suddaby et al., 2017). Drawing on Krupka and Weber (2013), we use incentives to elicit validity beliefs and explore whether this measure reflects behaviors better than an unincentivized measure of validity beliefs. Furthermore, in contrast to previous studies, we measure the behavioral outcomes of individual-level legitimacy judgments in a consequential way to increase the external validity of our research (Hertwig & Ortmann, 2001). These modifications improve the robustness of our experimental results, and we hope that they can serve as best-practice guidelines for future experimental work on legitimacy and institutional processes more broadly.

2.2 Theoretical Background

2.2.1 Legitimacy Judgments and their Behavioral Implications

Research on legitimacy has become a key feature of management and organization studies, particularly of institutional theory (Deephouse et al., 2017; Greenwood et al., 2017). Previous research focused on legitimacy at the collective level and maintained that legitimacy emerges

as an irreducible whole from social interaction and is thus largely "independent from particular observers" (Suchman, 1995: 576). However, legitimacy "resides in the eye of the beholder" (Ashforth & Gibbs, 1990: 177) and therefore depends on judgments made by individuals (Bitektine, 2011; Tost, 2011). In response, some scholars have sought to integrate both viewpoints and suggested that legitimacy is a multilevel process through which social judgments are formed and where different components of legitimacy interact (Bitektine & Haack, 2015; Johnson et al., 2006; Tost, 2011).

Drawing on Dornbusch and Scott (1975), Tost (2011) distinguished between "propriety," the individual-level component, and "validity," the collective-level component, of legitimacy. As already mentioned, propriety represents an individual's belief that a legitimacy object is appropriate for its social context, whereas validity reflects a collective perception of appropriateness that is shared by a group of evaluators (Dornbusch & Scott, 1975; Suddaby et al., 2017; Tost, 2011). Individuals also form beliefs about the collective validity judgment; that is, whether a group as a whole perceives a legitimacy object as appropriate. This individual-level judgment is referred to as a "validity belief" and relies on cues such as the endorsement of a legitimacy object by one's peers or the authorization of an object by entities recognized as authorities, such as the media, regulators, and the judicial system (Bitektine & Haack, 2015; Dornbusch & Scott, 1975; Johnson et al., 2006).

Legitimacy judgments are manifested in actions and thus play a key role in processes of institutional maintenance and change (Deephouse et al., 2017; Hoefer & Green, 2016; Huy et al., 2014; Jacqueminet & Durand, 2020). According to Tost (2011), individuals support legitimacy objects they perceive as legitimate but actively seek to change legitimacy objects they perceive as illegitimate. In keeping with this view, research argues that positive legitimacy judgments lead to the acceptance (Dowling & Pfeffer, 1975; Kostova & Zaheer, 1999) and endorsement (Bitektine, 2011; Deephouse, 1996) of a legitimacy object, whereas negative

legitimacy judgments lead to resisting (Hoefer & Green, 2016; Huy et al., 2014), condemning (Maguire & Hardy, 2009), or imposing sanctions (Bitektine, 2011) on that object. For that reason, understanding how legitimacy judgments are formed and change "can help researchers understand how and why individuals' behavioral orientations to social entities may shift and cause them either to support or to resist institutional change" (Tost, 2011: 704).

Surprisingly, despite such conclusions, there are few empirical analyses of the behavioral implications of legitimacy judgments (Suddaby et al., 2017). While previous studies within the legitimacy-as-perception perspective have shed light on the antecedents of legitimacy, they either do not measure behaviors (e.g., Jahn et al., 2020) or rely on self-reported, hypothetical measures such as vignettes and questionnaires that do not elicit actual behaviors (e.g., Alexiou & Wiggins, 2019; Zhang et al., 2020). Given that hypothetical decisions do not involve real consequences for the participants, it remains uncertain whether self-reported intentions will ultimately translate into real actions (Cummings, Harrison, & Rutström, 1995; Holt & Laury, 2002).

2.2.2 Insights from Micro-Sociology

While research in organization studies can offer only limited insights into the behavioral aspects of legitimacy, research in micro-sociology has made considerable advances on the behavioral implications of the collective-level component of legitimacy—validity—and on the impact of validity on propriety beliefs (e.g., Thomas, Walker, & Zelditch, 1986; Walker, Thomas, & Zelditch, 1986; Walker, Rogers, & Zelditch, 1988; Walker, Rogers, Thomas, & Zelditch, 1991). In this line of research, scholars manipulate validity in laboratory experiments using "authorization," i.e., indications that recognized authorities support a legitimacy object, or "endorsement," i.e., indications that peers support a legitimacy object, to study the effects of validity on propriety beliefs and individual behavior. This research has shown that individuals conform to or adopt judgments that powerful actors authorize (Thomas et al., 1986)

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or that are endorsed by peers (Walker et al., 1986). This research also indicates that validity may cancel impropriety and bolster propriety (Walker, 2004; Zelditch, 2001, 2006). For example, objections to an inequitable reward structure are reduced significantly when powerful actors authorize the structure (Thomas et al., 1986).

The discovery that validity strengthens behavioral compliance and deference to authorities has influenced organization and management theory, which proposes that validity on the collective level shapes, or even determines, legitimacy judgments and behaviors on the individual level (Bitektine & Haack, 2015; Haack & Sieweke, 2018; Tost, 2011). According to Bitektine and Haack (2015), individual evaluators who feel that their propriety beliefs conflict with validity may choose to silence their own beliefs for fear of social sanctions.

One consequence of scholars' focus on validity is that the behavioral implications of the individual-level perceptual components of legitimacy, i.e., propriety and validity beliefs, are largely neglected. However, whether propriety beliefs translate into behavior and in what circumstances this occurs may not depend exclusively on validity cues, such as positive signals about an object's legitimacy from authorities and peers: propriety in itself may also have a substantial and independent effect on behavior (Dornbusch & Scott, 1975; Walker, 2004). Some studies have shown, for instance, that individuals may be more likely to comply willingly with an authority's directives if they perceive the authority to be proper (Tyler, 1997; Walker, et al., 1986). More recently, Jacqueminet and Durand (2020) found that propriety beliefs determine to a significant extent whether and how practices are implemented, which suggests that evaluators do not simply rely on validity cues automatically and passively but draw on their own propriety beliefs in an active and mentally effortful manner. It follows that when validity cues are unavailable, individuals are more likely to engage in the deliberate and careful evaluation of a legitimacy object. In such cases, individual judgments and behaviors may be less predictable (Tost, 2011).

2.3 Hypotheses

According to Tost (2011), legitimacy judgments and decisions to resist or support a given legitimacy object are shaped by different personal concerns. As mentioned before, we focus on *normative* and *instrumental* concerns. Normative concerns depend on the moral convictions evaluators hold and the social norms they embrace (Scott, 2001; Tost, 2011). While individuals draw on their moral values to judge whether the actions of a legitimacy object are "the right thing to do" (Suchman, 1995: 579), they often fail to consider the moral aspect of an action or a choice (Bazerman & Sezer, 2016; Chugh & Bazerman, 2007). The explanation for this failure is that different situations induce a different normative focus (Cialdini, Reno, & Kallgren, 1990; Larrick & Blount, 1997; Weber, Kopelman, & Messick, 2004). For instance, how a choice is framed may influence individuals' expectations and makes it easier for them to identify the moral implications of the choice, increasing the individuals' normative concerns (Chang, Chen, & Krupka, 2019; Pillutla & Chen, 1999; Tenbrunsel & Messick, 1999). The relevance of framing for eliciting social norms is demonstrated in the study of Larrick and Blount (1997), who found that how an action or choice is framed affects the norms that evaluators deem appropriate in a given situation.

As norms motivate behavior primarily when they are easy to recognize (Cialdini et al., 1990; Jones, 1991), framing a choice so that the moral aspect of the alternatives is made salient, will lead evaluators to judge an object and its actions less favorably. On these grounds, we predict that when normative concerns increase, individuals will refrain from expending personal resources to support a legitimacy object and will be more likely to penalize a legitimacy object for violating a norm.

> *H1a. When normative concerns about the legitimacy object increase, individual evaluators' legitimacy judgments will be less favorable.*
>
> *H1b. When normative concerns about the legitimacy object increase, individual evaluators will be less willing to support the legitimacy object.*

In addition to normative concerns, instrumental concerns also shape legitimacy judgments (Suchman, 1995; Tost, 2011; Tyler, 1997). Instrumental concerns are based on the utility of a legitimacy object for an evaluator (Marr, Pettit, & Thau, 2019; Tost, 2011). When individuals evaluate a legitimacy object, they take into account their self-interest; in other words, they perform a personal cost-benefit analysis and form beliefs about whether that object benefits them in any way. As a result, instrumental concerns may alter an evaluator's beliefs about the legitimacy of an object (Ashforth & Gibbs, 1990; Foreman & Whetten, 2002; Tost, 2011). We, therefore, predict that evaluators will judge more favorably legitimacy objects that they perceive as beneficial. Moreover, individuals who personally gain from a legitimacy object are motivated to support it (Tyler, 1997). We expect that, on average, evaluators who benefit from a legitimacy object will be more willing to commit personal resources to support that object.

> *H2a. When instrumental concerns about the legitimacy object increase, individual evaluators' legitimacy judgments will be more favorable.*
>
> *H2b. When instrumental concerns about the legitimacy object increase, individual evaluators will be more willing to support the legitimacy object.*

Besides their independent effects, normative and instrumental concerns together can affect how individual-level legitimacy judgments are formed and their implications for behavior. For instance, a legitimacy object may be viewed as legitimate on instrumental but not on normative grounds, or vice versa (Tost, 2011). However, their combined impact on judgments and on behavior is not trivial. Research has shown that individuals perceive norm-violating behaviors as less inappropriate when they serve their own interests but consider identical behaviors inappropriate when these do not benefit them personally (Bocian & Wojciszke, 2014). Put differently, we expect that self-interest prevails individuals' moral convictions. We, therefore, hypothesize that when a legitimacy object raises normative concerns but at the same time serves the interests of evaluators, the latter will judge that object

as more legitimate compared to a baseline situation, where the same legitimacy object raises neither instrumental nor normative concerns. We furthermore expect that, compared to the baseline, in such situations, the joint occurrence of instrumental and normative concerns will make individuals more willing to support that legitimacy object.

H3a. When the instrumental and normative concerns about the legitimacy object increase, individual evaluators' legitimacy judgments will be more favorable.

H3b. When the instrumental and normative concerns about the legitimacy object increase, individual evaluators will be more willing to support the legitimacy object.

We conducted three experiments on Amazon Mechanical Turk (MTurk) to test our hypotheses. In the first experiment (Study 1), we focused on observing behavior without eliciting any explicit judgments from the participants to establish a baseline for the two following experiments. The subsequent experiments (Study 2 and Study 3) replicate the first one, with the addition of a questionnaire to measure the propriety beliefs (Study 2) and validity beliefs (Study 3) of the participants before measuring their behaviors. This procedure allows us to compare the behaviors observed in Study 2 and Study 3 to the behaviors observed in Study 1 and discuss how explicitly eliciting judgments influences individuals' willingness to support or not a legitimacy object.

2.4 Study 1: Punishment and Reward Decisions

The purpose of Study 1 is to investigate the impact of normative and instrumental concerns on decisions to reward or punish a legitimacy object.

2.4.1 Sample

We conducted the experiment on MTurk, using oTree[2] (Chen, Schonger, & Wickens, 2016). When designing and implementing the study, we followed the best-practice recommendations

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[2] oTree is an open-source platform used for implementing experiments on web browsers, including online platforms such as MTurk.

of Aguinis, Villamor, and Ramani (2021) for MTurk-based research in management. We started by pre-testing the effect of normative concerns on the degree of support provided by the participants, as it is an already established phenomenon (see Krupka & Weber, 2013). The power analysis of this pretest indicated that a sample size of about 190 participants per condition would be required to replicate the effect of normative concerns (averaged across all allocation options). We, therefore, collected data until we reached at least 200 observations per condition, totaling 958 observations. Only U.S. residents could participate. The final sample was composed of 59.22% women and 39.73% men. The median age of the participants is between 36 and 40 years and the median level of education is a bachelor's degree.

2.4.2 Experimental Design

The experiment was implemented in two steps. First, we collected the decisions of 100 individuals (Participants A), which constituted the study's focal legitimacy object. Organization and management research usually studies organizations as the focal legitimacy object. Our aim was to design an experiment that was close to a real-life setting and credible for workers on MTurk. Thus, we chose an individual decision as the focal legitimacy object because it is a credible and realistic object that individual evaluators can relate to. Moreover, we did not want to deceive participants, as deception can distort the behavior of participants (Hertwig & Ortmann, 2008; Ortmann & Hertwig, 2002). Hence, we did not expose them to a fictious scenario or an imaginary organization, but rather an actual decision of an individual. Then, we asked an additional 1000 individuals (Participants B) to decide whether they would like to reward or punish the decision of Participant A and, if so, to what extent.

First step: Participants A. At the beginning of the experiment, Participants A were given information about the experiment and instructions on how to complete their tasks. After that, they were asked to answer several attention-check questions whose purpose was to ensure they understood the instructions. Participants A were then required to perform ten tasks, for which

they received a fixed wage of $1.00 (plus a potential bonus, depending on their allocation decision). Each task consisted in typing a series of five characters that were displayed as a picture (see Figure 1). Performing this captcha task serves mainly three purposes. First, the task is simple and similar to the tasks that participants are used to performing when hired. Second, it requires minimal prior experience, and most participants should be able to complete it relatively fast. Third, it prevents bots from accessing the experiment, because this type of task requires human intelligence. Although the ten tasks we set at this stage were simple and quick to complete, they nevertheless required some effort, which justifies the wage that participants received at the end of the experiment. After completing the tasks, the participants were required to decide how to allocate a bonus of $1.00 between themselves and a charity. They could choose between eleven options, ranging from $1.00 and $0.00 for themselves, in increments of $0.10. Participants A were informed that other MTurk workers would potentially reward or punish their decision and that the final bonus would be sent to them about two weeks after the experiment. Overall, Participants A took between three and seven minutes to complete the study, which means that they received an hourly wage ranging between $8.75 and $19.50 (excluding possible bonuses).

Type the text below into the box and click **Next**
or hit the **Enter Key**

jH55x

Next

Figure 1: Experimental task

Second step: Participants B. At the beginning of the experiment, Participants B received the same information and instructions as Participants A and then answered several attention check-questions. After these preliminaries, Participants B were also asked to perform ten tasks, exactly like Participants A, for which they received a fixed wage of $1.00 (plus a potential bonus, depending on the treatment). Next, we allocated Participants B to groups of ten and asked them to select and vote for a charity from a list of the five most popular charities in the U.S.: *United Way Worldwide*, *Feeding America*, *Direct Relief*, *Salvation Army*, and *St. Jude Children's Research Hospital*. Each group of ten participants was randomly assigned to one Participant A. The groups of Participants B were informed that the charity that received the most votes within their group would be given part of the bonus, depending on the allocation decision that Participant A made. Participants B were asked to decide for each possible allocation that Participant A could choose whether they would punish, do nothing, or reward the choice. Moreover, Participants B were told that the outcome would be revealed only after they had chosen how to treat Participant A's choice.

We made the decisions of Participants B to reward, do nothing, or punish binding and consequential for each allocation option. This allowed us to evaluate how the treatments affected Participants B's behavior for each allocation option, ranging from $0.00 for Participant A and $1.00 for the charity to $1.00 for Participant A and $0.00 for the charity. Participants B could choose from five different degrees of support: A punishment of $0.10, a punishment of $0.05, neither punishment nor reward, a reward of $0.05, and a reward of $0.10. Any Participants B who chose to punish or reward $0.10 were required to complete two additional tasks. Any Participants B who chose to punish or reward $0.05 were required to perform one additional task. The additional tasks were the same type of tasks participants had completed in the beginning of the experiment. Therefore, rewarding or punishing an allocation was costly to participants, as they lost time without increasing their wages. Attaching costs to the

participants' decisions to reward or punish brings the experiments a step closer to real life situations. The experiment lasted between four and eight minutes in total, which means that the workers received an hourly wage ranging between $7.50 and $14.75 (excluding possible bonuses).

2.4.3 Treatments

For this experiment, we chose a 2x2 design, in which we manipulate normative concerns across groups through framing and instrumental concerns through monetary incentives to align norm-violating behaviors of Participant A with the monetary incentives provided to half of Participants B within a group of ten.

Normative concerns. To manipulate normative concerns, we exposed Participants A to two sets of choices that are identical in terms of final payoffs but differ with regard to the contextual features of the actions the participants need to take to obtain these payoffs. In the give variant, Participants A were asked to "give" money to a charity, whereas in the take variant, they were asked to "take" money away from the charity (see Krupka & Weber, 2013). Like Krupka and Weber (2013), we used this manipulation because we assumed that Participants B perceive choices that involve taking money away as less appropriate than choices that involve giving money, even though the outcomes are the same (see also Andreoni, 1995; Cox & Stoddard, 2015). We outline these variants below:

- Give variant: For Participants B, the decision of Participant A was framed as "giving money to a charity," as a bonus of $1.00 was allocated to Participant A, who was required to choose how much to *give* to the charity; the remainder would go to Participant A.

- Take variant: For Participants B, the decision of Participant A was framed as "taking money from a charity," as a bonus of $1.00 was allocated to Participant A, who was

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tasked with choosing how much to *take* from this bonus for his or her own benefit, leaving the remainder for the charity.

Instrumental concerns. We manipulated instrumental concerns by aligning the personal gains of the evaluators in our sample with choices that we expected them to regard as inappropriate (see Table 1, options 7 to 11). We manipulated these concerns within the groups of ten participants to keep the total wealth of each group constant. Participants B in the instrumental concerns treatment were informed that their personal bonus would increase by $0.05, $0.10, $0.15, $0.20, or $0.25 had the Participant A in their group chosen allocation options 7, 8, 9, 10, or 11 respectively. That is, both Participant A and Participants B in this subsample would gain from allocation options that favor Participant A. Table 1 summarizes the payoff structure for all the possible allocations.

- *Instrumental*: Half of the Participants B in each group of ten receive a bonus based on the amount of money Participant A decides not to allocate to the charity.

- *Control*: The other half of Participants B in each group of ten receive a fixed wage that is independent of Participants A's decisions on how much of the bonus to give to or not take away from the charity.

Options	Participant A	Charity	Half of Participants B
1	$0	$1	$0.00
2	$0.1	$0.9	$0.00
3	$0.2	$0.8	$0.00
4	$0.3	$0.7	$0.00
5	$0.4	$0.6	$0.00
6	$0.5	$0.5	$0.00
7	$0.6	$0.4	$0.05
8	$0.7	$0.3	$0.10
9	$0.8	$0.2	$0.15
10	$0.9	$0.1	$0.20
11	$1	$0	$0.25

Table 1: Allocation decisions and their monetary consequences for Participant A and the charity.

2.4.4 Results and Discussion of Study 1

Results. On the whole, allocating less money to the charity received less support. More specifically, Participants B showed less support for the allocation decisions for which Participants A allocated less than half of the bonus to the charity (see Figure 2 and Table 2). Framing Participant A's allocation decisions in ways that increased normative concerns had a significantly negative effect on the willingness of Participants B to support those decisions, which is in line with Hypothesis 1b. Increasing instrumental concerns had a similarly significant and negative impact on the behaviors of Participants B. We had expected that instrumental concerns would positively impact the willingness of Participants B to support allocation decisions that benefited them. We found that in the instrumental treatment showed less support for allocation decisions that would not have benefited them personally (options 1 to 5). However, their support for allocation decisions from which they could have benefited (options 7 to 11) remained unaffected. Hence, Hypothesis 2b is not supported. Finally, the simultaneous presence of increased normative and instrumental concerns had a significantly negative impact on support for allocation options 1 to 7 ($1 to $0.4 allocated to the charity). These results are inconsistent with Hypothesis 3b, which predicted that the simultaneous presence of increased normative and instrumental concerns would positively impact support for any allocation decisions. Finally, the effects that the simultaneous presence of increased normative and instrumental concerns had on the behavior of Participants B were significantly different from the effects of instrumental concerns alone only in the case of allocation options 5 to 8 ($0.6 to $0.3 allocated to the charity) and from the effects of normative concerns alone in the case of allocation option 11 ($0 allocated to the charity).
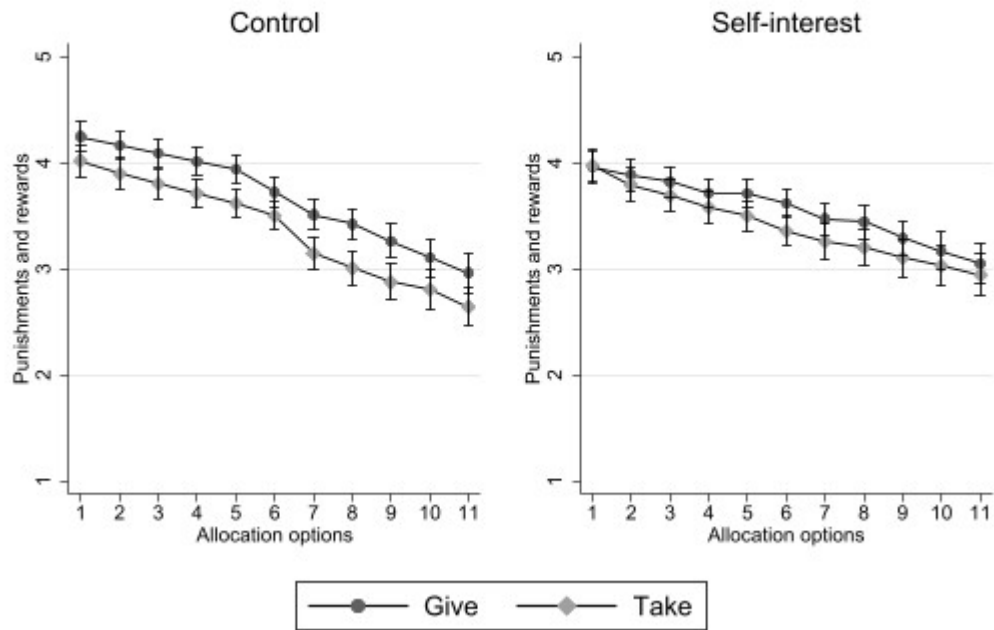
Figure 2: Effects of normative and instrumental concerns on decisions to reward or punish across allocation options. The error bars represent plus/minus one standard deviation.

Behavior	Allocation options										
	1	2	3	4	5	6	7	8	9	10	11
NC	-0.228*	-0.268*	-0.291**	-0.298**	-0.325***	-0.224*	-0.370***	-0.415***	-0.389**	-0.299*	-0.320*
	(0.106)	(0.108)	(0.106)	(0.0994)	(0.0965)	(0.0981)	(0.111)	(0.116)	(0.122)	(0.132)	(0.138)
IC	-0.290**	-0.273*	-0.272**	-0.292**	-0.234*	-0.105	-0.0371	0.0212	0.0267	0.065	0.0826
	(0.105)	(0.107)	(0.105)	(0.0986)	(0.0957)	(0.0972)	(0.11)	(0.115)	(0.121)	(0.131)	(0.137)
NC&IC	-0.274**	-0.367***	-0.401***	-0.431***	-0.444***	-0.366***	-0.255*	-0.218	-0.161	-0.0744	-0.017
	(0.105)	(0.108)	(0.105)	(0.099)	(0.0961)	(0.0976)	(0.111)	(0.115)	(0.122)	(0.132)	(0.138)
Constant	4.249***	4.162***	4.091***	4.008***	3.942***	3.722***	3.510***	3.419***	3.261***	3.104***	2.963***
	(0.0744)	(0.0759)	(0.0742)	(0.0699)	(0.0678)	(0.0689)	(0.0783)	(0.0814)	(0.0859)	(0.0929)	(0.0971)
N	958	958	958	958	958	958	958	958	958	958	958

Standard errors in parentheses

* $p<0.05$, ** $p<0.01$, *** $p<0.001$

Table 2: Average effects of normative concerns and instrumental concerns on behavior for each possible allocation option. NC=Normative Concerns; IC=Instrumental Concerns.

Discussion. In summary, the results of Study 1 show that support for Participant A's allocation decisions decreased when that participant allocated less money to the charity. They also show that normative and instrumental concerns, both independently and in combination, significantly negatively impact individuals' willingness to support allocation decisions. We also found that while increasing instrumental concerns did not increase support for allocations that benefitted Participants B, it weakened the support for allocations that favored the charity. One explanation for this finding is that while individuals appreciate personal gains, they also value having a positive self-image (Messick & Bazerman, 1996; Tenbrunsel, 1998). Individuals may have felt they missed an opportunity to benefit if more than half of the money was allocated to the charity (options 1 to 6), and thus showed less support for these choices that did not benefit them. On the other hand, individuals were reluctant to reward choices that resulted in less than half of the money being allocated to the charity (options 7 to 11) because rewarding such norm-violating decisions may feel worse than lowering support for or even punishing decisions that benefit the charity, but that are not aligned with individuals' personal gains.

2.5 Study 2: Eliciting Propriety Beliefs

In Study 2, we examined the relationship between normative concerns, instrumental concerns, the combination of both, and individuals' propriety beliefs. To gain insights into the behavioral implications of propriety beliefs, we additionally studied the participants' decisions to reward or punish a legitimacy object. Our objective is to compare the behaviors in Study 2 to those observed in Study 1 and investigate whether explicitly eliciting propriety beliefs, i.e., a participant's personal evaluation of the allocation decisions' appropriateness, affects subsequent support for the legitimacy object.

2.5.1 Sample

Again, we conducted the experiment on MTurk, using oTree (Chen et al., 2016) and followed the best-practice recommendations of Aguinis et al. (2021). We collected data until we reached at least 200 observations per condition, totaling 931 observations. As before, only U.S. residents could participate, and we excluded participants from Study 1. The final sample is composed of 52.38% women and 46.86% men. The median age of the participants is between 36 and 40 years and the median level of education is a bachelor's degree.

2.5.2 Experimental Design

The experimental procedure was the same as for Study 1, with the addition of a questionnaire aimed to measure the participants' propriety beliefs. After completing the ten tasks, Participants B were randomly allocated to groups of ten and then required to evaluate the appropriateness of the eleven possible choices that were available to the Participant A, depending on the treatment they were allocated to. As in Study 1, Participants B were required to indicate whether they would punish, do nothing, or reward the choice of Participant A in each case, without knowing what allocation choice Participant A had made. The experiment took between four and eight minutes, so the workers received an hourly wage ranging between $7.50 and $14.75 (excluding possible bonuses).

2.5.3 Measuring Individual-Level Legitimacy Judgments

As an extension of Study 1, in Study 2 we do not only measure participants' behavior but also elicit participants' propriety beliefs. The legitimacy-as-perception perspective led to a significant increase in studies that used micro-level measures to study individual evaluators' legitimacy judgments (Alexiou & Wiggins, 2019; Bitektine et al., 2020; Chung, Berger, & DeCoster, 2016; Jahn et al., 2020; Zhang et al., 2020). However, the scales that these studies use to measure legitimacy judgments employ ambiguously worded items and therefore fail to

discriminate between propriety and validity beliefs (Haack & Sieweke, 2020). For instance, Alexiou and Wiggins (2019) use the item "In general, this organization creates value for its stakeholders" to measure pragmatic legitimacy and the item "If more organizations adopted policies and procedures like this one, the world would be a better place" to measure moral legitimacy. These and similarly phrased items may capture both an individual's personal belief (propriety belief) and/or that individual's belief on what other evaluators believe (validity belief). However, conflating propriety with validity beliefs is problematic because these two constructs constitute two fundamentally different components of legitimacy and are likely to have distinct antecedents and behavioral consequences (Haack & Sieweke, 2020; Haack et al., 2021). It follows that we need to use micro-level measures that discriminate clearly between propriety and validity beliefs.

Building on previous research, we treat individual-level legitimacy judgments as "bipolar" constructs (Suddaby et al., 2017) that range from strongly positive propriety or validity beliefs to strongly negative propriety or validity beliefs, with a midpoint option indicating a switch from propriety to impropriety or from validity to invalidity (Elsbach & Sutton, 1992; Suddaby et al., 2017). In our experiments, we operationalized individual-level legitimacy judgments on a seven-point Likert scale, ranging from "very inappropriate" to "very appropriate". We decided to operationalize legitimacy as appropriateness because the latter term captures the essence of legitimacy and is included in virtually every definition of legitimacy (e.g., Deephouse et al., 2017; Suchman, 1995; Tost, 2011). Deephouse et al. (2017), for instance, reasoned that legitimacy is defined primarily by a sense of appropriateness. Similarly, Vergne (2011: 486) argued that "legitimacy essentially deals with perceptions of appropriateness." Our operationalization, therefore, is not only consistent with most definitions of the concept of legitimacy but also allows future research to replicate our study easily.

Although many previous experimental studies included items for measuring the different dimensions of legitimacy, we decided to use an overall measure of individual-level legitimacy judgments. However, the scales that extant studies use are not suitable for our research because they are idiosyncratic. The scale that Zhang et al. (2020) developed, for instance, measures specifically the legitimacy of Chinese firms. Similarly, Jahn et al. (2020) used their own scale to measure the legitimacy of a fictitious company and Chung et al. (2016) measured legitimacy in the context of the pharmaceutical industry. In contrast to these studies, we chose to adopt a more general measure, rather than a measure tailored to capturing the legitimacy of a specific object or in a specific context.

One reason for employing a holistic measure that does not distinguish between the various dimensions of legitimacy is that it makes little sense conceptually to develop a measure of pragmatic validity beliefs.[3] Pragmatic (Suchman, 1995) or instrumental (Tost, 2011) legitimacy is based on individuals' self-interested calculations and thus, by definition, a propriety belief. The second reason for using a holistic measure of legitimacy is practical—we did not want participants to spend a long time filling in several questionnaires for different dimensions of legitimacy. One concern was that filling in many questionnaires might cause participants to lose focus and reduce the quality of the data (Aguinis et al., 2021); another concern was that the participants' behaviors might be anchored to their responses in the previous questionnaire in a series of several.

Instructions and questionnaires. We phrased the instructions that Participants B were given so as to ensure that the legitimacy object was the allocation decision of Participant A and that each Participant B, as an evaluator, expressed their propriety belief. Participants B in Study 2 read the following instruction:

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[3] For this reason, we did not develop a measure of pragmatic or instrumental validity belief. Nevertheless, we collected data on validity beliefs in the instrumental concerns condition to compare the results of Study 2 and Study 3.

"Please evaluate the possible choices and indicate, for each of them, whether you personally believe choosing that option would be 'very inappropriate', 'inappropriate', 'somewhat inappropriate', 'neither inappropriate nor appropriate', 'somewhat appropriate', 'appropriate', or 'very appropriate'. In each of your responses, please answer as truthfully as possible, based on your personal belief of what constitutes appropriate or inappropriate behavior."

As in Study 1, Participants B were required to indicate whether they would punish, do nothing, or reward the choice for each of the possible allocation options. At this stage, Participants B were not aware of the choice that Participant A had made. As the experiment lasted between four and eight minutes, workers received an hourly wage ranging between $7.50 and $14.75 (excluding possible bonuses).

2.5.4 Results and Discussion of Study 2

Propriety beliefs. The evaluations of Participants B became less favorable as the money allocated to the charity by Participant A decreased (see Figure 3 and Table 3). In line with Hypothesis 1a, Participants B in the "take" variant evaluated allocation options that resulted in less than half of the money being allocated to the charity (options 7 to 11) as significantly less appropriate compared to Participants B in the "give" variant. This means that increasing normative concerns had a significantly negative effect on evaluators' propriety beliefs. However, our results do not support Hypothesis 2a because instrumental concerns did not significantly affect propriety beliefs. Finally, the combination of increased normative and instrumental concerns made propriety beliefs for allocation options 5 to 11 ($0.6 to $0 allocated to the charity) significantly less favorable, which means that Hypothesis 3a is not supported either.
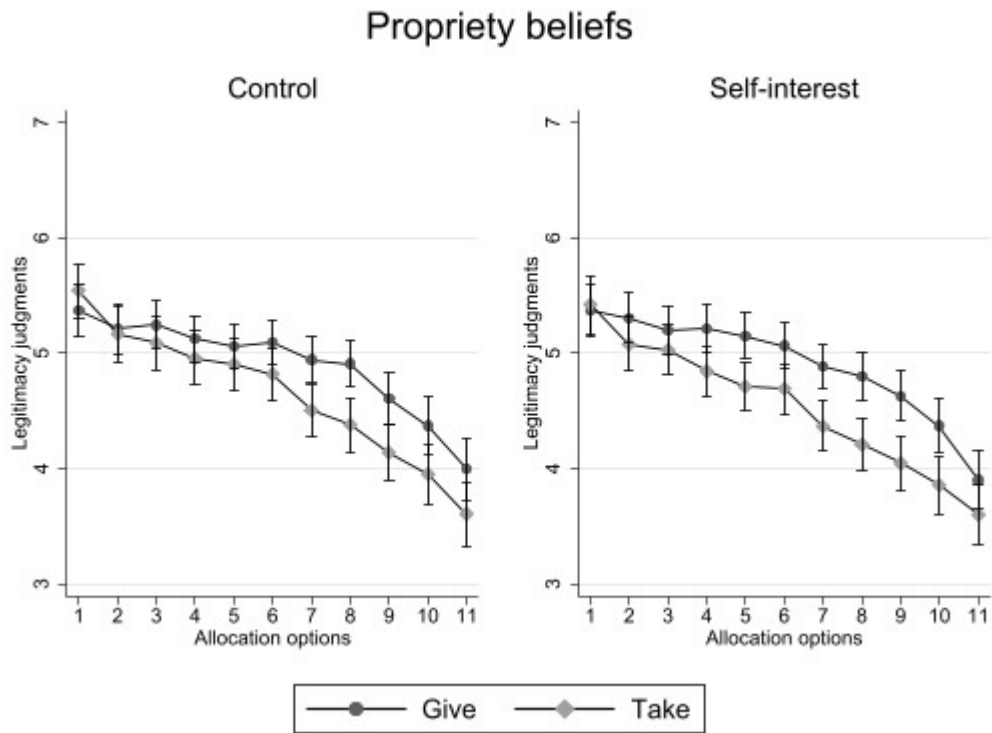
Figure 3: Effects of normative and instrumental concerns on propriety beliefs across allocation options. The error bars represent plus/minus one standard deviation.

Propriety beliefs	Allocation options										
	1	2	3	4	5	6	7	8	9	10	11
NC	0.172	-0.0431	-0.155	-0.168	-0.155	-0.276	-0.440**	-0.530***	-0.470**	-0.418*	-0.388*
	(0.17)	(0.164)	(0.158)	(0.154)	(0.148)	(0.15)	(0.148)	(0.156)	(0.166)	(0.179)	(0.191)
IC	-0.00317	0.0922	-0.0405	0.0844	0.0892	-0.0307	-0.0594	-0.11	0.0204	0.00111	-0.094
	(0.17)	(0.164)	(0.157)	(0.154)	(0.148)	(0.149)	(0.148)	(0.155)	(0.165)	(0.179)	(0.191)
NC&IC	0.0499	-0.134	-0.211	-0.284	-0.352*	-0.404**	-0.579***	-0.703***	-0.565***	-0.517**	-0.399*
	(0.17)	(0.164)	(0.158)	(0.154)	(0.148)	(0.15)	(0.148)	(0.155)	(0.166)	(0.179)	(0.191)
Constant	5.371***	5.211***	5.241***	5.125***	5.060***	5.095***	4.944***	4.909***	4.608***	4.371***	3.996***
	(0.12)	(0.116)	(0.112)	(0.109)	(0.105)	(0.106)	(0.105)	(0.11)	(0.117)	(0.127)	(0.135)
N	931	931	931	931	931	931	931	931	931	931	931

Standard errors in parentheses

* p<0.05, ** p<0.01, *** p<0.001

Table 3: Average effects of normative concerns and instrumental concerns on propriety beliefs for each possible allocation option.

NC=Normative Concerns; IC=Instrumental Concerns.

Behavior. The behaviors of participants whose propriety beliefs were elicited beforehand were neither significantly affected by normative concerns alone nor instrumental concerns alone, which means that we found no support for Hypothesis 1b and Hypothesis 2b (see Figure 4 and Table 4). Hypothesis 3b also has to be rejected because the presence of both concerns had either no significant impact on support or, in the case of allocation options 7 and 8 ($0.4 and $0.3 allocated to the charity), a negative impact. These effects are significantly different from instrumental concerns alone in the case of allocation options 5 to 8 ($0.6 to $0.3 allocated to the charity). However, some of these effects were not observed in Study 1, which suggests that eliciting the propriety beliefs of Participants B before asking them to make decisions may be what caused them. To investigate this question, we conducted a series of Chi-squared tests to compare the effects of our treatments on the behaviors of the participants in Study 1 and Study 2. Participants B in Study 2, who expressed their propriety beliefs, showed significantly lower support when neither normative nor instrumental concerns were increased for allocation options 1 to 5, i.e., options that resulted in more than half of the money being allocated to the charity, compared to Participants B in Study 1. Moreover, Participants B in Study 2 showed significantly different reactions to normative concerns for almost all of the allocation options (except for options 10 and 11) compared to the Participants B in Study 1 (see Table 9 in the Appendix). We observed similarly significant differences between Study 1 and Study 2 in the responses of Participants B to the presence of instrumental concerns alone and to the simultaneous presence of normative and instrumental concerns in options 1 to 5 ($1 to $0.6 allocated to the charity).
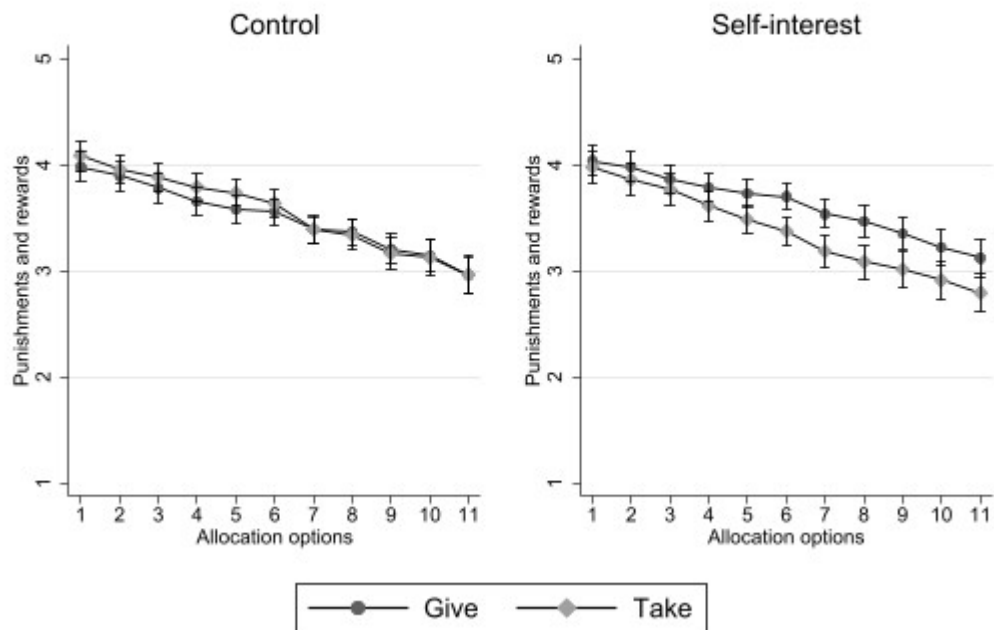
Figure 4: Effects of normative and instrumental concerns on decisions to reward or punish across allocation options after eliciting propriety beliefs. The error bars represent plus/minus one standard deviation.

Behavior	Allocation options										
(propriety)	1	2	3	4	5	6	7	8	9	10	11
NC	0.0991	0.0647	0.103	0.138	0.159	0.0819	0.00431	-0.0259	-0.0431	-0.0172	0.00862
	(0.104)	(0.104)	(0.102)	(0.0969)	(0.0947)	(0.092)	(0.0962)	(0.104)	(0.109)	(0.119)	(0.125)
IC	0.0557	0.0864	0.0831	0.131	0.149	0.145	0.146	0.0994	0.144	0.0843	0.163
	(0.104)	(0.104)	(0.102)	(0.0967)	(0.0945)	(0.0918)	(0.096)	(0.104)	(0.109)	(0.119)	(0.125)
NC&IC	-0.00422	-0.0339	-0.0162	-0.0457	-0.0926	-0.178	-0.203*	-0.285**	-0.194	-0.228	-0.163
	(0.104)	(0.104)	(0.102)	(0.0968)	(0.0946)	(0.0919)	(0.0961)	(0.104)	(0.109)	(0.119)	(0.125)
Constant	3.983***	3.892***	3.780***	3.655***	3.578***	3.556***	3.388***	3.366***	3.207***	3.138***	2.957***
	(0.0736)	(0.0734)	(0.0723)	(0.0685)	(0.067)	(0.0651)	(0.068)	(0.0736)	(0.0769)	(0.0843)	(0.0885)
N	931	931	931	931	931	931	931	931	931	931	931

Standard errors in parentheses

* p<0.05, ** p<0.01, *** p<0.001

Table 4: Average effects of normative concerns and instrumental concerns on behavior for each possible allocation option after eliciting propriety beliefs. NC=Normative Concerns; IC=Instrumental Concerns.

Discussion. In summary, like the degree of support observed in Study 1, propriety beliefs decreased as less money was allocated to the charity. However, the effect of normative concerns on propriety beliefs was only present for allocation options 7 to 11 ($0.4 to $0 allocated to the charity), whereas it was present for all allocation options in Study 1. Moreover, while in Study 1 instrumental concerns reduced support for allocation options 1 to 5 ($1 to $0.6 allocated to the charity), in Study 2, this effect was not reflected in the propriety beliefs of Participants B. One possible explanation for this result is that Participants B wanted to maintain a positive self-image. Evidence from psychological research suggests that individuals underestimate the impact of self-interest on their own moral judgments (Batson et al., 1999; Chugh & Bazerman, 2007; Epley & Dunning, 2000; Monin & Merrit, 2012). As a consequence, propriety beliefs may appear insensitive to increases in instrumental concerns. Finally, whereas combining both types of concerns affected behavior for allocation options 1 to 7 ($1 to $0.4 allocated to the charity) in Study 1, in Study 2 it affected propriety beliefs for allocation options 5 to 11 ($0.6 to $0 allocated to the charity).

In sum, strikingly, most of the behavioral effects observed in Study 1 were not observed in Study 2. These findings suggest that it was sufficient for the evaluators to express their discontent through propriety beliefs, which canceled the need to enact these judgments later on. In other words, we argue that because the participants in Study 2 had already expressed their propriety belief, they may not have felt the need to act on their judgments, suggesting that expressing a judgment *cancels* the behavior.

2.6 Study 3: Eliciting Validity Beliefs

In Study 3, we examined the relationship between normative concern, instrumental concern, the combination of both, and individuals' validity beliefs. As in Study 1, we measured participants' decisions to reward or punish a legitimacy object for gaining insights into validity beliefs' behavioral implications. We conducted Study 3 to be able to compare the behaviors to

Study 1 and discuss the impact of explicitly eliciting validity beliefs, i.e., a participant's belief how other participants evaluate the appropriateness of the allocation decisions, on the willingness of participants to support the legitimacy object in question.

2.6.1 Sample

Again, we conducted the experiment on MTurk, using oTree (Chen et al., 2016) and following the relevant best-practice recommendations of Aguinis et al. (2021). We collected data until we reached at least 200 observations per condition, totaling 1845 observations. As before, only U.S. residents could participate, and we excluded participants from Study 1 and Study 2. Of the total sample of 1845 participants, 925 were given the questionnaire for unincentivized validity beliefs and 920 participants received the incentivized questionnaire. We used two different measures of validity beliefs to investigate whether incentivizing the expression of validity beliefs would yield treatment effects on judgments that are closer to the effects observed on behaviors. The final sample is composed of 50.22% women and 48.58% men. The median age of the participants is between 36 and 40 years and the median level of education is a bachelor's degree.

2.6.2 Experimental Design

The experimental procedure was the same as for Study 1, with the addition of a questionnaire about participants' validity beliefs. After completing the ten tasks, Participants B were randomly allocated to groups of ten and then required to evaluate the appropriateness of the eleven possible choices that were available to the Participant A, depending on the treatment they were allocated to. Then, as in Study 1 and Study 2, Participants B were required to indicate whether they would punish, do nothing, or reward each of the eleven allocation options Participants A could choose from. As in the previous two studies, at this stage, Participants B were not aware of Participants A's choices. As the experiment lasted between four and eight

minutes, the workers received an hourly wage ranging between $7.50 and $14.75 (excluding possible bonuses).

2.6.3 Measures

The experiment follows the same 2x2 design as Study 1 and Study 2. We manipulated normative concerns across groups through framing and instrumental concerns through monetary incentives to align norm-violating behaviors of Participant A and the monetary incentives provided to half of Participants B in each group. In addition, we measured validity beliefs by asking Participants B to answer a questionnaire that required them to express their belief of how other participants in their group viewed the appropriateness of the different allocation options. Specifically, Participants B could choose between seven options, ranging from "very inappropriate" to "very appropriate". The instructions for that questionnaire were as follows:

> "Please evaluate the possible choices and indicate, for each of them, whether you believe most participants in your group would consider choosing that option to be 'very inappropriate', 'inappropriate', 'somewhat inappropriate', 'neither inappropriate nor appropriate', 'somewhat appropriate', 'appropriate', or 'very appropriate'. In each of your responses, please answer as truthfully as possible, based on what you believe most participants in your group would consider appropriate or inappropriate behavior."

Half of the Participants B (n = 920) were instructed they would receive a bonus of $0.02 for each allocation for which they selected the same rating as most participants in their group, i.e., the modal response:

> "If you give the same response as that most frequently given by other participants in your group, then you will receive an additional bonus of $0.02. You will receive

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a bonus for every response that matches the most frequently chosen response in

your group, meaning you can gain a bonus of up to $0.22."

The procedure through which we incentivized the expression of validity beliefs is similar to

that used by Krupka and Weber (2013) to elicit collective beliefs about a social norm. Krupka

and her colleagues have shown that this method induces individuals to reveal what they believe

about collective beliefs instead of revealing their own preferences (Burks & Krupka, 2012;

Chang et al., 2019; Krupka & Weber, 2013). After this step, Participants B went through the

same decision-making process as in Study 1 and Study 2.

2.6.4 Results and Discussion of Study 3

Unincentivized validity beliefs. As in the case of propriety beliefs (Study 2), unincentivized

validity beliefs decreased the less money was allocated to the charity. Moreover, we found

partial support for Hypothesis 1a as participants believed that allocation options 8 and 9 ($0.3

and $0.2 allocated to the charity) were *collectively* considered less appropriate when normative

concerns were increased (see Figure 5 and Table 5). However, we found no support for

Hypothesis 2a, as increased instrumental concerns did not significantly affect the validity

beliefs for any of the allocation options. Moreover, we found no support for Hypothesis 3a, as

the combination of both concerns had a significantly negative impact on beliefs for allocation

options 2 to 8 ($0.9 to $0.3 allocated to the charity). Finally, the effects of increasing both types

of concerns simultaneously were significantly different from the effects of increasing only

instrumental concerns for allocation options 1 to 5 ($1 to $0.6 allocated to the charity) and from

those of increasing only normative concerns for allocation options 2 and 3 ($0.9 and $0.8

allocated to the charity).

We also compared the validity beliefs we observed in Study 3 with the propriety beliefs

we observed in Study 2. The results of the Chi-squared tests are summarized in Table 10 (see

Appendix). This analysis revealed no significant differences in propriety beliefs and

unincentivized validity beliefs between the various treatments (except for allocation option 8 when no concerns were elevated). This suggests that normative and instrumental concerns did not have different effects on propriety and unincentivized validity beliefs.

Figure 5: Effects of normative and instrumental concerns on unincentivized validity beliefs across allocation options. The error bars represent plus/minus one standard deviation.

Unincentivized validity beliefs	Allocation options										
	1	2	3	4	5	6	7	8	9	10	11
NC	0.156	0.00453	-0.0602	-0.13	-0.143	-0.246	-0.257	-0.323*	-0.375*	-0.291	-0.179
	(0.182)	(0.171)	(0.163)	(0.151)	(0.148)	(0.148)	(0.153)	(0.158)	(0.17)	(0.179)	(0.195)
IC	0.248	0.169	0.16	0.0949	0.124	-0.0526	-0.095	-0.071	-0.111	-0.196	-0.129
	(0.183)	(0.171)	(0.163)	(0.151)	(0.148)	(0.148)	(0.153)	(0.159)	(0.17)	(0.179)	(0.195)
NC&IC	-0.181	-0.390*	-0.408*	-0.413**	-0.267	-0.317*	-0.342*	-0.332*	-0.322	-0.262	-0.147
	(0.183)	(0.171)	(0.164)	(0.152)	(0.148)	(0.149)	(0.154)	(0.159)	(0.17)	(0.18)	(0.196)
Constant	5.128***	5.026***	5.013***	4.974***	4.868***	4.953***	4.684***	4.534***	4.449***	4.205***	3.756***
	(0.129)	(0.12)	(0.115)	(0.107)	(0.104)	(0.104)	(0.108)	(0.112)	(0.12)	(0.126)	(0.137)
N	925	925	925	925	925	925	925	925	925	925	925

Standard errors in parentheses

* p<0.05, ** p<0.01, *** p<0.001

Table 5: Average effects of normative concerns and instrumental concerns on unincentivized validity beliefs for each possible allocation option. NC=Normative Concerns; IC=Instrumental Concerns.

Incentivized validity beliefs. Like propriety and unincentivized validity beliefs, incentivized validity beliefs decreased as less money was allocated to the charity (see Figure 6 and Table 6). However, we found no support for Hypothesis 1a, Hypothesis 2a, and Hypothesis 3a as, overall, increasing normative and instrumental concerns did not significantly affect incentivized validity beliefs either separately or jointly. Moreover, the incentivized validity beliefs were not significantly different from the unincentivized validity beliefs in any of the treatments for any of the allocation options. However, the incentivized validity beliefs were significantly different from the propriety beliefs observed in Study 2 when no concerns were elevated for allocation options 7 to 11 ($0.4 to $0 allocated to the charity). Specifically, we found that the base rating of these allocation options was significantly lower when validity beliefs were elicited with incentives. Additionally, incentivized validity beliefs were significantly different from propriety beliefs when both normative and instrumental concerns were elevated for allocation options 7 and 8 ($0.4 and $0.3 allocated to the charity).
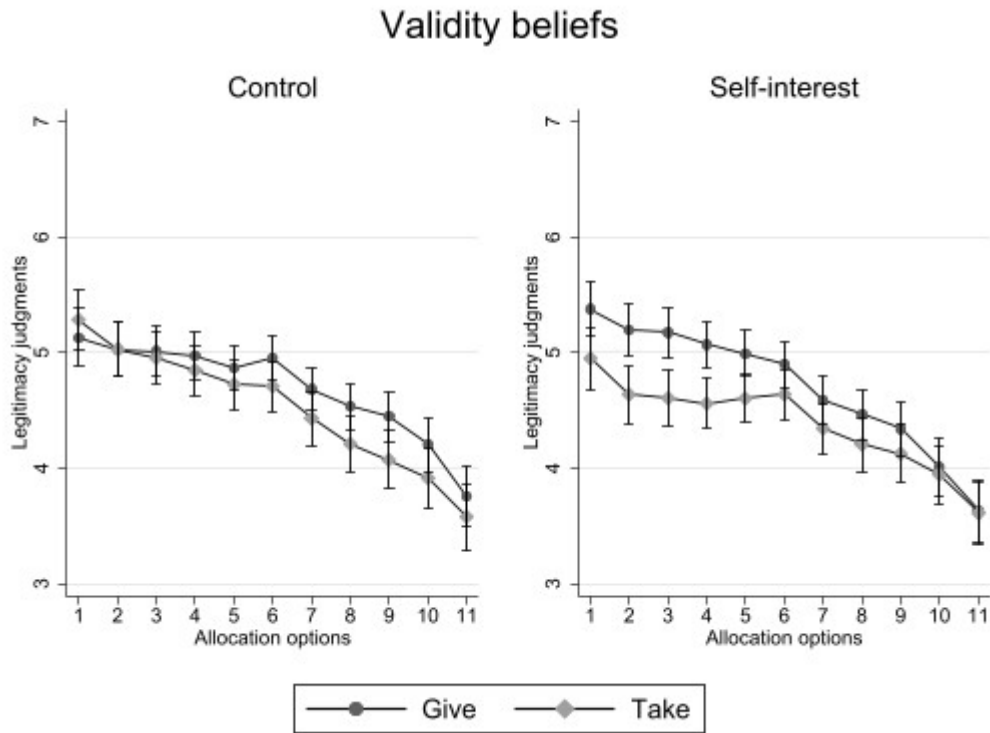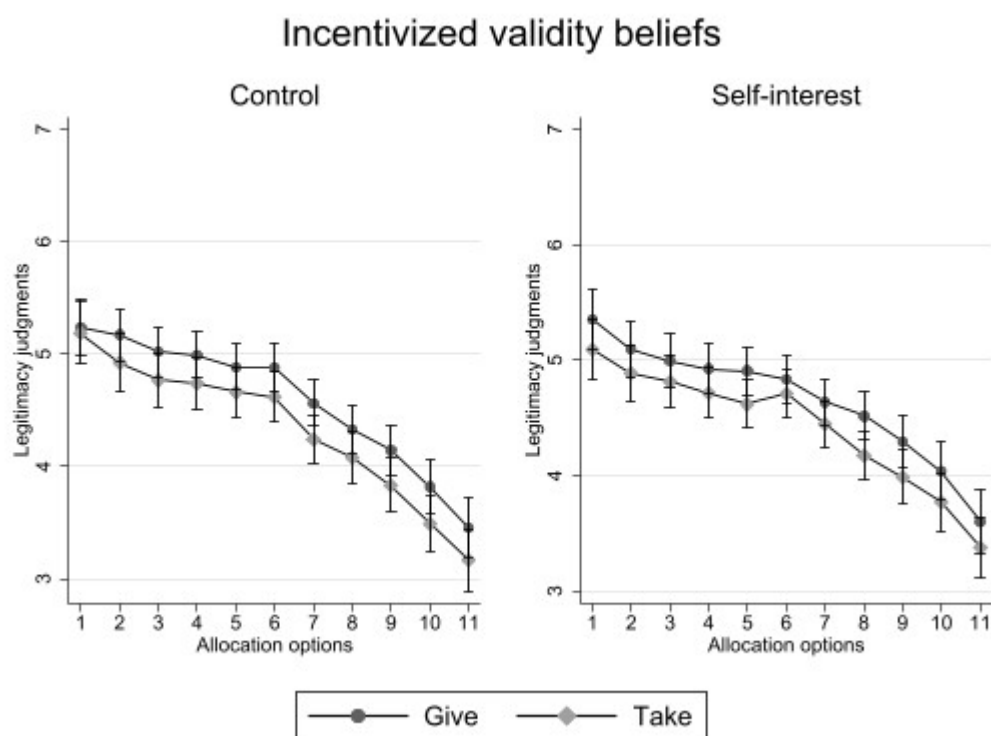

Figure 6: Effects of normative and instrumental concerns on incentivized validity beliefs across allocation options. The error bars represent plus/minus one standard deviation.

Incentivized validity beliefs	Allocation options										
	1	2	3	4	5	6	7	8	9	10	11
NC	-0.0512	-0.248	-0.256	-0.252	-0.224	-0.26	-0.321*	-0.252	-0.31	-0.332	-0.289
	(0.187)	(0.175)	(0.166)	(0.157)	(0.151)	(0.153)	(0.148)	(0.157)	(0.168)	(0.18)	(0.193)
IC	0.115	-0.0768	-0.0259	-0.0653	0.0251	-0.0445	0.0744	0.185	0.149	0.22	0.143
	(0.186)	(0.174)	(0.165)	(0.156)	(0.151)	(0.152)	(0.147)	(0.156)	(0.167)	(0.179)	(0.192)
NC&IC	-0.147	-0.284	-0.211	-0.276	-0.267	-0.172	-0.116	-0.155	-0.155	-0.0517	-0.0776
	(0.186)	(0.174)	(0.165)	(0.156)	(0.15)	(0.152)	(0.147)	(0.156)	(0.167)	(0.178)	(0.192)
Constant	5.237***	5.172***	5.022***	4.991***	4.884***	4.879***	4.560***	4.328***	4.142***	3.819***	3.453***
	(0.131)	(0.123)	(0.116)	(0.11)	(0.106)	(0.107)	(0.104)	(0.11)	(0.118)	(0.126)	(0.136)
N	920	920	920	920	920	920	920	920	920	920	920

Standard errors in parentheses

* p<0.05, ** p<0.01, *** p<0.001

Table 6: Average effects of normative concerns and instrumental concerns on incentivized validity beliefs for each possible allocation option.
NC=Normative Concerns; IC=Instrumental Concerns.

Behavior (unincentivized validity beliefs). Participants whose validity beliefs were elicited without incentives showed no significant behavioral reactions to increased normative or instrumental concerns (see Figure 7 and Table 7); therefore, Hypotheses 1b and 2b are not supported. Except for allocation options 1 and 5 ($1 and $0.6 allocated to charity), the combination of the two types of concerns had no significant impact on the participants' willingness to support or not the legitimacy object. Therefore, Hypothesis 3b also has to be rejected. The effects of normative and instrumental concerns combined were significantly different from the effects of instrumental concerns alone for allocation options 1 to 4 ($1 and $0.7 allocated to the charity). Yet, the presence of both concerns had a significantly different impact on support compared to normative concerns for allocation option 1 ($1 allocated to the charity).

Compared to the behaviors of the participants in Study 1, participants who expressed their unincentivized validity beliefs displayed significantly different behaviors for allocation options 1 to 5 ($1 to $0.6 allocated to the charity) in the control condition. That is, they showed significantly lower support for these options. Moreover, they showed significantly different behavioral reactions for allocation options 7 to 9 ($0.4 to $0.2 allocated to the charity) when normative concerns were increased. Similarly, they showed significantly different reactions to instrumental concerns alone for allocation options 1 to 4 ($1 to $0.7 allocated to the charity), and to the combination of both concerns for allocation option 7 ($0.4 allocated to the charity). As in Study 2, we can therefore conclude that eliciting unincentivized validity beliefs significantly affected the participants' behavioral responses to the three treatments, albeit to a lesser degree.

Compared to the behaviors of the participants in Study 2, participants whose unincentivized validity beliefs were elicited displayed significantly different reactions to normative concerns for options 4 to 6 ($0.7 to $0.5 allocated to the charity). Finally,

participants in the unincentivized validity treatment showed significantly different reactions to the combination of normative and instrumental concerns than participants in Study 2 for allocation options 7, 8, and 10 ($0.4, $0.3, and $0.1 allocated to the charity). We, therefore, conclude that, overall, eliciting propriety and unincentivized validity beliefs had similar effects on the willingness of the participants to support or not the legitimacy object.
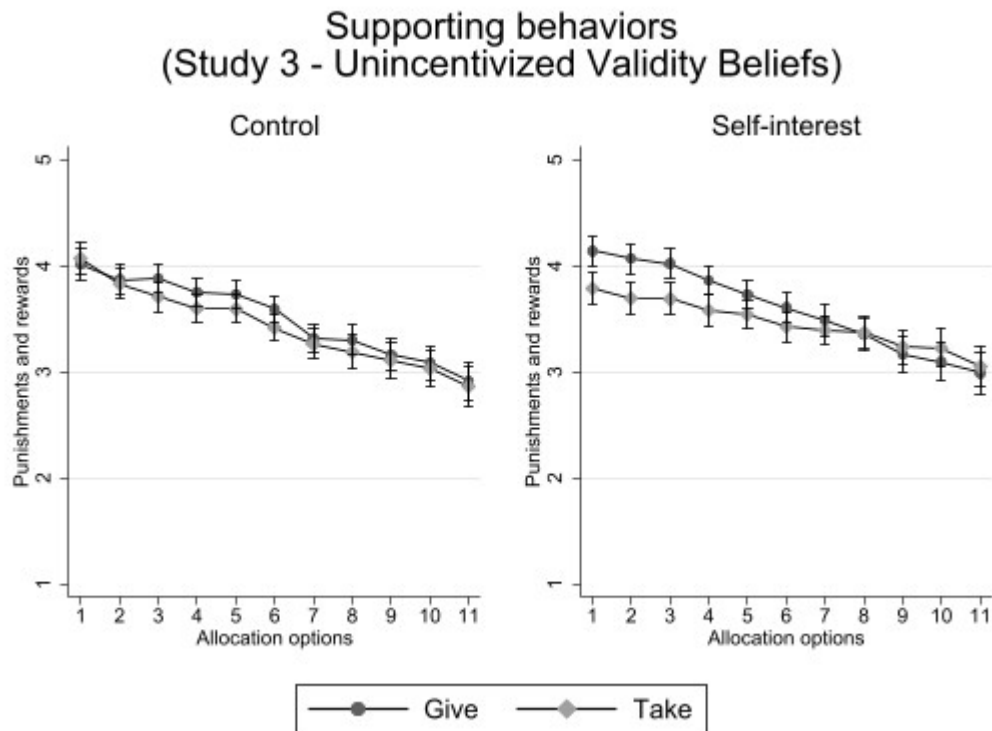

Figure 7: Effects of normative and instrumental concerns on decisions to reward or punish across allocation options after eliciting unincentivized validity beliefs. The error bars represent plus/minus one standard deviation.

Behavior (validity beliefs)	Allocation options										
	1	2	3	4	5	6	7	8	9	10	11
NC	0.0561	-0.0399	-0.173	-0.153	-0.14	-0.172	-0.0576	-0.109	-0.0504	-0.0553	-0.0482
	(0.106)	(0.104)	(0.101)	(0.0987)	(0.0951)	(0.0949)	(0.0997)	(0.107)	(0.115)	(0.125)	(0.13)
IC	0.126	0.197	0.141	0.109	-0.0035	0.0163	0.164	0.0515	0.00638	0.00977	0.0768
	(0.106)	(0.104)	(0.101)	(0.0988)	(0.0952)	(0.095)	(0.0998)	(0.107)	(0.115)	(0.125)	(0.13)
NC&IC	-0.228*	-0.179	-0.196	-0.173	-0.191*	-0.164	0.0698	0.0649	0.0743	0.138	0.138
	(0.107)	(0.105)	(0.102)	(0.0991)	(0.0955)	(0.0953)	(0.1)	(0.108)	(0.115)	(0.125)	(0.131)
Constant	4.013***	3.872***	3.880***	3.752***	3.731***	3.590***	3.321***	3.299***	3.158***	3.085***	2.910***
	(0.0749)	(0.0736)	(0.0715)	(0.0696)	(0.0671)	(0.0669)	(0.0703)	(0.0756)	(0.0809)	(0.088)	(0.0918)
N	925	925	925	925	925	925	925	925	925	925	925

Standard errors in parentheses

* $p<0.05$, ** $p<0.01$, *** $p<0.001$

Table 7: Average effects of normative concerns and instrumental concerns on behavior for each possible allocation option after eliciting unincentivized validity beliefs. NC=Normative Concerns; IC=Instrumental Concerns.

Behavior (incentivized validity beliefs). Overall, the decisions of participants in the incentivized validity belief conditions were not significantly affected by any of the treatments (see Figure 8 and Table 8). Therefore, we have to reject Hypotheses 1b and 2b. Hypothesis 3b also has to be rejected, as the effects of combining both types of concerns were either not significant or significantly negative (allocation options 3 and 4). Moreover, these were not significantly different from the separate effects of each type of concerns in any allocation option. Finally, when we compare the effects of the various treatments on the degree of support for different allocation decisions, we observe no significant differences between eliciting incentivized and unincentivized validity beliefs.

Compared to Study 1, participants whose incentivized validity beliefs were elicited showed significantly different reactions to elevated normative concerns for the allocation option 8 ($0.3 allocated to the charity). Likewise, they reacted significantly differently to the combination of both concerns for allocation options 5 and 6 ($0.6 and $0.5 allocated to the charity).

Compared to the behaviors of participants in Study 2, participants whose validity beliefs were elicited in an incentivized manner showed only a few significantly different reactions to the treatments (normative concern: allocation options 3 to 5; instrumental concern: allocation options 4 and 5; instrumental and normative concerns: none). Eliciting propriety and incentivized validity beliefs therefore had similar effects on the behavioral responses to the treatments. As for propriety and unincentivized validity beliefs, we conclude that eliciting validity beliefs in an incentivized manner altered the behavioral reactions to the treatments, although to a lesser degree. Finally, eliciting validity beliefs through incentives did not yield significantly different behavioral effects compared to the unincentivized ones (except for instrumental concerns for allocation options 3 to 5, see Table 9 in the Appendix).
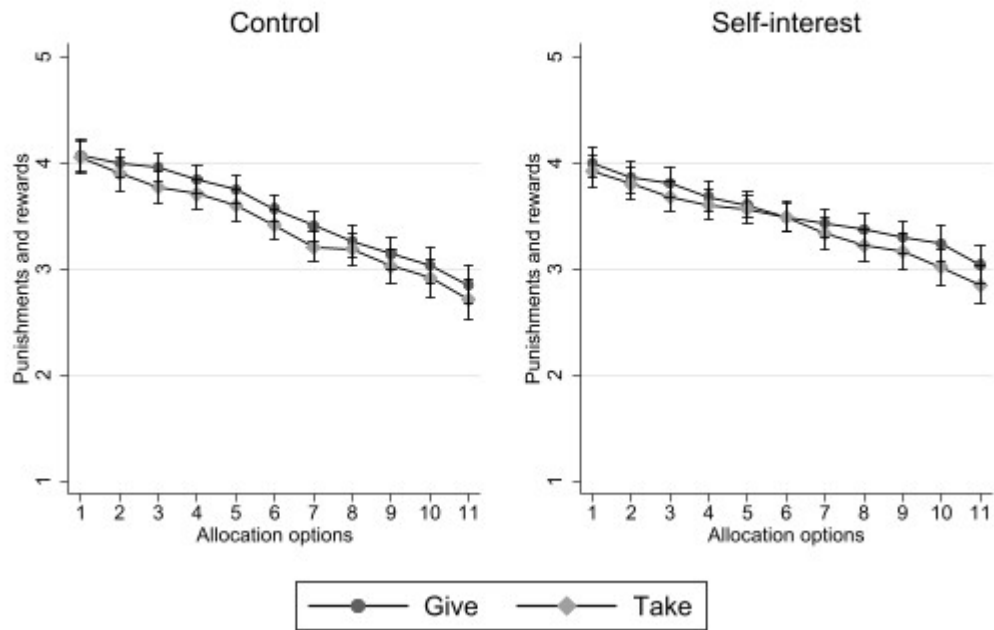
Figure 8: Effects of normative and instrumental concerns on decisions to reward or punish across allocation options after the elicitation of validity beliefs in an incentivized manner. The error bars represent plus/minus one standard deviation.

Behavior (incent. validity beliefs)	Allocation options										
	1	2	3	4	5	6	7	8	9	10	11
NC	-0.0116	-0.0975	-0.191	-0.137	-0.148	-0.153	-0.197*	-0.0727	-0.116	-0.123	-0.137
	(0.108)	(0.108)	(0.103)	(0.0986)	(0.0952)	(0.0963)	(0.1)	(0.108)	(0.114)	(0.124)	(0.131)
IC	-0.0647	-0.13	-0.153	-0.158	-0.141	-0.0864	0.0296	0.107	0.162	0.2	0.19
	(0.108)	(0.107)	(0.102)	(0.0982)	(0.0948)	(0.0959)	(0.1)	(0.108)	(0.114)	(0.124)	(0.13)
NC&IC	-0.142	-0.198	-0.280**	-0.237*	-0.181	-0.0776	-0.069	-0.0431	0.0259	-0.0129	-0.00431
	(0.108)	(0.107)	(0.102)	(0.098)	(0.0946)	(0.0957)	(0.0998)	(0.108)	(0.114)	(0.123)	(0.13)
Constant	4.065***	3.996***	3.961***	3.841***	3.746***	3.569***	3.401***	3.263***	3.138***	3.034***	2.849***
	(0.0762)	(0.0758)	(0.072)	(0.0693)	(0.0669)	(0.0677)	(0.0706)	(0.0762)	(0.0804)	(0.0872)	(0.0917)
N	920	920	920	920	920	920	920	920	920	920	920

Standard errors in parentheses

* $p<0.05$, ** $p<0.01$, *** $p<0.001$

Table 8: Average effects of normative concerns and instrumental concerns on behavior for each possible allocation option after eliciting validity beliefs in an incentivized manner. NC=Normative Concerns; IC=Instrumental Concerns.

Discussion. Overall, validity beliefs, both unincentivized and incentivized, did not reflect the behaviors observed in Study 1. That is, as for propriety beliefs in Study 2, the effects of normative and instrumental concerns on behaviors in Study 3 were significantly different from the behavioral effects observed in Study 1. Moreover, normative and instrumental concerns only had very limited effects on validity beliefs, which does not reflect the effects on the behaviors in Study 1. However, the context of the experiment may not have been ideal for the elicitation of validity beliefs. By definition, validity beliefs are not a reflection of one's personal views, but a belief of what a collective of evaluators thinks. Given that half of the group members benefitted from some of the allocation decisions, while the other half did not, it may have been difficult for participants to identify a norm of appropriate behavior within their group. Moreover, in the absence of validity cues, especially within a heterogeneous pool of unknown individuals, the participants may have evaluated the group's beliefs less accurately than they would have within a familiar group. At the same time, competing norms and heterogeneous beliefs are important determinants of social evaluations such as legitimacy. Our study is realistic in this regard because it reflects the presence of competing norms and heterogeneous beliefs in a complex and pluralistic world (Glynn, Barr, & Dacin, 2000; Kostova & Roth, 2002; Ruef & Scott, 1998). Hudson and Okhuysen (2009: 135) argued that the norms on which social evaluations rest are "both fragmented, reflecting multiple constituencies, and uneven, reflecting different levels of concern across society." Similarly, Lamin and Zaheer (2012) showed that groups of evaluators use different sets of norms to arrive at different judgments about legitimacy. These studies point to the importance of accounting for the different norms that evaluators use to make legitimacy judgments. Finally, same as for propriety beliefs, eliciting validity beliefs *canceled* subsequent behavioral effects.

2.7 General Discussion and Conclusion

2.7.1 Implications for Legitimacy Research

The legitimacy-as-perception perspective has significantly improved our knowledge of the socio-cognitive processes underlying the formation of evaluators' legitimacy judgments (Suddaby et al., 2017). However, the implications of these processes for behavior have been largely neglected. As a result, little is known about how normative and instrumental concerns may affect legitimacy judgments and an individual's inclination to support or resist a legitimacy object. Our experimental studies suggest that individual-level legitimacy judgments are not always reflected in behavior, as normative and instrumental concerns affect judgments and behavior differently. We expected that normative and instrumental concerns would have significant effects on judgments but less significant effects on behavior because, as supporting the legitimacy object was costly to the participants, whereas expressing a judgment carried no cost for them. In contrast to our expectations, we found that both instrumental and normative concerns have significant effects on behavior, whereas instrumental concerns did not significantly affect individual judgments. One possible explanation for this unexpected finding is that the participants may have found it difficult to evaluate the appropriateness of the legitimacy object and to construct a judgment.

Surprisingly, we also found that eliciting the participants' judgments before measuring their behavior eliminated the effects of normative and instrumental concerns on behavior, a phenomenon we named the "cancelation" effect. One explanation for this unexpected finding is that offering the participants the possibility to express their legitimacy judgments, i.e., to voice their support for or opposition to the legitimacy object, may make people feel good about themselves and therefore mitigate the desire to act on those judgments—in particular when acting is costly, but even in the absence of audiences and possible sanctions. For example, when individuals evaluate an object as inappropriate, expressing this judgment may relieve

negative feelings such as discontent or anger and at the same time give them the positive feeling that they reacted to the inappropriateness. In other words, simply voicing discontent—especially in response to normative violations—may allow individuals to feel good about themselves and maintain a positive self-image.

Our experimental studies suggest that we need to reconsider the relationship between legitimacy judgments and behaviors. The current literature assumes that legitimacy judgments translate seamlessly into corresponding behavioral responses (Bitektine, 2011) or that evaluators move from a "judgment stage" where they form a legitimacy judgment into a "use stage" where the judgment is deployed to guide behavior (Tost, 2011). However, our findings indicate that the link between the formation of judgments and the expression of behaviors is less straightforward. The results from our three experiments suggest that propriety beliefs reflect behavior better than validity beliefs, but that both types of beliefs fail to capture the negative effects of instrumental concern on behavior. The finding that propriety beliefs reflect behaviors better than validity beliefs may be explained by the study's design. Anonymity, the absence of validity cues, a one-time interaction, and a lack of opportunity to sanction expressed judgments may have made the evaluators feel comfortable about expressing their propriety beliefs truthfully and thus created conditions favoring their elicitation (Bitektine & Haack, 2015; Detert & Edmondson, 2011; Haack et al., 2021).

We know from research in psychology that the relationship between judgments and behaviors is not necessarily straightforward (Ajzen, Brown, & Carvajal, 2004). The judgment-behavior gap (Blasi, 1980; Kurzban, DeScioli, & Fein, 2012) and the intention-behavior gap (Sheeran, 2002; Sheeran & Webb, 2016) have been well-documented. A similar gap is likely to separate legitimacy judgments from behaviors related to the respective legitimacy objects. Given that a lack of legitimacy is said to play a crucial role in motivating institutional change efforts (Glynn & Marquis, 2004; Greenwood et al., 2002; Tost, 2011), it is crucial to understand

when and why legitimacy judgments lead to action. The gap between intentions and behaviors is especially relevant in cases of norm violation, as in our study. Past research has shown that individuals tend to overestimate their own morality (Epley & Dunning, 2000; Tenbrunsel, 1998), which suggests that they may also underestimate how likely they are to choose to benefit from norm violations such as taking money from a charity, given the opportunity. This tendency, in turn, may explain why legitimacy judgments may fail to accurately capture the effects of instrumental concerns on behavior.

2.7.2 Future Research and Limitations

Even though MTurk workers are primarily interested in earning higher wages (Aguinis et al., 2021; Hauser & Schwarz, 2016), the workers who served as Participants B in our experiments used some of their time, thereby lowering their hourly wage, to penalize or reward several of the allocation decisions Participants A had made. Based on the idea that individuals reward legitimacy objects they deem appropriate and impose sanctions on those they consider illegitimate (Bitektine, 2011; Huy et al., 2014; Tost, 2011), making support for allocation decisions costly increases the external validity of our experiments. We thus encourage researchers to opt for real, effortful punishments and rewards when studying the behavioral consequences of legitimacy judgments in the future.

Anonymity and the absence of social relationships between the participants is a limitation of studies, including ours, that use MTurk and other crowdsourcing platforms, where participants are recruited from a heterogeneous pool and lack a shared identity. In our experiments, the participants interacted just once and had little to no information about each other, other than knowing that they were participating in the same study. However, legitimacy involves a relationship between an evaluator and a legitimacy object (Suchman, 1995) and certain expectations that define the relationship between object and evaluator (Schoon, 2020). With that in mind, a potentially fruitful avenue for future research might be to introduce social

interactions between participants to study the inherently relational (Tost, 2011) and communicative dimensions of legitimacy (Haack et al., 2021; Palazzo & Scherer, 2006), which would also help improve the external validity of the respective experimental designs. Including interactions between participants would also make it possible to study the role of validity cues, such as endorsement by peers or authorization by high-status actors, taking into account the fact that legitimacy does not take place in a social vacuum but involves persuasion and social influence (Johnson et al., 2006).

The findings of Study 1 on behavior show that, as hypothesized in the literature, both normative and instrumental concerns impact the degree of support evaluators exhibit towards the focal legitimacy object. However, our findings also highlight the need for future research to investigate individual-level legitimacy judgments and behaviors separately to avoid endogeneity problems. Although studying exogenously the relationship between judgments and behaviors is not a trivial undertaking, we hope to see more experiments that seek to compare the effects of various dimensions of legitimacy on beliefs and behaviors.

A further important step forward for experimental research on legitimacy would be developing and validating a broader and more precise measure of legitimacy. Although several measures already exist (e.g., Alexiou & Wiggins, 2019; Bitektine et al., 2020; Jahn et al., 2020; Zhang et al., 2020), most are tailored to a specific study and challenging to extend to other contexts. In addition, and in contrast to this research, most existing scales rely on questionnaires that fail to discriminate unambiguously between propriety and validity beliefs, which raises doubts about their usefulness (Haack & Sieweke, 2020).

Finally, our findings suggest that employing a unipolar measure of legitimacy and prompting evaluators to determine the presence or absence of legitimacy might be sufficient to capture legitimacy judgments. In our experiments, we observed that most participants avoided rating any allocation decision as completely inappropriate; most ratings ranged between

"somewhat inappropriate" and "very appropriate". This finding suggests that the spectrum on which the legitimacy of actions is judged may be narrower than we had assumed. We believe that a generalizable unipolar scale that explicitly distinguishes between propriety and validity beliefs would make it possible to investigate more thoroughly and clearly how legitimacy judgments are formed.

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Appendix

Chi-Squared Test		Options 1	2	3	4	5	6	7	8	9	10	11
B	P	0.0074	0.0078	0.0021	0.0002	0.0001	0.0744	0.204	0.5961	0.6094	0.7716	0.9645
NC(B)	NC(P)	0.0237	0.0227	0.006	0.0012	0.0003	0.0204	0.0079	0.0082	0.0273	0.1005	0.0716
IC(B)	IC(P)	0.0171	0.014	0.0137	0.0017	0.0038	0.0592	0.1918	0.5971	0.4543	0.9098	0.6625
NC&IC(B)	NC&IC(P)	0.0661	0.0258	0.0093	0.006	0.0104	0.1638	0.7269	0.669	0.8403	0.3904	0.4386
B	V	0.0171	0.0034	0.0299	0.0068	0.0222	0.1567	0.0584	0.249	0.3483	0.8812	0.6878
NC(B)	NC(V)	0.0523	0.119	0.408	0.2838	0.1628	0.6929	0.0336	0.0474	0.0368	0.1677	0.1402
IC(B)	IC(V)	0.0042	0.0011	0.0034	0.0033	0.0825	0.3704	0.1652	0.8423	0.9007	0.7559	0.9752
NC&IC(B)	NC&IC(V)	0.7548	0.2078	0.1613	0.0696	0.0632	0.1389	0.0284	0.07	0.1563	0.2403	0.4157
P	V	0.7698	0.8422	0.3138	0.3085	0.0964	0.7062	0.4619	0.483	0.6326	0.6377	0.7027
NC(P)	NC(V)	0.7687	0.4744	0.0511	0.0311	0.022	0.0497	0.6465	0.5611	0.9617	0.819	0.7478
IC(P)	IC(V)	0.6302	0.4416	0.6803	0.873	0.2467	0.3179	0.8933	0.7393	0.3684	0.6544	0.6319
NC&IC(P)	NC&IC(V)	0.1384	0.33	0.2156	0.3612	0.4683	0.9158	0.0458	0.0169	0.0875	0.0311	0.0905
B	IV	0.0647	0.0896	0.1745	0.0679	0.0343	0.1057	0.2755	0.1435	0.2686	0.5819	0.3969
NC(B)	NC(IV)	0.1488	0.2505	0.4872	0.2382	0.1936	0.6011	0.2366	0.0269	0.0969	0.3277	0.3298
IC(B)	IC(IV)	0.1216	0.3295	0.3935	0.3158	0.48	0.8916	0.6423	0.5741	0.3999	0.4441	0.567
NC&IC(B)	NC&IC(IV)	0.3727	0.2555	0.4033	0.1627	0.0495	0.0347	0.2182	0.2743	0.2602	0.7348	0.9472
P	IV	0.4286	0.3085	0.0651	0.0449	0.0692	0.8866	0.8879	0.2949	0.5057	0.3696	0.3927
NC(P)	NC(IV)	0.4594	0.2743	0.0399	0.0435	0.022	0.0759	0.1317	0.7461	0.6358	0.5337	0.4209
IC(P)	IC(IV)	0.4093	0.1375	0.0938	0.0307	0.0256	0.0714	0.3807	0.9601	0.9022	0.4835	0.8787
NC&IC(P)	NC&IC(IV)	0.3587	0.2658	0.0659	0.1605	0.5092	0.4489	0.337	0.1086	0.1615	0.2069	0.3773
V	IV	0.6152	0.2121	0.3894	0.3425	0.8696	0.8194	0.4019	0.7262	0.8505	0.6703	0.6303
NC(V)	NC(IV)	0.6546	0.6987	0.9001	0.9068	0.952	0.8889	0.319	0.8079	0.6808	0.6991	0.6275
IC(V)	IC(IV)	0.1923	0.023	0.0325	0.0484	0.2905	0.4339	0.3289	0.7098	0.3221	0.2709	0.5373
NC&IC(V)	NC&IC(IV)	0.5735	0.8951	0.5533	0.6442	0.9384	0.5194	0.3215	0.4751	0.7607	0.3818	0.4341

Table 9: P-values resulting from the Chi-squared tests of the estimated effects of the treatments on behaviors in the three studies. For the baseline, the combined effect of normative concerns and instrumental concerns is tested against the separate effects of normative concerns and instrumental concerns. For the individual-level legitimacy judgments, each effect is tested against the corresponding effect in the baseline, to assess deviations from the unbiased behaviors

Chi-Squared Test		Options										
		1	2	3	4	5	6	7	8	9	10	11
P	V	0.1614	0.2529	0.1395	0.3014	0.1672	0.3037	0.0588	0.0095	0.3178	0.3369	0.2055
NC(P)	NC(V)	0.9479	0.8406	0.6766	0.8592	0.9553	0.8873	0.394	0.3519	0.6912	0.6192	0.4493
IC(P)	IC(V)	0.2963	0.7344	0.3567	0.9593	0.8626	0.9121	0.8573	0.8501	0.5582	0.4176	0.8967
NC&IC(P)	NC&IC(V)	0.367	0.2851	0.3873	0.5481	0.6769	0.6768	0.2538	0.0888	0.3047	0.3103	0.349
P	IV	0.4376	0.8095	0.155	0.3593	0.2112	0.1325	0.0078	0.0001	0.0039	0.0016	0.0043
NC(P)	NC(IV)	0.3732	0.394	0.6606	0.7028	0.7444	0.9409	0.5772	0.2153	0.5006	0.7363	0.7174
IC(P)	IC(IV)	0.6285	0.4655	0.9473	0.4782	0.7526	0.9459	0.5058	0.1604	0.5701	0.3722	0.3773
NC&IC(P)	NC&IC(IV)	0.4349	0.5204	0.9995	0.9702	0.6803	0.2694	0.0262	0.0116	0.0815	0.0654	0.2317
V	IV	0.5443	0.3797	0.9565	0.9083	0.9109	0.6115	0.3813	0.1651	0.0519	0.0231	0.1039
NC(V)	NC(IV)	0.4277	0.3001	0.3995	0.5752	0.7039	0.9491	0.7649	0.7537	0.784	0.8707	0.6873
IC(V)	IC(IV)	0.5964	0.3004	0.4118	0.4443	0.6305	0.9687	0.4047	0.2272	0.2537	0.0922	0.315
NC&IC(V)	NC&IC(IV)	0.896	0.6658	0.3971	0.5253	0.9977	0.4914	0.2747	0.4176	0.4787	0.3966	0.797

Table 10: P-values resulting from the Chi-squared tests of the estimated effects of normative concerns and instrumental concerns on judgments in Study 2 and Study 3.

3 Article 3: What Pays Becomes Accepted: A Theoretical Explanation of How Organizations that Advance Commodification Overcome Losses in Moral Legitimacy

Abstract

Commodification, i.e., the expansion of market values in social life, often violates established moral norms and values. However, little is known about how commodification can progress despite provoking moral disapproval. Drawing on the organizational legitimacy literature, I develop a theoretical explanation of how commodification can proceed even though organizations that introduce norm-violating market practices (henceforth "commodifiers") may endure losses in moral legitimacy. Using the example of professional soccer as an illustrative case, I argue that four effects can positively influence stakeholders' evaluations of a commodifier and thereby facilitate its pursuance of the contested market practice: compensation, buffering, dependence, and adjustment. High levels of instrumental and/or relational legitimacy may compensate and buffer losses in moral legitimacy. Furthermore, it is more likely that a commodifier withstands these losses if disapproving stakeholders' dependence on the commodifier is high because this dependence decreases the likelihood of stakeholder defections. As the market practice becomes adopted by other organizations, commodifiers may regain moral legitimacy because stakeholders adjust their evaluations to the increased importance of the practice for organizational performance. My theoretical model elucidates the interplay of legitimacy dimensions and improves the understanding of how organizations can promote market practices that infringe prevailing moral norms.

Keywords: legitimacy, institutional theory, commodification

3.1 Introduction

Commodification, i.e., the process by which social activities that were formerly regulated by non-market values and norms become increasingly governed by market values, has repeatedly been described as a prevalent phenomenon of our times. Education, culture, recreation, sports, health care, energy and utilities, military, the prison system—barely any field has remained unaffected (Friedland & Alford, 1991; Sandel, 2012; Thornton & Ocasio, 1999).

A wide range of scholars have taken a critical stance toward the phenomenon of commodification, by arguing that it sometimes undermines precious social values, corrodes societal cohesion, and increases inequality in the access to valuable goods (e.g., Ball, 2004; Harvey, 2005; Sandel, 2012). The skepticism towards commodification is not limited to scholarly debates but also concerns those who are directly affected by it. In fact, organizations that introduce a norm-violating market practice that advances commodification (henceforth "commodifiers") often generate moral repugnance and face criticism from their stakeholders and other actors in the affected field (Elias, Lacetera, & Macis, 2016; Jaffee & Newman, 2012; Roth, 2007). Despite this moral disapproval, however, commodifiers often succeed in implementing the new market practice and as commodification further progresses, objections against them tend to disappear (Sandel, 2013). Although there is an abundant literature on the power plays and discursive struggles that have accompanied commodification processes (Hartman & Coslor, 2019; Jaffee & Newman, 2012; Suddaby & Greenwood, 2001), the analysis of the social processes by which commodifiers progress and prevail, oftentimes *against* established moral norms and values, is largely neglected. As long as we do not understand these processes, we are prone to explaining the success of an initially contested commodifier by the fact that stakeholders ultimately came to realize that the market practice introduced by the commodifier is morally acceptable. In so doing, we risk perpetuating the simplifying notion

that commodifiers would not prevail if their behavior did not reflect stakeholders' values (Sandel, 2012).

How organizations and their practices become accepted and considered taken-for-granted by social actors is a longstanding interest of institutional theory (Greenwood, Suddaby, & Hinings, 2002; Purdy & Gray, 2009; Tolbert & Zucker, 1999). Early contributions in new institutionalism posited that organizations tend to conform to normative pressures in the field to gain and maintain legitimacy and to be successful (DiMaggio & Powell, 1983; Suchman, 1995; Tolbert & Zucker, 1983). The phrase "ethics pays" epitomizes this line of thinking (Lynn, 2021; Paine, 2000). However, the phenomenon of commodification suggests that things may not always be this simple. Organizations may sometimes successfully break with established moral norms by adopting initially contested but prospectively lucrative market practices, anticipating that stakeholders' disapproval will disapproval will not suffice to prevent them from engaging with these organizations and potentially vanish over time. In these cases, it rather seems that "what pays becomes accepted." To understand how organizations that introduce new or contested practices gain legitimacy, scholars examined the strategies that organizations use to deal with resistance from the institutional environment (Hampel & Tracey, 2017; Hargadon & Douglas, 2001; Hudson & Okhuysen, 2009). However, little is known about how the audiences of such legitimation efforts come to view organizations that adopt norm-violating practices as acceptable.

To grasp the effects through which commodifiers prevail despite violating the normative expectations of many stakeholders, it is useful to examine the perceptual processes based on which stakeholders form judgments and confer legitimacy on an organization. Hence, I draw on insights of recent legitimacy research examining the socio-cognitive processes through which individuals form legitimacy judgments (Bitektine, 2011; Bitektine & Haack, 2015; Tost, 2011). While scholars have suggested that legitimacy judgments are made along multiple dimensions (Bitektine, 2011; Suchman, 1995; Tost, 2011), there is a paucity of research that

examines the interplay between these dimensions (Deephouse & Suchman, 2008; Tost, 2011). In fact, the observation that commodifiers persist, even though they violate the normative expectations of a significant part of their stakeholders by introducing a contested market practice, suggests that losses in moral legitimacy may be balanced out by sufficient levels of instrumental and/or relational legitimacy (Tost, 2011).

I proceed in three steps: First, I define commodification, describe it with the example of professional soccer, and provide a concise overview of the main insights provided by the literature on this phenomenon. I furthermore argue that the literature on organizational legitimacy, in its current state, does not provide satisfactory theoretical explanations of how stakeholders come to view commodifiers that violate normative expectations within a field as sufficiently acceptable to not withdraw their resources from them. Second, I draw on three complementary perspectives in the literature on legitimacy, which view legitimacy as a property, process, and perception (Suddaby, Bitektine, & Haack, 2017), to develop a process model that explains why commodifiers survive despite infringing prevailing norms and values. I suggest that four effects positively impact stakeholders' evaluations of commodifiers: compensation, buffering, dependence, and adjustment. I describe these effects based on the illustrative example of professional soccer. Finally, I discuss the implications and limitations of the process model.

My article makes three main contributions. First, it adds to the rich literature on commodification, which until now has examined the phenomenon of commodification from various perspectives and disciplines, such as anthropology (e.g., Constable, 2009), sociology (e.g., Illouz, 1997), and philosophy (e.g., Sandel, 2012), but without developing a consistent theoretical explanation of how commodifiers can survive and thrive even though they oftentimes generate moral repugnance and face stakeholder resistance when they introduce a new market practice. Second, my article advances our knowledge of how the interplay of multiple dimensions of legitimacy affects the formation of "generalized legitimacy judgments"

(Tost, 2011: 695), i.e., overall judgments along the dimensions of legitimacy, particularly when these dimensions are inconsistent with one another (Huy, Corley, & Kraatz, 2014; Jacqueminet & Durand, 2020; Tost, 2011). I thereby contribute to a better understanding of how organizations that adopt norm-violating practices can become legitimate (Hampel & Tracey, 2017; Leblebici, Salancik, Copay, & King, 1991; Sherer & Lee, 2002). Third, my article responds to calls for organization and management scholars to engage more explicitly with issues of broader societal relevance (Barley, 2016; Clegg, 2006; Munir, 2011). Martí and Fernández (2013) argued that the literature usually takes market practices as a given and does not problematize them and their proliferation. My article offers insights into how commodification, a central phenomenon of modern times, shapes society and its norms, and thereby triggers a reflection on the limits of moral regulation of organizational activity.

3.2 Theoretical Background

3.2.1 What is Commodification?

Commodification can be defined as the process by which practices become increasingly regulated by market values (Herzog, 2021). This implies that goods of various nature such as products and services, leisure activities, natural resources, and information to which access was previously predominantly granted based on non-market norms and values, increasingly turn into *commodities*, that is, into items that can be bought or sold for money (Marx, 2013). Commodification often profoundly alters people's conception of the goods in question as well as of the way they relate to it (Ball, 2004; Sandel, 2012). Commodification usually happens in an incremental manner, through the progressive adoption of measures that gradually drive it forward. When these measures first are implemented by an organization, it often happens that a significant part of the organization's stakeholders perceive them to contravene previously held norms and values. As a consequence, these stakeholders are morally repelled by those measures, and sometimes publicly contest them (Jaffee & Newman, 2012). Notwithstanding this

resistance, commodification tends to spread in contemporary society, while successful "decommodification" processes (Peredo & McLean, 2020) remain comparatively marginal overall (Sandel, 2012).

The process of commodification can be illustrated by the example of professional soccer. Soccer in many European countries has undergone an extensive commodification (Brown & Walsh, 2000; Giulianotti, 2002). This commodification was accelerated by extraordinary volumes of capital that entered the game from pay-per-view television networks, sponsorship deals, merchandising revenues, and the major stock markets through the sale of club equity in the 1990s (Giulianotti, 2002; Szymanski 1998; Walsh & Giulianotti, 2001).

The first soccer clubs were founded in England in the mid-19th century. Soccer clubs originally had a strong communitarian character (Brown, 2008; Walsh & Giulianotti, 2001). In classical sociology in the lineage of Ferdinand Tönnies, the term "community" denotes a form of collectivity that is rooted in a common geography and bound by ideals of loyalty and commitment (Adler, 2015; Heberle, 1937). Communities are a source of collective identity, meaning that they confer on their members a "we-feeling" (Brint, 2001; Kanter, 1972; Vaisey, 2007). Since the late 19th century, a central constituency of soccer clubs have been local working-class supporters, who strongly identify with what they consider "their" club (Giulianotti, 2005; Kennedy & Kennedy, 2012; Russell, 1999).

Up until the 1980s, affordable ticket prices, even for top matches, allowed low-income fans to support their team throughout the season. Price differences between seating categories were moderate, which fostered a sense of belonging across spectators from different social classes (Giulianotti, 2011; Sandel, 2012). Furthermore, the club's players usually grew up in the local area, spent most or all of their careers at one club, and earned modest salaries by today's standards (Walsh & Giulianotti, 2001). Therefore, supporters considered players part of the community and felt closely connected to these "local heroes" (Giulianotti, 2002; Walsh & Giulianotti, 2001: 58).

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Today, many supporters still perceive their club as a source of belonging (Brown, 2008; Giulianotti, 2015). For them, supporting a team is not a mere pastime, but an integral part of their way of life. They feel committed to a traditional duty of loyalty, which demands from them to support "their" club exclusively and unconditionally, even when the club is playing poorly (Giulianotti, 2005). Another crucial norm that is integral to soccer—like any other sport—is competitive integrity, that is, the pursuit of victory in competitive good faith and being rewarded for competitiveness on the field (Loland, 2002; Morgan, 1994; Walsh & Giulianotti, 2001).

However, market practices adopted by professional soccer clubs have largely undermined these values and norms. Today's elite soccer clubs are often privately owned, rather than collectively operated. They are run like large multinational corporations that seek to increase their revenues, notably by competing for players on an international transfer market, using price discrimination strategies in ticket sales, and catering to international customers. The game of soccer thereby partly transformed from a source of collective identity into a *commodity* that is possible to "buy or sell"—with spectators on the buying side, and soccer clubs on the supply side (Brown, 2008; Kennedy & Kennedy, 2012; Walsh & Giulianotti, 2001). As a result, the relationship between soccer clubs and their supporters is now to a significant extent defined in terms of producers and consumers, rather than belonging to a common community (Giulianotti, 2005; Hudson, 2001; Nash, 2000).

The transformation of soccer clubs into businesses has been shown to have wide-ranging implications for traditional, local supporters who are increasingly disenfranchised from "their" club (Giulianotti, 2015). The ideal of community-tied and participatory ownership has been partly replaced by impersonal and corporate structures (Walsh & Giulianotti, 2001). Higher ticket prices and the advent of pay-tv have made it more difficult for working-class supporters to watch and support "their" club (Walsh & Giulianotti, 2001). Moreover, the commodification of soccer has led to a concentration of wealth, undermining the competitive integrity of the

game (Brown, 2007; Giulianotti, 2015). Consequently, the values of sport, i.e., being rewarded for competitiveness on the field, is being superseded by market values, i.e., accumulating financial wealth (Walsh & Giulianotti, 2001). A few elite clubs dominate the major European leagues and the Champions League, Europe's leading club tournament, whereas the majority has fallen behind financially and competitively (Giulianotti, 2015).

The commodification of soccer has advanced gradually through the entry of foreign investors, the progressive expansion of executive boxes in stadiums, steady increases in ticket prices, disappearance of live match coverage from public broadcasting, and changes in kick-off times to adapt to the needs of television audiences (Giulianotti, 2002; Kennedy & Kennedy, 2012). At the time such measures were taken, they often triggered public contestation and gave rise to fan protests and calls for boycotts (Magowan, 2015). A major reason for this criticism is to be found in the fact that these measures are perceived to corrupt moral values and ideals that previously governed the game of soccer.

Seen in retrospect, however, this contestation had, at best, a decelerating effect on commodification. As time went by, stakeholders, notably club supporters, have increasingly accepted market practices that were criticized heavily in the beginning (Chu, 2021; Giulianotti, 2011; Kennedy & Kennedy, 2012). Subsequently, new commodification measures were introduced, which further drove the commodification of soccer.

Similar processes have been described to be at work in many other domains, including arts (Drummond, 2006), education (Willmott, 1995), medical services (Nelsen & Barley, 1997), personal care (Ungerson, 1997), cultural heritage (Halewood & Hannam, 2001), intimacy (Constable, 2009), and human body parts (Sharp, 2000). This has led some scholars to talk of commodification as a "tendential process" (Willmott, 1995: 995) that reaches across specific organizational fields.

Researchers have analyzed commodification from various disciplines, including anthropology (Constable, 2009), geography (Harvey, 2005), philosophy (Sandel, 2012),

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sociology (Illouz, 1997), and discourse analysis (Hartman & Coslor, 2019). The literature on commodification provides valuable insights into the implications of commodification on social meanings and relations, and by critically discussing its advantages and disadvantages to society (e.g., Ball, 2004; Cole, 2007). However, extant research has remained vague in explaining how it is possible for organizations to advance commodification *although* a significant share of stakeholders contests, sometimes vehemently, the adoption of new market practices by organizations. Scholars generally assume that commodification is driven, at a macro-level, by the expansionary tendencies of capitalism (e.g., Harvey, 2005; Shumar, 1997) and, at a meso-level, by the seeking of profits and new sources of funding (e.g., Ball, 2004). However, the effects that facilitate the prevalence and acceptance of initially contested market practices adopted by organizations remain widely undertheorized. Although commodification occurs in various fields, as long as we lack a clear theoretical explanation thereof, it is puzzling how market practices introduced by commodifiers prevail in spite of stakeholders' moral repugnance. This may be so because we tend to assume that stakeholders are "free to act on their own valuations" (Sandel, 2000: 101), and thus largely able to steer field activities into the direction they deem appropriate. From such presumption, one may erroneously infer that commodification would not progress if most affected stakeholders did not adhere to it. A consistent theory explaining how commodification can take precedence over moral concerns, even when a majority of stakeholders shares them, can elucidate us on the limits of such line of reasoning.

My article aims at filling this gap by addressing the following question: How does commodification proceed despite the fact that commodifiers may endure losses in moral legitimacy? Answering this question requires to examine the concept of legitimacy more closely.

3.2.2 Three Perspectives on Legitimacy

Since Meyer and Rowan's (1977) seminal article, legitimacy has become a key concept in institutional theory (Colyvas & Powell, 2006; Deephouse, Bundy, Tost, & Suchman, 2017; Suddaby et al., 2017). Suchman (1995: 574) defined legitimacy as "a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions." A basic premise of institutional theory is that legitimacy enhances the chances of organizational success (Deephouse & Suchman, 2008; Meyer & Rowan, 1977; Ruef & Scott, 1998). As noted by Covaleski and Dirsmith (1988: 653), "the general theme of the institutional perspective is that an organization's survival requires it to conform to social norms of acceptable behavior."

Following Suddaby et al. (2017), there are three complementary perspectives from which researchers can study legitimacy. The first perspective conceives of legitimacy as a property, i.e., as something that is "owned" by organizations. This perspective encompasses institutional and strategic approaches (Suchman, 1995; Suddaby et al., 2017), which both have in common to emphasize the relationships between organizations and their environment and to highlight the positive effects of legitimacy on organizational performance (Deephouse et al., 2017; Suddaby et al., 2017; Zimmerman & Zeitz, 2002). However, they differ in their focus. Institutional approaches stress the importance of conforming with norms and rules prevailing in the institutional environment to gain legitimacy (Meyer & Rowan, 1977; Ruef & Scott, 1998; Scott, 1995), whereas strategic approaches focus on the opportunities for organizations to use legitimacy to their advantage (Aldrich & Fiol, 1994; Pfeffer & Salancik, 1978; Suchman, 1995). Specifically, the strategy literature elaborates on how organizations can manipulate the environment to garner legitimacy (Dowling & Pfeffer, 1975; Oliver, 1991; Pfeffer & Salancik, 1978). A large strand of the strategic literature on legitimacy shares the assumptions of resource dependence theory, emphasizing that organizations and their environment are in a relationship

of mutual dependence (Pfeffer & Salancik, 1978; Suchman, 1995; Zimmerman & Zeitz, 2002). Organizations depend on stakeholders' approval and support, but these stakeholders also depend on organizations to some degree.

While the legitimacy-as-property perspective conceives of legitimacy as a product of two actors—an organization and its environment—, it neglects the processes and contested interactions between social actors within an organizational field that lead to the construction and maintenance of legitimacy (Suddaby et al., 2017). The "legitimacy-as-process" perspective (Suddaby et al., 2017) addresses these limitations by conceptualizing legitimacy as the product of interactions between multiple actors and emphasizing the purposeful efforts of actors in the social construction of legitimacy (Elsbach, 1994; Suddaby & Greenwood, 2005). Furthermore, the process perspective takes the temporal evolution of legitimacy seriously and examines how legitimacy may change over time (Human & Provan, 2000; Suddaby et al., 2017).

Both the legitimacy-as-property and the legitimacy-as-process perspective do not address the question of how stakeholders come to view an organization or practice as legitimate in the first place. To understand this important facet of legitimacy, it is important to pay attention to how stakeholders form judgments and confer legitimacy. Drawing on the notion that legitimacy "resides in the eye of the beholder" (Ashforth & Gibbs, 1990: 177), a third perspective in the legitimacy literature studies the perceptual and subjective processes that affect the formation of individual legitimacy judgments (Bitektine, 2011; Bitektine & Haack, 2015; Tost, 2011). This so-called legitimacy-as-perception perspective moved away from the monolithic understanding of legitimacy as a collective or "generalized" perception and focuses on individual legitimacy judgments (Bitektine, 2011; Bitektine & Haack, 2015; Suddaby et al., 2017). Tost (2011) highlights the importance of looking at the content of individuals' legitimacy judgments; that is, "the substantive perceptions and beliefs that underlie the judgment of an entity as legitimate or illegitimate" (Tost, 2011: 687). Instead of abstracting from particular observers' legitimacy assessments and focusing on collective perceptions of legitimacy, her

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model is concerned with the process how individual stakeholders form legitimacy judgments and come to view institutional arrangements as appropriate (Tost, 2011).

Notably, the three perspectives provide complementary conceptions of legitimacy (Suddaby et al., 2017) and many scholarly contributions combine insights from multiple perspectives (see e.g., Ashforth & Gibbs, 1990; Fisher, Kotha, & Lahiri, 2016; Zimmerman & Zeitz, 2002). The process model that I develop draws on insights from all three perspectives to explain how commodification becomes accepted. Analyzing why commodifiers are able to garner sufficient legitimacy to succeed despite enduring losses in moral legitimacy helps explicating the relation between legitimacy dimensions and, more specifically, the limits of moral legitimacy in regulating organizational practices.

3.3 The Process Model

The process model that I develop builds on Tost's (2011) model of the legitimacy judgment process. Figure 1 provides a simplified version of this model. According to Tost's model, the legitimacy of an "object"—in my case, a commodifier—is evaluated along different dimensions. Building on Suchman's classic typology (1995), Tost (2011) suggested that there are three dimensions underlying legitimacy judgments: moral legitimacy based on an organization's consistency with a stakeholder's moral values, instrumental legitimacy based on whether the organization facilitates a stakeholder's attempts to reach self-defined goals, and relational legitimacy based on an organization's ability to affirm the stakeholder's social identity. Ultimately, the evaluations on these dimensions congeal into an overall judgment of legitimacy that determines stakeholders' engagement with the organization, that is whether they support it, for instance by providing resources, or not (Huy et al., 2014; Jacqueminet & Durand, 2020; Tost, 2011).
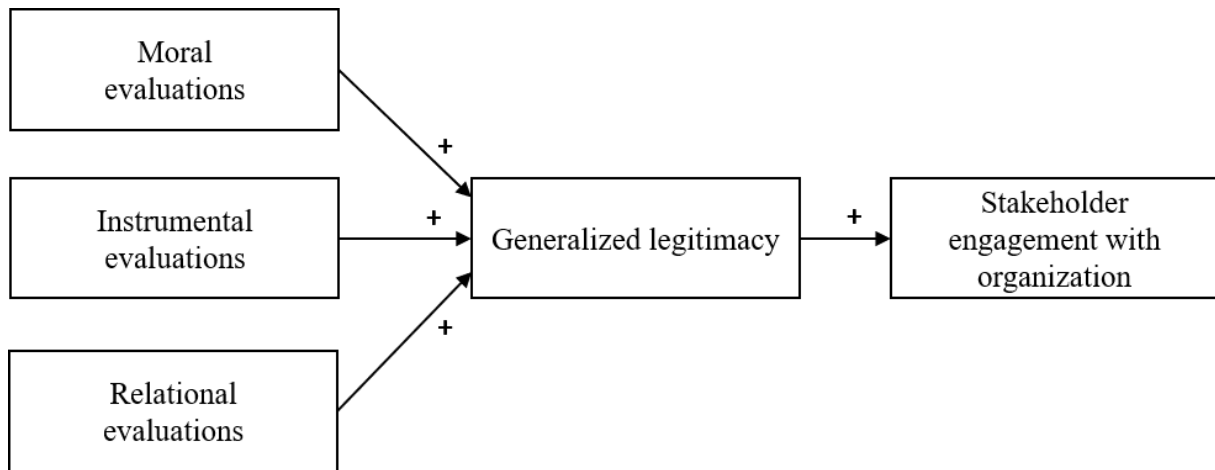
Figure 1: Simplified model of the legitimacy judgment process (adapted from Tost, 2011)

Extending Tost's (2011: 695) model, I theorize four effects that positively influence the formation of an individual stakeholder's generalized legitimacy judgments of a commodifier and thereby attenuate the detrimental impact of losses in moral legitimacy subsequent to the introduction of a contested market practice: compensation, buffering, dependence, and adjustment. In the following, I describe each of these effects, and illustrate them using the example of professional European soccer. Figure 2 provides a graphical representation of the process model. The commodifiers in the illustrative example are professional soccer clubs.
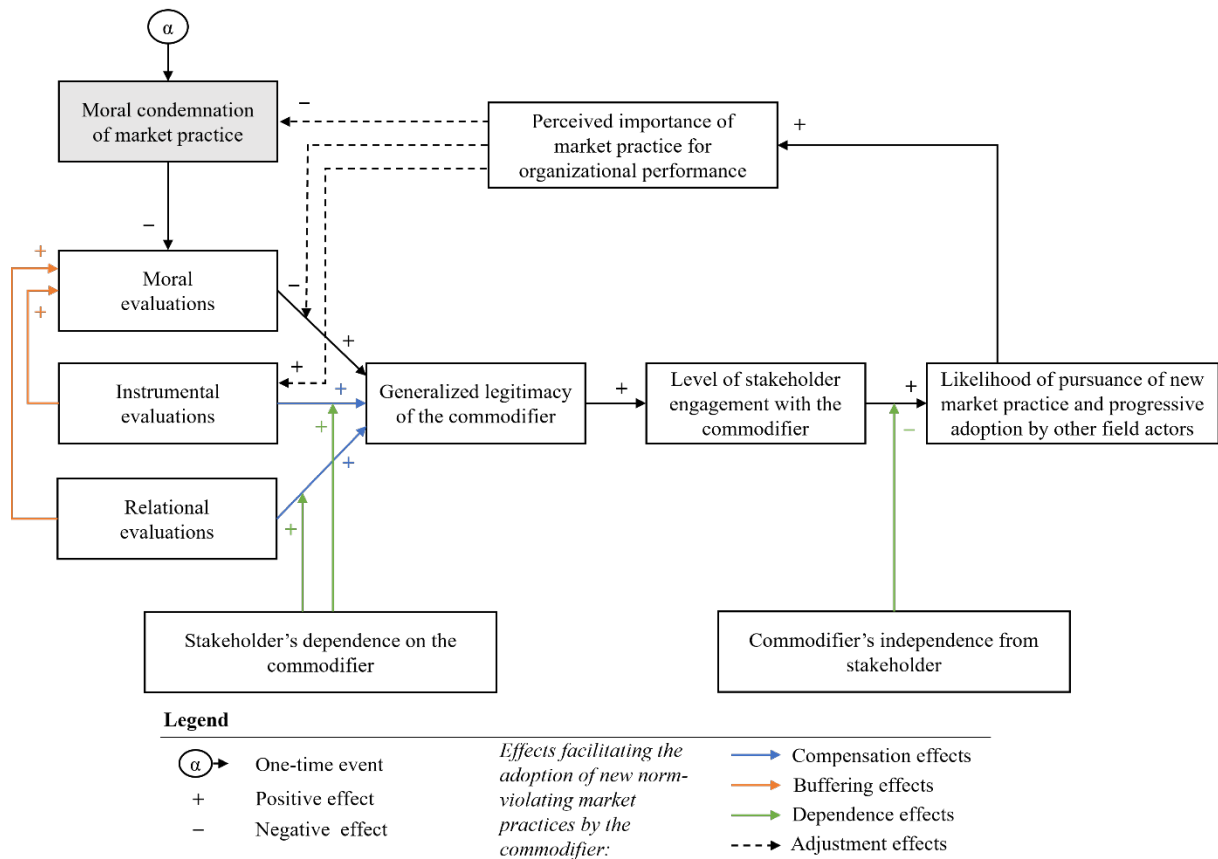
Figure 2: Effects influencing individual stakeholders' legitimacy judgments of a commodifier

3.3.1 Compensation Effects

There are numerous examples of organizations that thrive despite violating widely held norms of their institutional environment (Dowling & Pfeffer, 1975; Elsbach & Sutton, 1992; Hudson, 2008; Hudson & Okhuysen, 2009). The fact that stakeholders' normative concerns with an organization's activities do not necessarily prevent them from entering or maintaining a relationship with this organization suggests that a deterioration of the organization's moral legitimacy may occasionally become outweighed by favorable assessments on other legitimacy dimensions.

This possibility is implicit to Tost's (2011) model. In fact, Tost posited that an individual's moral, instrumental, and relational evaluations of an organization each have a positive effect on the organization's generalized legitimacy. This implies that a loss of legitimacy on one of these dimensions will reduce the organization's generalized legitimacy.

However, the level to which the organization's generalized legitimacy will be reduced also depends on the individual's evaluations on the two other dimensions. The evaluations along the three dimensions are to some extent *mutually compensatory*, meaning that the more favorable the evaluations on the two other dimensions are, the higher the level of the organization's generalized legitimacy will ultimately be. In this context, the higher the instrumental and/or relational evaluations are, the higher the commodifier's generalized legitimacy will be after it has introduced a norm-breaking market practice that negatively impacts its moral legitimacy—and hence, the higher the likelihood that the stakeholder pursues her engagement with the commodifier (I provide a formal explanation of this argument in the Appendix).

Thus, there can be situations where a stakeholder who morally disapproves of the norm-infringing commodifier (lowered moral evaluations) considers that the commodifier is nevertheless legitimate enough to engage with because doing so sufficiently benefits her personal interest (favorable instrumental evaluations) and/or bolsters her social identity (favorable relational evaluations). These theoretical considerations can contribute to explaining why soccer fans—a stakeholder group that is of key importance to the success of a soccer club—continue to support a club that has introduced a market practice that fans morally disapprove of. In fact, there are several ways in which compensation effects can contribute to maintaining a club's relationship with a supporter who opposes the introduction of a norm-breaking market practice.

Fans do not necessarily weigh the three dimensions of legitimacy equally when judging of a club's generalized legitimacy (Tost, 2011).[4] Supporters who view soccer clubs as communities, rather than mere entertainment providers are likely to put a premium on the relational dimension. They furthermore tend to attribute very favorable relational evaluations

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[4] Furthermore, as is shown in the Appendix and illustrated in Graph 1 therein, the relative weighting may also vary depending on the value that the fan attributes to the three dimensions. For example, for very low moral evaluations, moral considerations may take precedence over other concerns, and for very high relational evaluations, the relation dimension may be given the highest weight.

to "their" club because the sense of community that bounds them to it makes their ongoing support an important part of their own identity. Seeing and referring to themselves, for instance, as "Gooners" (the term by which Arsenal FC supporters talk about themselves), "Kopites" (fans of Liverpool FC), "Madridistas" (fans of Real Madrid), or "Culés" (fans of FC Barcelona), they take a sense of pride and self-worth in being part of the club-community and displaying loyalty towards it. In Tost's (2011: 696) words, these dedicated supporters consider their engagement with the club as "a source of identity, joy, and meaning." The high relational legitimacy they attribute to the club can compensate to a significant extent a decline in moral legitimacy caused by the introduction of a contested market practice. Even a sharp decline of the club's moral evaluations may not significantly alter its overall legitimacy.

Paradoxically, these fans contribute to the very erosion of the community ideal they cherish. Because they conceive of their relation to "their" club not as a mere market-based exchange interaction but primarily as a community-based relationship, they tend to judge the club's introduction of a new market practice negatively, as they perceive these practices to violate the norms and values that they believe should govern a community. However, since this community ideal also demands from them unconditional loyalty to the club, and since their self-image is largely tied to their ability to live up to this duty, the generalized legitimacy of their club remains sufficiently high for them to continue their support.

There can also be another form of compensation at play explaining why supporters who oppose a new market practice nevertheless continue to support their club. Some of these market practices (e.g., the introduction of new price discrimination strategies in ticket sales, new sponsoring contracts, and a takeover of the club by investors) hold the prospect of increasing the club's financial resources, which may enhance the club's sporting success and attractiveness. These represent "lose and win" situations: When introducing a prospectively lucrative market practice, the club loses moral legitimacy, but at the same gains instrumental legitimacy if the club is able to offer the promise of more attractive games and success to its

supporters. The improved instrumental evaluations of the club may then compensate, in part or even fully, for its worsened moral evaluations. Incidentally, this "lose and win" may also help attracting new supporters who, unlike traditional fans, prioritize the instrumental dimension when evaluating a club's legitimacy.

3.3.2 Buffering Effects

So far, I theorized how an individual's moral, instrumental, and relational evaluations impact a commodifier's generalized legitimacy independently, but I did not consider the possibility that judgements along these legitimacy dimensions also influence one another to some extent.

Effects between legitimacy dimensions are likely to occur when the evaluations along those dimensions strongly deviate from one another, i.e., when the stakeholder judges the organization to be highly legitimate on one dimension but illegitimate on another. Suchman (1995: 585) has already hinted at the possibility that different types of legitimacy can come in conflict with each other. In such situations, the beliefs and motivations based on which the stakeholder evaluates whether the organization is appropriate and should be supported place contradictory demands on her. Whatever the stakeholder will do, i.e., whether she decides to support the organization or not, her behavior will contravene part of her beliefs and motivations.

There is ample evidence from research in psychology showing that when individuals experience "cognitive dissonance," i.e., when they are torn between competing "cognitions," such as beliefs, desires, or pieces of knowledge, they tend to engage in strategies and justifications that aim at reducing these psychological tensions (Festinger, 1962). A specific form of cognitive dissonance is "ethical dissonance," which refers to situations when an individual's personal interest conflict with her moral convictions (Barkan, Ayal, & Ariely, 2015). When facing ethical dissonance, individuals are inclined to compromise with their moral beliefs (Mazar, Amir, & Ariely, 2008; Konow, 2000). To maintain a positive moral self-image, individuals tend to adjust their moral beliefs and judgments in a manner that brings them into

greater consistency with their behavior (Di Tella, Perez-Truglia, Babino, & Sigman, 2015). Such self-deceptive adjustments can both be done ex ante, i.e., before individuals engage in a behavior that infringes their moral beliefs, or ex post, i.e., after they have acted in a way that breaks their moral code (Barkan et al., 2015).

It is thus plausible to assume that stakeholders who morally condemn a commodifier's conduct but at the same time have a strong interest in engaging with the commodifier—because of instrumental reasons or because the relationship with the commodifier bolsters their identity—, will tend to seek for justifications that render their engagement with the commodifier more morally acceptable. A stakeholder can use justificatory arguments and narratives by which she attempts to diminish the moral burden of her decision to support a morally illegitimate commodifier, e.g., through "distancing" (Barkan et al., 2015: 158; Barkan, Ayal, Gino, & Ariely, 2012), i.e., by pointing to other people's moral failings, or through "palliative comparisons" (Bandura, 1974: 861) with other individuals who engage with organizations considered to be even more morally condemnable. Another way to make the engagement with the commodifier more morally acceptable is to put the commodifier in a more positive light, e.g., by emphasizing the good deeds of the commodifier's past, or by speculating on its future good actions. Put differently, the individual stakeholder's instrumental or identity-related interests may lead her to attempt to modify her judgments in a manner that increases the commodifier's moral legitimacy, to make her engagement with the commodifier less morally objectionable. As shown in Figure 2, a high instrumental legitimacy and/or a high relational legitimacy will thus have a *buffering* effect on the decrease of the commodifier's moral legitimacy caused by its adoption of a norm-infringing market practice. Buffering effects, which refer specifically to the interplay among legitimacy dimensions, facilitate the acceptance of market practices by individual stakeholders in addition to compensation, which captures the independent effects of the dimensions on generalized legitimacy judgments (see Figure 2).

One may take the example of an employee of a professional soccer club, who is well paid and thus has a strong instrumental interest in remaining with the commodifier (thus attributing a high instrumental legitimacy to the club). Such an employee may for instance attempt to reduce her cognitive dissonance induced by her employer's introduction of a new market practice that she considers morally problematic by hypothesizing on the socially beneficial use that the commodifier could make of the additional revenues generated by this practice—such as hiring further employees or increasing its charity funding. In a similar way, a passionate long-term supporter whose identity is strongly tied to the club (who thus attributes a high relational legitimacy to it) may reduce her cognitive dissonance after the club's introduction of a new market practice she finds morally contestable by criticizing rival clubs' practices as even more problematic. Rival clubs that are considered forerunners in advancing commodification sometimes serve as veritable "scapegoats." These clubs are accused of being "plastic," lacking authenticity, and their supporters are mocked as "glory hunters" who have no sense of loyalty and support the club only because of its success (Edensor, 2015; Oltermann, 2016).

3.3.3 Dependence Effects

An individual's legitimacy judgment of a commodifier can also be affected by her dependence on the commodifier. Generally speaking, the term "dependence" refers to "the quality or state of needing something or someone" (Merriam-Webster, 2021). An individual is dependent on an organization if this organization provides her with resources that are of essential value to her because they are either enhancing her identity, or of substantive instrumental value, and that are not, or only hardly, accessible to the stakeholder through other means. There are thus two main types of stakeholder dependence on an organization: identity-based and instrumental.

The first type of dependence results, in part, from individuals' psychological need for having a valued identity, which confers self-esteem on them (Tajfel & Turner, 1979). This need

can be partly fulfilled by an identification with a broader collective, i.e., "the perception of oneness or belongingness to some human aggregate" (Ashforth & Mael, 1989: 21). An individual's identification with a collective typically results from a belief in the values and goals of the collective (Kagan, 1958; Klein, Molloy, & Brinsfield, 2012; O'Reilly & Chatman, 1986). Identification is associated with loyalty to and pride in the collective and enhances support for and commitment to the collective and its activities (Ashforth & Mael, 1989). Individuals who identify with a commodifier not only value their relationship with the commodifier, but also feel like actual or symbolic members of the commodifier and perceive the fate of the commodifier as their own (Ashforth & Mael, 1989). In the context of professional soccer, supporters who conceive of their relationship with the club they root for as belonging to a common community typically form and express an important part of their identity through their relationship with the club. The club gives these supporters a sense of belonging and collective identity, which is reflected in a strong "we-feeling" among them. The relationship with the club is fundamental to a supporter's self-concept and has several positive psychological effects. Identification with the commodifier can bolster a supporter's sense of self-worth, self-esteem, and self-consistency (Ashforth, Harrison, & Corley, 2008; Tajfel, 1982).

An individual who sees no alternative options for maintaining a positive self-image than continuing her relationship with the commodifier, or who perceives these options to be difficult to access, is in a situation of identity-based dependence on the commodifier. Fans, especially those who conceive of their relationship to the club they support as a community-like bond, can be in such a situation of relational "lock in." This is in part due to the strong sense of duty and loyalty towards the club, which the community ideal demands from them (Giulianotti, 2002). A "community" in the strict understanding of the word is not a mere collective of individuals who are free to join or leave this collective as they wish (Wirth, 1926). High social cost will be imposed on members who decide to terminate their bonds with the community, or even worse, join a rival one. In fact, there is no objective lack of other soccer clubs that fans could support,

if they disagreed with the club's actions. However, the community ideal prohibits supporting other teams; fans abiding by this ideal have no credible outside options in terms of clubs to root for.

This relational dependence is further increased for supporters who do not perceive alternative means for maintaining a positive social identity and self-image (such as a socially valued occupation or family relationships) than being a devoted fan. Such fans will perceive themselves psychologically intertwined with the commodifier and experience a psychological state that motivates continuance "for better or worse" (Rusbult & Buunk, 1993: 180) because dissociating themselves from the commodifier would involve significant social and psychological costs (Ashforth & Mael, 1989; Bosse & Coughlan, 2016). As depicted in Figure 2, I posit that such identity-based dependence has a reinforcing effect on relational evaluations' impact on individuals' generalized legitimacy judgment of the commodifier. Since, as has been explained before, high relational evaluations can compensate for low moral evaluations, even if the commodifier engages in activities that violate an individual's normative expectations, which will lead to a loss of moral legitimacy, she will still perceive the commodifier as legitimate enough to continue her relationship with it.

The second type of dependence occurs when an organization produces tangible or intangible resources that are of high instrumental value to the individual and that are not available otherwise. In contrast to relational considerations that contribute to an individual's sense of identity, this form of dependence results from an individual's instrumental considerations. In the context of professional soccer, tangible resources include offering employment opportunities and securing employees' livelihood, whereas intangible resources include the club's ability to field a competitive squad that plays attractive and successful soccer, which supporters appreciate as a source of entertainment. If a club provides its employees and supporters with such highly valued resources and if they anticipate that the club will continue to do so, this may create a dependence on the club. Furthermore, if fans, employees, and other

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stakeholders feel that they cannot meet their instrumental needs for entertainment, money, or other resources outside of the relationship with the club, they have limited alternatives, which will further intensify the instrumental dependence. As shown in Figure 2, a stakeholder's dependence on tangible and intangible resources produced by a commodifier increases the impact of her instrumental evaluations on the commodifier's generalized legitimacy. This will reinforce the compensation effect induced by high levels of instrumental legitimacy: even after a commodifier has adopted a norm-violating market practice, stakeholders may hold sufficiently favorable generalized legitimacy judgments to engage in a relationship with it.

A high level of dependence of the stakeholder on the commodifier thus facilitates the acceptance of a newly introduced market practice. Similarly, but through other means, a low dependence of the commodifier on opposing stakeholders also increases the likelihood that the commodifier can successfully pursue the morally contested market practice because the commodifier incurs low costs in case the stakeholder defects, that is, the stakeholder ceases to engage with the commodifier. A commodifier can use these dependence effects to its advantage, in order to advance new market practices that are in its economic interest. These strategic implications of the model will be elaborated on in the discussion.

3.3.4 Adjustment Effects

If a market practice has a lasting positive impact on the commodifier's performance and allows the commodifier to provide stakeholders with valued resources such as stable incomes, desired products, and entertainment over a long period, then stakeholders' instrumental evaluations may increasingly gain in importance as compared to moral evaluations. Persistently high levels of instrumental legitimacy may not only compensate for initial losses in moral legitimacy but can lead to a gradual *adjustment* in the weighting of stakeholders' moral and instrumental evaluations.

If stakeholders perceive that a market practice benefits them in the long run, alternative practices, which are considered morally preferable but are recognized to yield lower benefits, will seem less viable. When a commodifier adopts a new market practice that increases revenues, the practice is likely to increase the commodifier's performance and its ability to provide stakeholders with valued resources. If the market practice benefits stakeholders, their instrumental evaluations of the commodifier and the market practice will become more favorable. If the practice pays off, it is likely that other organizations in the field will adopt it, too. When the practice proliferates in the field and increasingly becomes standard practice, the pressure on and costs for organizations that so far refused to adopt the market practice grow (Barringer & Milkovich, 1998; Tolbert & Zucker, 1999). Organizations that refuse to adopt the market practice may face considerable financial disadvantages as compared to organizations who implemented the practice. An opposition to adopt the market practice may thus have negative effects on organizational performance. Because the organization will be less able to provide its stakeholders with valued resources such as those mentioned above, stakeholders' instrumental evaluations of the organization will become less positive. An organization that does not adopt the market practice is likely to suffer from losses in instrumental legitimacy because it is not able to pass the benefits of the market practice on to its stakeholders. As depicted in Figure 2, over time, stakeholders may come to adjust the weight of their evaluations so that the benefits that the market practice yield outweigh the fact that the practice violates their normative expectations. Put differently, instrumental evaluations become an increasingly dominant dimension on which stakeholders form their legitimacy judgment.

In the context of professional soccer, the introduction of luxury suites and premium seating in stadiums encountered fierce opposition from working class fans because it this practice was perceived to erode the sense of belongingness to the same community among supporters from different social classes (Giulianotti, 2011; Sandel, 2012). At the same time, sacrificing cheaper seating or standing spaces for luxury suites generates higher revenues for

the club. This allows the club to spend more money on the team and invest in its infrastructure, which in turn provides fans with an improved experience in terms of entertainment and success. If the market practice improves the club's performance and allows fans to experience success, fans' instrumental evaluations will become more positive. Over time, when supporters get accustomed to experiences of success, they may place more weight on the benefits that a market practice like the introduction of premium seats and luxury suites yield, while the fact that this practice compromised the club's community ideal is increasingly neglected. Put differently, instrumental concerns increasingly dominate moral considerations in fans' evaluations. Even fans who oppose luxury suites may come to accept that as the market practice progressively diffuses in the field and more clubs adopt and advance the practice, engaging in the practice becomes inevitable and necessary for the club, particularly if the club wants to remain or become more competitive.

Strikingly, the personal benefits that a market practice yields for stakeholders may gradually crowd out moral values such as the community ideal (Sandel, 2012). In particular, if stakeholders believe that the adherence to moral norms and values hurts their interests, stakeholders may gradually cease to enact these norms and values. If norms and values are no longer embodied regularly in concrete practices and behaviors and if violations of the norm are no longer sanctioned, they begin to erode. In the case of professional soccer, the community ideal—traditionally one of the core values that soccer clubs and fans felt committed to—has been gradually eroded by the efficiency and success of market practices. Even supporters who consider market practices as a violation of moral norms acknowledge that market practices may have positive effects on the club's performance.

In addition, a commodifier that is successful over a long time may gradually regain moral legitimacy in the eyes of stakeholders. If market practices help an organization to accumulate a record of success, stakeholders may reassess the moral legitimacy of these practices (Tost, 2011), applying a different criterion in their re-evaluation. When stakeholders

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reassess the moral legitimacy of successful market practices, they may no longer evaluate the commodifier primarily based on a community ideal, but rather based on a consequential criterion, i.e., whether the market practices increase effectiveness and the commodifier's ability to produce outcomes (Ashforth & Gibbs, 1990; Suchman, 1995). This implies an adjustment in the moral criterion that stakeholders use in their judgment reassessment: success instead of community increasingly becomes the norm by which many stakeholders evaluate the moral legitimacy of the commodifier. As a result, practices that once were considered morally inappropriate can become seen as morally acceptable.

In the context of professional soccer, consistently high levels of performance and success may induce fans to view the club as morally legitimate on consequential grounds. This adjustment in stakeholders' normative expectations and moral evaluations over time can be illustrated based on the example of fans' reactions to the entry of investors in soccer clubs. While takeover attempts of soccer clubs by rich investors initially have met fierce opposition from fans as the example of Malcom Glazer's efforts to acquire Manchester United shows, nowadays many fans seem to consider the entry of investors as desirable, particularly if the investor is expected to spend money on the club, which in turn may increase the club's success. When American billionaire Malcom Glazer tried to become the majority owner of Manchester United in the early 2000s, fans of Manchester United protested against the looming takeover by erecting a big "Not for Sale" sign in front of the stadium (Hall, 2004; Longman, 2004). When Glazer's acquisition of Manchester United succeeded in 2005, some angry fans ripped up their season tickets and announced to boycott merchandise and products from sponsors of the club (Lyall, 2005; Owen, 2005).

On the contrary, when it was announced in October 2021 that a consortium comprising of Saudi Arabia's Public Investment Fund, which is chaired by Crown Prince Mohammed Bin Salman, had bought Newcastle United, thousands of supporters gathered in front of Newcastle's stadium and celebrated the deal frenetically (Sabin, 2021; Smith, 2021). The moral implications

of being owned by an investor notoriously known for human rights violations was merely a side note to most fans who rejoiced that the club had suddenly become the richest club in soccer and with the support of the new investor could "afford anything" (Harris, 2021; Ronay, 2021). In the case of Manchester United's takeover 15 years ago, fans perceived the club's acquisition as a hostile takeover that threatened to undermine the club's identity and community spirit, whereas in the case of Newcastle United's acquisition fans seemingly welcomed the investor due to expected positive effects on the club's performance. This example demonstrates how the normative expectations and the criterion based on which fans evaluate the legitimacy of market practices have shifted over time.

Adjustment does not only affect how current stakeholders in an organizational field view market practices but also has more long-term effects on the perceptions of new stakeholders and future generations of stakeholders. In the context of professional soccer, new generations of fans view market practices as normal. Occasionally, young fans may hear stories about "the good old days" when soccer clubs were a mirror and treasure of the local community, players spent their entire career with one club, and the sport was more competitive because the financial differences between clubs were relatively marginal. However, new generations of soccer fans are socialized in an environment where commodification has progressed to an extent that initially contested market practices have become accepted.

3.4 Discussion and Conclusion

3.4.1 Implications for Legitimacy Research

To explain how commodification can proceed despite the fact that commodifiers may endure losses in moral legitimacy, I drew on different perspectives in the organizational legitimacy literature to develop a process model that elucidates four effects that influence how an individual stakeholder evaluates a commodifier. This research has several implications for legitimacy research. The process model that I developed focuses on effects that influence the

formation of individual stakeholders' legitimacy judgments and thus draws primarily on insights offered by the legitimacy-as-perception perspective (Suddaby et al., 2017). However, to develop a comprehensive explanation of the legitimation of commodification it is useful to complement the legitimacy-as-perception perspective with insights from the legitimacy-as-process and the legitimacy-as-property perspectives. The legitimacy-as-process perspective and the emphasis it lays on temporal aspects informed the development of the process model because the legitimation of commodification rests on gradual changes in stakeholders' evaluations of organizational practices. The legitimacy-as-process perspective is particularly relevant for theorizing the adjustment effects because these effects involve long-term changes in the weight that stakeholders place on different legitimacy dimensions as well as possible adjustments in the criteria that stakeholders use in their moral evaluations. In addition, the process perspective incorporated in the theoretical model is in line with the observation that the acceptance of commodification by stakeholders does not happen abruptly or always occurs; rather it is a gradual process that unfolds over time.

The legitimacy-as-property perspective also offered important insights for the development of the theoretical model. In particular, the legitimacy-as-property perspective emphasizes the consequences of legitimacy for organizations: most stakeholders will only engage with and provide resources to a legitimate organization (Deephouse et al., 2017). If a new organizational practice does not gain legitimacy, this is likely to have a negative effect on stakeholder engagement with the commodifier and the provision of resources, which in turn hampers organization survival. Moreover, the legitimacy-as-property perspective allows accounting for the possibility that a commodifier can strategically exploit stakeholder dependence to advance a contested market practice. A commodifier may anticipate that a strong dependence induces stakeholders to continue their engagement with the commodifier violates their normative expectations. In sum, even though the three perspectives identified by Suddaby et al. (2017) rest on different assumptions and focus on different elements of legitimacy, it can

be fruitful to combine insights from multiple perspectives to develop a holistic understanding of social phenomena like commodification.

We know from previous scholarly contributions that multiple dimensions of legitimacy can simultaneously affect legitimacy judgments (Deephouse et al., 2017; Suchman, 1995; Tost, 2011). Extant legitimacy research also suggested that over time individuals can and do apply different dimensions in their evaluations, which explains changes in legitimacy judgments and behaviors towards an organization (Huy et al., 2014; Tost, 2011). However, how multiple legitimacy dimensions influence one another and the effects that facilitate changes in the relationship between and weighting of legitimacy dimensions are undertheorized. My model shows that the three dimensions do not only affect generalized legitimacy judgments independently from each other (compensation effects), but that they can also impact each other to some extend (buffering effects). My article makes the interplay of legitimacy dimensions explicit and theorizes the effects that influence which dimension individuals prioritize when the three dimensions come into conflict. I thereby advance our understanding of how individuals form legitimacy judgments and engage with organizations.

The theoretical model and the effects described therein are applicable beyond the context of professional soccer. Similar processes are likely to have occurred in other sports and sporting events that witnessed proceeding commodification over the last decades. For instance, until the 1980s, participation at the Olympic Games was restricted to amateurs and commercial interests were largely absent. Although the abandonment of the amateur principle and the growing commercialization of the Olympic Games were criticized for violating the values and spirit of the Games (Tomlinson, 2005), they are now widely accepted. Another example is rugby football, a sport that similarly to soccer became increasingly commodified in recent decades, both in Europe and in countries of the southern hemisphere where it enjoys great popularity. The commodification of rugby football ran counter to the values that have

traditionally been upheld by rugby players and supporters, notably amateurism and a community ideal akin to that prevailing in soccer (Denham, 2000; McKay & Miller, 1991).

Beyond the field of sports, commodification is proceeding in various domains. One example is the commodification of higher education, particularly in Europe, where universities traditionally are publicly funded. The progressive adoption of measures such as increases of tuition fees, launches of for-profit training offerings, and the creation of corporate-funded research chairs, often triggered public contestation and gave rise to petitions (UK Parliament, 2021; Yumeen, 2020) and faculty strikes (Parfitt, 2018). A major reason for this criticism can be found in the fact that these measures are perceived to violate moral values like the ideals of equal access to higher education and of research driven by the common good, which underlay the norms that until then had governed the access to education and research. Despite the resistance from relevant stakeholders in the field, higher education institutions have advanced commodification. The effects theorized in the process model are likely to be at work in the field of higher education, too, albeit with a different weighing, and can help explaining how stakeholders come to view the norm-violating actions of commodifiers as acceptable.

Tost (2011) noted that the institutional theory literature largely neglected the relational dimension of legitimacy. While extant research often overlooks the role of social identities and self-worth in legitimacy processes, my article makes the importance of relational considerations in individual legitimacy judgments explicit. Notably, a strong identification of stakeholders with an organization, which leads to high levels of relational legitimacy, can facilitate the implementation and prevalence of norm-violating practices. Stakeholders who identify strongly with an organization and who have few, if any, credible outside options are dependent on the organization—possibly to a degree where they feel that they are locked in the relationship. Stakeholders whose identity and sense of self-worth depend on an organization may be more likely to condone a norm violation by that organization and to continue their engagement with the organization even if they disapprove of the organization's actions on moral grounds. Hence,

relational considerations and stakeholder dependencies play an important role in explaining how commodification and other norm-violating practices may prevail despite stakeholders' moral disapproval. However, it is important to note that relational evaluations depend on the legitimacy object under evaluation. Stakeholder identification with an organization and the community ideal are particularly pronounced in some organization-stakeholder relationships, such as between sports clubs and their supporters, or between employers and employees when the employee perceives the employer not only as a source of income but also of self-esteem and social status.

3.4.2 Strategic Implications for Organizations

While the process model focuses on the four effects that explain how stakeholders come to accept norm-violating market practices, it is important to note the possibility that commodifiers make strategic use of the above-mentioned stakeholder dependence. Commodifiers can take advantage of stakeholders' identity-based and instrumental dependence and the fact that these stakeholders have limited outside options. Stakeholders who are dependent on the commodifier and have few, if any, alternatives are more likely to accept normative transgressions and to continue their relationship with the commodifier because it is costly to dissociate from the organization. Soccer clubs, for instance, are aware that many supporters are locked in the relationship because the club is a crucial source of identity and meaning for fans and they have no credible alternatives. The club may anticipate that most fans will come to accept the norm-violating market practices, especially when these practices make the club more successful.

Even if fans oppose the club's actions and, in some cases, withdraw their support, the club can look for other supporters who do not contest its actions. There are several ways in which clubs can attempt to gain autonomy from fans who encourage or enforce adherence to their normative expectations, which are violated by the introduction and advancement of market practices (Oliver, 1992; Pfeffer, 1982). One strategy that soccer clubs can pursue is taking

measures against defiant supporters such as increasing ticket prices, reducing or removing standing places, and imposing stadium bans. Organizations can also attempt to alter the degree of dependence on stakeholders who contest commodification by tapping into stakeholders who are not concerned by the norm violating practices that commodification processes involve (Drees & Heugens, 2013; Oliver, 1991; Pfeffer & Salancik, 1978). Clubs can try to establish ties with fans who do not object to market practices on moral grounds because they hold different values and norms or prioritize instrumental and/or relational concerns over moral considerations when forming generalized legitimacy judgments. For instance, some fans care relatively little about the club's compliance with traditional norms of community-tied and participatory ownership and more about the instrumental value the club provides such as the acquisition of star players, an entertaining style of play, and success.

Many European soccer clubs organize pre-season tours and exhibition matches in Asia and North America such as the "Premier League Asia Trophy" or the "International Champions Cup" to cater for the interests of resourceful new audiences in overseas markets (*BBC*, 2019). Marketing campaigns and membership programs specifically target soccer fans in these growing markets. Importantly, the norms, values, and expectations, and therefore the legitimacy judgments, of "international" fans who do not live in the club's country of origin may differ from those held by "local" fans (Fisher et al., 2016; Glynn, Barr, & Dacin, 2000; Kostova & Zaheer, 1999). Local fans who live in the same city or region where the club is based are more likely to put emphasis on compliance with traditional values such as the community ideal, whereas international fans may consider success and entertainment as more important than traditional, community-based values. As a result, if a club that seeks to advance commodification manages to tap into new sources of resources and support from international fans who do not object to market practices, the club can violate the normative expectations of local fans who uphold the community value but still survive over the long term (Kostova & Zaheer, 1999). This makes, as has been explained in the section on dependence effects, the

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organization more independent from defiant stakeholders, thereby increasing the likelihood that commodification prevails.

In addition, over the last two decades, wealthy investors such as Russian billionaire Roman Abramovich (Chelsea FC), Emirati billionaire and member of the royal family Mansour bin Zayed Al Nahyan (Manchester City), the Glazer family (Manchester United), or Qatar Sports Investments (Paris Saint-Germain) acquired soccer clubs. The provision of financial resources by affluent investors has reduced clubs' dependence on fans who oppose the introduction and advancement of market practices. The financial resources that investors provide to a club more than compensate for possible financial losses that may occur if fans decide to withdraw their support. In particular, if investors are new to the field, they may have no, or little, sense of obligation to the field's prevalent norms and values. Hence, investors are unlikely to oppose the advancement of market practices, which violate stakeholders' normative expectations. In effect, clubs that seek to advance commodification can strategically collaborate with investors who do not object the introduction and advancement of commodified practices on moral grounds, but, on the contrary, may have an interest in driving commodification forward to increase their return on investment.

3.4.3 Boundary Conditions and Future Research

Despite the existence of effects that facilitate the acceptance of a market practice introduced by a commodifier, it is important to note that it is not certain that the commodifier will receive sufficient support to pursue the norm-violating market practice. Yet, the contingency that a commodifier does not maintain sufficient acceptance is accounted for in the theoretical model. Stakeholders who oppose the introduction of a market practice may end their engagement with the commodifier. This will reduce the level of stakeholder engagement with the commodifier (see Figure 2). If a large enough share of stakeholders stops supporting the commodifier and if the commodifier cannot replace these stakeholders, the likelihood that the commodifier

continues to pursue a norm-violating practice decreases and may reach a near zero level, which means that the norm-violating market practice fails.

Another boundary condition of the theoretical model is that compensation and buffering effects that positively impact stakeholders' evaluations of commodifiers generally rely on sizable gains in at least one of the legitimacy dimensions. If a market practice or any other norm-violating practice that a commodifier introduces does not increase organizational performance and does not improve its ability to provide valued resources to stakeholders, this will not only have a negative effect on stakeholders' instrumental evaluations, but there may be a "backfiring" effect, which further reinforces the negativity of stakeholders' moral evaluations. When the success that stakeholders anticipated does not materialize, stakeholders may feel that the commodifier sacrificed moral values by introducing and advancing market practices without any reason. In such cases, there will be no compensation in the short term and no adjustment in the long term, which means that the norm-violating practice introduced by the commodifier is likely to fail. Finally, while stakeholder opposition is more likely to occur in the early stages of a commodification process, i.e., when a new market practice is introduced by a commodifier, it is also possible that stakeholders contest the commodifier and the introduced practice in more advanced stages. If an organization advances a market practice too rapidly, stakeholders may recognize that the practice adopted by the commodifier constitutes a serious violation of their normative expectations, which in turn may trigger a "mental alarm" (Tost, 2011: 700). This mental alarm induces stakeholders to reconsider their existing legitimacy judgments in an effortful way and, depending on the outcome of their judgment, may motivate them to contest the commodifier.

The process model creates several opportunities for future research on the legitimation of commodification and norm-violating practices more generally. For instance, empirical research could study the discursive strategies that stakeholders use to communicate their evaluations and how they employ the different legitimacy dimensions in their rhetoric to contest

commodification processes. Another fruitful avenue for future research could be to study how organizations strategically address the different concerns, i.e., instrumental, moral, and relational, of stakeholders to make stakeholders' legitimacy judgments of norm-infringing practices more favorable. Moreover, it would be interesting to examine how companies can tap into new stakeholders who do not oppose a new practice on moral grounds, which makes the organization less dependent on opposing stakeholders and thus makes it more likely that a norm-violating practice prevails. Finally, future scholarship could examine the role of stakeholders' emotions in commodification processes or other phenomena that violate stakeholders' normative expectations. Stakeholders who identify strongly with an organization are likely to connect positive emotions with the organization. An emotional bond with an organization may induce stakeholders to justify and try to make sense of norm-violating behaviors of the organization. On the contrary, however, if an organization violates the normative expectations of stakeholders who feel emotionally attached to the organization, the violation may also trigger negative emotional reactions. It would therefore be interesting to study if and how stakeholders can mobilize emotions to contest commodification.

Acknowledgments

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Appendix

According to Tost's (2011) model, an individual's moral, instrumental, and relational evaluations of an organization determine its generalized legitimacy. Put in the language of mathematical analysis, the generalized legitimacy of an organization in the eyes of a stakeholder can thus be conceived as a function of the three variables that constitute moral, instrumental, and relational evaluations:

$$Legitimacy = f(m, i, r)$$

With m: moral evaluations, i: instrumental evaluations, and r: relational evaluations.

If m, i and r each have, as posited by Tost, a positive effect on the organization's generalized legitimacy, then f is a *monotonic non-decreasing function*, i.e., for all (m_1, i_1, r_1) and (m_2, i_2, r_2) with $(m_2 \geq m_1$ and $i_2 \geq i_1$ and $r_2 \geq r_1)$ it holds that:

$$f(m_2, i_2, r_2) \geq f(m_1, i_1, r_1)$$

For all fixed (m_0, i_0, r_0), the same holds true for the two-variable functions ions $f_{r_0}(m, i), f_{i_0}(m, r)$ and $f_{m_0}(i, r)$ as well as for the one-variable functions $f_{i_0, r_0}(m), f_{m_0, r_0}(i)$ and $f_{m_0, i_0}(r)$:

$$f_{r_0}(m_2, i_2) \geq f_{r_0}(m_1, i_1) \; ; f_{i_0}(m_2, r_2) \geq f_{i_0}(m_1, r_1) \; ; f_{m_0}(i_2, r_2) \geq f_{m_0}(i_1, r_1)$$

$$f_{i_0, r_0}(m_2) \geq f_{i_0, r_0}(m_1) \; ; f_{m_0, r_0}(i_2) \geq f_{m_0, r_0}(i_1) \; ; f_{m_0, i_0}(r_2) \geq f_{m_0, i_0}(r_1)$$

For sets of (m, i, r) for which f is *strictly monotonically increasing*, strict inequality signs can be used in the above inequalities. For a fixed relational evaluation r_0, for instance, it then holds that:

$$f_{r_0}(m_1, i_2) > f_{r_0}(m_1, i_1) \text{ and } f_{r_0}(m_2, i_1) > f_{r_0}(m_1, i_1)$$

Taking (m_2, i_1, r_0) as a reference point, this means that the negative impact on f due to a decrease of a stakeholder's moral evaluations from m_2 to m_1 can be *compensated* by an increase of her instrumental evaluations from i_1 to i_2. This compensation can be a *partial* compensation (if $f_{r_0}(m_1, i_2) < f_{r_0}(m_2, i_1)$), a *full* compensation (if $f_{r_0}(m_1, i_2) = f_{r_0}(m_2, i_1)$), or a an *over-*

compensation (if $f_{r_0}(m_1, i_2) > f_{r_0}(m_2, i_1)$). In a similar way, it can be shown, by holding i fixed, that the negative impact on f due to a decrease of a stakeholder's moral evaluations can be compensated by an increase of her relational evaluations.

This compensatory character does not necessary hold true for the entire domain of f. The gradient of f is likely to vary across the domain (meaning that the relative weighting that the individual attaches to m, i and r when determining the organization's generalized legitimacy f varies depending on the values that m, i and r take) and it could well be that f flattens for some sets of (m, i, r). For instance, it is possible that small increases in i or r do not restore, or if so, only marginally, an organization's generalized legitimacy f when i and r are moderate and the organization is very strongly disapproved from a moral standpoint (i.e., for very low levels of m). Conversely, it is possible that a decrease of the organization's moral evaluations m will not significantly deteriorate its generalized legitimacy f if a stakeholder has a considerable interest in engaging with the organization (very high i), or if her identity is strongly tied to it, as I suspect is the case with supporters who conceive of the relationship between fans and the club they support as a community-like bond rather than as a supplier-customer exchange interaction (very high r).

Individual stakeholders will assess m, i and r differently and give them different weight in judging an organization's generalized legitimacy. The graph below shows, for purely illustrative purposes, what the course of f could look like depending on m and r, and for a fixed i_0, if f flattens for a very low m and r as well as for a very high r.
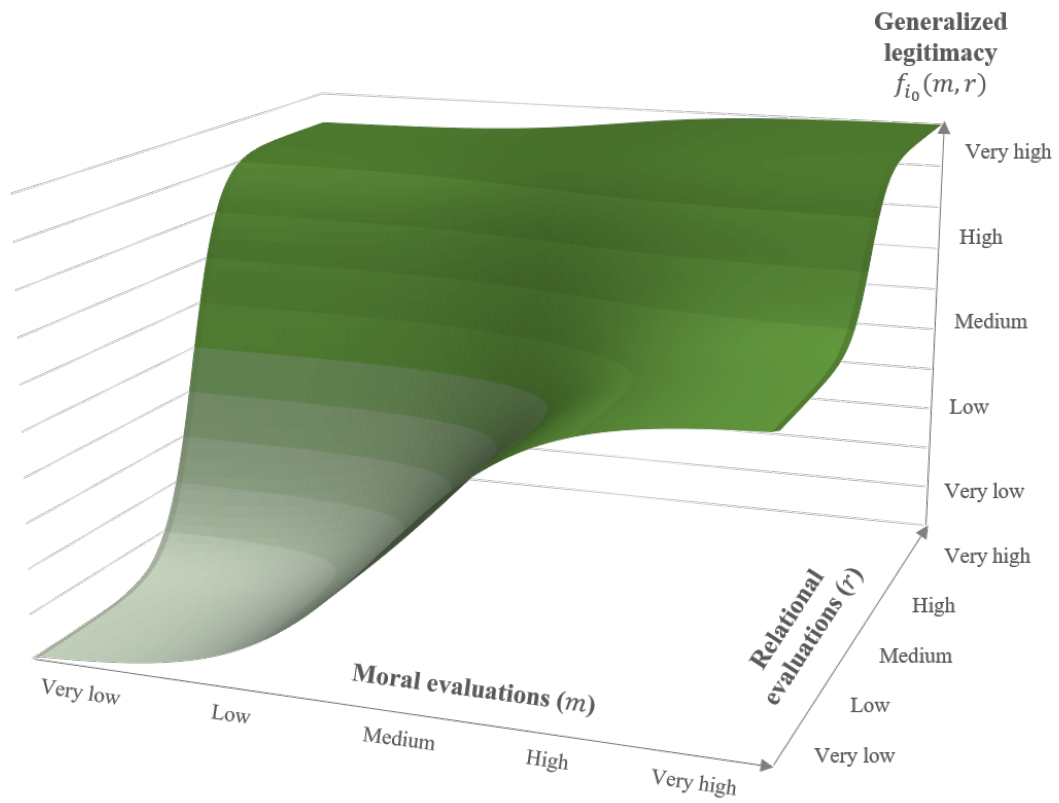
Graph 1: Illustrative representation of a process flow of generalized legitimacy f depending on moral (m) and relational (r) evaluations (with fixed instrumental evaluations i_0)

Synthesis of the Dissertation

The recurring theme of this dissertation is an interest in studying how practices, which violate widely held normative beliefs, become legitimate. Over the last five years, I occupied myself with this exciting question and conducted three research projects that shed light on the mechanisms, which can explain how illegitimate practices become accepted. My research suggests that profound changes in the institutional environment play a crucial role in explaining how practices that were previously deemed unacceptable gain legitimacy. Profound changes in the institutional environment, triggered for instance by extraordinary events such as terrorist attacks, can lead to shifts in the normative expectations of stakeholders (Dacin, Goodstein, & Scott, 2002; Seo & Creed, 2002). In such extraordinary situations, actors may come to view conventional practices as inadequate, and judge previously held norms as impeding the attainment of organizational goals. Pressures from the institutional environment to achieve valued outcomes such as national security (e.g., in the field of security agencies) or to win trophies (e.g., in the field of professional sports) can, at times, facilitate the adoption of counter-normative practices. Legitimacy research, which suggests that legitimacy lies in the eye of the beholder (Ashforth & Gibbs, 1990) and that legitimacy judgments are based on prevalent norms (Suchman, 1995), can help to understand changes in the evaluation of contested practices. Strikingly, evaluations of what constitutes legitimate conduct depend on stakeholders' normative expectations, which are contextual and thus subject to change. Even *universal* norms like the provisions against torture may become challenged in times of major crisis, which can alter how people evaluate the legitimacy of medieval practices of torture like waterboarding.

Organizations also play an essential part in understanding how illegitimate practices gain acceptance. Not only are illegitimate acts committed by actors and groups within organizations, but an organization's culture can facilitate the perpetration of wrongdoing. In the case of the CIA's Detention and Interrogation Program, secrecy, limited oversight, and a culture

of impunity provided a breeding ground for rampant prisoner abuse and human rights violations. Another important factor is the legitimacy of the organization that executes illegitimate practices. Here it is important to bear in mind that legitimacy occurs at different levels of analysis and that stakeholders often evaluate the legitimacy of different objects, such as individuals, an organization, and organizational practices, simultaneously. For instance, it is possible that legitimacy exists at the organizational level, whereas there is illegitimacy at the practice level. Put differently, legitimate organization may engage in illegitimate practices and the fact that illegitimate practices are carried out by a legitimate organization may contribute to the practices' acceptance. Another implication of my dissertation research is that the legitimacy of a practice may vary depending on the specific organizational context. For instance, it is plausible that practices of torture such as the "enhanced interrogation techniques" are viewed as more acceptable when carried out by an intelligence agency like the CIA with the purpose of protecting national security than if other public agencies or companies engage in such practices. Similarly, the third article of my dissertation suggests that the legitimacy of a soccer club may facilitate the introduction of norm-violating market practices that drive commodification forward. These insights highlight that researchers need to pay close attention to the different legitimacy objects that are being evaluated by stakeholders as well as to the dimensions that stakeholders use to form their judgments. Moreover, it seems that an organization's status and reputation contribute to the acceptance of illegitimate practices. A recurring theme in my dissertation is that high status organizations play an important moderating role in the legitimation of illegitimate practices. This opens promising avenues for future research, which I will discuss below.

Future Research

The three chapters of my dissertation reflect the multifaceted and vibrant nature of legitimacy research. My first dissertation chapter highlights the promise of conducting legitimacy research

in unconventional contexts (Bamberger & Pratt, 2010). While empirical evidence suggests that organizations and professional groups can play a crucial role in wrongdoing, violence, terror, and crimes against humanity are largely neglected phenomena in organization theory (Clegg, 2006; Ibarra-Colado, 2006; Martí and Fernández, 2013). The first chapter of my dissertation combines archival research methods and inductive theorizing to shed light on the role of professions in legitimating medieval practices of torture. This research cautions us that professionals may not always be a source of good in society but can misuse their authority to justify morally questionable practices.

I am convinced that archival research methods can play a key role in advancing our understanding of how organizational wrongdoing is legitimated. As noted by Suddaby and Greenwood (2009), archival research methods hold great promise for studying processes of social construction and are thus well suited for legitimacy researchers. Even though archival data constitute a valuable source for legitimacy researchers and organizational scholars more generally, they are still rarely used (Rowlinson, Hassard, & Decker, 2014). One reason may be that there is limited methodological guidance on how to analyze archival data systematically and rigorously. A thorough review of extant empirical work that also provides practical advice to scholars could be helpful to encourage more research using archival data and methods.

More than 25 years have passed since Suchman's article was published in the *Academy of Management Review*. Since then, research on legitimacy has flourished and has become a cornerstone of organization and management studies. The growing importance of legitimacy research is reflected by the fact that Suchman's (1995) article was cited more than 1800 times per year in 2019 and 2020 according to *Google Scholar*. While the legitimacy concept has matured, it is arguably as relevant as ever. As mentioned above, legitimacy can help us to gain a better understanding of recent phenomena that undermine the fabric of society and that threaten the authority of the state. Conspiracy theories, anti-vaccination movements, and fake news reflect an increasingly polarized society and suggest that "generalized" perceptions of

legitimacy may be eroding. For instance, millions of Americans do not believe that the 2020 presidential election was legitimate (Beckett, 2021). According to a recent *CNN* poll, even months after the election one in three Americans believe that the 2020 election was stolen from Donald Trump (Cillizza, 2021). Such beliefs jeopardize the authority of the state because people who consider the government illegitimate may no longer have the feeling that they need to obey it (Lipset, 1959). The implications of a loss of belief in the legitimacy of state authorities became visible in January 2021 when hundreds of supporters of Donald Trump attacked the U.S. Capitol—a symbol of American democracy.

I am convinced that legitimacy research can and should play an important role in examining and improving our understanding of these pressing societal issues. The legitimacy-as-perception perspective has equipped scholars with valuable conceptual insights to study these phenomena. Yet, it is important that legitimacy researchers also adapt their methodological toolkit. In addition to developing improved measures of legitimacy judgments, which will yield important insights into the heterogeneity of individual beliefs, scholars should also study legitimacy's behavioral implications in a rigorous manner. One way forward would be turning away from conducting hypothetical and self-reported studies, which yield limited insights on actual behaviors (Harrison & Rutström, 2008; Schmidt & Bijmolt, 2020), and instead study behaviors in consequential scenarios.

Another promising avenue for future research would be to study the relationship between legitimacy and other social judgments, in particular reputation, status, and stigma. My dissertation research suggests that the status and reputation of an organization may have moderating effects on stakeholders' legitimacy judgments. It seems likely that an organization's positive reputation and high status may shield the organization from stakeholders' resistance when it engages in illegitimate conduct. Put differently, stakeholders may be more lenient with high status organizations and give them the benefit of the doubt, which in turn can facilitate the occurrence of misconduct. However, the relationship between legitimacy, status, and reputation

is understudied, as reflected by calls for research on the interactions between different social evaluations constructs (Devers, Dewett, Mishina, & Belsito, 2009; Pollock, Lashley, Rindova, & Han, 2019). In particular, there is a paucity of research on how status, reputation, stigma, legitimacy, and other social judgments interact to shape organizational outcomes. My aim is to work on this important topic during my postdoctoral fellowship at Judge Business School.

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