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The Structural Foundations of the Transnational Public Sphere?

Critical Reflections on Habermas, National Identity and Transnational Publics

By Calum Bolland

Thesis Advisor: Prof. Frédéric Lépine

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Abstract:

The thesis outlines the work of Jürgen Habermas on the public sphere, from its historical origins to normative transhistorical theory. This normative application was then 'scaled' up to the transnational context, a step it is argued that is required by globalisation and the 'unravelling' of the state. The thesis contends that, given certain institutional criteria, the borders of the 'imagined community', i.e. the nation, can be overcome in this endeavour. The thesis closes with a detailed case study of the European Union to empirically ground the theories discussed. In the delineation of this argument, a tension will be exposed between the real and the ideal in normative theory.

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Introduction[1]

It is not an exaggeration to suggest that democracy in the world in which we live is in crisis. Beset by internal challenges through populist revivals from both the Left and Right and external challenges in the form of the increasingly complex and shadowy institutional powers of global finance, corporations and political influence, the public increasingly appears disillusioned, fragmented and ill-informed. In light of these trends the appeal of a *radical* democratic renovation is compelling. This thesis critically reflects on the work of Jürgen Habermas, a German philosopher and political theorist whose early writings in the 1960s in Germany provoked a great deal of critical thinking about democracy and the role that it could and indeed should have in human history. Hannah Arendt, influential to Habermas's account developed throughout the thesis suggested that

> "Power *corresponds to 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."* (quoted in Flynn, 2004: 434).

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[1] I would like to express my sincere gratitude to Professor Frédéric Lépine, for restraining my uncollected early thoughts and for critical guidance throughout the thesis project. Moreover, I could not have completed the work without the encouragement, assistance and advice of Alja M. L. K. A. Gudžević, Lukas 'Beton' van Vyve, Dr. Iain H. Beagle and David Gray. My thanks go to my academic colleague Ana Puljić whose bare honesty encouraged and inspired me to the finish. Finally, my cohort at CIFE have provided emotional stability and moral support throughout the writing. For all my achievements I am indebted, all errors are my own.

The exercise of this power by the people is fundamental to both Habermas's account and that of the present thesis. However, immediate questions are posed by this statement concerning the definition of the *group*. Who might constitute this group? What form should the group take? Moreover, in enacting this power, and indeed maintaining the groups 'togetherness', what form of communication should play a determining role?

Traditionally, both questions might be answered by 'the nation' or 'nationalism', in the sense that this clearly demarcates a group of people who communicate via their learned national symbols regarding sentiments shared throughout. This, however, is a misguided and essentialist notion of the national group. The thesis will argue that globalisation, in particular the decline of the nation-state, poses questions for democracy and legitimacy that require recourse to Habermas's work and specifically 'scaling' this up in order to explore the concept of a 'transnational public sphere'. It is vital, therefore, that the work of Habermas is presented at length in order to both understand his theory and to learn from his different approaches. For example, it will be claimed that returning to his early work on the Bourgeois public sphere can provide an insight into the possible realisation of the normative goals of his later developments. The discussion in this work will be necessarily limited to the European continent, the birthplace of the modern nation, due to issues of length. The question that the thesis will attempt to answer is 'the extent to which the

transnational public sphere is mitigated by national identity'. To this end, the following structure will be adopted.

The *first* chapter outlines Habermas's early work concerning the public sphere, specifically the Bourgeois public sphere that he locates in history at the turn of the 18th century. The chapter will then outline the normative agenda that Habermas derives from this. This is, briefly, the promotion of public fora for critical discussion of the political administration, with a commitment to rational dialogue and openness. By considering the decline of this public sphere, moreover, it is possible to identity parallels in contemporary democracy open to critique.

The *second* chapter will then explore Habermas's later work, specifically *Between Facts and Norms*, in order to understand his mature thinking on the concept following critique of his original thesis, notably by feminist theorists. This work presents the public sphere in the clearest terms, regarding its structure, its location in the polity as well as the necessary functions that it should perform in order to legitimise the latter. These criteria will also inform the bulk of the thesis.

The *third* chapter will examine the nation and national identity, before developing an understanding of the 'unravelling' of the state under conditions of globalisation. The thesis will suggest that national identity is characterised by a drive towards democratic self-rule, as well as

discussing its modern civic or liberal form. The decline of the nation-state, however, shows that the resultant 'multi-level governance' system poses problems for questions of sovereignty, legitimacy and democracy.

The *fourth* chapter will explore in detail the theoretical shape and viability of a transnational public sphere. The tensions inherent in this model, in particular that of national identities, will be explored in detail. Moreover, the normative agenda of this project will be highlighted. The thesis will then discuss the potential foundations of this concept in the contemporary world. This will include the role of both 'traditional' and 'new' forms of media, the political context within which this sphere operates and the role of the public as a whole.

Finally, the *fifth* chapter will seek to locate the existence of a transnational public sphere in a case study of the European Union (EU). Through, firstly, a theoretical review and, secondly, an empirical assessment of the EU, the extent to which this can be seen as a transnational public sphere reflecting the model outlined in the previous chapter will be assessed, whilst the study also exposes tensions inherent in both the theoretical normative agenda and the European Project itself.

Throughout the thesis, the discussion will make recourse to a tension apparent in Habermas's work and normative theory in general: that between the ideal and the real. This tension appears at a number of

junctures in the current work. Whilst being unable to resolve this, it will be argued that a 'contextual approach' is best placed: with reference to both 'principles' and 'cases'. The work will conclude as to the extent to which the transnational public sphere is mitigated, suggest that although a tension is central this ultimately *can* be overcome, and draw more broad conclusions regarding Habermas's work, democracy and political theory as a discipline.

1. The Public Sphere in Historical Context

Since its publication in 1962, *The Structural Transformations of the Public Sphere* (Habermas, 1989) has made a lasting and influential contribution to contemporary political and democratic theories. Published in English for the first time in the late 1980s its significance was nonetheless felt through Held (1980) amongst others and echoes of its thinking run through the eclectic and sizeable body of work produced by Habermas (see Hohendahl, 1992: 100). The central concern of *Structural Transformations* was the 'public sphere', a concept defined and critiqued in the course of this chapter. This will be developed, following Habermas's logic, in its historical context and normative implications, respectively.

1.1 The Bourgeois Public Sphere in Historical Context

The first half of *Structural Transformations* is an empirical study of the rise in Great Britain, France and Germany of an institutional setting within which, for the first time, rational debate took place between 'private' individuals who came together to form a 'public' (Habermas, 1989: 27). This was defined by Habermas as a 'Bourgeois' public sphere (*bürgerliche Öffentlichkeit*), appearing from around the turn of the 18th century against the backdrop of the rise of the 'town', an increasingly literate critical public and the exponential growth of international trade and news since the 16th

century (*ibid.*: 14-7). An overview of the definitional specificities of the public sphere will follow Habermas's account of its genesis.[2]

For the first time the coffee houses of Great Britain, the *salons* of France and the *Tischgesellschaften* of Germany[3] debated literature and art and, later, the economic and political realities of the nation through an informed citizenry. This public had emerged during the preceding century though the fora of debate were largely confined to the courts of the urban nobility. This public could not become critical due to its 'dependence' on its noble hosts preventing the "autonomy that turns conversation into criticism and *bon mots* into arguments" (*ibid.*: 31). The bourgeoisie, unlike the nobility they eclipsed, were so 'clearly differentiated in terms of status and function' from the crown so as to allow a distinct separation between the economic, political and societal 'sectors' (*ibid.*: 68). Gradually, the arena of discourse was shifted from noble courts to the institutions of the 'town'. This shift was facilitated by an increasingly literate public, which in turn emerged through the mercantilist phase. The latter brought about international commodity exchange and circulation and institutionalisation of news.[4] Commodity

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[2] This will necessarily be delineated as an account of all three nations, though there were distinct developments in each. For more detailed historical accounts, see Kramer (1992) and Postone (1992), both of whom refine Habermas's account.

[3] There are specific differences between these institutions, e.g. that the *Tischgesellschaften* were primarily secret societies rather than public in the broader sense of the word, though as regards the *institutional criteria* these three locales exhibit far more similarities than differences (Habermas, 1989: 36).

[4] There is a connection, developed below (*3.1*), with the work of Anderson (1991) whose focus is the origins of the nation through print journalism. This link is noted in Kramer (1992).

exchange created a market for 'cultural goods', e.g. the novel, art etc., circulation of news meant the advent of periodicals and newsletters engaging with art criticism and so-called 'moral weeklies' (*ibid.*: 39-43). The professional critic emerged in these media as both a member of and authority for the wider public. The moral weekly and its critics became a commentary on the public spaces Habermas focuses on. Through the 'world of letters', the exchange of written communications and ideas, emerged a literary public sphere (*literarische Öffentlichkeit*). As literacy became customary throughout the bourgeois society, in particular in the mid to late 18th century, debate in the world of letters constituted the public which had emerged in coffee houses, *salons* and *Tischgesellschaften*. These were now

> "…*held together through the medium of the press and its professional criticism. They formed the public sphere of a rational-critical debate in the world of letters within which the subjectivity originating in the interiority of the conjugal family, by communicating itself, attained clarity about itself."* (*ibid.:* 51).

In this passage the enlightening effect of the process is clearly elucidated. Fundamental to Habermas's conception of the public sphere however is the next step: i.e. the development of a public sphere in the political realm.

The institutional settings of the literary sphere were transferred to the political sphere through a sense of duty on behalf of the bourgeois strata, i.e. the 'regulation of civil society', entailing the protection of a commercial

economy (*ibid.*: 52). The focus of an engaged public turned to preserving the freedoms it was now self-aware enough to demand. The previous public relation to the state, that of acclamation in particular of the nobility, is replaced by a new type of 'publicity'. The latter represents a critical counterpoint to the rise of the state as *the* 'public authority' manifest in a 'permanent administration and a standing army' (*ibid.*: 18). Questions of accountability and openness were discussed as an element of the struggle to preserve the private sphere and constrain state power. The constitutional state, in its various forms, clearly 'spelled out' the functions of the public sphere by guaranteeing rights (such as freedoms of speech; assembly; status of the individual; the transactions of property owners regarding property etc.) (*ibid.*: 83). Crucially, parliamentary representation was premised on a responsiveness to the 'people', within whom sovereignty was invested. However, the process by which the public formed and expressed their will was vital. Emerging from the debate held in the public sphere were *rational* political objectives. These results

> "*lay claim to being in accordance with reason; intrinsic to the idea of a public opinion born of the power of the better argument was the claim to that morally pretentious rationality that strove to discover what was at once just and right."* (*ibid.*: 54)

Moreover, the product of this debate was characterised by an 'element of truth' without recourse to the transcendental realm: crucially in "that area where the experience of "humanity" originates" (*ibid.*: 48). Through this form of political engagement, Habermas believed, some degree of

progress could be achieved. Critical for the bourgeois strata to legitimately debate and influence political outcomes was their association with the people at large. It is through this association that the confluence of 'property owners' and 'common human beings' emerged, creating a myth of the 'one' public. This myth was entrenched by its 'positive functions' in "[emancipating] civil society from mercantilist rule and from absolutist regimentation in general" (*ibid.*: 56). The public sphere, thus assembled, tasked itself with finding consensus regarding practical necessities for the good of the wider public.

Habermas (*ibid.*: 36-7) outlines three institutional criteria fundamental to the 'public' nature of the debate with which *Structural Transformations* is concerned. The *first* of these is the exclusion of status within the debate. This relates to the traditional weight given to the societal rank of individuals in aristocratic or noble forums, i.e. the court. Equality of recognition was necessary for the functioning of rational debate which considered only the strength of argument.[5] *Secondly*, the debate would concern issues hitherto excluded from public consideration and the right of e.g. the state and church. In this way the public took on an increasing authority. *Thirdly*, the sphere must be understood as 'public' in the sense that it cannot exclude members of the public, the latter defined by their education and holding of property. The opportunity must be there for

[5] Habermas (1989: 36) concedes that this was 'never actually realised in earnest' in these public fora, though it was an important institutional objective.

everyone to *be able* to participate. These criteria were required in order for the bourgeois public sphere to legitimise its role as the mouthpiece of the broader public. The *rational* deliberative criteria entailed the *discursive will formation* that entails the shift from mere 'opinion' to 'public opinion': the legitimacy of this formation based on the move away from cultural prejudices or customs (*ibid.*: 49). Held (1980: 260) summarises the rise of the public sphere in its historical context and process as "[anticipating] the replacement of the rule of tradition with the rule of reason". This anticipated replacement was never fully realised and in the following section the factors inherent in the decline of the public sphere will be developed further. Moreover, the institutional fora of the public sphere, i.e. the coffee house, *salon* and *Tischgesellschaft,* must be understood within the historical context in which they operated whereby 'the public' excluded lower classes, women,[6] those without property etc.. However, it is from the three main institutional criteria that Habermas develops the basis for his proposed rehabilitation of the public sphere in the context of late modernity and, indeed, there can be seen a clear influence for his later work on communicative power. The public sphere provides a blueprint through which Habermas believes a *legitimate* democratic polity can function.[7]

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[6] Women were in fact not excluded in the French *salon* (Habermas, 1989: 33), though feminist critics (e.g. Fraser, 1992) have detailed their systematic exclusion from the formation of public opinion regardless of this formal permission (see *2.1*). Habermas later concurred with this critique of the public sphere (in Susen, 2011: 54)

[7] 'Polity' is used here in the place of 'state' by way of bridging to the later discussion concerning the viability of a transnational public sphere.

1.2 The Normative Agenda of Structural Transformations

The subject of the latter part of *Structural Transformations* is both the normative agenda of Habermas's project and, ultimately, the decline of the public sphere. This is complex and so will be discussed here only insofar as it relates to a more salient aspect for the current discussion. Habermas, in exploring the conditions under which the public sphere evolved, is interested in the extent to which this concept could inform contemporary democratic theory and practice.

In a detailed discussion of the philosophical heritage of the public sphere, Habermas (1989: *Chapter IV*) delineates the Kantian logic central to his proposed rescue of the enlightenment project. Only through the use of practical reason, conducted via the public sphere, could the public enlighten itself and in doing so escape its self-incurred 'tutelage' (*ibid.*: 103-4). It is the use of public reason in this way that facilitated the union of politics and morality, this being the essential 'principle of the legal order'. Kant built on Rousseau, adding the criterion of the use of public reason as a precondition for the advent of popular sovereignty.

> "*In every commonwealth, there must… be a* spirit of freedom*… each individual requires to be convinced by* reason *that the coercion which prevails is lawful, otherwise he would be in contradiction with himself."* (Kant, quoted in *ibid.*: 107, emphasis added)

Kant viewed the connection between the development of the public sphere and its use of reason as essential not only to the legal order but also to the "progress of a people toward improvement" (*ibid.*: 116). In Kant, therefore, the normative agenda of the public sphere is elucidated. This heritage has been critiqued, however, as discussed in the following chapter of this work (*2.2*). Habermas suggests that later liberals, in particular J.S. Mill and de Tocqueville, had a more ambivalent perspective regarding the public sphere. This came about as a result of their shift from a 'philosophy of history' approach, such as Kant, to grounding the concept in reality (*ibid.*: 131).

A central concern of J. S. Mill and de Tocqueville was the potential for public opinion to adopt the characteristics of the arbitrary 'princely' rule that it had sought to replace. This, the so-called *tyranny of the majority* problem, prescribed public opinion as not being an absolute source of power but merely one amongst many: serving to limit or curb excessive powers of the state (*ibid.*: 133-4). A crucial element of this concern was the expansion of the public sphere coinciding with the move into the 19th century: the 'public' was writ large to include a far wider cross-section of society: mass opinion began to exert its influence, as opposed to the narrow, homogeneous interests of an informed bourgeoisie. Reason was subsumed by the conflict of interests between these class groups, public opinion becoming a 'coercive force' rather than the outcome of reasoned debate, where this coercion had previously been 'dissolved' by rational

consensus (*ibid.*: 133). This conflict entailed a breakdown of the clearly demarcated spheres of public and private: whereas the public sphere required a 'bracketing' of social standing in the name of a reasoned debate concerning the common good, this bracketing became untenable. Habermas notes

> "*While it penetrated more* spheres *of society, it simultaneously lost its political* function*, namely: that if subjecting the affairs that it had made public to the control of a critical public… The* principle *of the public sphere, that is, critical publicity, seemed to lose its strength in the measure that it expanded as a* sphere *and even undermined the private realm."* (*ibid.*: 140)

The increasing role of the state from the mid-to-late 19th century, in terms of intervention in economy affairs and previously 'private' spheres of its citizens, announced the blurring of the clear separation between state, economy and the private domain of the citizen. Public services, provision of compensation, financial protection and the entrenching of social structures (e.g. by policies intended to preserve the middle classes) were exemplary of this decline (*ibid.*: 146-7).

Beyond the changing role of the modern state, sociological factors also facilitated this decline. Principally, these were the 'withdrawal' of the conjugal family unit into itself and a shift from a culture-debating to a culture-consuming public. In developing these changes there are clear continuities with the Frankfurt school that Habermas's early work is closely

associated with (see Held, 1980). The first of these trends is associated with the rise of the city: rapid urbanisation leading to an atomisation of citizens and a dissolution of the social structures and fora that defined the town. The family home becomes an isolated unit, the public becomes a mass and the public space, moreover sphere, is lost (Habermas, 1989: 158-9). The second trend is related to the public sphere of letters, detailing how the latter has been "hollowed out by mass media; a pseudo-public sphere of a no longer literary public" (*ibid.*: 162). The consumptive focus on commodities requires no further discussion or debate in the way comparable to the liberal era. Becoming confined to the interior of the family home, the public discussion of cultural commodities is no longer present in the city. Moreover, rational public debate has moved from a public good to a 'consumer item': talk shows, professional dialogues and panel debates present a 'saleable package', one which is exclusionary to the general public. The mass media and the advertising utilised in its dissemination has been adapted to the needs of relaxation and entertainment for a wide plethora of social strata, including the less educated masses (*ibid.*: 164-5).[8] The result of this disengagement and the decline of the public sphere has created a public who are ill-informed and susceptible to manipulation. No longer can the state be held to account, the public falling once more into tutelage. Habermas later revised this

[8] An area of interest for recent Habermasian scholars is the advent of the Internet and what this means for both transnational dialogue. This thread will be developed below (*4.2*).

negative stance towards the mass media and the role it plays in supporting post-Bourgeois public spheres. This is developed below (*2.2*).

As these processes unfolded against the backdrop of an increasingly centralised and concentrated capitalist economy, decision-making became subject to increasing manipulation by bureaucratic bodies. Public relations became the key tool of engineering the 'consent' of an uncritical and disengaged public entity: far removed from Habermas's ideal-typical representation of the liberal era.

> "*The resulting consensus, of course, does not seriously have much in common with the final unanimity wrought by a time-consuming process of mutual enlightenment, for the "general interest"… has disappeared."* (*ibid.*: 195)

This entails a 'refeudalization' of the public sphere.[9] The agenda of this process is the coercive formation of opinions endorsing the state or authorities: a complete reversal of the critical role the bourgeois public sphere played. Argument, the rationally formed product which is so central to discursive will formation, is obscured in affiliation to symbols, staged displays and the centrality of identification (*ibid.*: 206). The consumer replaces the citizen. This concern reifies the normative agenda of the public sphere, rehabilitating a critical and argument-based public dialogue

[9] There is a parallel here to the concept of 'Caesarean citizenship' developed in the works of Karolewski (2009), following the work Hobbes and Schmitt. This entails an absolute sovereign rule, which is legitimised through use of plebiscites held in a coercive media climate, strictly defined limits of acceptable debate and in the name of societal or state preservation in a 'friend vs enemy' struggle.

that works to balance the coercive power of the state. Habermas calls for the establishment of an active public sphere in the context of late modernity. The two conditions for this to take place, i.e. "the objectively possible minimising of bureaucratic decisions and a relativising of structural conflicts of interest according to a standard of a universal interest everyone can acknowledge" (*ibid.*: 235) Habermas believes may well be within reach. Here we see the radical implication of Habermas's work, and the reason for its enduring influence in political theory and across the field of social science. The public sphere presents a forum by which public opinion could transcend the narrow private interests of its members, moving towards a rational and enlightened society, and legitimise the democratic polity within which it operates.

Conclusion

In summary, *Structural Transformations* was an attempt by Habermas to explicate what he saw as a unique period in history when an informed public 'came together' in order to rationally debate the issues of the day. In tracing the development of this 'public sphere' from its historical origins in 18th century Great Britain, France and Germany.Habermas derives a normative ideal from the conditions necessary for this to develop and function as well as the signifiers of its decline. The following chapter will explore the way in which these conditions were to inform Habermas's later work, how these were de-located from their historical context. This context,

it has been argued (Susen, 2011; Benhabib, 1992), is inextricably linked to the Bourgeois public sphere to the detriment of *Structural Transformations,* however, the latter remains a salient influence in fields as wide-ranging as philosophy to media studies and, indeed, will play an important role in developing the current thesis.

2. The Public Sphere in Transhistorical Context

This chapter will examine Habermas's later work. This moved from the institutionalisation of public debate to the very form of this debate. In this sense, it moved from a historical to a transhistorical analysis of the capacity of human communication. As Calhoun (1992: 32) notes, "[t]he public sphere remains an ideal, but it becomes a contingent product of the evolution of communicative action, rather than its basis". Here we see the clear theoretical thread joining the early and later works of Habermas. In *Communicative Action* (1984a; 1984b), his *magnum opus*, he laid critical groundwork for his later consideration of the public sphere. Moreover, Habermas adapted to various critiques of his work, one of the most influential of which was the feminist tradition. The broad critique that this advances will be briefly outlined here, before a discussion centring on the concept of 'communicative power' which recurs throughout Habermas's later work (1984a; 1984b; 1996a etc.).

2.1 Feminist Critique and Communicative Power

Feminist writers such as Benhabib (1992) and Fraser (1992) both criticised the historical location of the public sphere, arguing that Habermas's idealised reprisal of this was obscuring the subjugated role or total exclusion of woman in this period. Moreover, the distinction between 'public' and 'private' in his account, they suggested, facilitated the

marginalisation of minority group issues. For example, women's rights issues were not the subject of public debate until the struggle by liberationists (Benhabib, 1992: 92-5).[10] How these issues would evolve over time was not readily apparent in *Structural Transformations*. Moreover, Fraser (1992: 123) critiqued the notion of the 'false 'we'' that culminated in the rational consensus delivered by the public sphere. This criticism suggested that the result of rational debate in Habermas's public sphere was subject to power dynamics that could not be mitigated and so would result in a hegemonic, male-driven agenda.[11] One solution posed is the mobilisation of 'counter-publics', interest driven groups that organise along these lines in order to influence the political public sphere. This development has been identified as the 'post-modern turn' in public sphere theory (Schultz-Forberg and Stråth, 2010: 89-90), and will be informative in the current work. Finally, Fraser (1992: 134-5) posits the problem of the political outcomes generated by the public sphere: how these should impact political process and in what way. How can the workings of the public sphere be distinctly separated from the state? What role does the public sphere play *vis a vis* parliamentary democracy? In sum, Fraser's work turns a critical eye to 'actually existing democracy' as opposed to the theoretical abstractions of the idealised public sphere. As this section develops it will become clear that these critiques have influenced

[10] To this end, Benhabib draws on the work of Stone (1977) who examines these categories in a detailed historical account of England between the 16th and 19th centuries.

[11] Though delineated in feminist vocabulary in Fraser's account, this subjugation could also effect those, for example, of working class backgrounds or with regional dialects or accents.

Habermas's thinking. However, with regard to the first problem posited by Fraser, some theorists (e.g. Mouffe (1993; 2000)) have outlined normative alternatives to the public sphere they believe are better suited to these concerns.[12] These critiques do pose an important problem for the current thesis regarding the relationship between normative theory and empirical reality. This will prove a tension in the account of Habermas and, indeed, the current work. To return to the current discussion, in *Between Facts and Norms* (1996a), a work more salient in the present discussion, Habermas presents the fullest realisation of the public sphere and its location within its political context. The normative agenda of this work and its insights will now be discussed.

Between Facts and Norms (*BFN*) attempts to locate the public sphere, i.e. the rationally debating public, within the context of the modern constitutional polity. The legitimacy of the democratic polity, Habermas argued in *BFN*, required that the "administrative system… be tied to the lawmaking *communicative power* and kept free of illegitimate interventions of social power" (1996a: 150, emphasis added). Communicative power here refers to popular sovereignty, the will of the people. However, following Habermas's rational agenda, this communicative power can be achieved only through "undeformed public spheres". The theoretical goals

[12] For issues of length, the work of Mouffe and others cannot be discussed at length here. However, this work outlines an alternative normative theory based on the 'agonistic' combative struggle of competing political movements for power in a society. For a detailed critique see Erman (2009), within which it is argued that Mouffe's account offers less of a distinct approach to Habermas than she would suggest. For a more favourable account of Mouffe's work, see Thaler (2009).

identified in *Structural Transformations* here find their mature form. Central to this discussion is the idea of 'communicative rationality'.[13] This concept is "rooted in the intersubjective structures of communication", formed in an argumentative interaction between individuals oriented towards a mutual understanding. Moreover, this entails a belief in "certain presuppositions rooted in the idea of unconstrained argumentation or discourse" (Flynn, 2004: 435-6). This interaction relies upon a commitment to the strength of argumentation as its arbiter, with social positions 'bracketed' in a similar fashion to the normative dimension of the Bourgeois public sphere, and the shared motive of the 'cooperative search for truth'. The institutional criteria first delineated in S*tructural Transformations* are not difficult to locate here (see *1.2*). The introduction of the 'principle of discourse' (D) provides a standard by which norms can be impartially assessed: "Only those norms are valid to which all affected persons could agree as participants in rational discourses" (Habermas, 1996a: 107). This is later formulated in Habermas (2013: 375) as a commitment to 'de-centering' one's own perspective. This is an important point that recurs throughout the present discussion. As noted below, however, this does not entail the absolute renunciation of interest (e.g. the political agenda of women's liberation, ethnic minority groups, LGBT activists etc.). Rather, the conclusion developed through academic dialogue with Cooke (2013) is that all 'authoritarian' or dogmatic beliefs should be excluded from the

[13] This is first outlined in *Communicative Action* (1984a) though here, for issues of length, will be outlined only insofar as it pertains to *BFN*.

public sphere.[14] This is a position endorsed by the current thesis. This formulation of legal legitimacy seeks to avoid a moralistic interpretation of law and when applied to lawmaking in a given polity becomes a principle of democracy. It can also be seen as a theoretical development influenced by the feminist critiques of the exclusionary Bourgeois public sphere. Legitimation of a given democracy (and the legal norms that substantiate this) find their basis in this principle. Concretely outlining the *process* required for the legitimisation of political will formation, Habermas emphasises his theory of 'procedural rationality', its onus being on the use of reason within politics (Flynn, 2004: 437).

> "*Practical reason… [resides] in the rules of discourse and forms of argumentation that borrow their normative content from the validity basis of action oriented to reaching understanding."* (Habermas, 1996a: 296-7)

In this understanding, sovereignty is located not within the given 'people' but rather embedded in the democratic process itself. This process is, in sum, communicative power.

2.2 Substantiating the 'post-Bourgeois' Public Sphere

Whereas *Communicative Action* had drawn on social theory to identify the 'colonization of the lifeworld' by the system, i.e. 'the functional systems of

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[14] This requires a degree of self-reflexivity by individuals regarding their own beliefs, which often stem from their religion or indeed social position. There is a parallel here to later discussion on *liberal nationalism* (see *3.1*).

the modern economy and state administration',[15] (Flynn, 2004: 438-9), *BFN* provided a blueprint by which this colonisation could be blocked and indeed reversed. The law, as formed under the criteria detailed in Habermas's 'two-track model of deliberative politics' can "function as a transformer in the society-wide communication circulating between system and lifeworld' (Habermas, 1996a: 81). This two-track model is composed of the *formal* institutionalised political bodies and the *informal* public sphere. The latter, due to its lack of strict legislative power, operates in a more open fashion. It is a

> "*… medium of* unrestricted *communication… [where] discourses aimed at achieving self-understanding can be conducted more widely and expressively, collective identities and need interpretations can be articulated with fewer compulsions than is the case in procedurally regulated public spheres."* (*ibid.*: 308)

With this broad understanding, it acts in a sense closer to the people, interpreting their needs in an organic fashion and responding to the discursively formed will. It has an '*intellectualizing* effect': a process of mutual learning and cooperative search for the 'truth'. These principles will be collectively referred to as communicative action. The informal sphere allows for (and requires) a degree of public reflection on itself and the polity within which it operates. However, the lack of 'subversion' of this

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[15] *These systems are not governed by will and consciousness, but by the anonymous steering media of money and power, which obey only the logic of efficiency and instrumental reason… [This] encroaches on the domain of the lifeworld, eroding the solidarity that can only be achieved communicatively.* (Flynn, 2004: 438-9).

sphere is also critical, a point developed below. Following Flynn's (2004) reading, *i)* the organisational structure of this public sphere, *ii)* the capacities required to meet its deliberative role and *iii)* the qualified outcomes or effects generated by it will now be analysed in more detail. These represent a detailed outline of the relationship Habermas's normative theory calls for in the informal public sphere and, subsequently, the relationship this has with the formal decision-making apparatus.

With respect to its structure, the public sphere requires a commitment on behalf of its public to the principles outlined above: i.e., the principle of discourse (D), the commitment to better argument and rational procedure. It is not formally institutionalised and, therefore, its ongoing existence requires this shared commitment from individuals and, in a broader sense, the public as a whole. This constitutes a social space generated through communicative action, though the discussion and circulation of its dialogue may also be substantiated via civil society. The assumption is that this is a physically located space, but as discussed later (*4.2*) this has been called into question by theorists considering the Internet as a medium for the public sphere. The public sphere must remain open to all those who may be effected by its decisions, following the D principle (*ibid.*: 441-2). It is understood as 'weak' in that it does not hold legislative power. The function required of the informal public sphere is that it acts as a "warning system with sensors that, though unspecified, are sensitive throughout society" (Habermas, 1996a: 359). This must cut across a range of societal

groups, promoting 'new social movements' and 'subcultural counter-publics'[16] etc. Therefore, we can understand that in this account Habermas allows room in the *informal public sphere* for interest groups to express their own political agenda, providing this is done within the 'rules' defined by participation. This allows these groups to play an agenda setting goal with regard to political outcomes: a theoretical move towards incorporating the feminist critique of Fraser (1992) and the so-called 'post-modern turn'. As Flynn (2004: 442) notes, "the success of deliberative politics depends on the capacity of the public sphere to identify and then convincingly thematize the identified problems." With this in mind, the use of the singular 'public sphere' can be called into question. However, Habermas (1996a: 374) states:

> "*Despite these manifold differentiations, however, all the partial publics constituted by ordinary language remain porous to one another. The one text of 'the' public sphere… is divided by internal boundaries into arbitrarily small texts for which everything else is context: yet one can always build hermeneutical bridges from one text to the next.*"

All public deliberations, counter-publics etc. constitute the public sphere. The latter, in turn, sets the agenda for the 'strong', i.e. legislative, democratic institutions. It is the relationship between these two spheres that is crucial in legitimising the democratic polity, the influence that the

[16] This is an obvious influence of the work by feminist authors above (Fraser, 1992; 2007).

informal holds over the formal. This link of *influence* rather than legislation firmly separates the informal public sphere from the sphere of the state. Finally, with respect to the outcomes and effects of the public sphere, these are legitimate insofar as they are generated through discursive will formation, the criteria for which are outlined above. The influence that this deliberation then has on the political outcomes also allows an empirical assessment of the public sphere in the polity (Flynn, 2004: 443-4). The public, enacting this critical role regarding administrative powers demands primarily both *transparency* and *accountability*: the enforcement of which relies to some extent on the media, the role of which is developed below (Habermas, 1996a: 378-9). However, insofar as social powers (these being inordinate the power positions of individuals or groups in society, in terms of financial capacity etc.) or administrative powers (those of the state) being able to distort the public sphere formation, legitimacy is called into question. We see here a similar conclusion in a theoretical sense to that posed in the decline of the public sphere at the end of *Structural Transformations*. Where this influence is undone through the rational dialogue of the citizenry in a functioning public sphere, Habermas identifies the communicative power of a citizenry exercising their political autonomy. In summary, the 'weak' and informal public sphere, through the rational and egalitarian discourse of a public, sets the agenda and holds to account the 'strong' political functions of the given polity. The extent to which the former influences the latter, without distortion by social or political power, is the extent to which a democratic polity is legitimised.

Before concluding this chapter, the thesis will briefly consider Habermas's thoughts on the role of the *media* in fostering his public sphere. Clearly in *Structural Transformations* this was in a purely negative sense: the media were important in the decline of the Bourgeois public sphere, exemplary of the system and its creeping influence on the lifeworld. In his later work (Habermas, 2006) there are still concerns raised, though there is also more prominence afforded to the vitality of the media sphere in supporting public sphere debate. However, Habermas applies stringent criteria to the role of the media, namely, that this is impartial and self-regulating (Habermas, 2006: 421). The influence of economic or social power more generally on the media is problematic, in that this becomes a further tool of distortion of the public sphere. More broadly, Habermas identifies the tendency of political events to be packaged as 'entertainment commodities' as exemplary of the process of economic power distorting the media. 'Personalization, the dramatization of events, the simplification of complex matters, and the vivid polarization of conflicts' (ibid.: 422) all result in a media landscape geared towards *profit generation* rather than the support of an open and rational discursive public. Indeed, this dumbing down results in 'antipolitics', rather than the enlightening debate that Habermas strives for. This relates once again to his broader conception of democracy. A firm move away from what is called *economic theories of democracy*, in particular work by Schumpeter, is detailed in Habermas's (1996a: 332-3) work. A basic level of education is implicit in the account of

BFN so that the public can remain critical of both the political institutions and the media that is informing them, a clear distinction from Schumpeter's model of democracy as a reductive choice of product. Education facilitates the engagement with others in the public sphere via rational debate. However, education is not the only necessary requirement, but must also be substantiated via the active engagement and self-reflective understanding of the individual *vis a vis* the public's role (Habermas, 2006: 420). This concerns the agency of the public, a point developed throughout this thesis.

As alluded to above, the later work by Habermas, in abandoning the empirical grounding of *Structural Transformations* in order to present a transhistorical normative account, becomes problematic for political theorists and practitioners alike. This is because the idealised standards and forms of communicative power that Habermas describes are unable to be fully realised in reality. They instead act as 'ideal types' in order to guide political practice. This does lead many accounts, including this work, to adopt an analytical stance somewhere between what Williams calls 'political realism' and 'political moralism' (in Thaler, 2009; see also Trenz, 2008a; Fraser, 2007). This, whilst proving less satisfactory perhaps from an academic perspective, allows for prescriptive theory to operate within the confines of, at one end, excessive theoretical abstraction and, at the other, realist pessimism. Thaler (2009: 3-4) advocates 'contextual' normative theory, which proceeds by studying both 'principles' and 'cases'.

Indeed, this theoretical tension is the eponymous struggle for Habermas in *Between Facts and Norms*.[17] Maclure (2006), in a prominent account, advocates for the 'loosening' of the neo-Kantian grip on public sphere thinking. This seeks to replace the emphasis on rational deliberation and the generalisability principles with 'civic responsiveness' as a more realistic 'core'. This thesis largely concurs: whilst not wishing to abandon the normative project that Habermas sets out it is also important to make a move towards 'actually existing democracy' (to use Fraser's (1992) terminology). The civic responsiveness detailed in Maclure's account will be refined somewhat.[18] The current thesis posits a commitment to cooperation, 'de-centering' of ones own perspective, strength of the better argument and the criterion of public accessibility. These are all derived from Habermas though an attempt has been made to ground them in a more realist approach. As noted above, the broader goals of the Habermasian agenda will not be abandoned.

Conclusion

This chapter has outlined the normative agenda that Habermas affords the public sphere in political theory and its development through the concept of communicative power. It has been argued that although there is a broad shift from a historical to transhistorical analysis in Habermas's work there

[17] The difficult in this endeavour is exemplified by Fraser (2007: 24, ft. 6) quoting Scheuerman to the effect that Habermas fails in this task, attempting to sustain contradictory positions.

[18] This can also run into problematic issues of identity, relevant to in later arguments developed in the current thesis.

remains a remarkable degree of continuity related to the potential for rational and enlightened discursive will formation and the exercise of this politically. Communicative power, the result of deliberation in the public sphere requires, fundamentally, a commitment to better argument (the principle of discourse), the openness of the public sphere, the non-authoritarian proviso regarding beliefs and freedom from distortion. The public sphere is necessary in order to legitimise the modern state, suggests Habermas. The chapter concluded by posing the problem of the ideal and real in Habermas's account, a tension that will run through the current work and which poses further questions for political theory as a whole. One criticism of Habermas (see Fraser, 2007: 8; Poster, 1992) is that the role of national identity is curiously absent in his understanding of the Bourgeois public sphere. The following chapter, in bridging the current discussion to the question of transnational public sphere, examines the role of the nation and the modern nation-state.

3. The Nation, the State and Globalisation

Later work by Habermas (2001) and his followers, in particular Fraser (2007), has turned to the potentiality of a *transnational* public sphere. This is in reaction to the 'unravelling' of the nation-state and a prescriptive agenda for dealing with increasingly complex issues no longer confined to state borders. The challenge in this case is whether or not the discursive criteria outlined by Habermas can be realised in a transnational context. Moreover, to what extent can democracy itself move beyond its state trappings? These ideas will be developed fully in the following chapter, though first the thesis shall outline a definition of the nation as it will be understood in this work before considering the role of the state under conditions of globalisation. It will be argued that theorists make the case for the transnational public sphere in light of the decline of the nation, when this claim is not the self-evident truth it once was.

3.1 Nations and Nationalism

Theorists of nations and nationalism explore the key mechanisms behind the propagation of national identity, commencing in the period slightly before or during the industrial revolution, as enduring to the present day. There is a large degree of crossover between the rise of the nation and the rise of publicity in Habermas's account, a connection only recently explored by Habermas himself (quoted in Fraser, 2007). An important

distinction should moreover be made between the state and the nation. The state will be understood, to quote Weber, as "a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory' (quoted in Guibernau, 2001: 243). In defining the latter, the nation understood as an 'imagined community' (Anderson, 1991) remains an important point of departure. Anderson identified the nation as imagined, insofar as most members of the community will likely never meet or know each other. It is also limited, in that there is a clear distinction made between members and non-members, and sovereign, as beyond its limits exist other nations. Finally it is a community due to the 'deep, horizontal comradeship' which exists across the social strata that compose the nation (ibid.: 6-7). This 'imagined community'. i.e. the nation, exists as a central legacy of modernity and the modern state. Anderson's account of the formation of this imagined community is also highly relevant here: he suggests the advent of 'print capitalism' at the turn of the 16th century as the central innovation through which, ultimately, national identity was formed (*ibid.*). This innovation was also vital in the early development of the public sphere, Kramer (1992) among the theorists who have drawn this parallel. Anderson (1991: 37-46) identifies, for example, the separation and consolidation of national language groups through the production and distribution of the translated Bible as fundamental in shaping the early ideas of nation and nationality. The public sphere, in its articulation in Habermas's early work, was clearly limited by linguistic

barriers and by a 'national' consciousness.[19] For example, news was transmitted concerning events 'back home' in the mercantilist phase, political debate centred on the *national* economy and on *national* concerns. Moreover, publicity addressed functionaries and policies of the nation-state. The public sphere, therefore, emerged in a strictly national context. Whether this relationship is one of necessity or contingency is less clear.

There are a number of theories concerning the enduring force of nationalism,[20] but for the thesis the account provided by Mann (1995) will be adopted. Though Mann's work provides perhaps the most comprehensive account of nations and nationalism, this is limited in the current debate, necessarily, to the European continent. Understanding the drive of nationalism as one, crucially, towards 'democratic self-rule', and therefore a *political identity* (*ibid.*: 44), Mann's account of the origins of the nation focuses largely on the role of the institutional structures in place, in particular those of the Church and commerce, during what he calls the two 'proto-national' *religious* and *commercial / statist* phases from the 16th century onwards (*ibid.*: 45-7). The strength of these institutions in their various regional contexts forged the nation in three distinct phases: i.e. the

[19] Schultz-Forberg and Stråth (2010) and Fraser (2007:15) both suggest that for a short while there existed a transnational strata in Europe, falling short of a politically engaged public, across Europe. However, this was highly elitist, short-lived and stagnated in the face of nationalisation processes across the continent.

[20] Moreover, the focus here will be on modernist approaches, at the expense of primordialist or perennials approaches, see Smith (1991). Furthermore, for issues of length, influential modernist accounts such as those of Gellner (1983) and Hroch (1996) will be neglected.

industrial, militarist and modernist phases. Between the 18th and late 20th centuries these three phases served to create (e.g. Prussia and Piedmont), reify (Great Britain and France) or break-up (Ottoman and Hapsburg Empires) existing states. As the nation-state emerged in this period, it became 'more regressive', extracting more from its populace in terms of taxation and growing bureaucratic power. This provoked a reaction on behalf of its subjects, who began to articulate political claims in the name of 'the people' or 'the nation'. Struggles to expand suffrage and citizenry followed (*ibid.*: 48). Here we find a parallel to Habermas's understanding of the emerging 'publicness', people defining themselves as one imagined community and in critical relation to the state that governed them (see *2.1*).[21] Indeed the nation and the public are both *mutually constitutive*. Whilst the nation was the focal point for the emergence of the public, the public in turn shaped the nation. The experience of nations with democratic self-rule determined the fate of the state in which they found themselves between the 18th and late 20th centuries: in large, centralised Empires that resisted federal rule, e.g. in the Habsburg empire it led to collapse (*ibid.*: 49-51). In the states of Great Britain[22] and France, there was a clear unity between the political state apparatus and a defined 'people' by the end of this period.

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[21] Indeed, Mann explicitly refers to the role of 'coffee house discussions' in the proto-national commercial / statist phase (1995: 45).

[22] With the exception of Ireland, very few claims were made in this period in Great Britain for distinct representation by the various sub-national groups.

However, as Fraser's (2007) work implied, the Westphalian state has experienced something of a crisis in recent years. The free flow of capital, goods and mass migration have blurred the boundaries between states, reducing the role of the state itself in many important respects such as in the management of economy and welfare provision (Keating, 2015: 39; Mann, 1997: 480-4; Habermas, 1998). Nevertheless, the state remains the key actor on the global stage, though it is challenged from *below, above* and *transversally*, (Kutay, 2008: 4; Hooghe and Marks, 2003; Guibernau, 2001: 247). The first of these shall now be addressed. Due to the financial and bureaucratic burden of a large centralised state, increasingly competences are assigned to local levels of the contemporary nation-state (see Hooghe and Marks, 2003; Schlesinger, 1992). This idea will be developed further in the following section, however of interest here is the resurgence of sub-state nationalist political movements. States across Western Europe, including Spain, the United Kingdom and Belgium amongst others are subjected to subnational claims to secession from below. Keating (2015: 39-44) here uses the term 'New Nationalisms' to distinguish these from the more general pejorative sense of the term, which in common parlance relates mostly to the excesses of the 20th century.[23] The Western European cases are interesting in that these overwhelmingly support 'independence' and sovereign rule *within* the EU. This is not to say that these movements will always result in statehood

[23] Mann (1995) presents a detailed study of the grounds by which nationalist movements can descend into excess and violence. This is through a perverted drive towards democracy, entailing the created myth of an ethnically homogenous 'pure' people and often fulfilled through ethnic cleansing.

itself, in fact Keating suggests a 'Third Way' can be prescribed which would allow for autonomy for national groups within the states in which they operate, i.e. a federal arrangement.[24] These New Nationalisms are also characterised by their 'civic' constitution (*ibid.*: 41). This is removed from essentialist 'ethnic' understandings of the nation, and rather presents the nation as a political project that entails a deliberative space in which the nation can be shaped by its members.

The prevalence of the above movements, as well as the increase in nationalist parties across Europe and, indeed, in the European Parliament, speaks of the enduring power that nationalism holds politically. Habermas's conception of 'constitutional patriotism', a theme which runs through much of his later work (e.g. 2009, 1996b) is very similar to this civic conception, a normative ideal of solidarity stripped of its traditional ethnic base. This, he suggests, is the first step on the road to his project of a global cosmopolitan order.[25] This shift towards a social constructivist understanding of the nation in late modernity is prominent in accounts such as Risse (2010: 20-1), that will be developed in the following chapter. The current work posits that 'constitutional patriotism' too quickly abandons the substance of national identity (see also Castiglione, 2012).

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[24] Belgium presents a more difficult problem as this already is a federation, the case of Spain is somewhat ambiguous and the United Kingdom remains 'devolved' though shows little sign of a truly federal arrangement.

[25] Miller (1995) develops an interesting distinction between his own 'particularist' moral theory against 'universalist' cosmopolitans such as Habermas. Indeed, later work by Habermas can be seen to have conceded ground in this respect (see Bohman, 2013: 198)

The *liberal nationalist* approach, advocated e.g. by Tamir[26] (1993) and Miller (1995), that outlines a normative basis for national identity in terms of a commitment to redistributive justice and solidarity, is of interest here. It is understood in these accounts that nationalism presupposes recognition of other national groups beyond one's own borders. Self-determination is understood as the driver of nationalist movements, however, this can be accommodated within broader regional polities or within a federal state (Tamir, 1993: 69-77). Salient for the current thesis is that the liberal nationalist position requires a degree of self-reflexivity regarding ones own national identity, rather than a dogmatic or essentialist understanding. The latter is often found in aggressive and ethnic nationalisms. Work by Bellamy (2015) advances a similar project under the moniker of 'cosmopolitan communitarianism'. As it stands, national identity remains an empirical reality and, in accounts by these theorists, a normative basis. Whether its endurance is through continuity or necessity will be discussed below.

Nationalism, as Hall remarked, is 'chameleon-like' in its capacity to adapt and change depending on cultural and historical context (1995: 8-9). Nonetheless, its fundamental drive is one towards democratic self-determination. Moreover, despite proclamations of its flight at the turn of the 21st century, the imagined community of the nation remains present in

[26] Tamir (1993: 193-4) goes as far as to take the radical stance of suggesting that distinct nationalities can be adopted and abandoned at will, suggesting a remarkable level of autonomy in the individual that this thesis would stop short of.

the late modern period.[27] This is, of course, intrinsically linked to issues of sovereignty. If nationalism emerges as mutually constitutive alongside 'publicness' in Habermas's account, how then might this change given the relative decline of the state? The following section will attempt to understand the role of sovereignty and the state in the context of globalisation, before exploring in depth the transnational public sphere.

3.2 Globalisation and the State

The argument above exemplifies the crisis that the nation-state faces from below. From above, the state is challenged by the processes of globalisation. Following the work of Giddens, Guibernau (2001: 246-8) articulates this in a *transformational* sense. This looks to find a balance between exaggerated claims that the state is in rapid, terminal decline and the views of globalisation sceptics. What this entails instead is a *changing* role of the state in contemporary global politics (see Bellamy, 2015; Keating, 2015; Mann, 1997). Whilst no longer the 'indivisible and exclusive' source of public power[28], the state relinquishes sovereignty in economic and, indeed, some political respects, for example by participation within transnational economic institutions, e.g. the World Trade Organisation (WTO), North Atlantic Free Trade Association

[27] Here I am referring to Eric Hobsbawm's remark that Owl of Minerva was 'circling around nations and nationalism (in Keane, 1993).

[28] Though some question the extent to whether this was ever the case. Whether the state has ever enjoyed absolute autonomy as a political and economic institution is highly unlikely (Guibernau, 2001: 247).

(NAFTA). Moreover, *transversal* challenges to the state such as the increasing role of NGOs and multinational corporations have challenged traditional understandings of state sovereignty and rule (see Kutay, 2008: 4). One theoretical school that has developed in light of this complex, indeterminate epoch for the polity is that of 'multi level governance' (MLG). This was developed by Hooghe and Marks (2003) in order to analyse the 'unravelling' of the central state.[29] This is not to suggest that the state loses its functional role altogether, but rather that the "dispersion of governance across multiple jurisdictions is *more flexible* than governance in one jurisdiction" (*ibid.*: 235-6). MLG emerges in order to facilitate *efficient* governance, in particular in adjusting to heterogeneity in ways that the centralised state is less capable of. Hooghe and Marks delineate two different models of governance utilised to this end, that they call Type I and Type II. A brief account of each of these models will now be outlined.

Type I MLG is based largely on federalism, displaying many similarities with this theoretical school (see Turkewitsch and Stein, 2008). Whilst federalism, however, is largely limited to studies of individual states, MLG expands this analysis to incorporate multiple states or transnational polities (Hooghe and Marks, 2003: 326). The key signifiers of Type I MLG are jurisdictions at a limited number of levels (usually 'local', 'intermediate' and 'central'), the functions of which are varied and 'general', whose

[29] The inspiration and indeed the target of much of their research is the European Union, a study of which is developed in chapter *5*.

memberships are delineated by pre-existing factors (e.g. the nation or local community) and whose systemwide architecture is lasting and 'sticky' in terms of the institutions and functions it contains. Type II MLG represents a fundamentally different approach, with a far more functional agenda: multiple independent jurisdictions are assigned in relation to the tasks they fulfil, without recourse to previously existing identities. Moreover this latter type also works on many more levels, again oriented towards functionality, and is highly flexible with regard to its design, with institutions being created and replaced in a fluid way. A study of the problems and benefits posed by these forms of governance is expounded in Hooghe and Marks's account, while Turkewitsch and Stein (2008: 10-11) detail various critiques of the model, in particular the accusation that it remains overly descriptive rather than theoretical as such. However the salient concern for this work is the so-called 'Faustian bargain' dilemma: i.e. that "the core values of democratic government are traded for accommodation, consensus and efficiency in governance" disguising a strategy by which decision makers "escape or bypass regulations intended to limit their freedom of action" (Peters and Pierre, quoted in *ibid.*).

There is an intuitive appeal to this claim, that under conditions of the 'unravelling' of the central state the plethora of jurisdictional bodies serves to mask the accumulation and exercise of *power* by administrative bodies in the system. Moreover, the *legitimacy* of these bodies is called into question: they lack the transparency or accountability associated with

state functions (especially under the critical eye of the post-Bourgeois public sphere). In particular, by the standards outlined above in Habermas's work there are clear concerns raised. The dispersion of sovereignty within this complex multi-level system in the name of efficiency can be seen as political administrative functions freeing themselves of the burden of their link to the public. 'Input' legitimacy (i.e. the constructive process by which policy is guided) is entirely absent. The function of the public sphere in stemming encroachment onto the lifeworld therefore seems parochial, limited by its critical relationship to the state and myopic in relation to the multi-level administrative functions. As Papadopoulos (2006) has noted, as well as normative concerns this also raises the 'political' concern as to how 'anti-establishment' politicians may use this lack of accountability. The following chapter will outline the potential for the 'scaling' up of the public sphere in order to contend with these developments.

Conclusion

This chapter concisely located the origins of national identity, a process which is inextricably linked to the emergence of the public sphere as detailed in *Structural Transformations*, and the drive behind nationalism today. Finally, in light of the effects of globalisation on the state, the increasing relevance of analyses that incorporated both supra and infra state levels were discussed. An important contribution has been made by

'multi level governance' (MLG) writers, though this in turn poses questions for democracy, legitimacy and power given the 'unravelling' of the state. A number of theorists, in a turn supported by the current thesis, have turned to the public sphere in a radically reimagined *transnational* form in order to address this concern. The following chapter will argue that a return to the works of Habermas detailed in chapters *1* and *2* can begin to lay the structural foundations of the transnational public sphere.

4. Theorising the Transnational Public Sphere

Fraser (2007) was among the first theorists to identify what she saw as something of a lacuna in both Habermas's conception of the public sphere and the critical response to this, including her own (see Fraser, 1992). This was that all of these implicitly assumed the Westphalian trappings of the 'nation-state'. As Fraser (2007: 14-5) notes, whether or not we concede the existence of a transnational 'republic of letters' across Europe during the Enlightenment period, the various challenges to the nation-state outlined in the previous section "bursts open the Westphalian frame". With the advent of what Fraser (*ibid.*: 16) poses as the *"post-Westphalian" model of disaggregated state sovereignty*, the public sphere no longer seems, in its present theoretical form, to allow a critical public to hold transnational administrative bodies to account and thereby legitimise them. This is due, in part, to the lack of communicative power held by publics in addressing these concerns. Using Habermasian language (see *2.2*) we may describe these new forms of administrative power as 'colonising the lifeworld'. Moreover, concerns are raised as to who constitutes the *demos* that could come to criticise these bodies, i.e. who should constitute the public in this sense? And, assuming this question is resolved, how should this critical public sphere *exercise* the communicative power, i.e. how should this be translated into political action? Fraser's work poses more questions than it answers. However, it

has inspired a literature which considers, from a theoretical perspective, the realities and shortcomings of the transnational public sphere (TPS).

4.1 The endurance of the national in transnational public spheres

Theoretical development of the TPS often proceeds from a globalist or cosmopolitan perspective. Habermas, for example, advocates for a global organisation tasked with protecting global peace and guaranteeing human rights (quoted in Nash, 2014). Like much of his normative theory, the theoretical influence of Kant, in this case his 'perpetual peace', lingers heavily here. However, as noted above the base assumption of national identity as being overcome has not been reflected empirically. Bellamy (2015) identifies a tension emerging in the decline of the state between the 'cosmopolis' and the 'community'. To summarise his position, he advocates for a compromise between the cosmopolitan concern for universal rights and justice with the national concern for legitimacy and democracy (*ibid.*: 226-7). Rather than contradictory, Bellamy argues that these two concerns are complimentary and must be combined in order to substantiate transnational concerns (e.g. universal human rights) with national concerns (e.g. redistributive justice).[30] Bellamy argues to the effect that what he calls 'cosmopolitan communitarianism' is best placed to

[30] Bellamy here argues *pace* Pogge, who sees a universalist obligation for redistributive justice. However, similar to Miller (1995), Bellamy argues convincingly that in this respect 'charity begins at home'. The nation entails an 'ethical relevance' that puts an obligation of reciprocity, trust and commitment' beyond mere 'mutual advantage' on its citizens.

fulfil both a domestic and transnational commitment to justice and legitimacy (*ibid.*: 230). Requiring a civic conception of the nation and an engagement with other nations that *falls short* of abandoning borders in favour of transnational statehood altogether, Bellamy claims that 'thick' national commitments can be substantiated by 'thin' cosmopolitan commitments and that the latter, in fact, require the former for their realisation. This argument is largely convincing, although following Bellamy's own logic this thesis will make the case that a properly functioning TPS could engender a shift from 'cosmopolitan communitarianism' to 'communitarian cosmopolitanism'. The latter, Bellamy suggests, requires a transnational or cosmopolitan commitment that could supplant the 'thick' national sentiment in his account, whereas the former seems a more realistic balance between the two. Bellamy's account is engaging though curiously static in its understanding of national identity. Following the logic of liberal nationalist theorists, the current thesis contends that the degree of self-reflexivity with regard to national identity that their account presupposes mitigates this stasis: it also refutes potential accusations of nationalism as an authoritarian belief system (following Cooke, 2013; see *2.1*). Moreover, it assumes the necessity rather than the contingency of national identity for the concern of justice. Whilst agreeing with Bellamy regarding the insufficiency of both the purely cosmopolitan and purely communitarian identities, the extremes of his analysis which entail insufficient grounds for claims to justice and the homogenous and exclusionary totality of the nation (*ibid.*: 230-1),

respectively, this thesis contends that sufficiently realised transnational publics could engender the shift from 'cosmopolitan communitarianism' to 'communitarian cosmopolitanism'. That is to say, the centrality of the nation could be displaced by broader liberal concerns should sufficient conditions exist for this to take place.

This latter claim is based on an understanding of the nation as striving for democratic self-rule, as outlined in the previous chapter (*3.1*). With the decline of the state, the nation is increasingly exposed to forces of globalisation in the form of the movement of capital, goods, people and ideas. Short of embracing the neofunctional logic of, e.g. Haas, this thesis claims that through a TPS, with a strong communicative power in terms of influence on transnational institutions, it is possible to picture the 'imagined community' of the nation reimagined across traditional borders. Following Habermas's ideal principles (see *2.2*) it is possible to outline some key criteria for the TPS in order to ground this in reality, i.e. to imagine its theoretical foundations. It should *i)* be entirely '*public*'. That is to say, those who are eligible for discussion should have be able to participate. Fraser (in Nash, 2014: 6) develops a criterion for determining the eligible public for discussion, i.e. the 'all subjected principle'.[31] This is an attempt to define the relevant public for various transnational bodies in the absence of, e.g. citizenship. Moreover, *ii)* the *strength of argument* should be the

[31] This was, in its earlier form and indeed in the essay listed in the bibliography (Fraser, 2007) as the 'all affected' principle. This shift is due to the ambiguity of 'affectedness' for those not directly subjected to governing structures.

respected regarding the dialogue.[32] Linked to this, the concept of '*de-centering*' will be fundamental to this account. Following the 'post-structural turn', counter-publics must also play a role in the formation of the general public consensus. These first criteria relate to the 'weak' informal public sphere as developed by Habermas in *BFN*. However, this thesis contends that *iii)* the *influence* of this informal sphere in terms of communicative power is crucial. Only through a dialogue resulting in the exercise of power, i.e. through fulfilling the Habermasian criteria of a legitimate polity, can the TPS be fulfilled. This is due, this work claims, to the drive towards democratic self-rule inherent in national identity. Should the national find voice in the TPS, the opportunity for exit (as a politically salient issue) will diminish.[33] Moreover, through the communicative interaction and contestation, a broader solidarity or loyalty could emerge.

Some obvious concerns appear at this juncture. For example, theorists have question to what extent the TPS could overcome linguistic boundaries (see Fraser, 2007; Risse 2010). This may indeed pose problems for a TPS within which many different languages and cultural backgrounds are represented, and relates to point *i)* outlined above regarding the concept's 'public' character. However, with the commitment

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[32] For issues of length it is not possible to detail the extensive literature regarding religion and the public sphere, however very briefly following a more recent work by Habermas (2006a) a move was made towards accommodating religious contributions to the dialogue (following critique by Cooke (2013) amongst others). This led to accusations of the 'dilution' of the public sphere and its rational criteria.

[33] This is developed following Hirschman's work on exit, voice and loyalty (1970).

to dialogue / co-operation and criteria promoting 'de-centering' the public sphere requires that its members take on some burden of translation. Whether this is in language itself, which could prove problematic though may be facilitated by technology, for example, or in a broader sense in terms of understanding of plural world-views and ethical stances. This is far easier to achieve in a 'regional' context, for example the EU (a point developed further in the following chapter), where the cleavages in understanding are likely to be less apparent. However, in answer to this problem (following Risse, 2010) this thesis contends that modern societies and publics themselves already contain a wide range of diversity in both these respects. Indeed, with the civic conception of the nation, no longer do purely ethnic identities or symbols unite the people but rather more inclusive criteria. Non-essentialist or 'authoritarian' conceptions of the nation or of national identity, respectively, demarcate the national body in this case and, following the argument above, in facilitating communication with other national identities this may promote a partial erosion of the 'imagined' national borders, facilitating an expanding 'community'. The exclusion of individuals on a linguistic basis from the TPS also entails a severe challenge in order to mitigate concerns about the elitism of these publics as only a small minority can negotiate multi-lingual prerequisites (see Calhoun, quoted in Fraser, 2007: 16).

Bellamy refers to the 'ghost in the machine' of communal (or 'national') identity within cosmopolitan conceptions of a global world order. This is

why Habermas's constitutional patriotism seems insufficient for engendering the type of *societal* commitment required.[34] However, the thesis supports the idea that over time, given the requisite fora for deliberation and contestation democratically, identity could shift its locus from the nation to the transnational context. The nation is a product of the modern era and is increasingly prone to re-evaluation under the conditions of what, as has been argued here, is a post-Westphalian epoch. There is, however, a serious concern raised by the above analysis, implicit also in the decline of the Bourgeois public sphere: i.e. the agency of the public in 'coming together'. In forming a public, 'coming together' in the deliberative setting, the public sphere can therefore combat the 'colonisation of the lifeworld'. However, the public in doing so must actively form the publics and counter-publics and engage with respect to the rules of debate. Here the theory could appear to advocate, as Brecht suggest, the dissolution and election of a new public altogether. It also reifies the tension between the ideal and the real. However, this thesis contends that given sufficient platforms to engage in this debate, as well as the burden of responsibility, the public could fulfil this role. The thesis will attempt to support this position by outlining theoretical positions on potential *structural foundations* of the TPS. In discussing these, it will become clear the extent to which the latter is a salient goal and its viability, in particular overcoming the imagined borders of national identity. The 'rehabilitation', in a sense, of

[34] In order to maintain the theoretical thrust of this section, the obvious parallel to the European Union in this case will not be mentioned. However, there is a clear link between this discussion and that of the Constitutional Treaty's failure in section *5.2*.

legitimacy through the TPS, it will be suggested, proves both a necessary and highly relevant goal.

4.2 Structural Foundations of the Transnational Public Sphere

As outlined in a previous section (*2.2*) the role of the media in facilitating the public sphere is important to Habermas's account. To recap, this must be impartial and self-regulating. However, the TPS supplements these with a third criterion: the media must engender a 'transnational' perspective. That is to say, a myopic focus on national events or stories is inimical to the transnational project and instead reifies the borders of the 'imagined community' of the nation. The role of print media, so central to Anderson's account of the genesis of the nation, as well as modern mass media platforms such as television and radio therefore, must take on a more transnational focus it would appear. However, national media spheres remain fixed on domestic stories and events (Hepp *et al.*, 2016).[35] Moreover, subnational identities are reinforced by the media sphere, with stories centring on local events prominent via 'regional', sub-national concerns.[36] Similarly, through the broadcast language and cultural context the same story may be broadcast in two different countries with an entirely different focus or narrative. This is particularly the case for media with a

[35] This section refers to studies that focus largely on the European Union, as this is the focal point for many empirical tests of existing TPSs. Therefore, there is some repetition in this and the following chapter.

[36] In the United Kingdom, for example, there are different strands of the British Broadcasting Corporation (BBC) for regions, e.g. BBC Scotland, BBC Manchester, BBC London etc.

strong state influence. However, Risse's (2010) work[37] adds an interesting perspective to these problems, suggesting that rather than a transnational media, we should instead consider the 'transnationalisation' of national media. That is to say, that national narratives become located within a broader, globalist perspective rather than a parochial national agenda. The following chapter will flesh this idea out empirically, however, it holds some intuitive appeal *so long as the national media remains impartial*. Whilst this is exposed to political agenda setting by national elites, likely it will still reflect the national agenda. The transnationalisation of national media, however, suggests one way by which the commitment to transnational interaction and dialogue could be engendered. The type of media here is also important. Whilst television remains fairly democratised, in terms of the access of the general public regardless of strata, both radio and print media have a clear demarcation of 'quality' vs 'mass' or 'tabloid' consumption. The former, it is suggested by studies (Hepp *et al.*, 2016; Trenz, 2008a) will be far more likely to move beyond national borders in their scope of study. This reifies a sustained critique of the TPS as an 'elitist' concept, one that echoes concerns raised about the narrow strata of society best placed to negotiate its terrain (Calhoun, in Fraser (2007: 16). To sum up, the TPS requires, like its post-Bourgeois antecedent, an impartial and self-regulating media. However, this need not go as far as transcending national borders entirely. Rather, the combined

[37] This is focused on the EU though its theoretical insights are applicable also in a broader sense.

transnationalisation of the national media platforms can provide a climate in which the latter can emerge.

A relatively novel development and shift from the dominance of 'traditional media' has been that of the Internet, the so-called fifth estate. This facilitates connection in a way hitherto unknown in human technological history, with some suggesting this could provide an ideal platform for transnational 'public' interaction. Work by Bohman (2004) and Rasmussen (2014) has assessed exactly this thesis. Like many other technological innovations, Bohman (2004: 131) notes, the Internet was welcomed by optimists as a panacea in communicative and democratic innovation. The Internet as a deliberative platform was in theory the ideal fora for discussion and discourse, the coffeehouse writ large. Compared with traditional mass media, it allows a 'reactive' interaction, a two-way dialogue rather than the unidirectional television or radio formats. It also significantly reduces the transaction costs of creating a 'public of letters', or the informal public sphere in Habermasian terms. It requires a step away from the face-to-face communicative interaction that Habermas (*BFN*) presupposes, but faces two chief concerns.[38] First among these is that the Internet is an increasingly commodified space: commercial powers are exercising more influence over the platform and content (Bohman, 2004: 140-1). This risks the 'consumerisation' of users in a late parallel to

[38] Supplementing these is the issue of access, with lower classes of people and older generations generally excluded altogether from Internet technology.

the decline of the Bourgeois public sphere. The rise of targeted and 'placed content' blurring the lines between consumption of news and advertising.[39] Secondly, and perhaps more importantly is that the Internet as public sphere requires a commitment from users in terms a self-reflective engagement under conditions of rational and cooperative dialogue. As Habermas (2006: 423, ft. 3) himself notes, the Internet displays a tendency to "lead to the fragmentation of large but politically focused mass audiences into a huge number of isolated issue publics". This criticism is incisive, the vast communicative potential of the Internet often descends into irrational and provocative communications *between* online communities with centralising and indeed dogmatic tendencies *within* these (Rasmussen, 2014: 1323-4). Specifically regarding nationalism and the Internet, Eriksen (2007) has written on the resilience of national borders even in the non-territorial space of the online world. Indeed, aggressive nationalist groups (e.g. Afrikaner revivalists) and diaspora communities (e.g. Tamil Sri Lankans or Kurds) use this medium to reify the imagined borders of the nation. The anonymity afforded by many online platforms, which would seem to support the 'bracketing' of social positions, in fact results in behaviours such as 'trolling' or abuse. That identifiers and therefore responsibility are removed could lead to a descent into nihilism that contradicts the progressive and enlightening

[39] Some media outlets such as *Wikipedia* and *The Stanford Encyclopaedia of Philosophy,* to name but two, pride themselves on their lack of advertising and independence from economic interest.

drive of public sphere interaction.[40] Therefore, despite early optimism, the Internet shows mixed signs regarding its potential as a platform for the public sphere though its potential remains. This shortcoming relates to the agency of its users in their willingness to create the conditions necessary for publicness.

One key issue is that TPSs, in reality, have very little 'strong', legislative influence. The influence of transnational movements is that these are felt largely at the domestic level, as e.g. environmental groups' or Amnesty International's projects are translated into government policy (Mann, 1997: 490-2).[41] Therefore, the TPS appears far more salient in discussions concerning the 'weak', informal role that this plays in *BFN*. How, then, might it be possible to exercise communicative power at the transnational level? This is perhaps best done through oversight or through increased transparency of transnational bodies or functions. Building on the theory of MLG outlined in the previous chapter, the layered functional system of contemporary governance calls for a transnational perspective: as Bohman (2013: 201-2) writes this order would suggest recourse to transnational (or global) democratic institutions. The TPS could, in this instance, fulfil the role that Habermas prescribes in *BFN*, however, this

[40] One interesting area for further research could be into the role of whistleblowers or so-called 'hacktivists'. The effects that these groups or individuals have with regard to the transparency of state and corporate actions poses questions for contemporary democratic theory.

[41] Also of note is Bohman's (2013: 188-195) that examines empirical transnational movements (such as that of the abolition of slavery) and deliberative platforms (such as the Women's International League for Peace and Freedom and the World Social Forum).

remains a possibility rather than reality. As Börzel and Heard-Lauréote (2009: 144-5) note, legitimacy in MLG is largely restricted to 'internal checks', on a horizontal level between functions, and this facilitates the shifting of the burden of blame in many cases. These concerns have provided recourse to the idea of the 'parliamentarisation' of MLG governance systems, a form of oversight and sanction (in Papadopoulos, 2006: 16). However, this is problematic in terms of the efficiency and may even reduce the output legitimacy (i.e. public acceptance of results), in particular given the volatility of mass opinion. To this end, the TPS with its commitment to strength of argument, mutual learning and 'de-centering' of narrow interests could avoid this pitfall and provide an avenue of theoretical development. The functional bodies of MLG would not suffer the slings and arrows of unchecked public opinion, but would rather become accountable to an informed and rational citizenry. The legitimacy of the *process* of accountability, in a parallel to *BFN*, could answer concerns raised in theoretical and political contexts.[42] There is a tension here between democracy and legitimacy, however this paper contends that the democratic theorist in this instance must 'bite the bullet' and argue for democratic oversight.

The necessity of the inclusiveness of the TPS cannot be overstated. Indeed authoritarian beliefs in the understanding presented here seem far

[42] Again questions are raised as to the scope conditions when making these claims (see Börzel and Heard-Lauréote, 2009).

more prone to form through exclusion and isolation from debate and public-wide interaction. To restate a claim made regarding the national in the transnational public sphere, following Hirschman we can suggest that a lack of voice increases the appeal of exit: i.e. withdrawal from the TPS. This voice takes the form of contribution to the discursive will-formation.[43] Should groups in general, though more specifically national groups, feel that their voice is not heard or marginalised in TPS dialogue, they will move centrifugally from this, as opposed to the gradual centripetal shift of transnationalisation outlined above. This abstract claim is better realised in the following chapter via recourse to the case study of the EU, though the realisation of this frustration lends itself to the rhetoric and drive of political movements who campaign for 'sovereignty' or 'self-rule' removed from transnational influence altogether.[44]

To the extent to which the above cases engage under the stringent criteria set by Habermas, they of course fall short. However, in grounding these in the 'political real' they can be used as schema upon which communicative publics could be built. A shortcoming throughout has been the agency of individuals in 'coming together' to form a public. The tendencies delineated in the latter part of *Structural Transformations* seem all too salient today. However, with a commitment to the criteria outlined at the outset of this

[43] This idea is somewhat simplified, in reality the political weight of claims that 'our voice is not heard' or 'decisions are made beyond our control' becomes greater in light of a disconnect between group interest and the results of the TPS. Furthermore, 'loyalty' can be a mitigating factor, relating once more to identity.

[44] This is, clearly, unsustainable in the highly globalised, interconnected and complex world of contemporary geopolitics and economics.

chapter, i.e. its accessibility by the public, the commitment to strength of argument and 'de-centering' of ones own perspective, the rejection of 'authoritarian' beliefs as well as the influence that this has on 'strong' legislative political bodies, as a normative ideal it is argued in this work that it can be upheld and expanded upon. The agency of the public may also be stimulated by the increasing democratic influence the TPS would exert upon the political functions which effect their daily lives. This would require institutional forms by which the public could 'come together', with the role of the media likely to be important. In a sense this would breed the 'responsibility of the public' in pushing them to take a greater role. The TPS emerges as a necessary step in order to contend with the problem of democracy, legitimacy and power under conditions of MLG. The gap between the 'actually existing' TPSs and the normative ideal is large, as will be developed in the following chapter using a case study. However, this work has attempted to sufficiently ground the former in order to provide a rudimentary blueprint for its institutionalisation, a contextual approach with reference to principles and cases. As Trenz (2008a) puts it, the current work has attempted to avoid 'normative overstretch' as well as 'empirical disenchantment.

Conclusion

The thesis has examined theoretical approaches to the transnational public sphere. In relation to the extent to which national identity mitigates

the TPS, we find a tension between the self-deterministic goals of nationalism and the transcendence of this required for transnational democracy. This exposes a further tension, the extent to which critical theory should operate in the realm of 'political realism' as opposed to 'moralism'. With regard to the first of these, it has been argued that the exercise of communicative power of a TPS may allow for a 'de-centering' of national goals, whilst reducing the appeal of 'exit' in the Hirschmanian sense. It has been argued that the normative theory of Habermas should not be abandoned: though we find very few examples of its application today it can nonetheless be seen as a goal towards which contemporary democratic institutions can move. Many theorists of the TPS discussed above tend to develop this concept in a non-specific context before applying it to the EU in particular (Bellamy, 2015; Risse, 2010; Schultz-Forberg and Stråth, 2010 etc.). The EU presents itself as the most pertinent case for analysis in this respect, lending itself to the contextual approach. Whilst this does not match precisely onto the theoretical criteria prescribed by the above theorists it does represent a *sui generis* attempt to transcend the borders of the nation-state. By 'European Project' the thesis will understand both the process of integration, whether political or cultural, and in a more general sense the vision of Europe as 'unity in diversity'.[45] The thesis will thereby examine the extent to which we see a

[45] This quote appears frequently in literature concerning the EU, see Schultz-Forberg and Stråth (2010) etc.

‘European public sphere’ and, moreover, the degree to which this is mitigated by national identity.

5. Case Study: The European Union

The EU is identified by many theorists as both the closest existing example of, and best potential location for, a functioning transnational public sphere (Risse, 2010; Habermas, 2009; Bohman, 2004). This chapter will assess the ways in which the EU falls short of the ideal type, the publicness that it does exhibit and the fundamental tension at the heart of the European Project: the ideal of unity in diversity. Throughout this study reference will be made to the publicness of the European people(s), the democratic influence of the latter and the potential for the creation of a transnational European public sphere.

5.1 European Public Sphere in Theory

The concept of a European public sphere was adopted as a normative ideal in light of sustained criticism of the EU's 'democratic deficit' in particular following the 1993 Maastricht Treaty and the end of the so-called 'passive consensus' (Risse, 2010: 234-7; Kaelble, 2009: 195-6). The democratic deficit was an argument enthusiastically adopted by Eurosceptic theorists (e.g. Gillingham, 2012) and politicians (e.g. populist parties across Europe: the United Kingdom Independence Party, *Front National*, *Alternative Für Deutschland*) alike. Due to the EU's *sui generis* structure as a polity, the public sphere was envisioned by academics such as Habermas (2001), Eder and Risse (in Díez Medrano, 2012: 89) as

bridging the gap between the European citizens and the transnational polity. Initially, this was met with a high degree of scepticism, namely in that it lacked criteria fundamental to the deliberative forum Habermas had envisioned: e.g. a common language, shared media platforms and 'European perspective' (Risse, 2010: 109-11). The widely-held perception was that these basic shared referents were fundamental to forming a unitary public. However, as discussed in the previous chapter, these rely upon an essentialist and homogenous notion of the public within member states. Beyond the shared language that the national public presupposes, the burden of translation between European citizens cannot be seen as radically more difficult than between national citizens due to the inherent pluralism in late modern societies. Moreover, the cross-border movement of European citizens in particular since Schengen (1985) has facilitated a degree of cross cultural interaction that erodes these boundaries. This is not to wholly embrace the neofunctional logic of Haas with regard to identity, that integration facilitates a 'spillover' effect whereby identities become displaced to European Institutions, but rather to see a process of 'Europeanisation' taking place.[46] This terminology is adapted from Risse (2010). The argument posed in Risse's account, and one supported here, is that by focusing on the potential for a *single* European public sphere critical accounts avoid analysing the potential for, and, arguably, the existence of, multiple overlapping public spheres within the EU. This is not

[46] For continuity, the spelling will be converted from the original American ('Europeanization') to the British / European ('Europeanisation') throughout.

to say that the public sphere is without its problems, as will be developed subsequently, however, there remains grounds for optimism.

It is clear from the outset that questions regarding the European public sphere are intimately linked to questions of identity. This identity is *political* in that it relates to the European Project and the political goals that this is built upon (Díez Medrano, 2012), though the degree to which it can be accommodated alongside national identity serves as an ongoing tension (see Guibernau, 2014). Risse (2010) and Trenz (2008a), however, argue convincingly that the European public sphere does not require a thick 'emotional'[47] identity, but rather a basic commitment to cooperation, mutual understanding and rational argumentation. There is a link here to the previous discussion of Bellamy's (2015) work though it refers more explicitly to Habermas's criteria outlined in *BFN* (see *2.2*). The tension, alluded to in the previous chapter but exemplified here is the requirement for citizens to debate beyond their national interests. This is presupposed in the requirement of individuals to 'de-center' one's own perspective and understand national identity in a non-'authoritarian' sense. Theorists develop in more detail the forms in which trans-European identity could take, given its far weaker attachment than national identity. Kaelble (2009: 199) suggests three basic orientations towards Europe in terms of shared perspectives, perceptions of: "Europe as one civilisation amongst others;

[47] This is adapted from Guibernau (2014) who presents the case for European political identity as a 'non-emotional' affiliation.

Europe as marked by great internal variety; and Europe as an inferior victim exposed to the threats posed by a globalizing world". Risse (2010) similarly argues that these broader perspectives reflect a shift in national identities, a Europeanisation that entails the proliferation of narratives that are either positively or negatively constructed around the base assumption of the European Project's endurance. Whether this is the case, in particular in light of the recent 'howl' of populist Euroscepticism,[48] will be an important rejoinder to the conclusion of this work.

Media, both the fourth and fifth 'estates', are similarly seen as vital to the functioning of the European public sphere. As noted above, it is generally claimed that no trans-European media platforms exist. This is true insofar as media, in particular 'traditional' media such as newspapers and television channels, operate mostly within the national sphere. Indeed, Trenz underlines the 'saturation' of media with national issues to the exclusion of European concerns (2008a: 9), suggesting that in order for the functioning of the European public sphere this focus must be reduced. Similarly, the Internet, in principle a far less nationally regulated forum for media interaction, is used mostly to access familiar national news outlets and channels (*ibid.;* Eriksen, 2007). What this would suggest is that media perpetuates the 'closing off' of distinct public spheres with the EU to the

[48] This refers to the article by Rachman (2014) in which he predicted the rise of the populist anti-Europeans amid sweeping disenchantment with the EU and the success of 'extremist and anti-establishment parties in the 2014 European Parliamentary election. His calls for substantial change were not answered, EU leaders ignoring the populist 'howl'.

detriment of a common public sphere. This will be empirically assessed below. A concern raised in work by Schultz-Forberg and Stråth (2010: 103): is the extent to which a European public sphere is in fact a top-down *public relations* tool used by the EU in order to claim some form of legitimacy. They claim that this is exemplary of a shift to 'governance', the details of which are outlined in the study that follows. This also relates to concerns raised in a previous chapter relating to MLG and the 'Faustian bargain' for democracy that this entails (see *3.2*). The latter claim will be expanded further and touches on a more broad criticism of the European public sphere, namely that this is elitist in character. This could be posited as constituting a 'Bourgeois European public sphere', to adopt language used by Habermas.

Having outlined some broad theoretical approaches to the European public sphere, the following section will ground these in empirical analyses. It should be noted from the outset that the above relate almost entirely to the informal, 'weak' public sphere and there is still the looming question of the translation of this into institutional political action. That is to say, the extent to which the European public sphere exercises communicative power. This, however, touches on the broader problem of the democratic deficit of the EU, which is well beyond the scope of the current work. Again the tension is exposed between the ideal and the real in the Habermasian account. For that reason, debate concerning the

existence or lack of a perceived TPS in this case will hinge upon questions of standards.

5.2 European Public Sphere in Practice

Risse (2010) provides an extensive study of the extent to which Europeanisation has occurred in the various public spheres across Europe. Rise suggests that attempts to analyse one TPS across Europe are misguided, rather of more interest is the way in which existing public spheres have become a network of interacting and co-determinate public spheres that influence and interact with one another. The overarching 'community of communication' is constituted by the latter action (*ibid.*: 120). Facilitated by the integrative European Project, the movement of people, cultural commodities and ideas, increasingly European citizens from the member states are no longer seen as a foreign 'Other'.[49] This is not to reduce the process to a neofunctionalist exercise. Rather, the increasing interaction with these citizens leads to communication, which in turn leads to a changing orientation towards the Other in a mutually reinforcing trend. The EU, the most recent incarnation of one kind or another of transnational public that some date back to the 17th century (Fraser, 2007: 15; see *4.1*) remains unique in the proximity of its cultural diversity. The cradle of the nation-states throughout the early modern

[49] Kaya (2016) undertakes a similar study in Europe concerning the perceptions of muslims. It was shown that general anti-Islamic sentiment decreased with greater levels of multicultural interaction.

period, Europe appeared, at the start of the 21st century, best placed for what Habermas (2001: 5) calls the 'solidarity of strangers', i.e. the imagined community, to transcend national borders. Habermas saw the Constitutional treaty, which ended in failure, as a clear opportunity to support his idea of constitutional patriotism. He proposed that the Constitution could act as a catalyst to supplementing the market forces of integration with the emergence of a truly European civil society, a public sphere and a shared political culture. However, following the failed Constitutional Treaty,[50] this concept was left in limbo (Castiglione, 2012: 40-1). Moreover, the financial crisis of 2008 and the refugee crisis still rocking the EU, the Union finds itself facing an fundamental challenge in the form of Eurosceptic agitation across the continent. It is easy to look back on the Treaty's failure and consider the counterfactual, however it is highly unlikely that this would have been the panacea that Habermas envisioned. With disaffection from the Left, concerned by what is perceived as a neoliberal hegemonic agenda (see Schultz-Forberg and Stråth, 2010), and Right, with a return in some quarters to the aggressive nationalisms of the 20th century (Guibernau, 2014), the EU finds itself in a precarious position.

To some extent this is due to the absence of a distinct European identity. Schultz-Forberg and Stråth (2010: 43-50) trace the failure of the EU to

[50] Rejected by referenda in France and the Netherlands, due largely to domestic political factors (Hooghe and Marks, 2009: 20).

engender this identity to the financial crises in the 1970s that precipitated the abandonment of deeper integration and a shift towards market integration and neoliberalism by the 1980s. Kraleva (2011) provides empirical data that shows that there is clear evidence of an uneven diffusion of identity as 'Europeanness' or a 'we-feeling' across the Union. For example, countries like Belgium that have been at the heart of the integration process since the European Coal and Steel Community feel far more European than more peripheral countries such as the United Kingdom.[51] However, this does not suggest that national identities are being supplanted by European identity. On the contrary, nationalism as a striving for sovereignty remains in tension with the integrative process. This was developed in the previous chapter and will be returned to below. The argument that there is no single identity does not mean that the European public sphere should be dismissed. Rather, as Risse (2010) has argued, these two concepts are mutually constitutive of each other. The creation of a European public sphere could stimulate the proliferation of a 'European feeling'. Indeed, Risse claims that we already see a Europeanisation of existing national identities. He claims that this results in two (simplified) stances towards the EU: *i)* that of the 'modern and inclusionary vision', which is based on human rights, democracy and a belief in the single market, and *ii)* the 'antimodern and exclusionary' vision, with a belief in the prevailing centrality of member-states and opposition to

[51] These countries were polled as to how European they felt, the results at 83% and 48%, respectively (Risse, 2010).

supranationalism (*ibid.*: 230-1). The various factors cited for subscribing to either of these stances include class and education, both of which will be addressed below. However, counterintuitively perhaps, Risse argues that *both* of these purport a victory for European democracy. Whilst both take oppositional stances regarding the shape of the Union they wish to see, both tacitly endorse its continued existence, instead disagreeing regarding the form that it should take. The thesis will argue subsequently that this obscures a third option, that of leaving.[52]

A great deal of research into the European public sphere concerns the role of the mass media. As noted in the previous section, there exist few truly trans-European media platforms. Trenz (2008a) argues that this remains a serious obstacle to achieving the normative agenda that the TPS intends. However, Risse (2010: 128-43) has argued that although these media do remain institutionally separated by national borders,[53] they in fact exhibit a relatively high degree of trans-European coverage in terms of issues. Hepp *et al.* (2016: 78-80) support this thesis with an empirical study, finding that coverage of political issues across member states has increased and been sustained over the last thirty years.[54] They term this *horizontal* coverage. In a similar study of *vertical* coverage, that is

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[52] Indeed, for the first time this option was legislated for in the Lisbon Treaty which came into effect in 2009.

[53] Notable exceptions can be found in, e.g. EurActiv.com, a European political news website, or Arte, a German-French television production company.

[54] This increased from 2% to around 6.5% of all newspaper references to 'political issues' (Hepp, *et al.*, 2016: 80).

coverage of the EU institutions, there findings were less conclusive, showing less improvement.[55] Moreover, there was a substantial gap in this Europeanised coverage between coverage by 'quality' and 'tabloid' papers. Further data concerning linguistic nuances such as the use of 'We' in the national or European context reaffirm this gap (*ibid.*: 89). This in turn reaffirms the elite-public cleavage that has been discussed previously. Hepp *et al.* (ibid.: 136-8) also undertook empirical studies of the Internet in terms of the commonalities of discussion of dialogue and issues across a number of different, often nationally based platforms. Their findings are far more positive as to the Europeanisation of these fora than, for example, the work by Eriksen cited above. Political cleavages are not along 'national' lines in these contexts, but rather along idealogical parameters.[56] However, the shortcoming of this is that although these similarities are found across the platforms, horizontal dialogue between these is far less common. Therefore, some degree of enclaving of opinions exist, to the detriment of transnational solidarity. An attempt to better bridge these disparate communities could be made by European civil society groups.

The European public sphere as it exists today represents a *public relations* endeavour by the central institutions, claim Schultz-Forberg and Stråth (2010: 102-3). The bulk of 'quality' media reflecting the European status quo, they argue, mobilises elite public opinion without this reaching other

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[55] From 1.5% to 4.3% of all newspaper references to 'speakers from political institutions (Hepp, *et al.*, 2016: 96).

[56] Their analysis specifically focuses on the fallout from the 2008 financial crisis.

strata of society. The authors make the subsequent claim (Schultz-Forberg and Stråth, 2010: 105-7) that through the language of 'governance', a European buzzword since the 1980s, European democracy has been marginalised. This echoes the concerns regarding MLG's 'Faustian bargain' discussed in the previous chapter. A 'neocorporatist' order emerges, within which "political responsibility is unclear and there is a tension between authority and legitimacy". This organisational system has little concern for the 'public' with regard to accountability and transparency: it is a product of the central neoliberal project in place in the EU today. In a sense, then, the EU became 'depoliticised', the effect of which was to stimulate anti-establishment political opposition, usually in the form of Left or Right-wing populist movements at the national level. This reflects concerns raised in Papadopoulos (2006), that the lack of accountability with respect to MLG systems lends itself to the 'politicking' of anti-establishment parties or groups. Kutay (2008) concludes, similar to the claim made by this thesis in the previous chapter, as to the need for a 'postnational civil society' in Europe. However, a path must be traced between Habermas's insufficient constitutional patriotism and the neofunctionalist end-goal of a European identity. The emergence and institutionalisation of a European public sphere, in institutional form similar to that outlined in the previous chapter, could provide some degree of balance to the complex MLG system in place with regard to democracy, accountability and thereby legitimate this order.

A penultimate concern raised regarding the existence of a European public sphere is its elite character. This has been implicit in the discussion throughout the case study, in relation to the multi-lingual requirements, level of education and engagement with 'quality' media etc.. In general, there is a firm division between perceptions of the EU from the 'well-educated white-collar workers and highly mobile young urban professionals' and 'older, less educated, blue-collar, and poorer citizens' (quoted in Risse, 2010: 230). This is not limited to the individual, but also groups within civil society. The international research project on political mobilisation within the European public sphere, europub.com, concluded that

> *"…there is a clear deficit in Europeanised public communication, and part of the nature of [this] lies in the difficulties that less powerful civil society groups face in getting access to this emerging Europeanised public arena."* (quoted in Schultz-Forberg and Stråth, 2010: 104)

So long as the European 'community of communication' remains the reserve of domestic elites, this will engender a great deal of tension with those who feel alienated or excluded from this sphere. As Calhoun (in Fraser, 2007: 16) notes, the European public sphere empowers those 'who possess the material and symbolic prerequisites for global networking.' This thesis contended in the previous chapter that so long as there remains a disconnect between those who can access the transnational public, strictly national political movements (in the form of

counter-publics) will be able to engage with the wider disaffected domestic electorate by invoking claims to sovereignty and self-rule: 'Europe' has become politicised in this sense (Hooghe and Marks, 2009: 7-9). Under conditions of 'stress', i.e. crises, these ideas become far more fertile. The European public sphere must strive to become truly 'public', in the sense that it is open to anyone regardless of status. One related question to the above is the agency of the public in constituting the European public sphere. Habermas, in *Structural Transformations* described the public sphere as the 'coming together' of private individuals to form a public (see *1.1*). However, in the European context this 'coming together' often seems somewhat coercive, the work of elites pushing an economic integration project with little concern for the mass public. This perception, though embraced by some on the far-Left and Right, does not do justice to stimuli behind the European Project, with a sustained critique of its economic functions not seeing the forest for the trees. Hooghe and Marks (2009: 13) note a degree of change pushed by generational change regarding Europe and grassroots European movements such as the European Social Forum and Young European Federalists are exemplary of some bottom-up trans-European movements, however these remain in the minority. In fostering the growth of these transnational movements, one method (outlined in the previous chapter) could be the assigning of political authority to European publics.

The discussion above has concerned largely 'weak' publics, this thesis reifies the claim that democratic accountability to the people of Europe is required. National identity, as the drive for democratic self-rule, can only accommodate a transnational polity under conditions whereby it exercises authority, in the ideal form, communicative power, over the governing bodies it is subject to. The majority of citizens feel that their national interests are not taken into account, and moreover feel that their voice is better heard at the national level (*Eurobarometer*, 2015: 146-7).[57] This is emblematic of a democratic 'disconnect' between citizens and the Union, that this thesis contends will reify national identity to the detriment of the European public sphere. However, more positive appraisals refer to the EU's voice in the world as a whole, reinforcing that perception of the EU itself is not *entirely* negative.[58] Rather there is an institutional unease apparent. The potential forms of democratic influence of this public sphere that could ease this deficit have been detailed in the previous chapter, in holding to account the functional bodies employed in governance and detailed in the MLG model. More than ever, it appears that the legitimacy crisis of the EU requires a radical reappraisal and, indeed, reform.

Conclusion

[57] These figures are 43% ("The interests of (OUR COUNTRY) are taken into account.") and 57% ("My voice counts in (OUR COUNTRY)"), respectively.

[58] This figure is 69%, regarding agreement that "The EU's voice counts in the world".

This section has used the EU as a case study for the application of the thesis's claims and in order to examine the tension delineated in the previous chapter, i.e. the extent to which national identity mitigates the TPS. It has been shown that whilst, following Risse (2010) we can see a 'Europeanisation' of identity, media and public spheres in Europe, this has not been disseminated to the mass public in many cases. The existence of a 'community of communication' signals a 'weak', informal public. The 'strong', legislative element remains absent. Moreover, through the exclusion of vast swathes of society, 'Voice' is suppressed and therefore 'Exit' appears as an option, in particular for peripheral countries with less affiliation to the EU. The rhetoric of 'unity in diversity' masks a political tension between the European Project and the national interest of member states. It has been argued that through a Europeanisation of these national interests and an attempt to bridge the democratic deficit through the *influence* of a European public sphere, these concerns could be mitigated.

As has been the case throughout the thesis, a central concern is the negotiation of the ideal and the real in terms of political theory. Theorists of the EU have made similar points (see Trenz, 2008a; Fraser, 2007) and this poses a wider problem for the discipline of critical theory. Having examined the case of the EU in order to ground the theoretical threads outlined in the previous chapter, the thesis will now draw its overall conclusion.

Conclusion

This thesis has outlined the work of Jürgen Habermas on the public sphere in order to advance the claim that it can, suitable 'scaled' up offer a means of democratising and legitimising the post-Westphalian polity. Moreover, a central tension, that of national identity, can be mitigated by the institution of certain important criteria: the 'public' character of the transnational public sphere, the commitment to strength of argument and 'de-centering' of individual perspectives and, finally, that this public sphere exercises suitable political influence on the systems of multi-level governance. An extended study of the EU allowed for an assessment of the theory and provided an empirical case by which the tensions inherent in the concept of the TPS could be shown.

As stated at the outset of this work, democracy finds itself in crisis. The normative theory of Habermas presents an ideal form of democratic practice that could lead to its revival. Far from the transition from the 'rule of tradition' to the 'rule of reason', as anticipated in Habermas's early works the terminal state of mass democracy, at the domestic and transnational levels, has led to a situation whereby rational debate and argument is almost entirely obscured by factional party politics and rhetorical appeals to sentiment or staged symbolic actions. The relationship between political parties, the mass media and the role of 'public relations' displays a remarkable parallel to the portrait Habermas

paints in the decline of the Bourgeois public sphere. However, novel developments include the drive towards so-called 'neoliberal consensus' and a move towards 'governance' instead of government. These prize efficiency and pragmatism over concerns about democracy or legitimacy of their rule. A 'Faustian bargain', to adopt the phrase from the literature, has been signed, and concerns have been raised as to the degree of unchecked *social power* that these institutions can wield and the degree to which they can influence political outcomes. As power is increasingly diffused through this complex system, the potential for domination and colonisation of the lifeworld by the system increases.

Given the disaggregation of sovereignty under these conditions, it is easy to see the appeal of populist politicians, who position themselves as 'just like us' or who 'speak their mind': a perceived alternative to the *status quo* in their non-elite and non-'politically correct' public relations. However, this is likewise a form of advertising, a posturing stance, and one that finds increasing vitality across Europe. The 'howl', to use the prophetic words of one journalist cited above, must be heeded and if possible prevented. To this end, the radical implications of Habermas's work and its enduring relevance today have been stressed in this work. Its reconfiguration at transnational level must necessarily avoid the forms of exclusion that typified its Bourgeois antecedent. However, it must also avoid the structural features that led the the latter's decline. An engaged, critical public that come together transcending national borders may be one vision

of a Habermasian response to the crisis of legitimacy and democratic deficit.

Finally, concerning the lacunae of this work, in a broader sense, it poses some open questions as to the role of political theory in guiding democratic practice. Is it possible for theory to negotiate the balance between excessive theoretical abstraction and realist pessimism? To restate the language of Williams, can a contextual approach operate at a level informed by both political realism and political moralism? This is an area of study far beyond the scope of the current work and, possibly, a tension inherent to political theory as a discipline. A more substantial study of this remains excluded from the current thesis. Other areas for further research can be found in the endurance of national identity under the conditions outlined above (see chapter *4*). Future work can consider in more detail the extent to which the boundaries of national identities can be reduced in translational institutions or polities. This may also include empirical research into the role of media and the Internet *a la* Hepp *et al*. (2016). These points speaks to the question posed but not conclusively answered above, as to whether national identity remains a contingent or necessary force. The thesis has necessarily been exclusively Eurocentric, a scope condition required by length and by the sheer scale of a project that would seek to expand this. However, future work could explore cases such as Asia, Africa or Latin America, other geographical regions that may

or indeed show signs of undergoing similar integrative processes as the European continent.

Nonetheless, the thesis has posed these problematics in attempting to stimulate further thought and debate regarding contemporary democracy. The radical agenda of Habermas, democratic legitimacy and communicative power of a rational public sphere, remains a vital contribution. In concluding, it is worthwhile to return to the final remarks of *Structural Transformations*, where as is typical in political science Habermas's ambitions loosen their objective scientific linguistic shackles:

> "*We can study the extent to which… [the public sphere's] ability to assume its proper function determines whether the exercise of domination and power persists as a negative constant… or whether as a historical category itself, it is open to substantive change."*
> (Habermas, 1989: 250)

This message appears no less relevant today, more than seventy years after its first publication. The forms of domination and social power may change, but the role of democratic theory is to evolve alongside these. The populist 'howl' provides a newer battleground for democracy, one which this thesis contends must be settled by a re-engagement with the normative, enlightening and radical democratic agenda of Habermas's work.

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