Center for Humanities and Social Change
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Research Advances
Democracy and economy: traces of an immanent crisis
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1. Problem Statement: The conflictive relation between economy and democracy has been a central line of research throughout Jürgen Habermas's publications on social philosophy. In his main work *Theory of Communicative Action* he characterised this relation as an indissoluble tension, where two opposing principles of social integration compete for primacy.

i) "Between capitalism and democracy there is an *indissoluble* tension; in them two opposed principles of societal integration compete for primacy" (1987:345)

ii) Although, in his *Theory of Communicative Action* he characterised the opposed imperatives in theoretical terms as: a) "the functional necessities of systemically integrated domains of action [i.e., the capitalist economic system] shall be met, if need be, even at the cost of *technicizing* the lifeworld." And b) "The normative meaning of democracy can be rendered in social-theoretical terms by the formula that the fulfilment of the functional necessities of *systemically* integrated domains of action shall find its limits in the integrity of the lifeworld" (1987: 345);

iii) more than 30 years later, in his work *The Lure of Technocracy,* he suggested the possible dissolution of the historical tension between democracy and economy. While the considering Wolfgang Streeck's analysis on liberalisation reforms, Habermas indicated that his interpretation "captures an alarming trend that will probably prevail, even though it revokes the historical connection between democracy and capitalism." (2013: 88).

Understanding the possible cancellation of this "indissoluble tension" (or "historical connection") calls for investigating the factual primacy of the principle of social integration pertaining to contemporary capitalism over the principle of democratic integration. This can be done in a plausible manner by recombining the colonisation thesis with the three-fold notion of power found in *Beyond Facts and Norms*.

2. Methodological guidelines. Succinctly expressed, we intend to reconstruct the Habermasian arguments based on the definition he provided in *Zur Rekonstruktion des Historischen Materialismus* where: "reconstruction means [...] to disassemble a theory and to recompose it again in a new form, to better achieve the goal that it has set for itself." (1976:9) Additionally, following Jaeggi, we will take into account the characteristic aspects she has formulated in *Kritik von Lebensformen* regarding immanent critique. (2014 pp. 288-296):

i) The normativity of reality: this aspect indicates that immanent critique starts from the norms that configure an existing social situation. These are not values, concepts or moral principles established deliberately. Rather, they are normative criteria that inherently shape social reality in practical terms. That is to say, immanent critique aims to discover the implicit normativity within social and institutional practices from its modus operandi. (2014: 288)

ii) The functional-normative character: norms configure and allow the regularity and stability of certain functions pertaining to social reality, in this sense, they have an aspect of systematic necessity. They constitute the basis for social practices, and are a requirement for participating in a given social context. Such normative functionality is (in some cases) inadvertently found in theoretical characterisations. (2014: 289)

iii) The inverted effectiveness: this aspect identifies the relationship between normative ideals and social reality. On the one hand, it establishes the realisation of normative principles in social institutions and practices, while on the other hand, it observes the possible dissolution between the meaning of normative principles and social reality. In addition, it also shows when standards have inverted their meaning in social and institutional practices. That is, situations in which explicit normative principles in social or institutional practice contradict their meaning. In this sense, immanent critique investigates normative contradictions, not only in the relationship between normative aspirations and their realisation; but in normative criteria which while explicitly oriented in one direction, at the same time impede their realisation or even act in an opposite

direction. (2014: 290-291)

iv) Crisis orientation: immanent critique allows a theoretical analysis based on social conditions or situations that express instabilities or normative deficiencies. It is not a question of institutional difficulties in implementing normative principles in reality, but of identifying crises in terms of recurrent normative dysfunctionality in social or institutional practices, that is, the demonstrated impossibility of resolving normative deficits or contradictions within the same social and institutional reality. (2014: 292-293)

v) Parallel contradictions: this aspect methodologically means that the normative principles are modified in their deficient implementation or in their effective dissolution. Normative principles do not remain in an unchanged state throughout their relation to social reality. Therefore, immanent critique does not assume a methodological perspective regarding the implementation of certain norms, which can be evaluated in one sense or the other. Rather, it shows the reciprocal conformation between norms and social reality by assessing the relationship of the norm to social reality. That is, the configuration process of normative criteria by social and institutional reality, their modification or conflictive re-articulation. (2014: 293-294)

vi) The transformative character: immanent critique discovers the contradictions, deficits or reciprocal distortions between norms and social reality to enable transformations in the crisis situation. It allows to evaluate the normative realisation based on its own criteria and reveal the potential resources for its overcoming in the interior of social and institutional reality. (2014: 294-295)

vii) Learning processes: immanent critique discovers learning processes within social institutions and practices. Based on crisis or deficits in the relationship between norms and social reality, it reveals the signs of interrupted learning processes. (2014: 295-296)

For our purposes, a special emphasis is granted to the aspects of crisis orientation and the parallel contradictions.

3. Conceptual reconstruction and reformulation: *The Theory of Communicative Action*

3.1 Jürgen Habermas has established the theoretical frame of reference to locate and explain the social pathologies caused by economic integration in democratic societies.[1] From *Strukturwandel der Öffentlichkeit (*1962) to *Im Sog der Technokratie* (2013), he has investigated the distortions of practical reason and communicative structures caused by the realisation of systemic imperatives, among which, economic functionality plays a decisive role. However, the most robust version of his original argument about the interference of technical-instrumental rationality in symbolic interaction appeared in his *Theory of Communicative Action* (1987) under the so called colonisation of the lifeworld.

3.2 In the introduction to the analysis of his categories of system and lifeworld, based on a critical revision of Durkheim's social integration, Habermas indicates that the relevant aspect is to turn the attention to what he calls "[...] systemic differentiation and forms of social integration." (1987: 117) To this end, he investigates two types of mechanisms that coordinate action and highlights their relevance for understanding social integration and systemic integration.

i) In one case, social integration is achieved by "normatively secured or communicatively achieved consensus,

ii) in the other case, [system integration is achieved] by a non-normative articulation of individual decisions that extends beyond the actors' consciousness […] which reaches through and beyond actions orientations". (1987:117)

3.3 Additionally, in order to characterise the dysfunctions in the integration processes mentioned above, Habermas introduces the term mediatisation of the lifeworld, this refers to the configuring force of systemic integration upon social integration, which the under certain circumstances "the structural force of system imperatives […] assumes the form of a colonisation" (1987: 196) of the lifeworld.

i) This indicates an extensive uncoupling of system integration and social integration." [where] systemic mechanisms create their own norm-free social structures jutting out from the lifeworld." (1987:185)

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[1] Cfr: Brunkhorst (2017), Jütten (2013), Fraser (2007), Arato (1998), Fraser (1992), Mc Carthy (1985).

ii) From this position he conceives a dual process of uncoupling between systemic integration and social integration located in the lifeworld. Namely, he conceives the decoupling between an integrative normative dynamic where "an institutional framework […] subjects system maintenance to the normative restrictions of the lifeworld" and another integrative functional dynamic that operates "as a base that subordinates the lifeworld to the systemic constraints of material reproduction and thereby 'mediatizes' it" (1987:185).

iii) Elaborating on the second aspect, i.e., on the lifeworld mediatisation process through systemic integration, Habermas points out that an instrumental intervention of the systemic integration on the intersubjective structures of the lifeworld can "give rise to a *structural violence* that […] takes hold of the forms of intersubjectivity […] by way of systematic restrictions on communication". (1987:187)

3.4 Once the mediatisation assumes the form of a colonisation, the main attributes of this process can be summarised in three aspects: a) restriction on social communication; b) suppression of certain forms of social integration; and c) forced assimilation. Each of these aspects are conceived based on a system theory perspective and enable an elaborate diagnosis containing critical-normative and explanatory dimensions. The reading of this thesis I would like to propose, highlights the following habermasian assertion:

i) "the subsystems of the economy and the state become more and more complex as consequence of capitalist growth, and penetrate even deeper intro the symbolic reproduction of the lifeworld" (1987: 367) And understands it as a sequential process:

      a) the first above mentioned aspect underlines that the intervention of systemic integration in social integration restricts the development of structures of common understanding and weakens the deployment of communicative action;

      b) the second above mentioned aspect points out that "systemic mechanisms suppress forms of social integration even in areas where consensus-based coordination cannot be replaced" (1987: 196);

      c) this suppression, in the above mentioned third aspect, leads to the metaphor that closes the thesis: that is, the situation in which functional economic imperatives "force a process of assimilation upon the lifeworld" (1987: 355).

3.5 In recent years, studies have been developed on the characterisation of this social pathology elaborated by Habermas pointing out its conceptual deficits. The results can be summarised in the following observations:

i) the notion of lifeworld prevents locating ideological deformations within social reproduction (Fraser 1989);

ii) if the distinction between system and lifeworld does not preserve its analytical status, it may contain an untenable ontological dichotomy (Honneth and Joas 1991);

iii) this ontological dichotomy would make the principles of economic integration inaccessible to normative evaluation (Honneth 1993);

iv) within the colonisation thesis, the framing of capitalism seems to cancel the possibility of another democratic organisation of material reproduction. (Celikates and Pollman, 2006)

v) the conceptual framework based on systems theory assumes a rule-free functionality that overlooks the normative character of the market (Honneth 2011, Jaeggi 2013);

vi) it restrictively conceives colonisation as a tension between principles of integration, rather than opening interpretative possibilities for conceiving this relation as a contradiction (Wellmer 2012);

vii) it is an insufficient framework for understanding that the systemic character of economic integration depends (and is enabled) by an institutionally embodied normativity emanated from social practices (Jaeggi 2017).

3.6 These critical observations have opened the way for the reformulation of the Habermasian thesis, based on the recurrence of conflicting interactions between the principles of global economic integration and democratic integration. In this sense, the most advanced argumentative strategies for potential reformulations have been elaborated by Wellmer (1998, 2012) and Jaeggi (2013, 2017) in the following terms:

i) When Wellmer introduced the term democratic ethical life to conceptualise the normative dispositions, practices and institutions of modern democracy and explained its deformations in a world articulated by a global economy, he followed the Habermasian thesis of the colonisation of the lifeworld to show the progressive exclusion of societies in decisions that directly affect them. (Wellmer, 1998:39-61)

ii) Years after, in one of his conference titled *Zur Kritik der 'Kritischen Theorie'*, Wellmer once again reviewed the scope of the lifeworld colonisation and questioned the underlying notion regarding the indissoluble tension between economy and democracy. He stated that if colonisation distorts the process of democratic will formation in its own sphere, it would be no longer a tension, but a practical contradiction between market economy and democracy that had to be evaluated in new terms. (Wellmer, 2012: 9)

iii) Jaeggi has observed a contemporary phenomenon similar to the one identified by Wellmer. That is, certain economic practices within the world market have acquired a dynamic that surpasses the process of socio-democratic integration. "Economic relations seem not only to have taken control over certain aspects of social life, but also to have developed dynamics of their own that exceed the subjective ends and democratic control of their participants." (Jaeggi, 2017: 176).

iv) Accordingly, the thesis developed by Jaeggi points out that the principles of economic and social integration conceptualised by Habermas must be reformulated. "The conception of the economy in a differentiation-theoretical approach, which Habermas (among others) follows, grasps the economy as a sphere that is to some extent autonomous with respect to other social spheres. It is understood as a non-normative sphere driven by its own logic." (Jaeggi, 2017: 161-162) Yet such autonomous functionality in the economic sphere is not a sufficient argument to justify that the distortions exerted by economic integration on social integration are outside the scope of normative evaluations, since the functionality is itself constituted by an implicit normativity.

v) Therefore, it is necessary for our project to theoretically reformulate a combination of normative and functional elements that averts the idea of separate areas of evaluation, and explores whether the imposition of economic imperatives upon the lifeworld expresses a systematic dysfunctionality in capitalism, where "dysfunctionality belongs to the function of the object." (Jaeggi, 2013:327).

vi) A reformulation in terms of an immanent normative dysfunctionality would allow to conceptualise phenomena where democratic practices have been excluded from economic decisions that affect an increasing number of societies. (Cfr. Wellmer, 1998: 56-61). For such an enterprise we consider necessary to incorporate Habermas's conceptual framework on power.

4. Conceptual reconstruction and reformulation: *Philosophisch-politisches Profil* on Hannah Arendt (1971)

4.1 Habermas reconstructed an initial notion of communicative generation of power in his *Philosophisch-politisches Profil* on Hannah Arendt. (1971:245-248) In this essay, he analysed Arendt's notions of power [*Macht*] and violence [*Gewalt*], where power was understood as "the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together." (Arendt, 1970:44)

i) Habermas clarifies that Arendt reserves the notion of violence precisely for what Weber understood as power: "every chance, within a social relation, to impose the own will, also against resistance."[2]

ii) Consequently, in the Arendtian framework, the fundamental phenomenon of political power is not conceived as an instrumental-strategic character, but as the common will formation process through communicative understanding.[3] (1971:230)

4.2 Although Habermas formulates a critique towards the distinction developed by Arendt, his conceptual alternative maintains the fundamental motive of her argument. Resorting in the distinction made by Arendt between power and violence, he outlined the main intuition of his future argument: an initial dual dimension of political power.

i) He argued that power should not only be conceived as a strategical dispute over political force, this is,

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[2] § 16. Macht bedeutet jede Chance, innerhalb einer sozialen Beziehung den eignen Willen auch gegen Widerstreben durchzusetzen, gleichviel worauf diese Chance beruht. Weber, *Wirtschaft und Gesellschaft*.

[3] Das Grundphänomen der Macht ist nicht die Instrumentalisierung eines fremden Willens für eigene Zwecke, sondern die Formierung eines gemeinsamen Willens in einer auf Verständigung gerichteten Kommunikation.

through its instrumental dimension.

ii) Yet it should also not only be identified with the force generated by communicative collective praxis with pretensions of validity, this is, through its normative dimension.

Political power "cannot be identical, as in Hannah Arendt, to the praxis of those who debate to act collectively. Conversely, the prevailing theory narrows this concept to phenomena of power competition and power allocation and does not do justice to the phenomenon of power generation." (1971:245-246)

4.3 Additional to the distinction that Habermas reincorporated in the realm of political power, he outlined two aspects that will reappear, more than twenty years after, in his mayor work on democracy. Namely, the origin of communicative power and its relation with political institutions.

i) For this purpose, Habermas reformulated the Arendtian idea of normative power originating in "the human ability to act in concert" by locating its source in the "undamaged structures of intersubjectivity" (1971:234).

ii) And sketch the first version a dependence relation: "Political institutions are nourished out of the power which arises from undamaged structures of intersubjectivity; and for their part they must protect this vulnerable structures of intersubjectivity against deformation, if they should not decay." (1971:233-234)

Consequently, the communicative power that emerges from undamaged structures of intersubjectivity is the legitimacy substratum of political institutions. An argument that already signals the future thesis that will be found in his *Theory of Communicative Action* regarding the "extensive uncoupling of system integration and social integration" (1987:185).

4.4 Furthermore, the relation of dependence outlined had a reciprocal character.

i) On the one hand, normative power incorporated in political institutions provides them with actual legitimacy, in this sense, political institutions depend on communicative power. On the other hand, political institutions must protect the vulnerable source of communicative power, what would also show the dependence of communicative power on political institutions.

ii) Nevertheless, political institutions need to protect communicative power in order to preserve their own source of legitimacy, since political power can only avoid becoming domination when recognised as legitimate. (1971: 246)

Even though Habermas indicates an influence of the political system, the origin of the above mentioned intersubjective deformations -in this stage- remains unclear.

5 Interlude. Conceptual reconstruction and reformulation: *Popular Sovereignty as Procedure* (1988)

5.1 Years after he addressed the notion of communicate power in his essay of 1988 *Popular Sovereignty as Procedure*. While reformulating the notion of *Volkssouveränität* as an articulation of "subjectless forms of communication" (1992: 486), Habermas proposed a more elaborated dual notion of power:

i) "I thus propose that we make a distinction in the concept of the political itself, consonant with the duality of normative and instrumental perspectives. We can distinguish between communicatively generated power and administratively employed power." (1992: 483).

Based on his prior analytical distinction between normative and instrumental perspectives within the concept of the political, he reframed the Arendtian distinction in terms of administrative and communicative power.

5.2 In line with his Philosophical-Political Profile on Arendt, the new approach stressed the point of a difference between generating power as a normative process, and employing power as an instrumental and strategical process.

i) Although he did not opposed such powers as antithetical, they where conceived in mutual tension: "two contrary processes encounter and cut across each other: the communicative generation of legitimate power, for which Arendt sketched a normative model, and the political-systemic acquisition of legitimacy, a process by which administrative power becomes reflexive." (1992: 483)

ii) Habermas also highlighted the moment of legitimacy inside the relation between this dual notion. Communicative power was the source of legitimacy and through its normative character, administrative

power acquired the possibility of becoming reflexive.

iii) This meant that strategical and instrumental execution of power had to be controlled, yet not functionally substituted, by communicatively articulated actions with pretension of validity. The tension between both normative and instrumental political power was then conceptualised as a configuration of administrative power through communicative power "exercised in the manner of a siege" (1992: 486) through which it aimed to assert collective articulated reasons upon political institutions, without attempting to take over their functional and instrumental dimensions. (1992:487).

The relative autonomy and differentiation between system and lifeworld integration are already present.

6 Conceptual reconstruction and reformulation: *Between Facts and Norms* (1992)

6.1 Philosophers like Federica Gregoratto (2015), Amy Allen (2012), David Strecker (2012), Mattias Iser (2010) and Jeffrey Flynn (2004) have examined the limitations on Habermas account on power and proposed alternative developments. Specially important for our project are the following considerations:

i) The tension between a normative dimension based on communicative reason and power is resolved in an unjustified manner in favour of communicative rationality. "[A]lthough Habermas' political theory thematises the tension between reason and power in a way that is initially quite promising, he ultimately forecloses that tension in the direction of a rationality that has been conceptually and methodologically purified of the strategic power relations that pervade social reality." (Allen, 2012:354)

ii) Although the concept of communicative power contains one of the most significant potentials within Habermas political theory, this remains undeveloped. Therefore a reformulation may surpass the original architecture of the argument. "Habermas did not take full advantage of this framework and it needs to be developed in ways that may outstrip [yet not contradict] the author's explicit aims. (Gregoratto 2015: 534)

iii) An ambiguity is particularly expressed in the question whether communicative power is fundamentally attached to the operation of institutional administrative power as a lawmaking communicative power, or also identified with collective action. "Habermas's most significant contribution to democratic theory to date is hindered by a crucial ambiguity in one of its central concepts: communicative power. Habermas introduces the concept of 'communicative power' as the key normative resource for countering the norm-free steering media of money and administrative power. […] Specifically, it is unclear whether communicative power amounts to discursive power produced through arguments within informal public spheres or is primarily associated with the institutional power to make binding decisions." (Flynn, 2004: 433-434)

iv) Habermas's conception of power is also affected by a "deeply ambiguous status of social power." (Allen, 2012:354)

v) As part of the current reformulations, an important attempt has been conducted by Federica Gregoratto to frame the correlation between communicative, social and administrative power as source of social pathologies. Namely, "pathologies arise when the balanced interrelation between the three forms of power is disrupted." (Gregoratto 2015: 534)

vi) Additionally, significant reformulation possibilities have been pointed out concerning how a "wide reading" of communicative power could be conceived as a direct counterforce to social power. "[A] wide reading of discursively produced communicative power would provide a normative account of a resource that is necessary not only for authorising administrative power, but also as a direct counterforce to social power within the public sphere." (Flynn, 2004: 450)

These critiques and interpretation alternatives are taken into account in our reconstruction and ongoing reformulation.

6.2 In *Between Facts and Norms* (1992) Habermas once again drew upon the concept of power formulated by Arendt and expanded his theses of 1971. The stark distinction made by her between power [*Macht*] and violence [*Gewalt*] helped him reformulate an action based notion of power following one of the components included her theoretical framework.

i) As Richard J Bernstein states, for Arendt "power is a horizontal concept: it springs up and grows when individuals act together, seek to persuade each other, and treat each other as political equals."(Bernstein, 2011:10)

ii) This notion stood -for Arendt- in opposition to violence [*Gewalt*] "distinguished by its instrumental character"(Arendt, 1970:46) which was used like any other tool for the aim, in this case, of subduing the will of others to the own particular purpose.

iii) "Power and violence are not only distinguishable; they are antithetical. Where power reigns there is persuasion, not violence. And when violence reigns, it destroys power."(Bernstein, 2011:6)

iv) Following Martin Saar this would be a notion of violence that implicitly entailed the model of power as domination. (Saar, 2010:9-11)

Violence would then account for the moment of radical unjustified heteronomy, domination *in nuce*.

6.3 This perspective of an intersubjective, rather egalitarian notion of power, enabled Habermas to conceptualise a phenomenon derived from common will formation, i.e., an Arendtian "ability to act in concert" based on non-coerced reciprocal communication, through which a collective force arises actualised in practical consensus with pretensions of validity. (1992:148)

i) Following Martin Saar, we can understand this notion related to the tradition of power as constitution. (Saar, 2010:11)

ii) Communicative power understood as the force of political constitution emerges therefore "in those moments when revolutionaries seize the power scattered through the streets; when a population committed to passive resistance opposes foreign tanks with their bare hands." (1992:148)

Precisely in this sense, we can better comprehend the argument that communicative power emerges "only from structures of undamaged intersubjectivity." (1192:151) This is why Habermas will claim that the constitutive power associated to the principle of popular sovereignty, -the intersubjective locus of *potentia*-, "states that all political power derives from the communicative power of citizens." (1992:170) .

6.4 The critical component suggested by Habermas in the term undamaged intersubjectivity contains already a normative grounded counterforce of legitimation against power as domination.

i) Thus, "the critique of power in this model remains conceptualised in terms of a defence against incursion, repression and subjugation, and its general principle remains coercion."(Saar, 2010:14)

ii) For this reason the question of legitimacy is reframed in the dual tension between constitutive power and power as functional domination, whose execution needs to be influenced, as mentioned above, in the "manner of a siege" without attempting to control the complex functionality, rather by asserting the imperatives of ethical-political discourse. The penetration of its operation requires to be justified through "communicative power of citizens".

Accordingly, communicative power is the premise of administrative power exercised under democratic conditions. Otherwise the tension between intersubjective normative power and instrumental systemic power transforms into domination.

6.5 In *Popular Sovereignty as Procedure* Habermas kept open the alternative of influencing -collectively- the decisions made by administrative power, whereas in *Beyond Fact and Norms* he reframed the role of communicative power to an "authorising force" (1992: 148).

i) Following Arendt, he reformulated the constitutive capacity of communicative power based on the notion of jurisgenesis, in consequence, the intersubjective force of collective action was oriented towards "the creation of legitimate law and in the founding of institutions." (1992:148)

ii) Once political institutions are founded as a constitutional state, the authorising role of deliberative politics comes into play through legally framed procedural mechanisms of participation.

The constituting power issued by the collective practice of political autonomy is then restricted to the "discursive formation of a common will" (1992: 150) that can only evaluate and sanction the executive expression of power.

6.6 Habermas relocated the analytical distinction between communicative power and administrative power, in relation with the legal architecture of democratic political institutions. In this new framework, law as a mediating instance acquired a special status: it became "the medium through which communicative power is translated into administrative power." (1992:150). And even when the employment of power had to be bonded together with the normative sources of legitimacy and "communicative power must underlie the administrative power of the government" (1992:147), the schematic differentiation between the phenomenon of power emanation and power exercise was starkly emphasised.

i)   Such a theoretical decision apparently led to a reduction in the capacity of communicative power limited to the legally stablished participation procedures (e.g. voting).

ii) Similar to the separation between lifeworld and systemic dynamics, the process of communicative power concerned "only the emergence of political power." (1992:149)

iii) Yet the administrative power was entitled with the "employment of already constituted power, that is, the process of exercising power." (1992:149)

iv) And the mediating instance subsumed the constituting force of intersubjective political practice transforming it into "lawmaking communicative power." (1992:150)

6.7 However, while reframing the relation between communicative and administrative power, Habermas added a new element to his dual conception of power: social power.

i)   He defined this concept as "the factual strength of privileged interests to assert them selves" (1992:150) and added that he employed it to evaluate the capacity of such actors or interests. "I use the term 'social power' as a measure for the possibilities an actor has in social relationships to assert his own will and interests, even against the opposition of others." (1992: 175)

ii) This formulation almost paraphrased the Weberian definition of power as domination found in *Wirtschaft und Gesellschaft*, though it located the kind of phenomenon represented by social power structurally outside the realm of the political.

Through this conceptual variation with respect to Weber, Habermas introduced a critical resource against external domination of administrative power, where the constitutional state should keep administrative power "free of illegitimate interventions of social power" (1992:150).

6.8 Even when Habermas indicated that social power could either restrict or facilitate the generation of communicative power, his characterisation fundamentally focuses on the restrictive aspect, since "the relation between social power and democracy is problematic." (1992: 175)

i)   The degree in which particular actors can assert their interests is evaluated by Habermas through different levels: influence and intervention.

ii) Actors who posses social power can influence political institutions and procedures, namely administrative power.

iii) Additionally, they can intervene decisions and procedures by transforming social power into administrative power. (1992: 175)

This third notion of power amplifies the scope of popular sovereignty by framing the distinction between society and political institutions as a normative criterion for legitimacy, based in the intersubjective force of communicate power underlying administrative power. Such distinction allows also to understand as illegitimate the influence or intervention of social power upon administrative power.

6.9 Conceptually, this normative correlation between society and political institutions "is intended to prevent social power from being converted directly into administrative power, that is, without first passing through the sluices of communicative power formation." (1992: 169).

i)   On the one hand, we observe the underlying notion of power as domination embodied in administrative power, yet this kind of power admits a degree of intervention, mediated through law, as long as it upholds a fundamental dependence with communicative power.

ii) On the other hand, Habermas grasps the kind of force as domination, that among others, may come from economical actors and points out the contradiction into which social power and communicative power can enter.

iii) Although undeveloped, this dimension in his model of democratic legitimacy requires that communicative power upholds its imperatives "in the manner of a siege" over administrative power and subjects social power to "the sluices of communicative power formation".

In consequence, the notion of power as domination is expanded and counter-resources can be outlined.

6.10 In *Between Facts and Norms* Habermas introduced the the dual temporal moment beneath every democratic constitution, residing in its past historical foundations and in its ongoing present recreation through democratic procedural lawmaking.

i) In relation to this ongoing constitutional process of communicative power, he posed the question regarding the capacity of a democratic, constitutionally regulated, circulation of power to prevail in political systems belonging to complex societies.

ii) In his response he highlighted, an external systemic restriction of the political (sub)system based on the functional logic of other systems that impede direct intervention from the political. Respectively, an internal restriction of the political system is based on its dependence on the sources of communicative power rooted in the lifeworld as its condition of possibility. (1992: 384-385)

6.11 Furthermore, he also identified the premises for a legitimation crisis based on the nullification of a constitutionally regulated circulation of power:

i) if the dependence between administrative power and communicative power is fragmented or political system becomes independent of communicative power;

ii) if social power "of functional systems and large organisations" intervenes the political system, transforms itself into administrative power and is not subjected to communicative power formation;

iii) if the lifeworld resources for public communication cannot remain uncoerced. (1992:386)

This nullification is then sharpened and reinforced by the penetration of economical normative-functionality in the sources of communicative power.

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