

A CRITICAL EXAMINATION OF COMMUNICATIVE ACTION IN THE POLITICAL PHILOSOPHY OF HABERMAS

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Abstract

This article is a critical examination of the meaning and role of communicative action in the political philosophy of Jürgen Habermas. Whereas communication action denotes the cooperative activity undertaken by individuals through mutual deliberation and argumentation, the political philosophy of Habermas considers mutual deliberation as a basis for democratic governance in the contemporary world. The question of whether Habermas' theory of communicative action supports the exportation of democracy as the best system of governance across the world is quite instructive. Adopting the method of critical analysis, the article explicates integral principles of communicative action, such as mutual deliberation and argumentation, which in form Habermas' political philosophy and extols deliberative democracy as a legitimate system of governance. The workings of individuals in the public sphere hold the ace to communicative actions in the democratic process when it is grounded on mutual deliberation. Accordingly, the article maintains that although deliberative democracy is a derivation from Habermas' theory of communicative action, its integral principles could be applied across continents. Habermas saw reason as fallible, and as merely the product of imperfect human discussion and contemporary political debate. From this, this work sums up by averring that although, reason may appear to be fallible, it should not be jettisoned in human communicative political domain. Otherwise, the arena would be very chaotic. 'Communicative action' in practice especially in the use of language by politicians/statesmen at the national/international level requires systematic approach and high level of caution. Certain utterances can spark off or ignite socio-political and ethno-religious violence.

Key words: Communicative action, Deliberative democracy, Jürgen Habermas, Political philosophy

Introduction

Habermas' communicative action theory is virtually embedded in his political philosophy. Habermas' contemporary political philosophy has both national and trans-national or global relevance. Of course, the Enlightenment, many contemporary scholars maintained, is over, and Modernism itself is also an unfinished project. Habermas is a planetary figure and the leading defender of Enlightenment democratic vision, probably the best-known American philosopher. Human attitudes, they insisted, vary as much as human cultures do. The problem of social order is one of the fundamental problems of contemporary global society. The system-life world, postmodernists maintain, is full of egocentric and ethnocentric biases or pre-conceived ideas, full of complexities and myriads of ideological distortions. In the postmodern age, those who create buildings, clothing, novels and world views are encouraged to throw in a little of this and a little of that without pretending that this or that, one perspective or another, is somehow correct. Post modernism is logical conceptualizations of web of myriads of presuppositions. Reason is the tool we use to device what is correct and construct those out-of-fashion generalizations, so in the postmodern age it is particularly suspect. Habermas is against the instrumental use of reason. He took the idea of reason to be Janus-faced, that is, instrumental reason and strategic reason. The late French philosopher Michel Foucault derides reason as just another instrument of oppression, just another form of ideological framework or cultural hegemony, and just another weapon on the battlefield. The term "*field*" for Pierre Bourdieu is the arena of battle. Habermas offered a way out of this corrosive cultural relativism and every form of ideological distortion in human society. Habermas saw reason as fallible, as merely the product of imperfect human discussion and contemporary political debate.

Habermas' unfashionable beliefs, particularly his undisputed philosophical attachment to reason, probably can be traced to a deep awareness where he comes from of the horrors of unreasoned communication. Habermas believed in what we may refer to as systematically undistorted communication or he is of the view of free and open communication in the system-life world. Habermas admitted that there is a strong personal element in his contemporary political thought. Philosophers live finally from their own intuitions of historical era, and he suggested that there should be communicative freedom, or communicative, political action and public deliberation. Should there be universal communicative freedom? How should political action and communicative freedom relate? How does political action, public deliberation and communicative action enhance the entrenchment of democracy in the world? These and more are what we shall be engaging ourselves in this article; but first, let us examine the Problem of Contemporary Political Philosophy in Habermas.

Habermas and the Problem of Contemporary Political Philosophy

Habermas believed that one of the fundamental problems of rational society as a result of systematically distorted communication and mutual understanding is actually caused by what he called the “rights of political participation and rights of communication”. (Habermas, 1996:32).

He continues to discuss difficult contemporary problems in social and political philosophy. Habermas, in other words, not only believes in reasoned communication, he believes in discursive everyday practice or reasoned communication or communicative, political action in human society. Habermas stands, "in American terms, somewhere between a radical and a liberal model." He supported, what he called without flinching, the "welfare state," which has come under renewed attack in Germany and elsewhere in Western Europe. The key words in Habermas' political vocabulary, however, are “deliberative democracy” and “communicative action”. He often has had in mind a more "radical democracy" or “liberal democracy” than that with which most Americans are familiar. Paraphrasing Thomas McCarthy's position, in the phrase of Abraham Lincoln's definition of democracy as 'government of the people, by the people and for the people,' Habermas placed more emphasis on the 'by' than most of us normally would do in this contemporary political era. McCarthy explained that he wants less unthinking nationalism and more reasoned communication on public debates and his contemporary political thought has a lot to do with cosmopolitan politics.

In line with his cosmopolitan politics, Habermas believed in democratic constitutional state, constitutional patriotism, and cosmopolitan political order. Accordingly, Giovanna Borradori believes that “the notion of constitutional patriotism is a useful point of departure to address Habermas' view concerning the possibility of a new cosmopolitan order, which he recognizes as the most urgent challenge facing the geopolitical scene after the terrorists attacks of 9/11”. (Borradori, 2003:52). He wanted more political participation by citizens in government processes, in political parties and economic decision makings in a larger "political public sphere" than can be found in any existing society. He wanted more public debate or public discussion in the economic arena and administrative routines of any society. According to Mitchell Stephens,

But Habermas is just dead wrong in terms of his political recipe. In the eyes of most of those on the other side of the political spectrum, that "recipe" includes too much "public" which they read as "state" interference in economic matters. It places too much emphasis on cooperation, not enough on old-fashioned, reliable competition. (1994: 10).

Nevertheless, Habermas' strategies for increasing the scope and power of the "political public sphere" have significant impact on our contemporary society. Indeed, they are important to those who are fighting state communism in Eastern Europe before 1989. "Habermas' book '*The Structural Transformation of the Public Sphere*' played an extremely important political role in terms of the legitimation crisis of the contemporary human society. It helps to conceptualize the role of the concrete society against the state. Habermas creates the normative foundation of a democratic culture and the inter-subjectively shared recognition of normative validity. Habermas' ideas are absolutely not only useful but important in this democratic process of emancipated global society. Habermas have given himself to one overriding cause: keeping the Global World Order oriented toward global justice, normative peace, international interaction, and Enlightenment values, values that have been most at home in the West. Habermas has worried so much, so publicly, that he has been attacked unfairly as a foe of world reunification. The Western democracies still have great social and contemporary political problems. Moreover, an additional benefit of remembering the past is gaining global momentum or perspective on our contemporary socio-political world. Habermas' theory of democracy has come to stay both at the national and transnational level. According to Michell Stephens, "the key word in Habermas' political vocabulary, however, is democracy". (2003:10). Habermas indicts our present human society because of its politically criminal system and systematically distorted communication. According to Mitchell Stephens,

All at once we saw that we had been living in a politically criminal system, Habermas has explained. His political life began with this awakening. It established what he labels the major "motif" of his politics; a vigilance against any recurrence of such "politically criminal" behavior. (2003:3).

In addition, Habermas believed that modernity is an unfinished project. He assumed communicative rational solution to be the problems of modernity. Habermas' communicative rational solution has a religious implication and political implication. His contemporary political philosophy is a political fight. According to Michell Stephens, "Habermas has been in the public arena fighting to keep Germany headed in the direction of reason, justice and other ideals he hears postmodernists deconstruct. And that fight –a political fight-goes on". (2003:2).

Habermas' communicative rational solution of modernity has a normative foundation, a collective life of solidarity, an epistemic viability, the ideals of freedom, universal egalitarianism, collective consciousness, the democratic principle of human rights, social justice, the global ethics of love, and contemporary legacies of political and religious tolerance. Habermas believes in political participation because he believes that we live in

a politically criminal society. Michell Stephens asserts that “he wants more of participation by citizens in government processes, in political parties, in economic decisions –a larger “public sphere” that can be found in any existing society. He wanted more of debate and discussion”. (2003:10). Habermas believes in the critical role of religion in civil society and in the conceptions of morality of conscience and the communicative interpretation of complex human society. Habermas’ conception of religion is being referred to as the transcendence within and he is a strong supporter of religious tolerance. The problem of normative ideal social order and social action is a consequent factor to society’s quest for social system, order and social integration. Marxism is a theory of social change and it presupposes the theory of society, class struggle, revolution and history. Habermas and Marx seem to agree on the thesis of internal colonization in contemporary social theory which showcases that complex modern society is characterized by excessive fragmentation of the social structural conditions. The model of social integration has become a very critical issue in re-defining our contemporary social structure. Habermas and Marx saw the thesis of internal colonization as that caused by a distorted ideological framework or political order and contemporary social theory. They tend to examine the present inherent ideological distortions of our contemporary social systems or socio-political world; an ideological distortion in our social system and the life world and to proffer logical mechanisms of how a society should progress even in the midst of inherent social contradictions. Rational society, revealed the model of social integration, and that society can be described as an embodiment of part-whole analysis. Society cannot improve politically, economically, socially, historically, culturally, ideologically, aesthetically, scientifically, technologically without any progressive empirical laws that tend to advance human flourishing in society. Human flourishing presupposes a function in a systematic approach to moral judgment. Habermas’ contemporary political problem reveals the problems of social practice, social action, moral dialogue, moral anthropology and integrated social paradigm. It is the problem of agency-structure integration. The micro- macro analysis reflects on our contemporary social world order. The thesis of internal colonization presupposes the limits of human communicative rationality and communicative freedom in our system-life world. It showcases the fact that our humanity has been distorted and characterized by moral quicksand and epistemological quandary. This moral quicksand and the drumbeating menace of our contemporary social world must be rationalized by purposive rational activity. Rationality is a critical issue that is dealt with in philosophy. The theory of rationality and social theory is hinged on reaching mutual understanding in the socio-political world. Habermas posited that the rationality of beliefs and actions is a theme usually dealt with in philosophy. The preponderance of economic power, is followed by, and reflected in, a political change, where by way of reform or by way of revolution; so

that the economic change is the original spring board of the movement of history. Democracy is defined within the ideological framework of a well-organized bureaucratic structure. Democracy, with its need for tolerance and its requirement for public rational consensus can only fare well during the periods of economic buoyancy or liberal democracy. Democracy, not market economic structure has survived and it has gained adherents, causing many to rejoice. Habermas further assumes that the principles of practical rationality, that people should adopt what they see to be the necessary means to their most important ends.

Nevertheless, while people do wish to act for their own long-term interest, they are short-sighted, and so indulge their current interests without properly considering the effects of their current behavior on their long-term interest. This would be a type of systemic failure of communicative rationality. The sum of which is not to treat others in ways we would not let them treat us. These moral precepts, conclusions or theorems of reason are eternal and immutable always commanding our calmer judgments and assents even when they may not safely be acted upon. Human actions must be constrained by the laws of freedom, as it were and the empirical laws of nature. Without these, human beings will sink below the level of brutes, whose welfare is involuntarily secured by physical laws, and they will remain at liberty only to destroy one another. Humans must as they can, cultivate and maintain toward others a peaceable sociality that is consistent with the naive character and end of human kind in general. Society cannot manage to survive or strive at all in a completely barbaric and bellicose social existential condition. The common social world is not entirely inhospitable to morality. For without speech and action in the sense of symbolic interaction or strong communicative, political action, human sociality will remain at a primitive and unsustainable level, in that the terms of human cooperation cannot be articulated and agreed upon. Speech or language or whatever you may call it is the social construct of human cooperation overtime, through a continuous learning process rather than contingent, and arbitrary or accidental, instead, humans are obligated to be social and moral in their deliberate human actions.

Furthermore, though the human society is bound by the general conventions of language, reason and by the requirement of not lying to one another, they retain a certain flexibility of reason and action based on others' varying right to know our thoughts. A fundamental use of speech is to regulate human's use of external things by appeal to the right of appropriation or existential domain. Our epistemological existential, communicative political domain of human intersubjective relations is of huge importance for further consideration about freedom presupposing the rational-relational implication of social practice in our life world and system. The cultural identity of the individual is interwoven with collective identities and can be stabilized only in a cultural network. The political

implication of Habermas' argument is that of universal human rights which are quite contrary to Rawls' political theory, grounded in political justice, human autonomy, but that human autonomy itself has a collective dimension which must take into rational account or consideration cultural interpretations of basic human rights. Legality is central to the realization of human rights, and Habermas' theory of law bears some resemblance to Rawls' theory of justice and basic human rights at a global level or the international system of the formation of law, politics, justice, cultural dialogue or discursive process and democratic reasonableness. Habermas' theory is grounded in formal pragmatic aspect of communication. Habermas' theory of communicative, political action is practical rationality and it is characterized by normative contexts. This tendency to define practical problems in such an instrumental way is what Habermas calls "technocratic consciousness". Philosophy has to do with the practical consciousness of human reality. Philosophy is a pedestal for unveiling injustices among humans in contemporary society. Habermas' theory of communicative, political action envisages the pragmatics of social interaction, purposive rational activity, social activity, and the problems of contemporary political world order, social reconstruction and the role of cultural dialogue in global ethics.

From Communicative Action to Deliberative Democracy

According to Habermas, in his book, *Between Facts and Norms*, communicative action, then, depended on the use of language oriented to mutual understanding. (Habermas, 1996:18) The concept of deliberative democracy has to do with the political public sphere. The idea of the political public sphere reflected on the common good of the system-life world. Deliberative democracy connotes the idea of public discussion. Deliberative democracy is borne out of contemporary liberal political values. It aims at human emancipation in modern complex society. The Habermasian conception of deliberative democracy is contemporary liberal democracy. According to Iain Mackenzie, "the plight of contemporary liberal democracies has been and continues to be a source of concern for democratic theorists in political philosophy" (Mackenzie, 2006: 112.)

The objective world is a communication community of speaking and acting subjects. The world's inter-subjectivity is anchored on the international community of human rights and aims at emancipated global society or global community of democratic principle. The Habermasian human world is governed by language. The Habermasian picture presupposes the atmosphere for rational relation and discursive social practice. It reveals the emancipated human world of political order or global democracy. The Habermasian model of communicative theory is borne out of his political theory. Habermas and Kant share the same view of moral theory, political thought and the conceptualization of

normative ideal social order at the global level. They both believed in the ideal of world peace and contemporary political order and their moral theories gave birth to their political theory. Habermas' conception of cosmopolitan politics has had continued contemporary relevance in our international arena or global system. Habermas' discourse theory also has global implications for international modes of deliberation hence for the debate about a potential cosmopolitan political global world order. Habermas' position in this contemporary debate is moderate. Habermas' conception of cosmopolitan politics has a normative or universal core of the need for any strong international, legal or political global world order and a strong sense of democratic procedure in a global order. Habermas shares avowed affinity with the strongly democratic position of David Held's version of cosmopolitan political order and the emergence of international system of public law as central to a just global political order. Habermas is optimistic about the prospects for a global political order as the continuation of the form of deliberative democracy based on human rights and citizen rights typical of any nation-states. Democracy on the nation- state model connects three central ideas; that the proper political community is a normative one. The normative core of this conception of democracy lies in the conception of human freedom or the Habermasian normative cum universal character of communicative freedom. We have articulated Habermas' argument for 'de-centering' democracy under the epistemological, existential conditions of cultural humanism, rationalism, pluralism and complexity. Habermas clearly made self-determination by the fundamental normative core of the democratic ideal. Habermas' version of cosmopolitan politics is a conception of global democracy articulated by the critical theory of a complex modern society. For David Held, cosmopolitan democracy is clearly continuous realized within nation-states. Habermas has made central and further recognized that individuals increasingly have complex and multi layered cultural identities, corresponding to the globalization of economic forces and the reconfiguration of political power.

Habermas' version of dialogue, cultural humanism, democratic rationalism and critical social theory transversed or created the opportunities for political participation and the rights of communication at the global level. The Habermasian perspective reflects on the fact that "in communicative action, beyond the function of achieving understanding, language plays the role of coordinating the goal directed activities of different subjects, as well as the role of a medium in the socialization of these very subjects". (Habermas, 1991:5) Communicative action in Habermas' contemporary political philosophy is a clear-cut testimony of the role of public discussion or public debate and the conception of 'dialogic democracy' to use the words of Anthony Giddens. Habermas' philosophy is a contemporary political philosophy and the philosophy of linguistic communication or

linguistic transparency. Habermas' philosophy dealt with a wide range of areas such as philosophy, law, political science, sociology, psychology, linguistics, communication studies and cultural history. Habermas' communicative action and deliberative democracy reflected on the ideal speech situation in public debate and the idea of public debate has been in existence since the Greek period of democracy. Communicative action is a connotation of purposive rational activity. Purposive rational action aims at human emancipation. Habermas' theory of communicative action is indeed symbolic interactionism, cultural humanism, anthropology, rationalization of society, purposive-rational- activity and social cooperation or social coordination. Communicative action deals with the system or social-life world. The social- life world is characterized by social integration and system integration. Habermas' theory of communicative action reflects on the deepest appreciation of political debate or communication theory, social theory, public sphere, communicative freedom, constitutional democracy, constitutional patriotism, human rationality, constitutive or transformative human association, critical social theory, and the philosophy of language, dialogue and democracy. Communicative action reflects on human deliberation and human rationality, although, there is a limit to human rationality. Communication is a normative presupposition of the social life world and sociative mechanism. Communicative action is anchored on knowledge and rationality. According to Habermas, "our knowledge has a propositional structure". (Habermas, 1991:5) Habermas believes that our human knowledge can be criticized as unrealistic. Communicative action is predicated on normative structure and social cooperation using the Jean Piaget's model. Communication interaction is characterized by normative foundation, epistemological significance and existential criteria. Habermas in his conceptualization of 'communicative action' opines that 'action' is represented as a rational process of attaining set goals while taking normative standard into consideration. Habermas' theory of communicative action showcases the normative character of democratic rationalization. When we talk about communicative action we are simply talking about the deployment of reason in our practical everyday linguistic communication. The term 'reason' is a cognitive process or structure. The whole Habermasian project is simply the critique of reason. Our conceptualization of 'action' according to the Habermasian-Parsonian principle should be termed as 'rationalistic' and 'functionalistic'. Action becomes a rational process of adaptations to the existential conditions of our social environment says Habermas. Communicative action is form of communicative modality embedded in democratic setting. Habermas is of the view that in any democratic setting, communicative dialogue or dialogic communication or what you may also refer to as linguistic communication has to do with communicative skills or competences in ideal speech situation. Ideal speech situation has to do with truth validity or criticizable validity claims.

Furthermore, criticizable validity claims are those truth claims that are accepted or rejected in subjects' speech and action. Habermas asserts that criticizable validity claims are trans-subjective validity claims and validity claim is claim that the hearer can accept or reject for good reason. When we talk about deliberative democracy, we are simply talking about re-conceptualizing linguistic representation and transparency. Deliberative democracy is 'ipso facto' Giddian conception of dialogic democracy and the process of rational dialogue in politics as a process of bettering humanity. Politics has to do with the betterment of human affairs or human flourishing. It is the service to humanity. Deliberative democracy is a connotation of effective influence on the running of government through reaching rational agreement and public discussion among persons for the pursuit of the common good. Deliberative democracy reflects on human rights, the rights of political participation, the rights of communication and it is a model of democratic setting that tends to overcome all the failings of the purely representative model. When we articulate the idea of deliberative democracy, we are simply placing much emphasis on the phrase 'public deliberation' or 'human deliberation' in their process of constitutive or transformative human association. The ideal of deliberative democracy reveals normative assumption and ideal social order. Deliberative democracy is a theoretical presupposition and normative character which sounds too idealistic and seems to be impracticable in real practice in our common social world. The conceptualization of deliberative democracy has to do with fairness, equality, intersubjective recognition, equity and equality, human rights, social justice, political participation, communicative freedom and public discussion. Deliberative democracy is a form of social construct that has to do with properly rational course of communicative, political action. Habermas turns to this everyday language use to construct the dialogical commitment or linguistic communicative conception of human rationality and transparency. Habermas' idea of deliberative democracy reflects on the notion of public conversation. According to Iain Mackenzie, "Habermas describes conversation where everyone involved is concerned to reach an understanding with one another as "communicative action". (2006:112) The idea of communicative action presupposes that fact that philosophy is a reflective activity, rational discipline and connotes social activity. Philosophy as far as Habermas is concerned is guardian of rationality. Habermas' theory of communicative action has to do with the idea of language as a constitutive element of social interaction. Language performs a constitutive function. Communicative, political action is simply social interaction. Social interaction forms symbolic and normative structures. Habermas' theory of communicative rationality reflects on problem solving mechanism. Life strives on problem-solving. The Habermasian picture reflects on the philosophy of problem solving and rational reconstruction. Habermas' contemporary political philosophy has a radical and liberal content of a democratic ideal. This radical

and liberal content is much more appropriate to the circumstances of a complex rational society. Habermas' philosophy promotes a political culture that stabilizes the legitimate or behavioural expectations in democratic constitutional state. Habermas' idea of deliberative democracy reflects on ideal speech situation of inter-subjective communication and rational consensus. For Habermas, reason cannot be reduced to mere instrumental use. Furthermore, the Habermasian picture is of the view that the feasibility of a common democratic consciousness cannot be taken for granted.

The conceptualization of politics has to do with a process. Law, for instance, cannot be reduced to morality and politics. The idea of politics reflects opinion-formation and will-formation. According to the Habermasian picture politics reflects on will formation and opinion formation. Politics assumes a systemic character. It should be analyzed in terms of theory of action and the theory of system. Politics is characterized by a process of social mobilization. Politics and law are coterminous. Politics, law, and morality reflects the normative character of human emancipated society. Politics, law and morality serves as the hallmark of normative ideal social order. Normative ideal social order presupposes the optimal and maximization of human flourishing and ensuring that social order makes progressive dimension of human society possible. Society cannot progress when there is a state of acrimony and social conflict or rancour. Politics, law and morality serves as the basis of normative ideal social order. The essential feature of law is normativity and obligation. Obligation has a moral nature because the normative foundation of all laws is the principle of natural law. The concept of law assumes the system of rules but although the concept of law does not consist of only a system of rules; man has the moral obligation to obey law of human society. Law does not rest on naked force or brute force. Politics, law and morality presupposes the normative structure of society. Morality tends to ensure normative peace and social harmony in society by regulating human conduct and human interaction within the society. Politics, law and morality is the necessary conditions or normative foundation for peaceful coexistence in society. Habermas believes that for politics to be successful law and morality must serve as an instrument of social control and political ideal social order. The idea of law showcases the idea of basic human rights. Rights and morality are common features of law and morality. Law and morality bring to the foreground the idea of rationality and freedom. Rationality and freedom are like two sides of a dubious tossing coin. According to the Habermasian picture, communicative rationality brings to the foreground communicative freedom or communicative association (sociation/interaction). From the normative imperative viewpoint law and morality assume the role of social functions or social control or transformation, and political order. The idea of social justice is central to law and morality. The idea of the common good is also central to law and morality. Law and

morality reveal the need for utilitarian principle. Morality presupposes universal principle. The normative foundation of Habermas' theory of communicative, political action is the theory of social order and social change.

Communicative Power and the Principle of Democratic Legitimacy

Communicative power is allowed to circulate throughout society via the reasonable application and administrative implementation of legal programs. Communicative power required argumentation in any democratic setting. According to Habermas, communication reflects the required patterns of argumentation. (1996:180) Communicative action fosters social integration through the stabilization of normative or legitimate expectations and the realization of collective goals. Constitutional order aims at a communicatively structured life world because the constitutional democratic state institutionalizes the public use of communicative freedom. The sociological concept of the communicatively structured life world aims at normatively expected behavior. Communicative action aims at social collectivity and social solidarity. Habermas argues that fair bargaining is a special form of communication. Communicative action requires comparatively high degree of rationality. Communicative action gives a society binding character and procedural reliability. Procedural rationality is inherent in the logic of argumentative process and gave birth to reasonable decisions making and force of law. Communicative power engenders citizens in common. Communicative action is characterized by horizontal and vertical association of human persons. The principle of separation of state and society requires a civil society and network of voluntary association. Social power can both facilitate and restrict the formation of communicative power. Communicative freedoms are transformed from social power into political power. Habermas advocates for the principle of democratic legitimacy: the general acceptability of governing laws. Communicative potential is anchored in deep-seated social structure.

The constitutive elements of the system of rights presuppose voluntary association of free and equal consociates under law. Communicatively structured system-life world requires competent discussants of disputed issues. The bargaining processes contain a regulated agreement that balance conflicting interests. Fair bargaining does not destroy the discourse principle but strengthens it. Communicative power is transmuted into administrative power. Habermas' discourse theory hinges on the system of rights and the interpretation of a constitutional democracy. Constitutional democracy passes through the sluices of communicative power formation. Habermas' democratic procedure guarantees a rational treatment of political questions and a practice of problem-solving process. The normative question of communicative power is a question of fundamental significance in our international social order. Communicative reasoning is a normative presupposition of

pragmatic, epistemological, legal and moral discourses. Habermas believes that the logic of discourse yields the principle of political pluralism. The unlimited communication commonly has a comprehensive perspective of world view, situation of inclusiveness, self-understanding and the practice of ideal role taking. Habermas believes that law-making is interwoven with the formation of communicative power. Communicative power assumes pragmatic issues of compromise formulation and ethical discourse or normative explication of legitimate expectations. Communicative power of inter-subjective recognition reflects on normative contexts and does not require a break with everyday taken-for-granted assumptions. Communicative power assures the pragmatics form of a purposive rational choice of collective goals and strategies according to established value preferences. Fair bargaining aims at compromises; communicative action constitutes the normative framework of fair bargaining and bargaining aimed at compromise formation. The normative context of communicative framework does not exclude free riders who withdrew from social cooperation. Communicative action is opened to a pragmatic and an ethical – political use of practical reason. Communicative action aims at reasonable regulation of interaction in an inter-subjectively shared form of life. Communicative action has a normative validity dimension and socially binding character. Democratic constitutional state connotes normative aspects and pragmatic, ethical and moral issues. Ethical – political questions pose themselves the perspective of normative validity. The conceptual explication of communicative power indicates we-identity and not ego- identity. It indicates politico-cultural self-understanding of a historical community. Communicative action emphasizes on the normative components or projection of practical everyday life practice through formative processes. Deliberative processes aim at collective goals. An adequate justification of policies and laws must, however, consider yet a further aspect, that of justice. Moral precepts have the semantic form and formative processes of categorical imperative. Law has a legitimate force and functions as a normative resource of justice. Law reflects on a social condition for democratic legitimacy of a parliamentary political order. Communicative power has its recourse to practical reason.

Communicative power is recognized in inter-subjective recognition of validity claims and collectively binding decisions. Communicative power engenders legitimate laws. Conceptual explication of communicative power engenders its emergence of political power. Habermas in *Between Facts and Norms*, views “law as a medium through which communicative power is translated into administrative power”. (Habermas, 1996:150)⁶² Habermas believes that in communicative action reasons also have a motivational force. Communicative power brings to the foreground normative regulations of behavioral expectations. Habermas argues that “political questions differ from moral

ones". (1996:151) Deontological ethics reflects that we ought to obey moral precepts because we know they are there to regulate our deliberate human action. Communicative power calls for the moral use of practical reason. The condition of communication framework requires rational political will formation and the principle of democratic legitimacy. Deliberative democracy requires a fair balancing of interests, the clarification of ethical self-understanding and the moral justification of regulations. Law is a system of rights. Communicative power has a radical democratic content. A consensus is free of coercion and it is characterized by a legitimating force. The normative standpoint in communication model is characterized by unaffected communicative freedom and stabilizing behavioural expectations. Pragmatic discourse is failure to the notion of social engineering and strategic. Habermas' communication model is a paradigm of instrumental rationality and the possibility of democratic participation. The communication model is anxiety-free and open to learning. The communicative presuppositions of moral discourse assume certain pragmatic justification. The practice of reasoned understanding is public. Habermas argues that "the universally accessible, is free of external and internal violence, and permits only the rationally motivations force of the better argument". (1996:182) The political balancing of interest is charged with the tasks of compromise formation. The normative context of the public sphere in the communication model is what Habermas calls "*stat pro ratio nevoluntas* (they will stand in the place of reason)". (1996:184) Habermas argues that "the communication model starts with rationalist assumption and takes a structuralist approach" (1996:185) The collective demand for the good life autonomous citizens can understand themselves as authors of the law. Law is normatively a source of democratic legitimacy on and it is not just a medium for the exercise of political authority but democratic legitimacy. The normative law outcomes or conditions legitimacy become conditions for the stability of a generally held belief in the government legitimacy. The normative demands legitimating force of liberal mass democracies which requires sheer stability of political order. Habermas' democratic legitimacy is considered a measure for stability. Habermas argues that "legitimacy can range from more toleration to free consent". (1996:290) Democratic legitimacy takes on the task of protecting society. According to Habermas, in his book, *Communication and the Evolution of Society*, "the political subsystem takes on the task of protecting society from disintegration". (1979:180) The ideal communication community sums up the expression of what Habermas terms "a common interest, that is, the general will". (1979:185) Communicative action aims at what Habermas calls "the peculiar form of state sovereignty that is defined by relation to the sovereignty of other states". (1979:190) Communicative action reflects on the process of state building. According to Habermas, "it becomes clear that the process of state building had to react upon the form of collective identity...this kind of collective identity was transformed under the pressure of the

modern state” (1979:190-191). Communicative action aims at the Gadamerian ‘fusion of horizon’. The ‘fusion of horizon’ is actually the act of openness and it a radical process whereby understanding and differences prevailed in a system-life world. Communicative action, Habermas believes aimed at “influencing the structure of production in a manner oriented to collective needs, and correcting the pattern of social inequality” (1979:194). Habermas avers that “the state thereby programmatically obligates itself to keep dysfunctional side effects within acceptable limits. In this assignment of roles, the state provides legitimating support to a social order claiming legitimacy” (1979:196). Communicative actions aim at what we may refer to as legitimate expectations.

Communicative power influences mutual understanding and the need for social order. According to Habermas, “the mode of action coordination itself sets high demands on the maintenance of social orders” (1996:8). Communicative action reflects the holistic concept of society and possesses what Habermas called “spellbinding authority” (1996:24). Communicative action reflects the linguistic medium through which interactions are woven together. According to Habermas, “what makes communicative reason possible is the linguistic medium through which interactions are woven together and forms of life are structured” (1996:3-4). Communicative action involves not just the need for democratic legitimacy, or social order but obligation. According to Habermas, “communicative action involves obligation” (1996:119). The power of communication and dialogue cannot be undermined. Communicative power and democratic legitimacy aim at what Habermas called “political democracy” (1979:192)

Democratic legitimacy aims at the objective of law. According to Habermas, “law must regulate the private autonomy of individual pursuing their personal success and happiness”. (1996: xxv)⁷⁹The idea of law presupposes sanctions and serves as a means to regulate human behavior in their process of interpersonal relationship. Habermas went further to assert that “law regulate interpersonal relations in a manner similar to moral norms” (1996: xxvi). Communicative power and democratic legitimacy serve as a means of social coordination and characterized by what Habermas calls “objectivating reality” (1979:22). The objectivating reality of what Hannah Arendt calls ‘communicative power’ presupposes the need for normative dimension and legitimate expectation.

Communicative action aims at everyday exchange. According to Borradori Giovanna, communicative action is Habermas’s name for the residue of rationality built into our everyday exchange (2003:60). Communicative action is characterized by the notion of human rationality. Communicative action aims at what Giovanna Borradori calls “the democracy of everyday speech” (2003:59). The conception of the Habermasian communicative action seems to address the plethora of fundamental challenges of the public sphere.

Concluding Remarks

Giovanna Borradori duly observes that “Habermas has devoted a great deal of attention to the question of legitimacy, which he sees as inextricably related to the workings of the public sphere” (2003:56). The conception of the public sphere seeks to address the correlation between the freedom of the individual and the state. The public sphere was profoundly critical of the issue of the bourgeois/capitalist ideology. Democratic legitimacy aims at social emancipation. According to Borradori, “democracy, in its structural perfectibility, is both the means and the end of individual and social emancipation” (2003:45). Communicative action aims at the Enlightenment democratic ideal and the emancipatory project. Communicative action has been characterized by the central notion of role playing and as far as global world order is concerned.

Finally, the findings that emanated from preceding sections have been that law and democracy constitutes legitimate political order, behavioural expectation and normative foundation of social structures. Communication, law and democracy aimed at structural perfectibility, normative ideal social order and human emancipation. Communicative action and deliberative democracy are deeply rooted in the rationalization of society through radical reforms and human rationality. Communicative action reflects on “*spellbinding authority*”. ‘Communicative action’ in practice especially in the use of language by politicians/statesmen at the national/international level requires systematic approach and high level of caution. Certain utterances can spark off or ignite socio-political and ethno-religious violence. The use of language vis-a-vis human actions at the international/diplomatic level requires a strong sense of the principle of complementary relations. The use of language in war torn areas requires a system of dialogue through contact; it should be a win-win situation. In Nigeria, the attitudes of the political office holders have caused lots challenges in this direction. For instance, under president Buhari, his communicative stance in support of the radical Fulani exacerbated herders’ terrorism such that in the global terrorism index, Nigeria became highly mentioned. It is on this note that Habermas’ caution for tactical use of communicative action by political office holders is germane. Buhari again even before he became president had deployed this lack of tact when he lost the 2011 presidential election thus sparking ethnic killings that saw to the death of many National Youth Service Corps members. On his part, President Tinubu while campaigning for the 2023 presidential election made a reckless statement that it was his turn no matter whatever Nigerians think about it. This is partly the cause of the legitimacy problems that he is having. Political gladiators should thus have recourse to caution in communicative actions.

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