

## THE PUBLIC SPHERE: AN ENCYCLOPEDIA ARTICLE

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1. *The Concept.* By “the public sphere” we mean first of all a realm of our social life in which something approaching public opinion can be formed. Access is guaranteed to all citizens. A portion of the public sphere comes into being in every conversation in which private individuals assemble to form a public body. They then behave neither like business or professional people transacting private affairs, nor like members of a constitutional order subject to the legal constraints of a state bureaucracy. Citizens behave as a public body when they confer in an unrestricted fashion – that is, with the guarantee of freedom of assembly and association and the freedom to express and publish their opinions – about matters of general interest. In a large public body this kind of communication requires specific means for transmitting information and influencing those who receive it. Today newspapers and magazines, radio and television are the media of the public sphere. We speak of the political public sphere in contrast, for instance, to the literary one, when public discussion deals with objects connected to the activity of the state. Although state authority is so to speak the executor of the political public sphere, it is not a part of it. To be sure, state authority is usually considered “public” authority, but it derives its task of caring for the well-being of all citizens primarily from this aspect of the public sphere. Only when the exercise of political control is effectively subordinated to the democratic demand that information be accessible to the public, does the political public sphere win an institutionalized influence over the government through

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the instrument of law-making bodies. The expression "public opinion" refers to the tasks of criticism and control which a public body of citizens informally – and, in periodic elections, formally as well – practices *vis-à-vis* the ruling structure organized in the form of a state. Regulations demanding that certain proceedings be public (*Publizitätsvorschriften*), for example those providing for open court hearings, are also related to this function of public opinion. The public sphere as a sphere which mediates between society and state, in which the public organizes itself as the bearer of public opinion, accords with the principle of the public sphere – that principle of public information which once had to be fought for against the arcane policies of monarchies and which since that time has made possible the democratic control of state activities.

It is no coincidence that these concepts of the public sphere and public opinion arose for the first time only in the eighteenth century. They acquire their specific meaning from a concrete historical situation. It was at that time that the distinction of "opinion" from "opinion publique" and "public opinion" came about. Though mere opinions (cultural assumptions, normative attitudes, collective prejudices and values) seem to persist unchanged in their natural form as a kind of sediment of history, public opinion can by definition only come into existence when a reasoning public is presupposed. Public discussions about the exercise of political power which are both critical in intent and institutionally guaranteed have not always existed – they grew out of a specific phase of bourgeois society and could enter into the order of the bourgeois constitutional state only as a result of a particular constellation of interests.

2. *History.* There is no indication European society of the high middle ages possessed a public sphere as a unique realm distinct from the private sphere. Nevertheless, it was not coincidental that during that period symbols of sovereignty, for instance the princely seal, were deemed "public." At that time there existed a public representation of power. The status of the feudal lord, at whatever level of the feudal pyramid, was oblivious to the categories "public" and "private," but the holder of the position represented it publicly: he showed himself, presented himself as the embodiment of an ever present "higher" power. The concept of this representation has been maintained up to the most recent constitutional history. Regardless of the degree to which it has loosed itself from the old base, the authority of political power today still demands a representation at the highest level by a head of state. Such elements, however, derive from a pre-bourgeois social structure. Representation in the sense of a bourgeois public sphere, for instance the representation of the nation or of particular mandates, has nothing to do with the medieval representative public sphere – a public sphere directly linked to the concrete existence of a ruler. As long as the prince and the estates of the realm still "are" the land, instead of merely functioning as deputies for it, they are able to "re-present"; they represent their power "before" the people, instead of for the people.

The feudal authorities (church, princes and nobility), to which the representative public sphere was first linked, disintegrated during a long process of polarization. By the end of the eighteenth century they had broken apart into private elements on the one hand, and into public on the other. The position of the church changed with the reformation: the link to divine authority which the church represented, that is, religion, became a private matter. So-called religious freedom came to insure what was historically the first area of private autonomy. The church itself continued its existence as one public and legal body among others. The corresponding polarization within princely authority was visibly manifested in the separation of the public budget from the private household expenses of a ruler. The institutions of public authority, along with the bureaucracy and the military, and in part also with the legal institutions, asserted their independence from the privatized sphere of the princely court. Finally, the feudal estates were transformed as well: the nobility became the organs of public authority, parliament and the legal institutions; while those occupied in trades and professions, insofar as they had already established urban corporations and territorial organizations, developed into a sphere of bourgeois society which would stand apart from the state as a genuine area of private autonomy.

The representative public sphere yielded to that new sphere of "public authority" which came into being with national and territorial states. Continuous state activity (permanent administration, standing army) now corresponded to the permanence of the relationships which with the stock exchange and the press had developed within the exchange of commodities and information. Public authority consolidated into a concrete opposition for those who were formerly subject to it and who at first found only a negative definition of themselves within it. These were the "private individuals" who were excluded from public authority because they held no office. "Public" no longer referred to the "representative" court of a prince endowed with authority, but rather to an institution regulated according to competence, to an apparatus endowed with a monopoly on the legal exertion of authority. Private individuals subsumed in the state at whom public authority was directed now made up the public body.

Society, now a private realm occupying a position in opposition to the state, stood on the one hand as if in clear contrast to the state. On the other hand, that society had become a concern of public interest to the degree that the reproduction of life in the wake of the developing market economy had grown beyond the bounds of private domestic authority. *The bourgeois public sphere* could be understood as the sphere of private individuals assembled into a public body, which almost immediately laid claim to the officially regulated "intellectual newspapers" for use against the public authority itself. In those newspapers, and in moralistic and critical journals, they debated that public authority on the general rules of social intercourse in their fundamentally privatized yet publically relevant sphere of labor and commodity exchange.

3. *The Liberal Model of the Public Sphere.* The medium of this debate – public discussion – was unique and without historical precedent. Hitherto the estates had negotiated agreements with their princes, settling their claims to power from case to case. This development took a different course in England, where the parliament limited royal power, than it did on the continent, where the monarchies mediatized the estates. The third estate then broke with this form of power arrangement since it could no longer establish itself as a ruling group. A division of power by means of the delineation of the rights of the nobility was no longer possible within an exchange economy – private authority over capitalist property is, after all, unpolitical. Bourgeois individuals are private individuals. As such, they do not “rule.” Their claims to power *vis-à-vis* public authority were thus directed not against the concentration of power, which was to be “shared.” Instead, their ideas infiltrated the very principle on which the existing power is based. To the principle of the existing power, the bourgeois public opposed the principle of supervision – that very principle which demands that proceedings be made public (*Publizität*). The principle of supervision is thus a means of transforming the nature of power, not merely one basis of legitimation exchanged for another.

In the first modern constitutions the catalogues of fundamental rights were a perfect image of the liberal model of the public sphere: they guaranteed the society as a sphere of private autonomy and the restriction of public authority to a few functions. Between these two spheres, the constitutions further insured the existence of a realm of private individuals assembled into a public body who as citizens transmit the needs of bourgeois society to the state, in order, ideally, to transform political into “rational” authority within the medium of this public sphere. The general interest, which was the measure of such a rationality, was then guaranteed, according to the presuppositions of a society of free commodity exchange, when the activities of private individuals in the marketplace were freed from social compulsion and from political pressure in the public sphere.

At the same time, daily political newspapers assumed an important role. In the second half of the eighteenth century literary journalism created serious competition for the earlier news sheets which were mere compilations of notices. Karl Bücher characterized this great development as follows: “Newspapers changed from mere institutions for the publication of news into bearers and leaders of public opinion – weapons of party politics. This transformed the newspaper business. A new element emerged between the gathering and the publication of news: the editorial staff. But for the newspaper publisher it meant that he changed from a vendor of recent news to a dealer in public opinion.” The publishers insured the newspapers a commercial basis, yet without commercializing them as such. The press remained an institution of the public itself, effective in the manner of a mediator and intensifier of public discussion, no longer a mere organ for the spreading of news but not yet the medium of a consumer culture.

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This type of journalism can be observed above all during periods of revolution when newspapers of the smallest political groups and organizations spring up, for instance in Paris in 1789. Even in the Paris of 1848 every half-way eminent politician organized his club, every other his journal: 450 clubs and over 200 journals were established there between February and May alone. Until the permanent legalization of a politically functional public sphere, the appearance of a political newspaper meant joining the struggle for freedom and public opinion, and thus for the public sphere as a principle. Only with the establishment of the bourgeois constitutional state was the intellectual press relieved of the pressure of its convictions. Since then it has been able to abandon its polemical position and take advantage of the earning possibilities of a commercial undertaking. In England, France, and the United States the transformation from a journalism of conviction to one of commerce began in the 1830s at approximately the same time. In the transition from the literary journalism of private individuals to the public services of the mass media the public sphere was transformed by the influx of private interests, which received special prominence in the mass media:

4. *The Public Sphere in the Social Welfare State Mass Democracy.* Although the liberal model of the public sphere is still instructive today with respect to the normative claim that information be accessible to the public, it cannot be applied to the actual conditions of an industrially advanced mass democracy organized in the form of the social welfare state. In part the liberal model had always included ideological components, but it is also in part true that the social pre-conditions, to which the ideological elements could at one time at least be linked, had been fundamentally transformed. The very forms in which the public sphere manifested itself, to which supporters of the liberal model could appeal for evidence, began to change with the Chartist movement in England and the February revolution in France. Because of the diffusion of press and propaganda, the public body expanded beyond the bounds of the bourgeoisie. The public body lost not only its social exclusivity; it lost in addition the coherence created by bourgeois social institutions and a relatively high standard of education. Conflicts hitherto restricted to the private sphere now intrude into the public sphere. Group needs which can expect no satisfaction from a self-regulating market now tend towards a regulation by the state. The public sphere, which must now mediate these demands, becomes a field for the competition of interests, competitions which assume the form of violent conflict. Laws which obviously have come about under the "pressure of the street" can scarcely still be understood as arising from the consensus of private individuals engaged in public discussion. They correspond in a more or less unconcealed manner to the compromise of conflicting private interests. Social organizations which deal with the state act in the political public sphere, whether through the agency of political parties or directly in connection with the public administration. With the interweaving of the public and private realm, not only do the political

authorities assume certain functions in the sphere of commodity exchange and social labor, but conversely social powers now assume political functions. This leads to a kind of "refeudalization" of the public sphere. Large organizations strive for political compromises with the state and with each other, excluding the public sphere whenever possible. But at the same time the large organizations must assure themselves of at least plebiscitary support from the mass of the population through an apparent display of openness (*demonstrative Publizität*).

The political public sphere of the social welfare state is characterized by a peculiar weakening of its critical functions. At one time the process of making proceedings public (*Publizität*) was intended to subject persons or affairs to public reason, and to make political decisions subject to appeal before the court of public opinion. But often enough today the process of making public simply serves the arcane policies of special interests; in the form of "publicity" it wins public prestige for people or affairs, thus making them worthy of acclamation in a climate of non-public opinion. The very words "public relations work" (*Oeffentlichkeitsarbeit*) betray the fact that a public sphere must first be arduously constructed case by case, a public sphere which earlier grew out of the social structure. Even the central relationship of the public, the parties and the parliament is affected by this change in function.

Yet this trend towards the weakening of the public sphere as a principle is opposed by the extension of fundamental rights in the social welfare state. The demand that information be accessible to the public is extended from organs of the state to all organizations dealing with the state. To the degree that this is realized, a public body of organized private individuals would take the place of the now-defunct public body of private individuals who relate individually to each other. Only these organized individuals could participate effectively in the process of public communication; only they could use the channels of the public sphere which exist within parties and associations and the process of making proceedings public (*Publizität*) which was established to facilitate the dealings of organizations with the state. Political compromises would have to be legitimized through this process of public communication. The idea of the public sphere, preserved in the social welfare state mass democracy, an idea which calls for a rationalization of power through the medium of public discussion among private individuals, threatens to disintegrate with the structural transformation of the public sphere itself. It could only be realized today, on an altered basis, as a rational reorganization of social and political power under the mutual control of rival organizations committed to the public sphere in their internal structure as well as in their relations with the state and each other.