Republican democratic theory has traditionally relied on the nation-state to enable political participation and guarantee participation’s socio-economic foundation. Facing hyper-globalization (Rodrik 2012), these theories have come under pressure. I argue that Habermas’ attempt to solve this problem via a chain of legitimation is insufficient: it does not guarantee actual participatory republican practices but delegates competences away from participatory institutions. From a participatory republican perspective, replacing actual participation with procedural legitimacy is a principled problem of Habermas’ democratic theory. Yet, this problem is amplified by Habermas’ approach to hyper-globalization. The paper then critiques Habermas’ democratic theory as well as his international political theory from an Arendtian perspective: Habermas does not answer the question how we could democratize a globalized world.

1. Habermas Concept of (Domestic) Legitimacy

From a participatory republican perspective, replacing actual participation with procedural legitimacy is a principled problem of Habermas’ democratic theory. Even domestically, Habermas’ exclusion of citizens from full participation relies on a fundamental distinction between government and institutionalized power on the one hand, and citizens on the other. From an Arendtian point of view, Habermas’ theory does not enable citizen participation that is prospective, and not filtered by political institutions. Instead, political action by the citizens is limited to a post-hoc challenge.
Habermas’ Concept of Legitimacy

Instead of emphasizing democratic participation directly, Habermas argues that democratic procedures are functional for the higher goal of legitimacy. Habermas (1976, 271) understands legitimacy as the “worthiness of a political order of being recognized”. Yet, as even illegitimate governments have historically been able to generate recognition by their citizens, he also argues we should not confuse consent with legitimacy. To Habermas (1976, 296) then, something more than “being considered legitimate” (Weber) is required for a government and legal system to actually be legitimate.

In the 1970s, when he originally formulates his concept of legitimacy, Habermas considers the subject quite pressing. In a time of growing state institutions, he argues that greater government activity, that is: greater government institutions’ impact on citizens’ lives, requires a greater degree of legitimation (Habermas 1973, 104).

Such legitimacy can be grounded in tradition or discourse. Yet, while state administrations try to influence public opinion, they cannot generate meaning and consequently also cannot utilize discourse to generate legitimacy. However, administrations can also only to a very limited extent make use of tradition to extract legitimacy (Habermas 1973, 98–104).\(^1\)

This means that legitimacy has to be achieved externally, via legality (Habermas 1998c). Yet, Habermas (1998c, 541) here does not speak of the pure legality of positive law, as suggested by Weber (and Luhmann). Instead, the procedure of generating law matters and has to be legitimate as well: legal systems, too, have to be justified via reasons articulated in discourse (Habermas 1973, 134–39). Because of its implied rationality (Habermas 1998c, 558–59, 1998c, 563–65), democratic discourse and will-formation are then the sole sources of this procedural legitimacy (Habermas 1998b, 664, 1976, 277–79, 1976, 329).

---

\(^1\) While government certainly can bridge the gap in legitimacy by increasing the level of the welfare state, this too is not sustainable in the long run.
Habermas’ Models of Democratic Politics

Habermas suggests two models how this concept of extracting legitimacy from public discourse might be implemented (1998d, 618–19, 621–22): (a) the slightly older “siege model” and (b) the “lock model”.

(a) In the “siege model”, Habermas situates the public in a—metaphorically speaking—different locale (on the outside of the systemic core) than government, parliament and administration (on the inside of the systemic core); while the public is able to create legitimacy through communicative power, institutions such as administration, parliament and government are not able to do so but rely on normative claims to legitimize their actions post-hoc. This opens up the possibility for the public to use the center’s requirement of legitimation to influence governance by discursively presenting alternative lines of argument. Habermas calls this “siege” because the communicative power of the public does not aim at conquering political power. Instead, it forces the administration to reconsider decisions by providing opposition that the administration cannot ignore.

Yet, the result can only be a limitation of, or at most a corrective to, administrative power (Habermas 1998d, 622–30). In turn, citizens in Habermas’ model have the ability to act politically and participate in public debate but this ability is limited; the “siege model” allows only for post-hoc intervention—after everything is already decided—as opposed to direct political participation. In its exclusion of citizens from full participation, the model relies on a fundamental distinction between government and institutionalized power on the one hand, and citizens on the other.

(b) In contrast, the “lock model”—which Habermas (1998b, 427–34) adopts from Peters—conceptualizes the political core (comprised of administration, courts, political parties, elections, elections, elections...)

---

2 The public can only use communicative power if it has no intention of actually conquering the political core (Habermas 1995, 139).

3 Habermas (1998d, 630) admits that concentrations of power in the core would undermine this model. Yet, the recent unveilings by Snowden and Manning suggest that exactly such a concentration of power exists.
I am very grateful for all comments, specifically criticism. However, I would ask that you kindly consult me before distributing or citing this document: kuchler@mailbox.org

e.g.) as a system of locks through which inputs from the peripheralized public have to “flow”. These locks represent formalized inroads into the center of power. Political decisions are legitimate if and only if they originate in the periphery and have passed through the formal process (that is, the locks).

As it institutionalizes participation instead of relying on protest, the lock model allows for a greater degree of citizen participation than the siege model. Yet, Habermas (1998b, 432–33) notes that realistically, everyday democratic practice will not generate peripheral input into the political center. Instead, usually operation of politics is limited to routines in the political center. Still, if there is a conflict over policy, the issue can be subjected to the pressure of public opinion.

Yet, here also, political action by the citizens is limited to a post-hoc challenge. Even though the channels of influence are formalized and thus somewhat guaranteed, in the “lock model”, in most cases, political power is limited to the political center and the citizens remain inactive.4

2. Problems of Habermas’ Approach

Both institutional models are then descriptions of the status quo. Yet, they remain normatively lacking, as they do not enable citizen participation that is prospective, and not filtered and diluted by political institutions. Instead, to use Habermas’ own language, as bureaucracy colonizes the spheres outside of administration it also undermines the capacity to think politically by undermining both access to fundamental political and historical facts, as well as these facts’ interpretation through discursive exchange of perspectives. From an Arendtian

4 To be sure, the “lock model” allows political action to penetrate the systemic core through institutionalized inroads. In this regard, it is more democratic than the “siege model” (Habermas 1995, 140). Yet, it also limits political action inside the core to those channels that are predefined by the institutions of the political core. In a sense, this constitutes a taming of the revolutionary characteristic of the political. Although he does not use the same model, Luhmann (2002, 256) seems to agree in principle: there can be no clear-cut differentiation of politics and administration. This even extends to political parties as suggested by Habermas (1995, 141): “Soweit [die] […] demokratische Struktur [der politischen Parteien] im Inneren aufgezehrt ist, handeln sie aus der Perspektive des administrativen Systems, innerhalb dessen sie Machtpositionen bezogen haben und erhalten wollen. Die Funktion, die sie in erster Linie wahrnehmen müssten, nämlich die Artikulation und Vermittlung politischer Meinungs- und Willensbildung erfüllen sie dann nur noch in der Form von Werbekampagnen. Als Invasoren dringen sie dann von außen in die politische Öffentlichkeit ein, statt aus deren Mitte zu agieren.”

Kuchler, “Legitimacy, Or Democracy?” 4
I am very grateful for all comments, specifically criticism. However, I would ask that you kindly consult me before distributing or citing this document: kuchler@mailbox.org

point of view, I will argue below, Habermas' two approaches thus lack a notion of public initiative and do not prevent bureaucratic processes from undermining politics as such.5

**Autotelic Politics, or Democracy as Functional for Legitimacy?**

The problems of the institutional models however go back to two fundamental problems with Habermas' concept of legitimacy. First, Habermas' explanation that democratic procedures (and with this term he includes representative democracies) generate legitimacy allows him to link democracy and legitimacy. Yet, since this gives democracy only a functional role for legitimacy, but not value in and of itself, the degree of democratic participation can be minimized; to put it bluntly: as long as they can generate legitimacy, democratic procedures have fulfilled their purpose. To be fair, in order to generate legitimacy, there has to be a minimal level of democratic procedures in place. Yet, I maintain that the Habermasian minimum is insufficient and should be raised to a higher, more participatory level, as we will see below.

Hannah Arendt rejects the idea that politics should be functional towards a goal that is external to politics itself:6

> The ends-means category, to which all doing and all producing are necessarily bound, always proves to be ruinous when applied to acting. For doing, like producing, starts with the assumption that the subject of the ‘acts’ fully knows the end to be attained and the object to be produced, so that the only problem is to find the proper means to achieve those ends. (Arendt 1968, 147)

Based on this idea, Parietti (2012) argues that Arendt was the only modern political theorist who advocated the autotelic character of politics. This autotelic quality has to be distinguished from achieving a goal by engaging in this activity because in the latter case the activity would still be instrumental to the goal, which remains external to the activity. Instead, to be autotelic, an activity has to be a goal in itself: engaging in this activity was the goal in the first place. This implies that for politics to be an end in itself, it must be autonomous of other systems: the goals

---

5 The idea of national sovereignty through internal pacification while accepting the state of nature on the outside, does not solve the problem of transnational bureaucratization but under current conditions of globalization with transnational actors rather renders the “sovereign” defenseless. I explore this in greater detail in (Kuchler 2015)

6 To Arendt (2010a, 126–27), politics does not have a “Zweck” As such, it is opposed to violence, which is entirely instrumental (Arendt 2009, 78)
and outcomes of politics are decided upon by political means and through politics itself and not by a norm or other institution external to it.\footnote{If there were goals for politics to be defined that are prior or otherwise external to politics, this would not only deny politics its autotelic character but with it, undermine what distinguishes politics from other social systems. Most importantly, only if it is autotelic, Parietti argues, politics can be identified with communally enjoyed freedom (Parietti 2012, 63–68)}

If politics is to be \textit{autotelic}, it has intrinsic value. This is more than a theoretical point: to subject politics to some external goal would take away its autotelic character and with it, its primacy: it would reduce politics to a means in a means-ends-relationship, thereby reducing the freedom to participate politically. In turn, by understanding politics as autotelic, the active citizen as political actor is put at the center of Arendt’s political theory. Democratic politics then has intrinsic and not just functional value, even if the goal is legitimacy.

\textbf{Non-Ideal Theory does not meet the Requirements of Ideal Theory}

A second point of critique, and related to the first criticism of missing the autotelic character of democratic politics, is Habermas’ specific combination of ideal and non-ideal theory. While not a problem in principle, Habermas encounters problems nonetheless: following his approach, I argue, it is impossible for any legal system to be legitimate.

Regarding the ideal theory part, legitimacy hinges on rational discourse. Yet, we also know that Habermas (1990, 88) argues that discourse is only rational insofar as it approaches an ideal speech situation. This is important as Habermas understands legitimacy not in terms of positive law but something established by “good reasons”. These good reasons can only be given in rational discourse (Habermas 1976, 294), which, again, depends on approximating an ideal speech situation.

On the other—non-ideal—hand, Habermas understands this discourse to take the form of either a public that is largely excluded from decision-making (siege model) or of inputs via pre-defined canals and locks (lock model). I have shown above that the input of the public via both models is limited, and it is explicit in both models that the systemic core is far from an ideal...
speech situation. Both models consequently seem to include a parliamentary democracy of some sort, even though Habermas (1998b, 570) himself agrees that public and parliament are non-identical. With the public excluded from central political processes, we can speak neither of an informational situation, nor of the freedom from domination in discourse required for an ideal speech situation.

**An Arendtian Solution**

I argue that both problems could be solved if we would (1) understand democratic practices as central and non-instrumental, as argued by Arendt. This would also require us (2) to raise the floor of what we consider democratic practices. In other words: it would require us to understand ‘democracy’ more narrowly as those forms which have extensive citizen participation and only limited delegation of power to representative institutions.

Habermas—in an aside in *Zur Rekonstruktion des Historischen Materialismus*—argues that democracy was a self-controlled learning process, the concrete form of which should not be predetermined. Habermas (1976, 279) uses this as an argument against council democracy. While he is correct about that democracy must be allowed flexibility of form, what we mean when we talk of democracy must be clear: again, following Arendt, we should understand democratic politics as the acting and debating among equals, and the opposition to understanding politics as a relationship of obedience and command. Arendt (1998, 28, 1998, 228) argues against understanding politics as *ruling over others* and asking about what limits this rule should have.

Arendt rejects the idea that a rich political concept of freedom was compatible with the concept of political rule: Arendt’s definition of freedom implies a rejection of government over citizens if the citizens have no opportunity to take part in it. Only if citizens themselves are active in a radical sense, that is, if they are involved in the decisions that concern them without delegating power to an elite, they are free. This is where Arendt collides with most republican theory.
Arendt maintains that an understanding of politics as held by Habermas relies on a distinction between those who command and those who act. For the majority, acting then is reduced to carrying out orders, lacking the cooperation and initiative that Arendt described as politics’ most important characteristics (Arendt 1998, 223). As rule (Herrschaftssystem) makes action impossible, it turns citizens into a people of slaves (“ein Sklavenvolk”), deprived of the ability to act (Arendt 1976, 75–77).

As both his models fundamentally rely on a distinction between rulers and subjects, and on separating ἄρχειν from πραττεῖν, Habermas’ solution then falls into the same trap as Plato’s system:

> To begin (archein) and to act (prattein) thus can become two altogether different activities, and the beginner has become a ruler (an archôn in the twofold sense of the word) who ‘does not have to act at all (prattein), but rules (archein) over those who are capable of execution. [...]’ (Arendt 1998, 222–23)

Understanding politics on these terms also means to understand it as domination instead of participation: it reduces day-to-day politics to an activity reserved for the few. To Arendt, this distinction between rulers and ruled leads to a destruction of the public space, which is characteristic of tyrannies:

> Nicht Grausamkeit ist das Merkmal der Tyrannis, sondern die Vernichtung des öffentlich politischen Bereichs, den der Tyrann aus ‘Weisheit’—weil er sich, und vermutlich sogar zu Recht, einbildet, es besser zu wissen—oder aus Machthunger für sich monopolisiert, daß er also darauf besteht, daß die Bürger sich um ihre Privatangelegenheiten kümmern und es ihm, dem ‘Herrscher überlassen, sich der öffentlichen Geschäfte anzunehmen.’ (Arendt 2010b, 280) ⁸

> Not cruelty is the mark of the tyrannis but the elimination of the public political sphere, now monopolized by the tyrant, due to his ‘wisdom’—because he assumes, probably rightfully so, that he knows better—or due to his hunger for power. He insists that citizens attend their private affairs only and ‘leave it to the ruler to deal with public business’ [own translation]

Against this conception of politics, Arendt (1998, 223–24, 1977, 25) argues that in authentic politics ἄρχειν and πραττεῖν should form two sides of the same coin. The ruler–ruled distinction is thus based on a separation of a group that claims decides, and a larger group that has to execute orders but does not act itself.

⁸ This passage is not included in The Human Condition; see also (Arendt 1998, 221)
The problems of this argument become clear when we consider the “hard case” of a benevolent dictator whose rule benefits everyone. If politics were to be evaluated by its results, this would be an efficient solution. Yet, even if the best possible socio-political configuration could be recognized and implemented by such a dictator, for Arendt, the destruction of political life would still be too high a price to pay.

Arendt (1998, 189) then argues that all citizens should be equally audience and actor, engaged in both acting and speaking on the one hand, and in perceiving other actors and speakers on the other hand. Here, Arendt attacks the notion that there is a class of people who are better qualified to act as politician than others. The argument is more radical than it initially seems as it rejects the separation of rulers and ruled regardless if the ruling experts are to be philosophers, scientists, economists, business people, technocrats or parliamentarians. From this perspective, we would need to place representative democracies and tyrannies in one category—one that distinguishes between rulers and ruled—, and an authentic, direct democratic forms in another.

Instead of distinguishing between rulers and ruled, Arendt suggests that politics should rely on a space in which speaking, debating and acting is possible and each citizen to participate actively in public affairs. The only way then to assess opinions, specifically of those who actually have superior knowledge is by means of debate—Arendt calls this “the light of the public”. To be sure, lacking an ideal speech situation, there is no guarantee for a rational solution of an argument. In fact, Arendt readily admits that often enough the expert does know better than the vast majority and may not be able to convince them otherwise. Yet, even if the better argument does not prevail, guaranteeing conditions for public debate at least maintains the public space that enables politics as acting-in-concert, instead of undermining it. This to Arendt (1998, 33) is a goal in itself: freedom is only possible in a space “where neither nor being ruled existed”. In

---

9 Disch summarizes that “[a]lthough Arendt recognizes a distinction between leaders and participants, both are simultaneously knowers and doers; consequently, the relationship between the two is one of collaboration rather than command.” Every citizen is an actor “in its own right” (1996, 30).

10 One might even suggest here that even if the better argument did not prevail, the opposition will at least have been heard. This would make Arendt’s similar to Lyotard’s (1983) argument.
contrast, by replacing speaking and acting with ordering and obeying, authentic politics is replaced by a static relationship of rulers and ruled.

This Arendtian critique is particularly striking for Habermas’ concept of legitimacy. Habermas’ concept of legitimacy relies on the rationality of democratic law-making procedures. This rationality in turn relies on the possibility of approximating an ideal speech situation—a situation that is free of domination in principle. Yet, Arendt’s critique of our colloquial understanding of politics and reveals that the criticized distinction between rulers and ruled, those in the political core and those outside of it, can also be found in Habermas’ political theory. This emphasizes the aspect of domination in Habermas’ theory and consequently puts the very possibility of approximating an ideal speech situation into question.

From a participatory republican perspective, replacing actual participation with procedural legitimacy is thus a principled problem of Habermas’ democratic theory. Even domestically, Habermas’ exclusion of citizens from full participation relies on a fundamental distinction between government and institutionalized power on the one hand, and citizens on the other. From an Arendtian point of view, Habermas’ theory does not enable citizen participation that is prospective, and not filtered by political institutions. Instead, political action by the citizens is limited to a post-hoc challenge.

3. Habermas and the Global Dimension

We could now argue that we should not split theoretical hairs and that at least Habermas’ political theory of legitimation in the process also called for representative democracy. Yet, Habermas proposes a constitutionalization of international relations that extends his model of political participation into transnational politics. It then extends the very model in which the general public stays outside the decision-making process and only serves as an external input to formalized politics. Because Habermas bases his theory of international politics on his domestic model, this also magnifies its problems.
Habermas seems satisfied to make decision-making processes in international negotiations transparent and to incorporate feedback loops from the citizens inside the nation states. This establishes legitimacy chains but not a meaningful concept of transnational democracy. To be sure, Habermas' leaves open some level of access to the international political system but the role of the public remains largely one that reflects from the outside, rather than participates in decisions. International politics remains the domain of professional elites selected via a formally democratic process.

The problem here is that already on the domestic level representative institutions draw legitimacy from participatory practices, making Habermas’ concept of an international order twice removed from democratic participation, and thus, calling its ability to draw legitimacy into question.

**Executive Freedoms**

Growing transnational institutions—with all the benefits they hold for global politics (Robert O. Keohane and Nye 2000; Robert O. Keohane 2005; R. O Keohane and Martin 1995; Nye 2005)—threaten to magnify the separation of rulers and ruled that Arendt had already critiqued on the domestic level.

Democracies have traditionally seen the executive as responsive to demands by legislative or citizens. Most modern constitutions thus contain a paragraph or two about popular sovereignty. Republicans and liberals alike have at least argued for a separation of powers: the executive, while tasked with implementation of laws would precisely lack a legislative capacity and only hold a veto power against parliament.11

In the Westminster model parliamentary democracies however, executive and legislative become increasingly intertwined and the division of powers shifts from one between legislative and executive to one between government (which controls both the executive and holds a

---

11 Madison (1987) agrees that this is the hallmark of a free state.
I am very grateful for all comments, specifically criticism. However, I would ask that you kindly consult me before distributing or citing this document: kuchler@mailbox.org

majority in parliament) and opposition (Sternberger 1956, 133). This is only true for parliamentary systems, but even in semi-presidential and presidential systems, the executive has acquired an increased level of legislative capacities that by far exceed veto powers. While normatively speaking, government and representative organs ought to function as a proxy of the citizens, they should not become a replacement for self-government (Constant 1816; Pitkin 2004, 340 Footnote 50).

However, through transnational institutions that are not directly accountable to national democratic institutions, executive actors loose the constraints that these domestic democratic institutions impose on them.

This is not to say that transnational and international organization does not open up opportunities for participation; however, due to their global scale, these organizations are hardly grassroots organizations that facilitate genuine citizen participation but rather groups that claim to represent the best interests of the people. What is more, these NGOs only take on advisory roles rather than facilitate political participation.

This becomes clear when we look at Slaughter’s concept of international organization. Slaughter describes international organization as a transnational network: actors from all levels of judicature, executive and legislature link with other actors from the same branch to form a system of bureaucratic networks to exchange information, ensure enforcement of legal norms and harmonize laws. Slaughter (2005, 166) considers these networks to be beneficial as they might give rise to a world order that restrains international conflict sufficiently to allow the individual nations to achieve minimum standards of human life, freedom and dignity while allowing for continued existence of nation-states.

---

12 For a commentary, see Hofmann and Riescher (1999, 125).
13 In addition — in the case of the WTO Open Forum — at least half of these NGOs are not environmental or citizens’ rights organizations but rather business-related interest groups or have ties to governments.
Accordingly, Slaughter (2005, 220) rejects the idea that this might amount to elite rulership through in which the rest of us is governed. The idea of a secretive group with a defined, closed membership, meeting to decide the fate of the world is indeed unrealistic. Yet, at the same time, it is certain that organizations such as the OECD, or WTO have an identifiable impact on global affairs, and an effect that is by magnitudes greater than the impact any grassroots organization is likely to make.

What is more, Slaughter's model entails excluding citizen participation from global governance: while not resulting in the formation of a permanent elite, domination takes the form of transnational bureaucratization, only accompanied by formally representative-democratic domestic structures.

Transnational institutions then acquire state-like properties with increasing executive powers but the nation-state’s citizens are absent in these institutions. The decisions reached have effects on those citizens excluded from decision-making. As a consequence, state institutions acquire executive freedoms against their citizens via their participation in transnational institutions.

**Constitutionalization of International Law**

To deal with the resulting loss of legitimacy (Habermas 1998a, 107–10, 121, 2004, 128; see Zürn 1998), and building on Kant’s federalism of republics (Kant 2005, BA28-39, here: 208-213), Habermas (2004, 134–35) proposes a constitutionalization of the relations of states: the highest “supranational” level would be limited to elementary functions of securing peace and human rights. In turn, the middle level would essentially maintain the status quo of international politics, in which states-as-actors largely negotiate among themselves.

In this model, Habermas does not stray from his domestic models of political participation (see above): the siege model, in which the public stays permanently outside the governmental political core, only to pressure the government to change policy from outside when necessary.

---

14 See also Habermas (1998a, 164) and Kant (2005, BA 35, here: 211)
and the lock model, in which there exist formalized inroads into the political system. In both cases, political decision-making is mostly left to elites, while citizens are given the opportunity to protest post-hoc (siege model) and petition (lock model) (Habermas 1998d, 622–30, 1998b, 427–34). As his account of global constitutionalization builds on top of his domestic models, Habermas (Habermas 1998a, 166–67) seems satisfied to make decision making processes in international negotiations transparent and to incorporate feedback loops from the citizens inside the nation states. While this leaves open some level of access to the international political system, the role of the public remains largely one that reflects from the outside, rather than participates in decisions. Like in Slaughter’s concept of international organization, international politics remains the domain of professional elites selected via a formally democratic process (Habermas 1998a, 156, 2004, 127).

As Habermas’ model offers no solution to democratize international politics, he himself suggests that international politics needs to draw legitimacy from national democratic processes, rather than enable political participation. For this reason, only limited sovereignty may be delegated beyond the nation state, which has to maintain a greater degree of political participation. In turn, international decisions cannot gain internal legitimacy, Habermas maintains, because domestic legitimation cannot be extended beyond the nation-state (Habermas 2004, 137–40). There is then what we could call a legitimacy chain: citizens with limited opportunity to participate in domestic politics give legitimacy to governments, which then give legitimacy to international organizations.

This raises two problems: first, even if Habermas’ concept of legitimacy was unproblematic, I argue that he would encounter problems as the reach of international organizations and regimes expands. Second, I have suggested above that Habermas’ concept of legitimacy was already problematic on the domestic level. These problems are then magnified on the transnational level.

(1) Since international institutions rely on domestic legitimacy, they are only legitimate as long as Habermas’ concept holds, that is, as long as the higher level of international organization
remains just an institution for the preservation of world peace and human rights, and the middle level just serves negotiations that require domestic democratic approval.

The problem is that an expansion of the top level is likely. As international regimes allow for economies of scale, they reduce the transaction costs for future agreements within their frame (Robert O. Keohane 2005, 90). Thus, international organizations tend to expand their scope. What is more, organizations tend towards what Allison calls “imperialism,” namely the expansion of their budget, personnel, and scope of operations (Allison and Zelikow 1999, 181).


As soon as the middle and top level seize to be mere enablers of the original source of legitimacy—domestic politics—and start to become independent policy areas of their own, their expansion becomes problematic for the legitimacy of the whole construct. This means illegitimate depoliticization: if the process of international politics were to undermine domestic democratic processes, it would also undermine its source of legitimacy and with it, the legitimacy of international politics.

This also means that Habermas’ solution thus runs the danger not of solving but contributing to the problem of depoliticization as executive freedoms against the citizens come into play via the international sphere.

(2) As Habermas’ model offers no solution to democratize international politics, he suggests that it should draw legitimacy from national democratic processes, rather than enable political participation on a global scale. In the terminology of the Rodrik Trilemma (Rodrik 2012), Habermas then tries to preserve the nation-state both by limiting hyper-globalization—only...
some policy areas should be relegated to the global sphere—and by compromising on democratic participation. Habermas argues that in this way, we could assure procedural legitimacy for an otherwise illegitimate global order.

Building on Nancy Fraser’s (1992) distinction between a “weak public” that only forms an opinion and a “strong public” that engages in decision-making, Brunkhorst (Brunkhorst 2002, 184–91) concludes that the international public as it exists today was a weak public. However, I argue that even Habermas’ model of international politics would only contain a weak public: already on the domestic level, it would be questionable if the Habermas’ public could be called a strong public. On the transnational level, Habermas tries to solve the legitimation problem as he argues that legitimation of representatives to international organizations happens domestically. Yet, to the degree that international organizations have budgets and administrative bodies, the legitimation chain becomes increasingly strained. This raises the question whether legitimation is a good substitute for democratization.
I am very grateful for all comments, specifically criticism. However, I would ask that you kindly consult me before distributing or citing this document: kuchler@mailbox.org

4. Bibliography


I am very grateful for all comments, specifically criticism.

However, I would ask that you kindly consult me before distributing or citing this document: kuchler@mailbox.org


