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International Society Cosmopolitan Politics and World Society

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International Society

Cosmopolitan Politics and World Society

by

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A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts
Department of Political Science
College of Arts and Sciences
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Dedication

I dedicate this thesis to my loving husband Moncef, for his unwavering support and encouragement throughout this journey.

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I would like to thank Dr. Michael Gibbons, Dr. Bernd Reiter and Dr. Steven Roach for

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Table of Contents

List of Figures

International Society: Cosmopolitan Politics and World Society

Kimberly Weaver

Abstract

How does the international system move from an anarchic system driven by power to a global community driven by the needs/wants of the community at large? Jürgen Habermas utilizes the tenets of his Communicative Action Theory to underline the importance of communicatively based repertoire in the international system between and among states and non-state actors and the citizens themselves. How does arguing and reasoning among states and international institutions bring together legitimization and order? My research aims to analyze the movement of the international system from anarchy towards a global civil society. In doing so, I will examine Communicative Action Theory in International Relations, in particular the development of legitimization processes in international politics, the role of state sovereignty and its effect on the legitimization process of non-state actors. I argue that underdeveloped legitimization processes at the international level consist of fragile consensus building mechanisms that explain why disagreement can and often does lead to violence. However, I also contend that the international system is moving toward a more developed global civil society.

Introduction

Throughout this thesis I aim to show that communicative action theory best explains the development and, in some cases, underdevelopment of global civil society norms and institutions. Two central questions structure my analysis: (1) How does Habermasian-based IR theory help us to understand international problems regarding order and stability? (2) What evidence is there that communicative action based repertoire can move us beyond the anarchic international system to one a of global public sphere.

In this thesis, I begin by first examining the basic tenets of Communicative Action Theory; Lifeworld, legitimacy, validity claims (sincerity, rightness, truth), and speech acts. In doing so, I will show that by instilling communicative action into the international system there will be greater room for argumentation among state and non-state actors. I then move on to examine the relationship between legitimization and order. I argue that by creating a space for all actors to communicate in a reasonable and rational way, the international system can become more responsive to the central issues facing all global citizens.

So, why is it important to assess the relationship between legitimization and order? Moreover, how should we, as political scientists, examine the relationship between those that hold legitimate power and how order is created and maintained? Legitimization is the process by which state and non-state actors learn to reason out their differences and to live by what Habermas referred to as the force of the better argument in the international system. Through such processes, actors deliberate upon the most reasonable courses of action for instituting democratic norms. Learning to live by the force of the better argument is crucial since it allows us to understand why actors adopt new norms and rules to resolve problems, both on the local and global level. Reasoned argumentation and moral persuasion, in this sense, are communicative aspects that legitimize the actions, rules and principles of international institutions.

The evolution of the concept of legitimacy, it could be argued, encompasses the rise of the modern states system and social sciences. The modern social sciences, for instance, emerged out of the Enlightenment. The aim of the Enlightenment was to challenge societies' reliance on myths and religion and to understand the material properties of human society. Here the idea was that, through scientific and philosophical study, we could discover and recognize legitimate sources of government, that is, how government justified its public right to rule. A diverse range of thinkers, including Michel Foucault, Charles Taylor and Jürgen Habermas have focused on the problem of legitimacy and the discursive contexts of social action. Despite their differences, these scholars believe that there were elements of the Enlightenment that modern social science has abandoned,

such as the inclusion of the public sphere, critical questioning, and human reason. The abandonment of the Enlightenment principles, in this manner, thus begged the question: how should we live our lives?

Legitimacy has also helped to shape normative international relations theory, by focusing on the role of international institutions (law and diplomacy) in furthering peace and negotiations. International relations (IR), it should be noted, derives from a long tradition of analyzing societies of states, a family of nations and an international community. After World War II, the major state powers established the first international relations discipline at the University of Wales, Aberystwyth in order "to discover the causes of the First World War so that future generations might be spared a similar catastrophe."[1] The social analyses of this school would help establish the basis for critical studies in IR and the emergence of critical international theory in the 1980s, which focused more attention on normative issues such as identity and ethics.

Critical international theory emerged from the third debate in International Relations in the 1980s.[2] Within the third debate, critical theorists argued that realism's scientific focus on anarchy and state power had excluded alternative social theories that stressed the importance of social change and ethics. The first debate, for instance, pitted Realism against Liberalism, while the second debate focused on Behavioralism and Traditionalism. Unlike the first debate, the second debate focused on empirical methods; quantifying data; "a rigorous demand for facts-through-observation."[3] The third debate,

then, was essentially about the post-positivists' (or those who rejected scientific, causal methods to study social phenomena) insistence that we ask how we know what we know, why we know what we know, and do we really know what we think we know. The post-positivists of the third debate, according to Yale H. Ferguson "rejected strict science and emphasized the subjective and normative dimensions of knowledge."[4] Ferguson argues, "the scientific tradition was arguably harmful to theory construction because it confused positivism with theory, thereby conflating theory and method."[5] Furthermore, it was argued that the third debate revealed the movement away from empiricism toward normative and subjective ideas. A critical analysis of the third debate presents a new way for political science scholars to view and study International Relations.

Robert W. Cox discusses the different purposes of theory, *problem-solving theory* and *critical theory*. Whereas other theories, such as Realism, reflect a theory of problem-solving (just giving the already existing system a encompassing structure to be understood), critical theory "asks how that order come about."[6] Critical theory takes the next step in examining historical circumstances of social change, and then applies the findings to what can be done to promote/encourage progressive change. When looking at general theories of political science, Kristen Renwick Monroe argues that, "although the regularities in human behavior are sufficient to justify a search for patterns that can be developed into theories of political life, it is more difficult to argue that such theories can be universal in nature."[7]

It is important to stress that critical IR is not state-centric, but rather attempts to go beyond this limitation. Randall D. Germain asserts that in looking at critical theory historically, "the Gramscian turn in IR thus provides a way to conceptualize world order free of the constraints of state-centric approaches and the interstate relations they focus upon, without abandoning altogether an explicit acknowledgement of their importance."[8] This is not to say that the importance of the state and its dynamic role in development is inconsequential, rather the state has and will play a continued role in the realm of global politics. In these terms, the state is one of many actors involved in the international system, and though it plays a decisive role, it is not the only actor, as proponents of realism would assert. Nevertheless, we must recognize that foreign policy making relies heavily on the assumptions of realism and state centricity. Given that "legitimacy is rooted in rational deliberation," it is important to determine how state power informs our critical analyses of deliberation and negotiating in international politics.[9] My central aim, then, in this thesis, is twofold: (1) to focus on the influence of Jurgen Habermas's theory in IR; and (2) to analyze the problematic (and possibly constructive) role of state power in legitimizing international rules, authority, and order.

Literature Review

There are two schools of Habermasian-based approaches that I will explore. The first has adapted Habermas to international politics by demonstrating how his theory allows us to understand and explain the role of reasoned argumentation in international institutions and decision-making. I will examine the works of Thomas Risse, Harald Muller and Jennifer Mitzen. The second school has adapted Habermas into a globalist perspective

5

with a cosmopolitan focus aimed at rethinking citizenship and the global system as a whole. For the analysis, I will examine the works of Andrew Linklater and the English School.

Reasoned Argumentation

Risse, Mitzen and Muller have each contributed to the research of international institutions within international relations studies. Thomas Risse examines argumentation between the two extremes of utility maximizing action and rule-guided behavior.[10] He "claim that Jürgen Habermas's critical theory of communicative action is helpful in conceptualizing the logic of arguing and can actually be brought to bear to tackle empirical questions in world politics."[11] Risse argues that between the "logic of consequentialism" or a rational choice perspective and the "logic of appropriateness" or the rule follower, lies the "logic of arguing".[12] (See Figure 1) By doing so, Risse shows that between these two extremes lies a space where each meet and communicative action can be formed. In the 'logic of arguing' we find that, as Habermas states, "…the action orientations of the participating actors are not coordinated via egocentric calculation of success, but through the acts of understanding."[13] This point is key, for rather than arguing for the point of being successful in changing other minds, you argue for the sake of reasoned analysis. In order to accomplish this argumentation, Risse argues that international institutions are needed to facilitate communication among and between actors. International institutions can help to create and enhance common lifeworlds among actors and work to minimize power differentials.

Figure 1. Three Logics of Social Action[14]
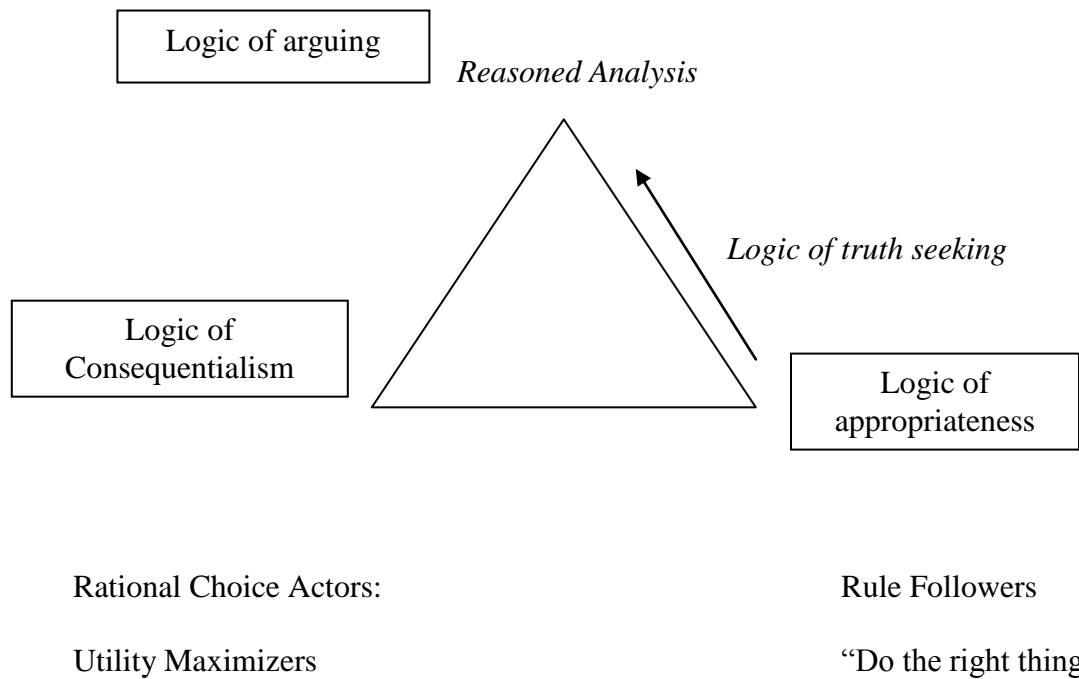
Interpreting Habermas, Mitzen examines communicative action theory encompassed in a state of anarchy. She argues that even in the unstable international order, communicative action can reduce the presence of violence in the international system and can help to facilitate ways around the security dilemma.[15] This can be accomplished in part by international institution building. By heightening international institutions commonalities between differing societies are more easily reached. These commonalities will in turn influence cultural values and norms and can eventually bring lifeworlds closer together. I argue that though it is possible to work toward communicative action in an anarchic system, it is not enough to guarantee communicative action will take place.

Similar to Risse and Mitzen, Harald Muller adapts Habermas's theory of communication to emphasize the role international institutions play in bringing reasoned argumentation to the international system. Muller asserts, "we discovered that arguments of non-state actors influenced negotiations, despite powerful actors holding diametrically opposed preferences."[16] Institutions play a critical role because they allow the public sphere to participate in negotiations. Participation has increased over the years due to the progress of communications technology and the increased ease of accessibility to debates for the public sphere. Institutions also help to inform the public of the debates that take place on the international stage. This in turn allows, "institutions, which are characterized by densely and largely non-hierarchical settings, (to) help foster trust and empathy between participants and establish equal rights of participation."[17] The role of facilitator between powerful actors in the international system and the public sphere helps to give power to international institutions as they aim to move toward reasoned argumentation. International institutions are key actors, according to Muller.

Globalist Focus

Andrew Linklater extrapolates from Habermas and moves toward a globalist, cosmopolitan vision in rethinking the current international system and progress toward world citizenship. Linklater uses the analysis of harm inflicted in the international system to further the need to develop Cosmopolitan Harm Conventions (CHC) that would be present in a global cosmopolitan polity.[18] According to Linklater, "what makes a harm convention cosmopolitan is the fact that it does not privilege the interests of insiders

over outsiders."[19] The inclusion of freedom from harm for all citizens' differentiates the cosmopolitan idea from the current state system where citizens are often mobilized to defend and privilege the 'insider' at the expense of the 'outsider'. Rather than being a citizen of the state, one is a citizen of the world. According to Linklater, "more cosmopolitan forms of national and international law are obvious ways in which the hitherto imperfect rights of outsiders can be made more perfect."[20] Linklater argues, citizens "have an obligation to form themselves into a transnational citizenry in which the members of different states assume political responsibility for the harm they cause one another."[21] To Linklater, the idea of the "idea of citizenship is an important moral resource which can be used to imagine communities which overcome domination and exclusion."[22]

In addition to the role of the citizen, Linklater examines the role legitimacy has played in the modern era to increasing states morality.[23] Legitimacy, to Linklater, helps to "decide rights of representation in world politics (and) have changed over the centuries."[24] Through standards of legitimacy, the public sphere is now being engaged in decision-making, even if it is at the periphery. This is unique in the history of state systems predating the modern state system.[25] Furthermore, for Linklater, "as the phenomenon of transnational harm has grown in importance, international law has come under pressure to support the same cosmopolitan commitments."[26] The movement of the international system toward a globalized assertion to eradicate harm has moved one step closer to a global cosmopolitan society, that does not inflict harm for reasons such as territorial

disputes, power, and wealth that have been so prevalent in the wars among states and citizens in the modern state system. Though Linklater agrees that the modern state system is historically different, he also contends "…progress in world affairs requires first a radical redistribution of power and wealth…"[27] This progress toward a global citizenry places the individual, the citizen, at the core of a new international system.

I contend that the reasoned argumentation aided by international institutions has greater merit in the current system and international relations. By positing Habermas within the confines of an anarchic international system, Risse, Mitzen and Muller have created a more relevant argument for the principles of Communicative Action Theory. However, the progress that Linklater speaks to is situated too far outside the current international system to be applicable in today's political realm. In the following chapters, I will examine the in greater detail the role of international institutions.

Theoretical Framework

I have adopted a discursive framework to analyze the problem of order and power in international politics. The framework is based on Jürgen Habermas's writings on communicative action theory and legitimization. Drawing on Habermas allows me to shed theoretical light on order and legitimacy by examining rational persuasion and reasoned argumentation. Through this process, actors are able to reach compromise and mutual understanding of one another's other point of view. All the while, this process leads actors to build a greater defined link between self-interest and the rational pursuit for public goods.

Empirically I will focus on two issue-areas (1) problems of the legitimization process in international relations: war or the conflict in Kosovo and the U.S. led war in Iraq, and (2) the new role of transnational institutions in bringing together legitimization and order in the international system, specifically the European Union and the International Criminal Court. The Kosovo War is contextually important because it allows us to examine the breakdown of reasoned argumentation and the consequences suffered. The International Criminal Court is vital to examine in the context of Habermas as it represents the importance legitimacy and international law now at play in the international system.

Outline

In chapter one I discuss some of the historical beginnings and progression of this legitimization process in communicative action by outlining a Habermasian-based strand within international relations. I begin to outline what communicative action theory is and how it can affect the lifeworld in order to heighten argumentation within the international system. Within this context, I examine Habermas's theory of Communicative Action, including lifeworld. I then move to examine the legitimization crisis and how this crisis works within and through communicative action, moreover to look at the legitimization process in order to scrutinize what it means to gain legitimacy in the international system, who dictates this process, and how it is changing. This will lead into Habermas's theory of world organization and his use of the cosmopolitanization of law.

The second chapter I will examine the applications of communicative action theory that other international relations theorists have made in international politics. I will focuses on issues facing international relations with the legitimization process and the unstable international order and examine the difficulties that exist in applying Habermas's theory to the international system. I argue that in the current anarchic international system there is a thin conception of lifeworld that hinders communication between actors. I will examine how state sovereignty perpetuates the anarchic system and facilitate the constant security dilemma states face. However, there are benefits that exist in applying this theory to the international system that I will apply.

The third chapter examines cosmopolitanism and how we have to address and develop institutional cosmopolitanism in order to meet the current political issues facing the international system. I will give examples of disagreements that have led to violent rather than peaceful outcomes. These disagreements are examples of the breakdown in communication between states that were for one reason or another unable to find consensus in their arguments. The lack of ability for states to use communicative action in these instances caused violent outcomes that highlighted the inability of communicative action to take place in an anarchic system. By doing so, I examine the effects of coercion on the international system by conducting a case study on both NATO's role in the conflict in Kosovo and the U.S. led war in Iraq. My aim is to study the difference between what has been argued by some as a legitimate intervention in Kosovo and an illegitimate war in Iraq. I will then move on to a focus on bringing

together legitimization and order. Through power politics, state sovereignty and the anarchic order of the international system suppresses the full capabilities of international institutions, I will argue that certain international institution such as the EU and the ICC have shown us instances where legitimization and order were able to grow within the anarchic international system.

My conclusion focuses on the implications of Habermas's cosmopolitan vision in hopes of leading toward a global civil society. Habermas's cosmopolitan vision is inclusive of the state. The state continues to plays a role in the international system, just not the sole powerful role that now exists. I will examine Habermas's cosmopolitan vision to extrapolate the role of the state in the international system.

Chapter One: Habermas's Theory Communicative Action

Jürgen Habermas's theory of communicative action refers to action-oriented argumentation between actors that is not strategic or for the sole benefit of upholding one's own point of view, but argumentation for the benefit of the whole. Communicative action aims to promote mutual understanding among agents. As actors, there is a shared understanding that leads to an outcome that is inherently reasonable. When actors communicate or argue for the ultimate outcome of promoting the better argument, reason and rationality have been exercised to their full extent. In order for communicative action to be realized, there are foundational pieces that must first be flushed out. Habermas's theory of communication action utilizes three main tenets: Lifeworld, Legitimacy, and Validity Claims (authenticity, rightness, truth,) to create a space where communicative action can exist.

Lifeworld is the world that surrounds us and what we take for granted as what 'is'. According to Habermas, "the Lifeworld forms the indirect context of what is said, discussed, addressed in a situation..."[28] Though lifeworld is a constant within one's own life, according to Habermas, "the lifeworld…is in turn limited and changed by the structural transformation of society as a whole."[29] Habermas uses "lifeworld as

14

analytical concept(s) of order."[30]   Order in the sense that lifeworlds help to manage

societies by perpetuating socially acceptable norms. Moreover, adaptive lifeworlds can

bring upon new societal order by changing socially accepted norms. Impacts on one's

lifeworld can be cultural, media driven, or family/tradition imposed.   Lifeworld is

impacted by day-to-day interactions and overarching cultural norms for society as a

whole.   As Axel Honneth points out, "the lifeworld continues to be the more

comprehensive concept of order (in regards to system) given that the media steered

subsystems are differentiated out from the social component of the lifeworld via the

specialization of the universal medium of language".[31] For this reason, lifeworlds can be

heavily influenced not only by one's own culture, but also through the emergence of

international institutions and by other cultures around the globe.   Lifeworld is a

repository of cultural values.

Habermas uses the concept of a lifeworld to bridge different cultures together. When

communicative action takes place, Habermas claims "the lifeworld always remains in the

background. It is the unquestioned ground of everything given in my experience, and the

unquestionable frame in which all the problems I have to deal with are located."[32] It is a

storehouse.   Even if actors do not appear to have similar lifeworlds, the minimal

commonalities within one's lifeworld can serve for the basis of mutual

understanding…where actors can begin to reason with one another. Thomas Risse, for

instance, argues that "Lifeworld is the intuitively present, in this sense familiar and

transparent, and at the same time vast and incalculable web of presuppositions that have

to be satisfied if an actual utterance is to be at all meaningful, that is valid or invalid."[33] We create our lifeworld around what we have experienced. For this reason, the public sphere is a reflection of the world that society has created in general and a reflection of lifeworld specifically.

Legitimization is the process actors take in giving legitimacy to institutions, political order, law or social order by attaching it to the norms and values of society. Legitimization is a core component of communicative action. Lifeworlds pre-given cultural understanding informs the actors on what, according to their norms and values, is legitimate. Habermas argues that the lulling of society has diminished the legitimization process within society. Communicative action, where actors communicate by employing reason, can lead to legitimacy. Habermas expresses the legitimization process as a key feature to moving beyond the current state of affairs. Common worldviews that societies possess have the potential to help increase the legitimization process of institutions. According to Habermas, "the legitimating power of worldviews is to be explained primarily by the fact that cultural knowledge can meet with rationally motivated approval."[34] The law plays a vital role in Habermas's legitimization process. International law is one way for societies to adopt common values and norms by adhering to a universal code on issues such as human right.

By creating a space where all cultures can identify with each other, Habermas has set the grounds for commonalities in lifeworlds that can be the basis for communicative action.

International law has the opportunity to circumvent the sovereignty of the state, though minimally, in order to uphold common held beliefs in the international system, such as basic human rights. Roach contends, "for Habermas, the lawmaking process of … argumentation, deliberation, and bargaining…link the force of the better argument with the legitimization of norms."[35] Why is legitimacy so important? Inis L. Claude asserts, "legitimacy, in short, not only makes most rulers more comfortable but makes all rulers more effective – more secure in the possession of power and more successful in its exercise."[36] Legitimacy helps society to promote institutions that reflect its values and norms. It provides a structure to evaluate institutions and their ability to work within and for the society that supports them. One way that society is able to legitimize institutions is by enacting validity claims. In Habermas's notion of universal pragmatics, he refers to validity claims as they reflect the truth of assertions made (conformity with perceived facts in the world), moral rightness of the norms underlying the argument, and truthfulness and authenticity of a speaker.

Validity claims allow for an actor to legitimize the speech acts of another actor. In deconstructing an actor's argument, validity claims can be determined through evaluating its truthfulness, its rightness and its authenticity. When determining the validity of a claim, an actor examines both the argument itself and the person making the claim. This process allows, "one to distinguish the illocutionary binding forces of action oriented toward reaching an understanding."[37] Truthfulness is a function of the rationality of the speech acts and if the argument encompasses reason, as it relates to the lifeworld of the

agent to whom the argument is posed. Truthfulness is encompassed within the actor that is making an argument. For if the agent making an argument is himself not seen as trustworthy then his claims toward truth are invalidated. Claims of rightness are also dependent on the source as well as the message. In this claim agents depend on reflecting on the speech act to determine if "an action is right or appropriate in relation to a certain normative context, or that such a context deserves to be recognized as legitimate."[38] Each of the validity claims are dependent upon commonalities in the lifeworlds of the actors. Common lifeworlds enable mutual understanding of the argument(s) as each actor has a familiar reference point to gauge validity claims. In order to examine the truthfulness, rightness, and authenticity of an argument one must reflect on his or her own lifeworld…one's own norms, values, and past lived experiences.

Legitimacy of an argument can be explored by examining how valid the claims of an argument are. Because validity claims can be questioned, therein lies the ability to work though reason and rationality in order to gain understanding and ultimately support the better argument. We use validity claim in our day-to-day interactions within our community by calling upon our lifeworlds. Society helps to shape validity claims by imposing social norms and values that are inherent in a given society. From these social norms, we can deduce if an argument falls within the confines of our own knowledge of the value of the argument. Habermas argues that by drawing a connecting line between lifeworlds, actors can find space to reason. From a high level, lifeworlds may seem disjointed; however, focusing in on the minutia of a lifeworld can expose comparatively

similar aspects that will allow seemingly incompatible actors to communicate within a realm where speech acts can be validated. In the following chapter, I will go into greater detail of how these core tenets of communicative action theory (lifeworld, legitimacy, and validity claims) can be used in the international system to bring together actors that seem to have little in common and give them the tools to communicate on a level that upholds reason in argumentation.

In Chapter Two, I focus on communicative action theory in the international realm. There are some key items to note about the international system that Habermas in particular and communicative action in general struggle with. Power in the international system has been a difficulty in International Relations Theory (IR theory). Habermas attempts to justify power in communicative action by including the nation-state as an actor in the system. However, unlike other IR theories such as Realism, where power is determined by a states relative capability in the system, Habermas attempts to bring in the public sphere as a method of using the citizens to uphold the legitimacy of power structures and authority. For Realists, in particular, states pursue their interests defined as power where power is a zero sum game. Habermas has structured communicative action theory in a way that is pragmatic. He allows theorists in IR to address and resolve problems by assessing the discursive requirements for instituting norms and values.

Communicative action theory attempts to utilize validity claims, legitimization and lifeworlds to get past the limitation of power on the international system. Another aspect

of the international system that Habermas encounters is the anarchic 'nature' of the international system. Anarchic in that a hierarchy does not exist at the international level. The international community does not have an overarching authority that is responsible for running or policing the world. Therefore, cooperation among states that are suspicion of each other can be difficult to achieve. In the following chapter I aim to show how Habermas's theory of communicative action sheds light on the problems and limits of an anarchic system run and allows us to move toward a global civil society reflective of the will of the citizen.

In sum, Habermas shows how legitimization can function as a means to "justify a political order or the institutional framework of a society in general."[39] In regards to the function of the state regarding legitimacy and identity, according to Habermas, "the problem with the sovereign state…is that as a 'limited moral community' it promotes exclusion, generating estrangement, injustice, insecurity and violent conflict between self-regarding states by imposing rigid boundaries between 'us' and 'them'."[40] These shortcomings of the state do not allow the international system to move past self-interest. Why is this so? The inevitability of the self-interest of states creates a barrier for critical theorists to cross. In examining the legitimization process we must first observe the current international order and those that have the power to grant legitimacy to institutions: the state. I will begin by outlining international relations and how it has evolved over the past 60 years. I will also focus on communicative action theory's

introduction to international relations, and how, over time, it has been utilized in the international system.

Legitimization Process in International Relations:

Legitimacy provides a space where authority is subject to and directed by law. "In modern politics, it is *reason* rather than power or violence which has become the measure of legitimacy," argues Richard Devetak.[41] Legitimization processes allow for meaningful value to be attached to an object that promotes its definition or understanding within the norms of a society. In *Legitimacy and Authority in International Politics* Ian Hurd argues that there are "three generic reasons why an actor might obey a rule: (1) because the actor fears the punishment of rule enforcers, (2) because the actor sees the rule as in its own self-interest, and (3) because the actor feels the rule is legitimate and out to be obeyed."[42] By examining why actors 'act' or for that matter, 'don't act', we can gain understanding into the international order and what brings about legitimization among participants and what that 'pecking order' is.

John Dryzek asserts in *Legitimacy Economy in Deliberative Democracy* that legitimacy can be seen as valid when participation from the majority is employed.[43] However, it is not my contention that the key to attaining legitimacy is participation by the majority citizen group; rather it is the *acceptance* by the majority citizen group that creates legitimacy. "The process of legitimization is ultimately a political phenomenon, a crystallization of judgment that may be influenced but is unlikely to be wholly determined by legal norms and moral principles."[44] What types of rules do participants

21

use to influence the international system to grant them legitimacy? How do they win the favor of the masses? Does this comfort breed complacency by demanding a more just international system that fosters human rights for all its citizens? We cannot allow for the current international system to ignore the moral claim put forth by other actors in order to obtain consensus among other actors because the anarchic order does not claim them to be legitimate. How do we get away from this state determined process of legitimization? For Pierre Englebert, the issue is that "in short, state legitimacy breeds state capacity."[45] By moving the legitimization process past the realm of the state to a more global arena, we would circumvent the anarchic baggage that it brings, (a monopoly on violence within its territory, an unstable international order, the security dilemma) by linking the uncoercive aspects of moral persuasion with the efficacy of norms. Legitimacy in this sense would help to explain this link. However, within communicative action theory, there is the challenge of explicating the role or the impact of power in the international system. In chapter four, I will address this challenge of the legitimization process and order and how it relates to the European Union and the International Criminal Court. I will also address the above questions in an attempt to highlight the potentialities and limitations of legitimization.

Theory of World Organization and Cosmopolitanization of Law
There are two components of Habermas' cosmopolitan vision that help to outline an approach to a global civil society. Habermas discusses the creation of a Global Network that would ultimately shape society. Most importantly to notice is that this global

structure would not divide the world into peoples based upon ethnicity or nationality. Hohendahl asserts, whereas the global network encompasses all, it is vital and essential for "culture…to be treated as a part of the social system in which it operates."[46] This being said, Habermas does not condone a global system to be homogeneous in that it takes on the characteristics of one nation, ethnicity or geographical region. Rather he emphasizes the importance of the individual and their rights as citizens of the world and the importance for maintaining one's own culture.[47] The current world system has the primary source of power headed by the state. Habermas does not argue that the state will be insignificant but rather that "the state becomes necessary as a sanctioning, organizing, and executive power because rights must be enforced…"[48] The world system is dependent on the state to maintain order and administer law. By establishing a structure that would *bear the burden* of maintaining law and order, the role of the state would become minimized but not eliminated. The disintegration of the state is not promoted in Habermas' writing, though it is vital to mention that a main goal of establishing a global civil society would be to break up the monopoly that states have on violence, be it legal or illegal.

By dismantling the totalizing power of the state, greater equity would be given to the citizens of the world. This method of community would decrease the effects that nationalism has on the world system. Rather than seeing somebody across the border as "them" they would be received as an equal citizen requiring equal rights. This global network has the potential to help change the structure of the world system, which will in

turn also change the shape of society. Through this cosmopolitan vision, the promotion of individual rights could then lead to communities' rights impacted not by the nation-state, but rather by a global network of structures that promote a unified understanding of rights. According to William E. Scheuerman, "the non-selective application of cosmopolitan law desired by Habermas inevitably engenders the spector if not of a hyper-centralized world state, then at least the possibility of a supranatural order in which for all practical purposes the UN (United Nations) operates, in the final instance, as military arbiter."[49] International institutions would foster community involvement while at the same time upholding the values and norms established by a global civil society.

A second main aspect of Habermas' cosmopolitan vision is the promotion of universal human rights. In *Between Facts and Norms* by Habermas, the first chapter focuses on the rights of the individual and how they are tied into the current legal structure. These rights are a beacon of freedom and liberty for the individual. Not only do they create a space for the individual to operate in society, but it also allows for the development and progress of a capitalist economy and therefore, "modern law is especially suited for the social integration of economic societies, which rely on the decentralized decisions of self-interested individuals in morally neutralized spheres of actions."[50] By establishing structures that promote universal human rights, a more just world system can be accomplished. However, in order to accomplish this feat, rights would have to be *administered* through a global body that assumed major authority. This body would circumvent the biases of the state, which has, in the past, violated basic human rights of

its citizens. This can be seen in Nazi Germany or in the genocide in Rwanda. The state doesn't have a monopoly on abuses of human rights, but they are often the culprits. Without a system or structure to monitor the actions of a state and more importantly have power over the state to administer human rights, these rights cannot be experienced on a universal level.

The implementation of universal human rights is achieved through the creation of a Global Network. There are already global structures in place that attempt to place controls on the actions of states, such as the International Criminal Court (ICC) and the United Nations; however, these bodies do not have the backing or the power to enforce the laws of human rights worldwide. By giving greater legitimacy to these global structures, the application of universal human rights could be realized. In doing this, Habermas recommends "national sovereignty must be limited by respect for universal human rights and that differing peoples must be allowed to interpret these rights in accordance with their own particular political traditions, at least within limits."[51]   A governing body that would have the authority on a global level to enforce the rights of global citizens would force those in power to respect the rights of those they have power over. Habermas states in *The Divided West*:

> "Hence, 'establishing universal and lasting peace constitutes not merely a part…but rather the final end of the doctrine of right.' The idea of 'peaceful, even if no yet friendly thoroughgoing community of all nations' is a

principle of right, not merely a command of morality.' The cosmopolitan

condition is just the condition of peace made permanent."[52]

In sum, Habermas' cosmopolitan vision takes advantage of the existing power structures

as a pathway to greater peace in the world. By incorporating these structures, such as the

state, movement toward a cosmopolitan global society becomes more relevant because it

is within the confined of the existent power structure.

Chapter Two: Challenges to Global Order: *Real Politik*

The current international order is one of anarchy where states are the main actors. States can be defined as having territorially defined borders that have a population and are controlled by a government, which answers to no higher authority. Most importantly, the state has sovereignty over its own territory. State sovereignty refers to a state's ability to make and enforce laws, or to control affairs within a territorially defined set of borders. One of the key issues of state sovereignty is whether the state's right tends to conflict with its international obligations to promote and maintain peaceful relations among (other) states. This issue also underscores the security dilemma (discussed earlier), which in turn reflects a condition of an unstable international order. States foreground action with the premise that survival is of the utmost importance and since this is the case, the tension between what's best for the state and what's best for humanity is often strained. Habermas's communicative action theory, as I have argued, allows us to understand the requiems for a cosmopolitan peace that promises to move us past the instability associated with power politics Let me first begin by looking at the influence that Habermas has had on international politics.

Habermas's Influence on International Politics:

In examining how Habermas has influenced international politics, I will look at the contributions made by international relations scholars. According to Jennifer Mitzen, communicative action is the "exchange of reasons oriented toward understanding"[53] while Thomas Risse describes it as a goal to "seek a reasoned consensus."[54] Both scholars use communicative action as a basis for argumentation to take place among friendly and opposing actors. Within communicative action, reason, goals, validity claims and Intersubjective recognition come together. As Habermas states,

> "We can say that actions regulated by norms, expressive self-presentations, and also evaluative expressions, supplement constative speech acts in constituting a communicative practice which, against the background of a lifeworld, is oriented to achieving, sustaining, and renewing consensus – and indeed a consensus that rests on the Intersubjective recognition of criticizable validity claims. The rationality inherent in this practice is seen in the fact that a communicatively achieved agreement must be based *in the end* on reasons."[55]

Dealing with different cultures presents barriers and poses questions on the ability and willingness of actors to communicate on an equal level. Habermas asserts, "the concept of communicative action presupposes the use of language as a medium for reaching understanding, in the course of which participants, through relating to a world, reciprocally raise validity claims that can be accepted or contested," which in essence is a "model of action."[56] However, language can compound the problem to effective

communicative dialogue, as one actor may be better able to argue their goal more acutely and rationally in a specific language. How do we get past this? According to Habermas, "to avoid misunderstanding I would like to repeat that the communicative model of action does not equate action with communication. Language is a medium of communication that serves understanding…"[57] This being said, reasoned dialogue demands acknowledgement from all parties in order to account for the inequalities.

Thus, as Ferguson and Mansbach point out, "communication has to foster not only a sense of common identity but also of political efficacy, a belief on the part of individuals that they can improve their lot or at least protect what they have if they associate with one another."[58] In the international realm Habermas argues that, "the actors seek to reach an understanding about the action situation and their plans of action in order to coordinate their actions by way of agreement... a type of interaction that is coordinated through speech acts and does not coincide with them."[59] Understanding of norms and nuances within a language are not as easy to learn outside of one's own culture, but if we make this difference known at the beginning, communicative action can take place. Michael Rabinder James asserts, "true understanding is achieved only when actors can reach actual, partial agreements about cultural meanings that can withstand potential criticism… (which) is the ground for mutual understanding."[60] According to Habermas, these meanings can be established in a way to withstand criticism in part by creating a similar lifeworld.

By creating a space for actors to communicate in a way that promotes reason and rationality, the international system can move past its violent tendencies and move toward a more civil means of international policy. Habermas defines communicative action as "the interaction of at least two subjects capable of speech and action that establish interpersonal relations (whether by verbal or by extra verbal means)."[61] This framework creates a space where reason is used to move between the goals of two actors in order to reach understanding.

We can also see the impact of Habermas (via Risse) in international relations by examining the impact that argumentation has made on the field. Argumentation takes place within communicative action, which is in itself based upon one's lifeworld. When looking at argumentation, Michael Rabinder James examines argumentation in relation to power, for "argumentation itself may function as a form or power, since certain actors may be better equipped to engage in argumentative contests than others."[62] Habermas asserts that rationality in speech or communicative rationality leads to argumentation where "an argument contains reasons or grounds that are connected in a systematic way with the *validity claim* of a problematic expression."[63] Reason and rationality must be built into an argument for it to withstand validity claim that may deconstruct the basis of an argument. As stated earlier, these claims consist of truth, morality and strategy and are all rooted in universal norms. The use of reason allows actors to build understanding on common ground and universal norms.

It is also vital to note the difference between communicative action and strategic action. Communicative action involves moral persuasion while strategic action refers to the calculation of one's interests.[64] When two actors come together to dialogue an issue, they come together with their own sets of goals and ideas. Strategic action leads these two actors to discuss their immediate concerns (threats) and interests, while communicative action leads them a step further to an "orientation towards…the cognitive frameworks within which goals are sought," according to James.[65] James differentiates between communicative action and strategic action by asserting that strategic action includes "actors (who) pursue their goals while incorporating how others may react strategically to their actions."[66] Communicative action according to Habermas is "governed by binding *consensual norms*, which define reciprocal expectations about behavior and which must be understood and recognized by at least two acting subjects."[67] Strategic action on the other hand only "requires actors to recognize each other as strategically competent and rational," James argues.[68] At a basic level, communicative action takes arguing between two actors beyond the simple rhetoric that strategic action can encompass and brings actors to the same level so they are able to communicate from the same root level rather than as one being powerful and one being weak. Now, I am not asserting that communicative action does not include rhetoric, because often when an actor is using strategic argumentation, it is communicated through rhetorical claims. When these communicative actions take place, James warns, one must be cautious, as "the danger exists that some manifestations of strategic action may undermine the solidaristic basis for communicative action in plural societies."[69]

In order to be able to reach the point of argumentation within the realm of communicative action, one must bridge together actors' lifeworlds. According to Hans-Peter Kruger, "Habermas assumes that communicative action and lifeworld can complement one another."[70] Within these common lifeworlds, argumentation can take place. Argumentation within and across lifeworlds is an integral part to communicative action. A common lifeworld can be categorized as "a supply of collective interpretations of the world and of themselves," according to Risse.[71] How can true communicative action take place across lifeworlds that are dissimilar? Habermas argues that it is not the dissimilarities that we focus on, but the similarities of each lifeworld and from there build a base of argumentation. For that reason, according to James, communicative action "presupposes either a common lifeworld of shared meanings that the actors wish to preserve or the ability and willingness to understand the lifeworld of the other."[72] According to the basic tenets of communicative action, we need to form lifeworlds in the international system that possesses commonalities. However, we must ask: Are we capable of utilizing the commonalities of lifeworlds in an anarchic system that often inhibits communicative action?

Anarchy can be described as the absence of a worldwide government or international governing body. It is in essence the absence of a hierarchical international structure producing conflict and the security dilemma. Security dilemma in the international system refers to the relationship between and among states as one that lacks trust in part

due to each states preoccupation with power. The anarchic state is not part of the theory of communicative action because a substantive dialogue does not exist between states. Realism asserts that international system is anarchic, meaning there is no central authority that governs the international system.[73] The anarchic reality of the international order forces states to fear each other.[74] This leads to the uncertainty among and between states, which have no way of knowing the true intentions of other states. States are fearful of one another where the 'state of nature' is a state of war. This in essence creates a security dilemma.[75] While realists do not mean that the world is perpetually at war, they do mean that war is a part of the nature of the international system.

Conflict between states can, and often does, result in war. The international system is one of self-help.[76] Survival is the primary goal of any state in a self-help system and it must come before any moral and ideological concerns, otherwise the state may cease to exist.[77] This aspect of the international system concerns the unwillingness of some hegemonic states to support the Kyoto Protocol or the International Criminal Court (ICC). For those states unwilling to enter into international agreements, there is a fear that binding legality could hinder their ability to act according to the sole need of the nation in order to survive. States are concerned with achieving a better position as opposed to that of their rivals through relative gains. The concern with achieving relative gains inhibits cooperation because states must be careful to maximize their own power.

Liberalism also sees the word as anarchic, however, according to Scott Burchill, liberalism raises a challenge to the idea of an international system existing in anarchy. M. Doyle argues that there are a number of states that are resolving differences without violence.[78] Furthermore, Robert Keohane cites the creation of informational structures that come from international institutions. These structures "determine what principles are acceptable as the basis for reducing conflicts and whether governmental actions are legitimate or illegitimate."[79] International institutions also work to establish international law that cuts across differences within societies and cultures. It established cooperation among actors in that they facilitate cooperation and lead to greater transparency. For liberalism, self-help requires stronger international institutions. Here Keohane argues that, "international institutions help states achieve collective gains."[80] Furthermore, according to Burchill, neoliberals believe that states are more interested in absolute gains, which is why states can cooperate with each other.[81] Though there is an overarching presence of anarchy, liberalism tries to transcend its implications in part by fostering cooperation among actors.

Sovereign states have had the understanding that what happens within the borders of a state is not the concern of other states. There is an acceptance and recognition that the state is in control of its own territory. Two instances where there can be legitimate intervention from other states are when there is evidence of international crimes or a state is threatening the security of another state. In other words, a state has complete and total jurisdiction over what happens in their territorial boundaries. According to William E.

Scheuerman, "national sovereignty is a historically variable legal "construct," but it remains a construct that justifies an impressive array of "real" or material advantages."[82] However, I argue that over the years, there has been a notion that state sovereignty's influence on the international system has declined. This does not mean that an unstable international order is now more stable, but rather the powers of other actors such as transnational corporations (world capitalists'), international organizations (ICC, EU, WTO), NGO's (Amnesty International), social movements and international terrorist organizations have weakened state sovereignty.[83]

State sovereignty is still a powerful force in the international system; however, other groups are rivaling this power. Multinational Corporations have increased their influence on state sovereignty through the tools such as economics and communications. With the concept of state sovereignty in mind, organizations and MNC's have influence over decisions that are made within the territorial borders of a state. The need for economic stability within states has forced state sovereignty to decrease. The European Union (EU) is a congregate of European nation-states that have come together to, among other things; increase their influence on the international system. These nation-states standing alone had less influence than when they organized together. However, each of these European states had to relinquish some aspects of state sovereignty and autonomy to this transnational institution, where according to Englebert, "as a consequence, the capacity of the state is weakened."[84] International organizations have moved from bringing their own agenda's to states, according to Ferguson, by "becoming authoritative actors in their

own right, with legitimacy derived from expertise, information and innovative political techniques, especially direct action."[85] Post-international thinking in essence asserts that sovereignty is a social construct. Looking at this unstable international order gives us insight into what leads to violence within the system. If post-internationalist thinking is correct and if sovereignty is a social construct, can this construct be changed to help move away from sovereignty bent on power, towards a more reasonable form of order not consumed with power politics?

To reiterate my earlier argument: communicative action in international relations will help to build a global civil society. Habermas's universal pragmatics offers a way to move beyond the built in instability that fosters anarchy. According to Jennifer Mitzen, this unstable international order promotes a space where disagreements among states devolve into violence. I agree with Mitzen's assessment of the international system: that it promotes the breakdown of communication and dialogue to the point where disagreements break down into aggression. She argues that "a major impediment is mistrust at a structural level: the security dilemma."[86] As I shall demonstrate later, we can see that in instances such as the Kosovo conflict in the mid-to late 1990's and the Iraq War in 2003, there are examples where dialogue, diplomacy, and communication all broke down into violence; more specifically, where a lack of openness on the part of the Yugoslavian and Iraqi governments, inadequate and inaccurate intelligence and a total breakdown of reasoned argumentation disagreements lapsed into violence.

Despite these recurrent factors, Jennifer Mitzen argues that it is possible to move toward communicatively based repertoire in the anarchic system by utilizing international institutions.[87] This offsets the security dilemma that states face by opening communication and increasing transparency among arguing actors. These international institutions also create a space where there are common worldviews that help to bring understanding among actors. However, when these institutions are unable to mitigate arguments, it can break down into violence. I do agree with Mitzen's assessment that disagreements can devolve into violence in part due to the closed communication between and among actors. International institutions, though powerful, are still guests in a state-based international system. These institutions are unable to completely resolve the security dilemma, and the zero-sum game that states often play. Though international institutions offer help in circumventing parts of the unstable international order, we will see in the two case studies that they do not always assure that reasoned argumentation and moral persuasion will lead to a long-term sustainable arrangement of mutual cooperation. Coercive practices are one permanent facet of the international system on which international institutions must still rely in order to uphold international norms.

Communicative Action and Anarchy

However, the prevalent anarchic system creates a thin conception of lifeworld. According to Jennifer Mitzen, communicative action can be reached in spite of the anarchic order through the actions of international institutions. For Mitzen, there is the possibility for communicative action in anarchy through "two elements: a thick notion of international society and publicity."[88] A thick notion of international society refers to the

lifeworlds that are clustered together or have greater similarities, which would emphasize similarities rather than differences. Publicity would utilize public forum, getting 'face to face' with one another and 'humanizing' the process. These two elements would in effect increase the likelihood of communicative action taking place within an anarchic system, according to Mitzen.

In applying communicative action theory to the anarchic order, we can see that in part by utilizing validity claim, actors can begin to use communicative action in their argumentation. It can be argued that within an anarchic international system, common knowledge cannot be reached because actors do not share common lifeworlds. Risse justifies the application of communicative action theory in international relations in part by examining common lifeworlds. He examines how anarchy "…could itself be considered a limited common lifeworld…"[89] For example, Risse shows that meeting these validity claims are a precondition for communicative action. Within communicative action there is an "assumption of common knowledge…" that allows for actors to communicate their own perceptions and interests among state and non-state actors. [90] Another element that is key for heightened communicative action in the anarchic system would be to increase the ability for all parties to "get to the table."[91] Since there is currently no hierarchical system in place each actors is responsible for their own involvement. For the powerful it is easy to get a seat at the table, but for those states with relatively little power, not only is it hard to get a seat, but it is difficult to be called on to speak or to be listened to. Take for instance the UN Security Council. There are

five permanent members that have veto power; China, France, Russia, United Kingdom, United States of America, while only ten other members hold only a two year term. For those countries that are not a part of the UN Security Council, it is hard to have their voices heard. Though non-members are allowed to participate in discussions of the Security Council, it is at the discretion of the permanent members, which ultimately leads to power disequilibrium. Furthermore, the anarchic system is by nature a closed communication apparatus. This creates a dilemma in arguing because there are misconceptions and suspicions of intentions. If state A is too concerned about what state B may do, they will not be truthful in their intentions and argumentation breaks down in rhetorical speech.

International institutions in essence help to create a discursive space, by offering a venue for negotiations, moral persuasion and compromise. In so doing, they help to create a collective identity that promote like values and norms. For example, the United Nations Millennium Development Goals have fostered the idea that each human should have the opportunity, among other things, to get an education. The UN has entered into communities that perhaps did not hold this value as their own and through communicating the benefits of education, have altered their values and helped to make education a norm for their society. This is just one example of how international institutions help to promote communicative action and cooperation among actors in the international system. Other examples might be the presence of Amnesty International in promoting human rights or a communications MNC installing phone lines that connect a

small village to the rest of the world which may help foster the exchange of information. By creating these areas of common knowledge, argumentation can be based on common lifeworlds, thereby providing a normative, discursive space in unstable and anarchic international order.

Chapter Three: Cosmopolitan Ethics

Building Intersubjectivity into International Law and Politics

Throughout my earlier chapters I have aimed to show that through communicative action, the international order can move toward a global civil society. This global civil society is encompassed within a global public sphere. According to Rudolf Stichweh, "the global public sphere today…is not related to an individual state but consists of a network of observations which refers equally to individual states as to interdependencies and interactions in the global system of states."[92] It is necessary to move toward a global public sphere in order to effectively apply communicative action. The global public sphere is the ideal arena for communicative action to take place. Within this space Intersubjectivity can be brought into dialogues among actors. Intersubjectivity takes away the individual biases that actors may possess. In working within a public sphere, states work more as a team rather than competitors. By using Intersubjectivity in evaluating the intentions of the other actors, the interpretations would have been based on hard evidence and external facts, rather than on personal feeling and opinions. By bringing Intersubjectivity into the global public sphere, actors can feel a connection with each other in a way that will inhibit the partisanship that is so prevalent in the current international order.

The current world order faces new challenges, not only in respect to power and order, but also in regards to international law and politics. The attacks of September 11, 2001 forced international law into a new era. How would global terrorist networks be brought to justice, whose justice would reign supreme and whose laws would be followed? Falk argues that, "the emergence of such networks has evolved to the point where it is plausible to posit the emergence of "global civil society" as a constituency of networks committed in various ways to the promotion of attainment."[93] Currently, it seems as though international relations is pushing to improve the stability and current anarchic reality of the world today. The key to creating a global civil society is the aid or social assistance international institutions bring to differing cultures. Harmony in the international system can be gained by positing international institutions as the 'helper' in fighting terrorism from the ground up. The Iraq war has shown us that terrorism cannot be eliminated through more acts of violence. We need to get at the root of the problem and address the underlying issues that create an 'us against them' mentality in the international order.

Needless to say, there is still disharmony between international theory and diplomatic practices. What is often debated upon in the academic world is not necessarily translated into the practices of governments. The lack of transferability of the theories and understandings of the international realm has plagued this discipline. This struggle is also seen internally, for international relation is founded on the understanding that the Nation State is the ultimate source of power. International relations reflect the current

power game that is controlled by the state apparatus. To willingly relinquished power seems almost impossible. The question remains, how can we instill global networks that can take power from the states when there is no willingness to give up power and promote change? One such remedy could be the empowerment of international institutions. According to Amitai Etzioni in *From Empire to Community (2004)*, "a major source of building blocks of the new global architecture are "nonstate" actors, in particular international *non*governmental organizations (INGOs), transnational informal networks, and social movements."[94]

International institutions can promote peace by encouraging negotiations and coordinating states. However, there are some obstacles standing in the way of this remedy. The first is that international institutions lack an external and permanent enforcement mechanism to ensure state compliance; essentially the state does not have to abide by their authority. The reason states do abide by requests made by international institutions is primarily for self-preservation. Another problem is that many international institutions are run by elites; therefore, they do not take a definably different stance than states do. Without a mix of interests being expressed from around the globe where each actor has equal amounts of input, power will not be transferred from the elite to the people. There is also the issue of coercion and the demands that the power structure places on relationships between international institutions and states.

The Effects of Coercion on International Society: When Disagreement Devolves to Violence

How does coercion effect communication in the international system? To begin with, coercion can be defined as "the act or processes of… persuade(ing) or restrain(ing) (an unwilling person) by force."[95] Often when actors, states in particular, are communicating about their goals, they tend to use coercive actions. When coercion is used, there is a breakdown of communicative action as a whole. The powerful may coerce a weaker state to act in ways that may not benefit itself. When this scenario takes place, there is a breakdown in negotiations/argumentation, and a move toward strategic coercion. According to Steven Roach, "strategic coercion is based on two main objectives: 1) to study the forms of punishment needed to reverse or stop the action or the adversary; 2) and to assess the responsiveness of the coerced to the coercer's threat, or the different ways in which the target constructs its views of reality."[96] This type of coercion leads one group to feel vulnerable and sets the stage for violent outcomes. According to James, "the emergence of violent conflict usually involves the initiation of the security logic in one of two ways. On the one hand, a breakdown of the state's coercive apparatus may create a quasi-Hobbesian state of nature, wherein groups confront each other in a security dilemma. On the other hand; the security logic can also prompt violence without the complete breakdown of the state."[97] The latter type of coercion would be found within the existing anarchic system

When states are unable to effectively communicate among each other they begin to confront the effects of the security dilemma (where a lack of understanding begets hostile

44

action). In Realist terms, because states cannot trust one another they are forced to use manipulative action in order to gain more than their opponent. Because of this, "coercive incentives, especially legal regulations, competitive incentives, and normative legitimacy encourage transnational to become institutionally isomorphic with states," argues James.[98] I will examine two examples of disagreements that took place in the international system that broke down into violence. I will demonstrate how each of these examples highlights the shortcomings of coercion.

Kosovo

The conflict in Kosovo is one example of coercion among international actors that failed and led to violence. Though coercive attempts were made by the UN and NATO to the former Yugoslavian President Milosevic, international institutions were unable to bring consensus or understanding. As I mentioned earlier, James asserted that one of the breakdowns in coercive speech would be a return to a "quasi-Hobbesian state of nature."[99] James agrees with the argument where "Russell Hardin believes that this accurately describes the genesis of violence in the former Yugoslavia, where the death of Tito and the economic crises of the late 1980s weakened the coercive, peacekeeping capacity of the Yugoslav state."[100] There was a synthesis of a multitude of different factors stemming from the end of WWII that impacted the strategic logics Milosevic used in dealing with the international community. The ethnic cleansing that took place in the Yugoslavian southern providence of Kosovo challenged the diplomatic strength in the international community. The UN and NATO attempted to end the purging of ethnic

Albanians in Kosovo through peaceful and diplomatic means in the beginning. NATO used strategic coercive measure to put a halt to Milosevic's terror. However, one can argue that the coercion used did not go far enough to reach understanding among groups. By examining the dialogue between the actors, we might agree with Roach, "…the idea that humanitarian coercion tends to engender distrust."[101] Here communicative action, which is rooted uncoerced dialogue, must contend with the difficult predicament of using force to secure a humanitarian or moral outcome.

The conversation between the parties also did not put enough focus on the human cost that the conflict would bring, though for actors such as the UN this matter was addressed. Rather than focusing on the effects of the people, after the bombing, NATO seemed to want to intervene violently without comprehensive analysis of the lives that would be lost. NATO was going in to both save lives all the while aiding in the destruction of others.

Both the Serbs and NATO incurred the casualties of the Kosovo War. This, however, did not resolve the above-mentioned predicament. Coercion, on the one hand, may have been used to achieve a moral goal, on the other hand, it also involved threats that dictated the dialogical process or forced each of the parties to agree to terms set forth by Madeleine Albright, the former US Secretary of State. In the end, it might be argued that NATO gained some legitimacy from the Kosovo War, by demonstrating the political will to stop gross violations of international law. By highlighting ethnic cleansing and human

rights violations, NATO appealed to the public at large to stop the atrocities that were taking place at the hands of Milosevic. This evidence after the fact allowed the actions of NATO to appear valid, however, we will see in the next case, the inability of the U.S. to provide evidence against the Hussein regime prompted the world to see the aggression of the U.S. illegitimate.

The Iraq War

In Habermas's writing, "*Letter to America*" in 2002, he discussed the legality of the U.S. led war in Iraq. He highlights the United States violation of international law when they invaded Iraq without the support of the UN. There is a tension between the role the U.S. played in WWII as the promoter of peace and supporter of international law and the war they waged in Iraq. The below quote highlights the movement on the part of the United States from a liberator that used legal means to enter into war (WWII), to an illegal war with Iraq.

> "Not long ago, a generation of young Germans who were liberated from the Nazi regime by American soldiers developed admiration of the political ideals of a nation that soon became the driving force in founding the United Nations and in carrying out the Nuremberg and Tokyo tribunals. As a consequence, classical international law was revolutionized by limiting the sovereignty of nation-states ... Should this same nation now brush aside the civilizing achievement of legally domesticating the state of nature among belligerent nations?"[102]

47

The current war in Iraq is another example of the breakdown in diplomacy, communicative talks, and legitimate use of force in the international system. The U.S. declared war on Iraq in 2003 on the basis of preemptive war to protect the U.S. from Saddam Hussein's weapons of mass destruction. The idea of preemptive war came to fruition through the Bush Doctrine. The Bush Doctrine refers to the set of foreign policies adopted by the President George W. Bush in the wake of the September 11, 2001 attacks. In an address to the United States Congress after the attacks, President Bush declared that the U.S. would *"make no distinction between the terrorists who committed these acts and those who harbor them,"* a statement that was followed by the U.S. invasion of Afghanistan.[103] Subsequently, the Bush Doctrine has come to be identified with a policy that permits preventive war against potential aggressors before they are capable of mounting attacks against the United States. The Bush Doctrine is a marked departure from the policies of deterrence that generally characterized American foreign policy during the Cold War and brief period between the collapse of the Soviet Union and 9/11.

The invasion of Iraq in 2003 was the first application of the doctrine of preemptive defense. Proponents of the war suggested that the world was safer without Saddam Hussein in power, and that it was better to fight terrorists overseas than inside America's borders. However, critics countered that the war in Iraq created a new cadre of terrorists with a training ground battlefield, distracted the U. S. from the "real" war on terrorism and al-Qaeda, and created the image of the U. S. as the very sort of rogue nation against

which it has lobbied, without regard for international law or the sentiments of the international community.

The lead up to the war in the U.S. media was filled with rhetorical and coercive speech. Rather than using reason and rationality to disseminate information to the American public, the Bush administration used fear and threats to suppress dialogue. The U.S. went before the United Nations with their evidence against the Iraqi regime possessing weapons of mass destruction, however, they were unable to gain support within the group. Though the U.S. government tried to use coercive measures to gain approval for additional intervention in Iraq, the majority of UN members did not support the US' call to arms.

Throughout this whole process, the suppression of dialogue not only ignored the anti-war protests worldwide, it also dictated the decision to go to war. As Amitai Etzioni asserts, "the invasion of Iraq was so fiercely opposed by numerous American allies and scores of other nations, and it generated unprecedented and coordinated worldwide demonstrations and collective outrage…"[104] There was a breakdown in understanding between the U.S., Iraq, and the UN. Each actor, especially the US media, seemed unwilling to challenge and contest the Bush administration's strategic effort to suppress dialogue concerning the reasons to go to war (i.e., weapons of mass destruction). Moreover, by not cooperating with the requests of the UN, Iraq gave weight to the claims of the US that 'since they are not cooperating, they must have something to hide'. This coercive language used by the

49

US government played over and over on the network news shows and eventually convinced the majority of U.S. citizens to go to war. In short, there was little if any discursive space for reaching mutual or consensual understanding on the most reasonable course of action.

Instituting Moral Principles and Ethical Norms: The New Role of Transnational Institutions

Habermas' argues that through the empowerment of transnational democratic international institutions there is a possibility for a global network of justice to be established. Looking at the European Union, one can see that there is still the problem of the democratic deficit and nation state independence/resistance, and the challenge of working towards a "universal" interpretation of law that translates to the equity of the EU citizen regardless of their nationality or ethnicity. Stephen Krasner asserts that "central decision-makers attempting to secure their preferences must interact with domestic and transnational actors, as well as other states. Outcomes are a function of the relative power of actors."[105] According to Risse, transnational relations can be referred to as "…*regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organization*,[106] (which) permeate world politics in almost every issue-area."[107] Rather than being an international system made up of only state actors, non-state actors have not only come into play, but they hold legitimate power within the system. They are often the economic powerhouses and representatives of global societies that have often been overlooked by states apparatus' alone. The emergence of these institutions changes the

50

landscape of the international system and begs the question; how reliant are these actors on the state?

By examining how new institutions require legitimacy to overcome their reliance on states we can see that there are difficult in moving past an unstable international order. According to William Scheuermann, "powerful global organizations like the WTO or EU lack a monopoly on legitimate violence, and they remain normatively and politically problematic for many reasons. (However), they represent, in an apt phrase Habermas takes from Brunkhorst, emerging constitutional or "legal orders without a state"."[108] Though organizations such as the United Nations, the International Criminal Court or NATO have legitimate power in the international system, they are still reliant on state cooperation/power to accomplish their goals. For instance, the UN may try to combat violence in a country that is going through civil strife by sending peace keeping troops; however, they do not have the power or authority to fully command these troops, for they are under the control of the Security Council. The Security Council must approve each move that is made, which can be a very arduous and time-consuming process. The UN does not have the flexibility or the authority to perform some of the necessary tasks needed to quell violence. That being said, there are two examples that show that there is evidence of a potential harmonization of order and argumentation. The EU and the ICC have moved beyond some of the restrictions that the anarchic order places upon international institutions by creating a space where either common lifeworlds were forged or, as Jennifer Mitzen puts it, a "global positive law" was created.[109] This was

accomplished not by going against the anarchic international order, but by working within the confines and shortcoming to provide a space for critical argumentation that promoted the goals of a global civil society.

The EU Public Sphere and Citizenship

In response to the World Wars in the early 20th century Richard Hermann argues that Europe took a consorted "effort to move people's thinking and identities beyond the nation-state."[110] They did this by establishing the European Union (EU) in an effort to bring stability to Europe and open a space where states could negotiate (via dialogue) their issues and problems related to the avoidance of war. By creating this transnational organization each state had to give up a bit of its sovereignty in order to do what is best for the group…diminish the chances of another war. The creation of the EU was a long arduous struggle. Though states wanted to increase security, they did not want to relinquish too much control. "Since its establishment under the Treaty of Rome, the ECJ has expanded its powers and played a crucial role in promoting integration and over time promoting a system of governance that significantly limits states' autonomy," argues Simon Collard-Wexler.[111] The EU has created common set of norms and values around which expectations can converge. Still, EU states have not always proved willing to relinquish their power and sovereignty.

After all, in the anarchic international system where states tend to maximize their interests, power is difficult to relinquish or sacrifice for further assurances of greater

regional security, even in transitional polity like the EU. Scholars such as Simon Collard-Wexler assert that "in opposition to neorealist assumptions, the EU region is not anarchic but instead a zone of mixed hierarchy marked by overlapping levels of governance."[112] If this is the case, then the EU was able to circumvent the effects of anarchy that require states to consider survival against all else. How could states cooperate under the auspice of not only relinquishing power, but also looking out for the needs of other states when creating laws and economic policies? The EU states realized that they were no longer playing a zero-sum game. They were losing power on the global stage, economically and politically.   They realized that pooling their resources and giving up some of their sovereignty would lead to greater success. For the EU, there was greater strength in numbers. Large states such as France and Germany did not prey on weaker states when the laws of the EU were established. Rather, they focused their efforts on bringing about changes and policies that heightened the progress of smaller states relative to their own gains.

Even though some scholars may assert that the EU has overcome the fear and distrust associated with anarchy, the EU and its member states must still interact in the anarchic international system. They are not free from the constraints that anarchy places upon them. That being said, it was not only the member states that had to changes their ideas of themselves, citizens also had to change their concept of identity from belonging to a nation to belonging to a community of nations. National identity had to be suppressed in order to create a stronger whole. According to Collard-Wexler, combined with individual

access to the ECJ, direct elections (which are unique as far as international institutions go) undermine the inter-governmental paradigm of European politics and highlight the direct link between European 'citizens' and their supranational institutions."[113] This in effect has given the citizens more power under the EU than previously as national citizens. They have a greater voice because those in power are not as preoccupied with the side effects of operating solely in an anarchic system. This community of nations is moving toward a global civil society.

The EU, as opposed to so many critics, has been able to move beyond the security dilemma by creating a global public sphere. This has diminished the probability of war or violent conflict among member nations because they have created a space where communicative action can take place. Within the EU, there are common values and norms that were established by international law. All member states must abide by these laws in order to create a society where all states are held reliable for their action, be it a large powerful state such as France, or a smaller relatively weaker state such as Estonia. In short, the EU has been able to work towards a harmonious order based on moral persuasion and reasoned argumentation; however, the strategic interests of state can still detract from this process, as we have seen most recently with the debt crisis in Greece.

International Criminal Court

Based in The Hague, The Netherlands, the International Criminal Court (ICC) is the first ever permanent international institution, with jurisdiction to prosecute individuals

responsible for the most serious crimes of international concern: genocide, crimes against humanity and war crimes. Important to note is that the ICC is independent of the U.N. The ICC is the first ever permanent, treaty based, international criminal court established to promote the rule of law and ensure that the gravest international crimes do not go unpunished.

The Rome Statute of the International Criminal Court was established on July 17, 1998, when 120 States participating in the "United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court" adopted the Statute. The Statute entered into force on July 1, 2002. Anyone who commits any of the crimes under the Statute after this date will be liable for prosecution by the Court. Per Falk, the ICC "limits territorial sovereignty by making leaders accountable to external standards."[114] These standards may not be of the same cultural norms and values that they are being held accountable to, but they are the standards that international institutions have agreed upon as being inalienable to all citizens of the world.

The ICC is designed to complement existing national judicial systems; however, the Court can exercise its jurisdiction if national courts are unwilling or unable to investigate or prosecute such crimes, thus being a "court of last resort," leaving the primary responsibility to exercise jurisdiction over alleged criminals to individual states. One of the most important principles of the ICC is the complementarity principle, which according to Steven Roach, "allows for and validates international intervention when

states parties fail to investigate universally condemned international crimes…"[115] Power and legitimization is taken away from the court is in the enforcement of verdicts. The ICC can only render verdicts while the states are the actors that enforce the verdicts.

The US and the Court have had what one could call a strained relationship. Though the U.S. supported the idea of an international body that held the worst perpetrators responsible for their actions, they have not signed the treaty to become a member of the ICC. It is quite ironic since the US has supported international law throughout history. They did so in part because the United States Republican Congress in the late ninety's and early 21st century claimed that the ICC was a threat to US sovereignty. The US sought certain exemptions in being held accountable for such things as military personnel during times of war and/or conflict. In the early twenty first century, though the US requests of exemptions were denied, President Clinton signed the treaty, all the while knowing that Congress would not likely ratify the treaty. The US Congress went so far as to pass anti-ICC legislation in 2002 stating that servicemen would not be prosecuted in the ICC. In 2002, the U.S. Congress passed the American Servicemembers' Protection Act (ASPA), which contained a number of provisions, including prohibitions on the U.S. providing military aid to countries which had ratified the treaty establishing the court (exceptions granted), and permitting the President to authorize military force to free any U.S. military personnel held by the court, leading opponents to dub it "The Hague Invasion Act." The act was later modified to permit U.S. cooperation with the ICC when dealing with U.S. enemies.

According to realist perspectives, it would not be in the best interest of states to participate in international organizations such as the ICC, because the intentions of other states are never known. Many states see the ICC as an invasion of their sovereignty even though as Falk notes, "the exercise of criminal jurisdiction is limited by the acceptance of the complementarity principle by which the ICC can only act if systems of national justice fail to indict and prosecute those alleged to be guilty of such crimes."[116] Realists would say that the ICC is doomed to failure due in part to the bias with which rulings by the ICC are enforced. Since the ICC can only render verdicts, it depends on states to enforce them, and then, only those states that have ratified the Rome Statute of the International Criminal Court can enforce its decisions.

Another line of international relations thought, Liberalism, says that states are not necessarily the unitary actors in the world. States follow a system of regimes (laws, norms, customs, etc) to maintain balance in the world and the ICC is one of those regimes. States Parties are obliged to fully cooperate with the Court in its investigations and prosecution of crimes under the Statute. To this end, States Parties should designate appropriate channels of communication with the Court, ensure that there are procedures available under their national law for all forms of cooperation and consultation with the Court whenever there are problems that could impede or prevent the execution of the Court's request for cooperation. The jurisdiction of the ICC will be complementary to national courts, which means that the Court will only act when countries themselves are unable or unwilling to investigate or prosecute.

The ICC's mission of promoting moral accountability in the international realm, calls attention the role that its legitimacy plays in promoting global order, in particular, the deterrent effect and the fostering of responsibility. Moral accountability refers to the innate responsibility of state leaders to protect their citizens from serious harm. According to Falk, the inception of the ICC itself "represents a great victory for the ethos of accountability, making those who abuse governmental power face the possibility of being held criminally accountable for their misdeeds as measured by accepted international standards relating to human rights, crimes against humanity, and international humanitarian law."[117] These leaps forward in creating a global court that administers law on global norms and values gives one insight into what may be to come on a larger scale.

Though it remains a young court, the ICC offers a discursive space for promoting the principles of international criminal law. By establishing a permanent venue within which judges, prosecutors, and other officials can assess and debate the merits of evidence (provided mainly by NGOs) of an international investigation, the ICC reflects an important context of the growing link between discourse and (human) security (deterrence). In short, though the ICC is not able to overcome the problem posed by state sovereignty (state cooperation), it has been able to create a promising discursive space for promoting a legitimate international order.

Conclusion: Towards a Global Civil Society

Qualifying Habermas's Cosmopolitan Vision

As stated earlier, the application of communicative action theory to international politics underscore the importance of examining the effects of reasoned argumentation in institutional decision-making processes. The emerging trend toward a global civil society is best understood in terms of these institutional contexts: namely international law and diplomacy. Communicative action has shown to uphold the components of international relations that assert communication should be conducted for the betterment of the community as a whole, rather than for the aims of power politics.

Lessons that can be learned from the earlier case studies of Kosovo and the Iraq War are important examples of why we need to create a global public sphere. The global public sphere represents the space between the global community and states. Perhaps if during the dialogue prior to the Kosovo conflict, states were able to use Intersubjectivity rather than preconceived prejudices and biases, the talk would have been more transparent. Milosevic could have perhaps seen that the ultimate goal of the international system was not to undermine Yugoslavia's sovereignty, but rather protect its citizens from ethnic tension then he might have been more cooperative. Furthermore, if Saddam Hussein would have allowed for international law to run its course and allowed for greater transparency to show that he did not have weapons of mass destruction, then the US might not have declared war. I do not want to spend my time speculating about possibilities of the past, however, by examining the break in communication or lack of

honest negotiation, we can see that disorder can be linked to the uncritical use of coercion, and that reasoned argumentation is needed to build trust and to reach mutual consensus on international issues.

Over the course of this thesis, my aim was to demonstrate the implications of Habermas's cosmopolitan vision in hopes of leading toward a global civil society. Habermas's cosmopolitan vision is inclusive of the state. The state continues to plays a role in the international system, just not the sole powerful role that now exists. I will examine Habermas's cosmopolitan vision to extrapolate the role of the state in the international system. I have outlined how these core tenets of communicative action theory (lifeworld, legitimacy, and validity claims) can be used in the international system to bring together actors that seem to have little in common and give them the tools to communicate on a level that upholds reason in argumentation.

By looking at the impact that communicative action has on the international system I have shown how actors can work together to argue their own position. The utilization of communicative action in international relations can build a global civil society that postures reason and ration above power. It is also possible for communicative action to exist within the existing anarchic system as a cosmopolitan society emerges. This allows for communicative rationality and consensus to be utilized immediately in order to bring peaceful outcomes to international conflicts.

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