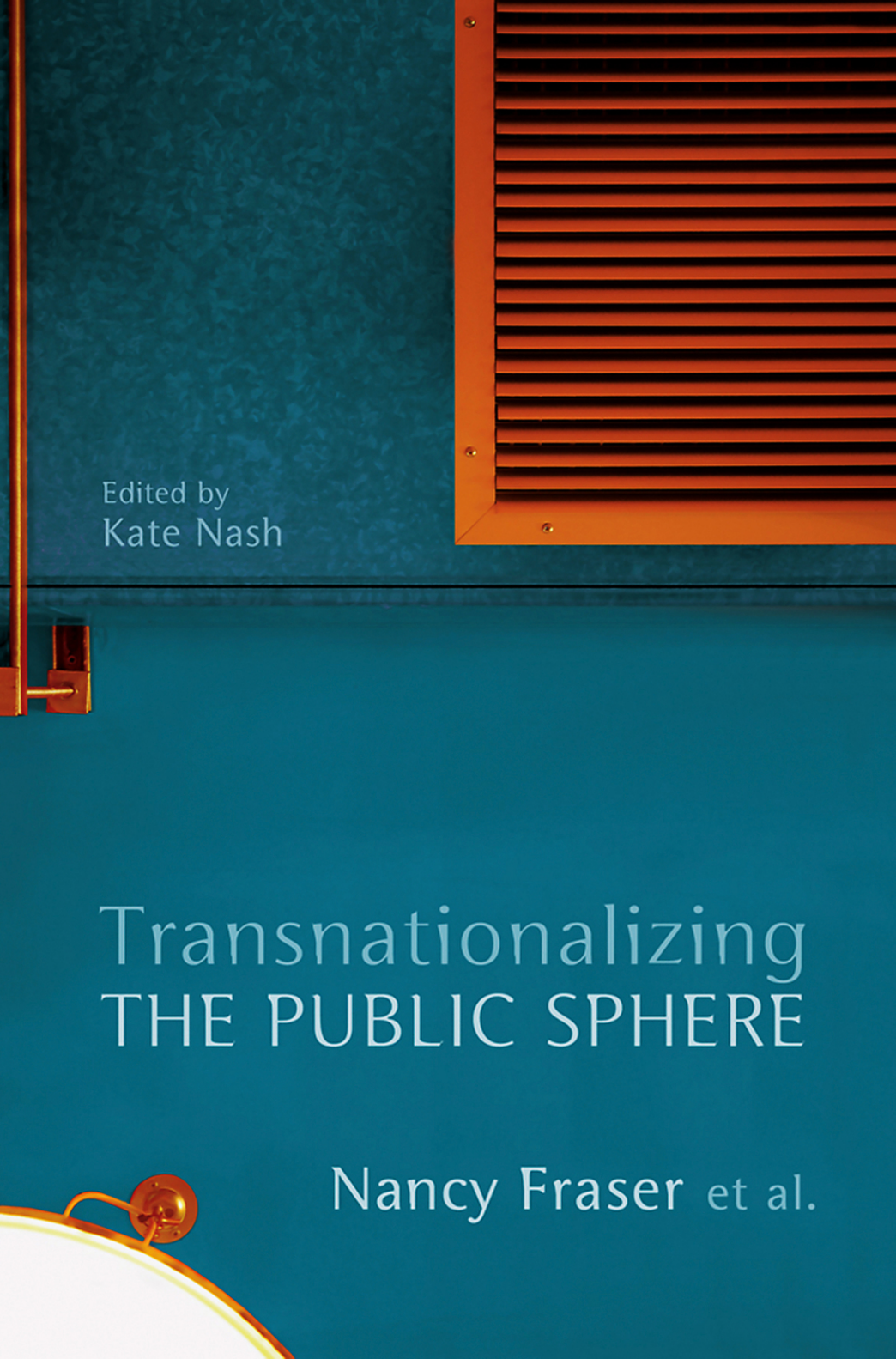
Edited by
Kate Nash
Transnationalizing
THE PUBLIC SPHERE
Nancy Fraser et al.

# Transnationalizing the Public Sphere

# Transnationalizing the Public Sphere

Nancy Fraser et al.

Edited by Kate Nash

polity

First published in 2014 by Polity Press

Polity Press
65 Bridge Street
Cambridge CB2 1UR, UK

Polity Press
350 Main Street
Malden, MA 02148, USA



ISBN-13: 978-0-7456-5058-6
ISBN-13: 978-0-7456-5059-3 (pb)

A catalogue record for this book is available from the British Library.

Typeset in 11 on 13 pt Sabon
by Toppan Best-set Premedia Limited
Printed and bound in Great Britain by T.J. International, Padstow, Cornwall



For further information on Polity, visit our website: www.politybooks.com

# Contents

# Contributors

**Nancy Fraser** is Henry A. and Louise Loeb Professor of Philosophy and Politics at the New School for Social Research, New York, and holder of the international research chair in 'Global Justice' at the Collège d'études mondiales, Paris. Her most recent books are *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis* (Verso, 2013) and *Scales of Justice: Reimagining Political Space in a Globalizing World* (Polity, 2008).

**Nick Couldry** is Professor of Media, Communications, and Social Theory at the London School of Economics. He is the author or editor of eleven books, including *Ethics of Media* (Palgrave MacMillan, 2013, co-edited with Mirca Madianou and Amit Pinchevski), *Media, Society, World: Social Theory and Digital Media Practice* (Polity, 2012), and *Why Voice Matters: Culture and Politics After Neoliberalism* (Sage, 2010).

**Kimberly Hutchings** is Professor of International Relations at the London School of Economics. She has published extensively in the fields of international ethics and political theory. Her books include *International Political Theory: Rethinking Ethics in a Global Era* (Sage, 1998), *Time*

*and World Politics: Thinking the Present* (Manchester University Press, 2008), and *Global Ethics: An Introduction* (Polity, 2010).

**Fuyuki Kurasawa** is Associate Professor of Sociology at York University, Toronto, Co-President of the International Sociological Association's Research Committee on Sociological Theory, and a Faculty Fellow at the Center for Cultural Sociology, Yale University. He is the author of *The Ethnological Imagination: A Cross-Cultural Critique of Modernity* (Minnesota University Press, 2004) and *The Work of Global Justice: Human Rights as Practices* (Cambridge University Press, 2007).

**Kate Nash** is Professor of Sociology at Goldsmiths, University of London, and Faculty Fellow at the Center for Cultural Sociology, Yale University. Her books include *Contemporary Political Sociology* (2nd edition, Wiley-Blackwell, 2010) and *The Cultural Politics of Human Rights: Comparing the US and UK* (Cambridge University Press, 2009). She is currently writing *The Sociology of Human Rights* (Cambridge University Press, forthcoming).

**David Owen** is Professor of Social and Political Philosophy at the University of Southampton. He has published nine books, most recently Nietzsche's *Genealogy of Morality* (Acumen, 2007), *Recognition and Power: Axel Honneth and the Tradition of Critical Social Theory* (Cambridge University Press, 2007, co-edited with Bert van den Brink). He is currently working on book manuscripts on migration and political theory and on Nietzschean political theory.

# Introduction

*Kate Nash*

'Public' is a kind of placeholder to allow consideration of the moral dimension of democratic politics. We talk about public interest, public goods, public policy. In each case 'public' is counterposed to 'private', the realm of individual freedom that is increasingly commodified and collapsed into markets. It is also, more controversially, counterposed to the 'private' of domestic space. 'Public' designates an area of social life that is more than markets, institutions, individuals, or organized groups. There are a number of ways of filling the term, but since Kant and Rousseau elaborated the importance of publicity, reason, and the general will in the eighteenth century, the 'public' as the site, the topic, and the outcome of democratic debate has been influential in theory and practice. Since then too, socialist, feminist, anti-colonialist, and anti-racist movements have been working hard to throw suspicion on attempts to define 'equality', 'person', or indeed 'reason' too narrowly when talking about 'public' interest, goods, policy. The ideal of the public sphere, if it is invariably concretized in exclusionary ways, always also gestures beyond itself, to ideals of genuine participation in establishing the common good.

Participation in the public sphere must not only be inclusive and reflexive, it must also be effective. Democratic will

formation must at some point be translated into law and policy. Radical suspicion of the public sphere is often pessimistic in this respect: where corporate and conservative lobby groups invariably hold more sway than others when it comes to making decisions that count, the ideal of the public sphere serves to mask domination and exclusion rather than to open up genuine participation. For many radicals the task at hand, then, is not to try to work out what kind of democratic discussion and decision-making could ensure that law and policy are really legitimate, but rather to question the language of legitimacy itself. (Today this is at least as likely to be done in the tradition of Nietzsche, with Foucault and Deleuze, as it is in the name of Marx.) But in any form of social life in which there is integration beyond local, face-to-face encounters, the problem of how to institutionalize decisions cannot be avoided. For radical *democrats*, how to make governing institutions responsive to ordinary people will always be a vital question.

It is a question that becomes all the more complex when we think about globalization. There are undoubtedly global public goods – which are collectively useful or necessary but which markets do not provide: at the very minimum a liveable environment and rights to bodily integrity (not to be killed or tortured, and to be fed and sheltered). And there are global public bads – externalities produced in one country that affect everyone, directly or indirectly (contributing to climate change, to conditions that lead to the collapse of nationally managed economies, to support for international terrorism). Then there are regional or transnational public goods and bads that affect people in areas that cross the borders of different states (war often makes for refugees in a neighbouring country, pollution does not respect state territories). There is a growing network of institutions and organizations of regional and global governance that make public policy and law on a range of transnational issues – the environment, war, migration, human rights, trade and finance. But what are the implications for democracy once it is understood that states, whilst still nominally sovereign,

do not independently establish the conditions under which people live within their borders?

Although there is a good deal of interesting political theory now on how global governance must be democratized, the formation of the public sphere beyond the nation-state has received surprisingly little critical attention. Habermas has argued that a global public sphere is absolutely necessary to democratize law- and policy-making where concerns are truly global. For him, however, relatively little is global: he argues that a world organization, whilst performing a vital role as representing world unity, should actually only have the specialized tasks of keeping the peace and guaranteeing human rights (though actually, this is far from minimal) (Habermas 2009: 120). Most political issues related to globalization are transnational; and open, responsive, overlapping, and transparent national and regional (e.g., European) public spheres that enable citizens and governments to learn to become less concerned with defending national interests would be sufficient to negotiate the making of law and policy to regulate cross-border affairs (Habermas 2001, 2009). Habermas is, however, sceptical about whether any of this might be possible today. In contrast, some have argued that the internet enables the possibility of a deliberative 'public of publics' at the global scale (Bohman 2007), and that transnational social movements are actually now achieving a form of global public sphere (Castells 2009; Guidry et al. 2000; Smith 2007). In addition, the idea of global civil society is often used in ways that suggest it is democratic. In such accounts, largely because of the history of the term 'civil society' in the democratization of countries in Eastern Europe and Latin America in the late twentieth century, the activities of left-liberal NGOs (e.g., Friends of the Earth, Human Rights Watch) are treated as legitimate, though their activities do not necessarily involve the participation of those most affected by the solutions they advocate. We will do well, then, to ask whether those theorists who see transnational public spheres as possible, necessary, or already existing are actually talking about the same thing.

What connections do they make between 'global civil society', 'public sphere', and 'democracy'? And do the connections they make, or perhaps assume, stand up to critical scrutiny? What is needed is in-depth consideration from a range of perspectives concerning what 'transnationalizing the public sphere' actually requires, normatively and empirically, and how we might conceptualize it in relation to the democratic deficit of existing political institutions.

Nancy Fraser, whose work has made such an important contribution to debates over the structure of the public sphere in relation to nation-states, has taken up this challenge. In the title essay, 'Transnationalizing the Public Sphere', she carefully and clearly analyses what we might expect from a critical discussion of the concept of 'public sphere' if it is 'scaled up'. As she says, critical theory walks a line between adapting the normative conditions of the public sphere as it was developed in relation to nation-states so that these now correspond to existing globalizing realities, and adapting them in an idealized way that does not give any purchase on historically unfolding possibilities (pp. 9–10, this volume). Fraser clearly lays out what she thinks must be retained of Habermas's conception of the public sphere if it is to be 'scaled up' (noting how he has developed it since *The Structural Transformation of the Public Sphere*) as a result of the debates to which she and others contributed so creatively.

Following Fraser's essay, the other contributors to this volume, in the spirit of critical debate, then raise searching questions about her theoretical premises and arguments. A number of us raise questions about the fundamentals of Habermas's theory of the public sphere. Fraser herself expresses doubts about whether he has really been able to reconcile the limitations of empirical debate in complex societies with ideals of democratic legitimacy (p. 18 and p. 35 n. 12, this volume). Can such a fundamental problem really be bracketed (Nash)? And what if the emergence of the public sphere in modern states that were also imperial is more than a contingent fact? What if the ideal itself is limited by the conditions under which it was created (Hutchings)?

In terms of the aims of critical theory as Fraser has stated them, the contributors raise questions about the empirical claims underpinning her call to reflect on how the public sphere might be 'scaled up'. If practices resembling the public sphere historically enabled the development of critical tools with which to assess 'actually existing' democracy at the national level, does this mean the concept 'public sphere' can be used in a similar way at the global level? It may be premature to give up on local and national publics which, while bounded in space and still linked to national states, need not be bounded in terms of the identities and orientations of those who get involved in or who are addressed by them. Or it may be that, where a global state is unlikely to develop in the near future, and where the desirability of such a development is itself doubtful, it is mistaken to try to 'scale up' at all. Why not consider rather how national and local publics may actually be transnationalizing, especially considering that state capacities remain massively important (Couldry)? Alternatively, we might ask whether organizations that are actually concerned not with democracy at all, but rather with particular issues of global injustice, may nevertheless have a democratizing impact at the global scale. Might NGOs concerned with, say, human rights make institutions of global governance more responsive to people's needs in practice, even though those affected do not participate directly in formulating their demands (Nash)? Finally, is Fraser's idea of the role of subaltern counterpublic spheres perhaps more promising than that of the global public sphere, especially given the prominence of activists who are trying to develop an alternative globalization (Kurasawa)?

In terms of normative theory, Fraser's main innovation in thinking about the transnational public sphere is the idea that, whilst earlier versions of the public sphere simply assumed that it should involve citizens of the nation-state, globalization requires attention to precisely who it is that makes up the relevant political community. Compared to an earlier version of her essay, published in *Theory, Culture & Society* in 2007, in which Fraser took the view that the

relevant constituency for global justice was 'all affected', she now argues that it is rather 'all subjected' to structures of governance who should be included in the transnational public sphere.[1] What is at stake in Fraser's change of view, and is it justified? How is the inclusion of some, the 'all subjected', and therefore the exclusion of others, justified in advance of public discussion, when genuine inclusion is one of the tests of its legitimacy (Owen)? And does Fraser's formulation raise other, more subtle, barriers to inclusion? Does it presume similar subjectivity as the basis for democratic debate? Does the idea of a shared space also require a shared narrative of globalization as having brought about a *new* disempowerment that cannot have the same sense for people in postcolonial states, where democratic debate has long been constrained by conditions set elsewhere (Hutchings)?

In the final essay of the volume, Fraser responds to the questions raised by her critics. Coming as they do from a range of disciplines and perspectives, and followed up by Fraser's careful and characteristically precise consideration, the result is that the volume opens up a range of ways of thinking through this question of globalization and democracy.

'Transnationalizing the Public Sphere: On the Legitimacy and Efficacy of Public Opinion in a Post-Westphalian World' was first published in *Theory, Culture & Society* 24(4) (2007), 7–30. We would like to thank Sage and the editors of *Theory, Culture & Society* for permission to republish it here. Since its publication, the article has received a good deal of attention. We hope the rethinking of democracy in an era of globalization to which it was such an important contribution will be further deepened by the critical engagement with Fraser's argument represented in this volume, and by her characteristically engaged and lucid response to her critics.

## Note

1 Fraser used 'all affected' as a principle of post-Westphalian frame-setting in the first version of this article printed in *Theory,*

*Culture & Society* in 2007 (Fraser 2007), and 'all subjected' in the version that is reproduced in *Scales of Justice* (Fraser 2008) and in this volume. In *Scales of Justice* she argues that the 'all-subjected principle' offers a critical standard for assessing the (in)justice of frames that avoids the problems of the 'butterfly effect', the complexity of causal relations in general, raised by the 'all- affected principle' because it specifies the social relation relevant to democracy, the joint subjection to structures of governance (see Fraser 2008: 64–6).

## References

Bohman, J. (2007) *Democracy across Borders: From Demos to Demoi*. Cambridge, MA: MIT Press.

Castells, M. (2009) *Communication Power*. Oxford: Oxford University Press.

Fraser, N. (2007) 'Transnationalizing the Public Sphere: On the Legitimacy and Efficacy of Public Opinion in a Post-Westphalian World', *Theory, Culture & Society* 24(4): 7–30.

Fraser, N. (2008) *Scales of Justice: Reimagining Political Space in a Global World*. Cambridge: Polity.

Guidry, J., M.D. Kennedy, and M.N. Zald (eds) (2000) *Globalization and Social Movements: Culture, Power, and the Transnational Public Sphere*. Ann Arbor: University of Michigan Press.

Habermas, J. (2001) 'Why Europe Needs a Constitution', *New Left Review* 11 (Sept.–Oct.): http://newleftreview.org/II/11/jurgen-habermas-why-europe-needs-a-constitution (accessed 4 November 2013).

Habermas, J. (2009) *Europe: The Faltering Project*. Cambridge: Polity.

Smith, J. (2007) *Social Movements for Global Democracy*. Baltimore: Johns Hopkins University Press.

# 1

# Transnationalizing the Public Sphere

## On the Legitimacy and Efficacy of Public Opinion in a Post-Westphalian World

*Nancy Fraser*

It is commonplace nowadays to speak of 'transnational public spheres', 'diasporic public spheres', 'Islamic public spheres', and even an emerging 'global public sphere'. And such talk has a clear point. A growing body of media studies literature is documenting the existence of discursive arenas that overflow the bounds of both nations and states. Numerous scholars in cultural studies are ingeniously mapping the contours of such arenas and the flows of images and signs in and through them.[1] The idea of a 'transnational public sphere' is intuitively plausible, then, and seems to have purchase on social reality.

Nevertheless, this idea raises a problem. The concept of the public sphere was developed not simply to understand communication flows but also to contribute a critical theory of democracy. In that theory, a public sphere is conceived as a space for the communicative generation of public opinion. Insofar as the process is inclusive and fair, publicity is supposed to discredit views that cannot withstand critical