Expanding dialogue: The Internet, the public sphere and prospects for transnational democracy

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New technologies are often greeted with political optimism. The Internet was thought to herald new possibilities for political participation, if not direct democracy, even in large and complex societies, as 'electronic democracy' might replace the mass media democracy of sound-bite television. The high hopes for electronic democracy seem to have faded, however, as critics such as Sunstein (2001) and Shapiro (1999) have come to argue that central features of the Internet and computer-mediated communication generally undermine the sort of public sphere and political interaction that is required for genuine democratic deliberation. Whatever the empirical merits of such criticisms, they do point to an, as yet, unclarified problem in discussions of 'electronic democracy': we still lack a clear understanding of how the Internet and other forms of electronic communication might contribute to a *new* kind of public sphere and thus to a new form of democracy. Certainly, globalization and other features of contemporary societies make it at least possible to consider whether democracy is undergoing another great transformation, of the order of the invention of representative democracy and its institutions of voting and parliamentary assemblies in early modern European cities.

Both the optimistic and pessimistic positions in the debate suffer from clear conceptual problems. Optimists take for granted that the mode of communication or technological mediation itself is constitutive of new possibilities. As examples such as the Chinese discovery of gunpowder show, however, technology is embedded in social contexts that may make its various potentials unrealizable. Pessimists make the opposite error of holding institutions fixed, here the institutions of the sovereign nation state. If we ask the question of whether or not electronic communication contributes to deliberation in representative institutions and to national public spheres, the answer is that more than likely it contributes little or even undermines them. Indeed, there has been much discussion concerning whether or not the Internet undermines sovereignty, much in the way that states previously considered the telegraph's capacity to cross borders as a direct threat to its sovereignty (see Held, 1995; Poster, 2001 and *Indiana Journal of*

Global Legal Studies, 1998). But when the political context is shifted and a broader array of institutional alternatives are opened up to include a possible transnational public sphere, it seems likely that electronic and computer-mediated network communication may well expand the scope of certain features of communicative interaction across space and time, solving some of the problems of scale inherent in the literary public sphere and the limitations on deliberation in the institutions of representative democracy. A proper assessment, then, will not only have to consider new possibilities; it will also have to take more fully into consideration the fact that public spheres and democratic institutions do not exist separately but only in an ongoing historical relation to each other.

Why should these technologies lead to such opposing assessments? One reaction to such debates would be to show that many of the structural features of computer-mediated communication could just as well speak against the very idea of an electronic public sphere, including its anonymity, limitation of access and thus restricted audience, its network form, and so on. Although such empirical facts need to be considered, such an approach needs first to ask prior conceptual and normative questions concerning cyberspace as a public sphere, without which it is impossible to judge whether such facts close off possibilities or open up new ones. If the public sphere and democracy exhibit historical and institutional variation that elude the attempt to construct fixed standards, some of its supposed defects in one historical setting may well prove to be virtues in another. However successful, the sovereign nation state provides no democratic baseline for such judgments.

Such an open-ended and pragmatic approach, with its emphasis on possibilities, seems inevitably to lead to more optimistic conclusions about the public sphere and democracy under conditions of computer-mediated communication, although not unreservedly so. My argument has four steps. First, I undertake the conceptual clarification of the necessary conditions for a public sphere, with the requirements of deliberative democracy in mind. This conception of democracy and of the public sphere is dialogical, where dialogue is public only if it is able to expand and transform the conditions of communicative interaction. Second, I then consider the potentials of computer-mediated communication on the Internet in light of these necessary conditions. Since it is software rather than hardware that constructs how communication occurs over the network, the Internet's capacity to support a public sphere cannot be judged in terms of intrinsic features. If this is true, then the Internet is a public sphere only if agents make it so, if agents introduce institutional 'software' that constructs the context of communication. This context is transnational rather than national, distributive rather than unified in form. Here the role that the Internet could play in specific institutions is examined through the experiences of governance in the European Union. Finally, I consider whether the novel public sphere that is created in transnational politics might itself feed back upon democratic institutions and help to promote new institutional forms that address the problems of space and time inherent in considering global democracy, including issues of collective identity. Participants in transnational public spheres become citizens

of the world not merely because they form a 'community of fate' via complex interdependence but, also, because they may now have the means and public sphere at their disposal to make normative claims upon each other in a properly dialogical and deliberative fashion. The first step is to unhook the conception of the public sphere from its first modern realization through the print medium and the institutions of the state.

Dialogue, technology and the public sphere

Two normatively significant but potentially misleading assumptions guide most concepts of the public sphere and complicate any discussion of electronic democracy. These assumptions are normatively significant precisely because they directly establish the connection between the public sphere and the democratic ideal of deliberation among free and equal citizens. They are misleading, more often than not, because the connection that is made is overly specific and leaves out an essential condition for the existence of a public sphere in large and highly differentiated modern societies: the technological mediation of public communication. In this section I argue that if we consider this technological condition of possibility for any modern public sphere, we must relax the requirements of the public sphere as a forum for face-to-face communication. There are other ways to realize the public forum and its dialogical exchange in a more indirect and mediated manner, even while preserving and rearticulating the connection to democratic self-rule.

The public sphere (or *Öffentlichkeit* in the broad sense) is for these reasons not a univocal concept, even if it does have necessary conditions. First, a public sphere that has democratic significance must be a forum, that is, a social space in which speakers may express their views to others and who in turn respond to them and raise their own opinions and concerns. The specific ideal forum is too often taken to be a town meeting or perhaps a discussion in a salon, coffee shop or union hall, in which participants are physically present to each other in face-to-face interaction. Second, a democratic public sphere must manifest commitments to freedom and equality in the communicative interaction in the forum. Such interaction takes the specific form of a conversation or dialogue, in which speakers and hearers treat each other with equal respect and freely exchange their roles in their responses to each other. What makes dialogue so crucial is that it not only proceeds as a communicative exchange, in the form of turn-taking, but also that it is guided by the mutual expectation of uptake; that is, speakers offer reasons to each other and expect that others will consider their reasons or concerns at least to the extent that their speech acts contribute to shaping the ongoing course of the interaction, without anyone exerting control over it or having special status. What is potentially misleading is the assumption that dialogue must be modelled on one-to-one communication, perhaps counterfactually to the extent that each speaker addresses any other, demands a response, and so on. Instead, the other's response can be understood in a quite expansive spatial and temporal sense, in that someone in

the indefinite future could give a response, without the speaker even conceivably having intended to address that hearer.

When modelled on the ideal process of face-to-face communication, such an interpretation of these features imposes severe spatial and temporal restrictions on public and political interaction. This leads to a third necessary feature for any public sphere, one that corrects for the limits of face-to-face interaction: communication must address an indefinite audience. In this sense, any social exclusion undermines the existence of a public sphere. This indefiniteness is required even of face-to-face interaction, since a conversation is public not simply because it could be heard by others but to the extent that it could be taken to address anyone. We might call this feature the 'publicness' or 'publicity' of communication, the necessary feature of its being 'public.' Communication is 'public', then, if it is directed at an indefinite audience with the expectation of a response. In this way, it constitutes a common, open space for such interactions that is realized in iterated responses through similar acts of communication. In this way, a public sphere depends upon the opening up of a social space for a particular kind of repeated and open-ended interaction and, as such, requires technologies and institutions to secure its continued existence and regularize opportunities and access to it.

If this account of the necessary features of public communicative action is correct, then the scope of the ideal model of the face-to-face interaction needs to be revised. Such a forum is a special, rather than a general and ideal case. Furthermore, if the very existence of the public sphere is thus always dependent on some form of communications technology, then actors use that technology to create a space for social interaction that mediates and extends dialogue beyond the limits of face-to-face encounters. Historically, writing first served to open up this sort of indefinite social space of possibilities with the spatial extension of the audience and the temporal extension of uptake or response. Taking the potentials of writing further, the printed word produced a new form of communication based on a one-to-many form of interaction. With the mass literacy of the national public sphere that emerged in modernity it also produced the sort of mass audience that acquires the indefinite features proper to the public sphere. Nonetheless, it is only one such mediated public sphere that is constituted by interaction mediated through the print medium. Television and radio did not essentially alter this one-to-many extension of communicative interaction, even as they reduced entry requirements for hearers and raised the costs of adopting the speaker's role to a mass audience.

Computer-mediated communication also extends the forum, by providing a new unbounded space for communicative interaction. But its innovative potential lies not just in its speed and scale but also with in new form of address or interaction: as a many-to-many mode of communication, it has radically lowered the costs of interaction with an indefinite and potentially large audience, especially with regard to adopting the speaker role without the costs of the mass media. Moreover, such many-to-many communication with newly increased interactivity holds out the promise of capturing the features of

dialogue and communication more robustly than the print medium. At the very least, computer-mediated communication offers a potentially new solution to the problem of the extension of communicative interactions across space and time and thus, perhaps, signals the emergence of a public sphere that is not subject to the specific linguistic, cultural and spatial limitations of the bounded national public spheres that have up to now supported representative democratic institutions. This network-based extension of dialogue suggests the possibility of re-embedding the public sphere in a new and potentially larger set of institutions. At present, there is a lack of congruity between existing political institutions and the wider potential for public communicative interaction. Hence, the nature of the public or publics is changing.

Before leaping from innovative possibilities to an unwarranted optimism about the Internet's contribution to global democracy, it is first necessary to look more closely at the requirements of publicity and how the Internet might fulfill them. The sheer potential of the Internet to become a public sphere is insufficient to establish democracy at this scale for two reasons. This mediated many-to-many communication may increase interactivity without preserving the essential features of dialogue, such as responsive uptake. Further, the Internet may be embedded in institutions that do not help in transforming its communicative space into a public sphere. Even if it is a free and open space, the Internet could simply be a marketplace or a commons as Lessing and others have argued (Lessing, 1999: 141). Even if this were so, actors could still transform such communicative resources and embed them in institutions that seek to extend dialogue and sustain deliberation. What would make it a 'public sphere'?

Consider first the normative features of communicative public interaction. Publicity at the level of social action is most basic, in the sense that all other forms of publicity presuppose it. Social acts are public only if they meet two basic requirements. First, they are not only directed to an indefinite audience but also offered with some expectation of a response, especially with regard to interpretability and justifiability. The description of the second general feature of publicity is dominated by spatial metaphors: public actions constitute a common and open 'space' for interaction with indefinite others. Or, as Habermas puts it, publicity in this broadest sense is simply 'the social space generated by communicative action' (Habermas, 1996: 360). Electronic communication is similarly dominated by such metaphors, now of 'virtual' 'cyberspace.' However, we may here speak only of a 'public space' (rather than a public sphere), which can be broader or narrower in comparison with others in terms of topics, available social roles, forms of expression, requirements of equal standing, and so on.

Entering into any such social space may be more or less difficult, depending on the requirements of background knowledge or the presence or absence of egalitarian norms and styles of social interaction. This difficulty gives rise to debates about a 'digital divide.' More than mere accessibility, some argue for the need for a 'public culture,' which might include a wide variety of practices, from performances to demonstrations and writing, in which participation is open to

those who have mastered some basic conventions.[1] In this respect, we may see spaces on the Internet as gendered or culturally specific, even if indefinite in the communicative extension of its underlying social action. This is because the 'space' for publicity must also be normatively structured and these norms open to challenge and revision.

Beyond this general and elementary level of publicity as a feature of some social actions and the space generated by them, higher levels of publicity are also possible. By higher I mean not higher on some normative scale but, rather, higher in the sense of levels of reflexivity. Higher order publicity introduces talk about talk, 'second-order' deliberation and dialogue, that is, dialogue about the norms of publicity and the normative contours of the social space that is opened up by communicative interaction. Such second-order publicity requires two further nested and institutionalized features: first, not just the expectation of a response but expectations about the nature of responsiveness and accountability to others; and, second, the context of a more socially structured setting and forms of interaction than is available by means of communicative action alone. With respect to responsiveness, a higher level of publicity requires more than that speakers merely presuppose that they are addressing a potentially indefinite audience. It requires a normative concern for publicity itself.

The space of mutual accountability that is thereby opened up has a more egalitarian structure than simply being addressed by a speaker: in a public sphere, these communicative exchanges suspend the sharp distinction between audience and participants, thereby allowing exchange of speaker and hearer roles across all social positions and identities. This reciprocity of roles introduces further egalitarian features to audience-oriented communication: participation in the public sphere now means that one must be responsive to others and that they may have expectations about the appropriateness of a reason in a public context; besides speaking to an indefinite audience, one is now accountable to their objections and answerable to demands to recognize their concerns.[2] The recognition of equal standing as citizens in a political community is one, potentially self-transformative form that egalitarian publicity has taken.

Introducing second order levels does not necessarily narrow the public sphere, since second order questions are themselves open to challenge. Expanding and structuring such a social space for communication requires embedding it in a wider social context. A specifically egalitarian expansion of the public sphere requires a more elaborated institutional structure to support it (such as that achieved by the modern democratic state but not identical with it), as the social contexts of communication are enlarged with the number of relevant speakers and audience. When such contexts increase the scale of public interaction and include more participants, communicative action alone cannot fully constitute or control the contours of the social space that it generates. In societies characterized by social differentiation, the political space for publicity is delimited in relation to other social domains and institutions. It is with the differentiation of society that we begin to see the emergence of what is specifically 'the public sphere.'

Continuing the spatial metaphor that dominates thinking about publicity, the public sphere becomes a space 'in-between' the formal political institutions and civil society. Thus, the very existence of a distinct public sphere requires a certain degree of social complexity, typically in the internal differentiation of social spheres such as centralized administrative institutions (the state) on the one hand, and a separate sphere of autonomous associations and economic activity (or civil society) on the other. Not all public spheres relate to the state. There may, then, be many publics and overlapping public spheres. A city's institutions may create a local public sphere but that public overlaps with and interacts with other publics. In this sense, it is indeterminate to whom a claim is addressed or who is expected to respond, given the indefiniteness of the audience. When a public sphere interacts with a set of institutions, the set of participants is potentially extended beyond the restrictions of membership or constituency, whenever a claim or utterance is given uptake and considered relevant. By using norms as a resource, actors in higher order public spheres cannot limit to whom they are answerable.

In differentiated societies (in whatever institutional form), one role of the distinctive communication that goes on in the public sphere is to raise topics or express concerns that cut across social spheres: it not only circulates information about the state and the economy, but also establishes a forum for criticism in which the boundaries of these spheres are crossed, primarily in citizens' demands for mutual accountability. But the other side of this generalization is a requirement for communication that crosses social domains: such a generalization is necessary, precisely because the public sphere has become less socially and culturally homogeneous and more internally differentiated into diverse normative perspectives and social positions. It is certainly the case that the relative absence of state regulation in cyberspace means that censorship is no longer the primary means of inhibiting the formation of public spheres. Those powerful social institutions that may now inhibit the formation of a public sphere in electronic space are no longer states but, rather, corporations and other market actors who increasingly design and control its architecture. Publics now develop in new and politically unbounded social contexts, some of which may even be global in scope, as civil society and the supporting institutions of the public sphere become more transnational.

While the mass and electronic media form the basis for global networks for the production and distribution of information, they produce a different kind of public space and hence develop a form of publicity different from a 'cosmopolitan' or global public sphere. Certainly the costs of exchanging information across space go down considerably. In comparison with the past, the epistemic requirements for participating in large scale and potentially transnational communication are lessened, to such an extent that it is widely available beyond élites in wealthy societies. By employing new technological means for lower cost distribution and by lowering epistemic entry requirements, electronic media can create a mass audience of such a size as to be conceivably global in scope. But the type of audience so created has certain characteristics: the larger

an unstructured and undifferentiated audience is, the less likely it is that the public and reflexive use of reason is required to be part of it. The audience is therefore more likely to be 'anonymous,' both to each other and to the producers of its publicly conveyed messages. The addressees of such anonymous communication are an indefinite audience in a purely *aggregative* sense: it is not an idealized audience that is addressed, but the aggregate audience of all those who can potentially gain access to the material and interpret it as they wish. In the print public sphere, anonymous authorship had a particular purpose, especially in resisting the institutions of the state in which it was embedded (as when Locke published his *Second Treatise* anonymously). Anonymity is employed to maintain the freedom and diversity of speech, as human rights groups, who report abuses of various governments around the world, use it on the Internet. The anonymity of such political communication is a form that, even on the Internet, continues the resistance to censorship and state power in the public sphere.

It is easy to mistake the communicative function of anonymity. Anonymity does not fully strip away the identity of the speaker, for Locke could publish his treatise with the full knowledge that the author of the *Second Treatise* would be taken to have a particular political identity, even if that identity was not that of John Locke, and thus provokes responses as such. Rather than subjective or authorial, Internet anonymity is structural. Who is speaking is not in principle independently knowable by others. For this reason, participants in networks cannot have the full range of normative expectation of face-to-face publics or even print publics in which authorship may become a textual designator. In a serial public of publics, participants may address themselves to a segment of the public rather than the whole public of publics. In a network mediated by a computer interface, we do not know who is actually speaking; we also do not know whom we expect to respond, if they will respond or if the response will be sustained. Thus, while anonymity promotes freedom of expression under certain circumstances, it changes the expectation of communication by making speaker and audience not only indefinite but also indeterminate in its many-to-many form.

In this sort of public sphere, how would actors exhibit their concern for publicity or employ the self-referentiality of the public sphere to criticize others? Instead of appealing to an assumed common norm of 'publicity' or a set of culturally specific practices of communication, a *transnational* public sphere is created when at least two culturally rooted public spheres begin to overlap and intersect, as when translations and conferences create a cosmopolitan public sphere in various academic disciplines. Such culturally expansive, yet socially structured rather than anarchic, public spheres emerge as political institutions and civic associations and come to include previously excluded groups. Instead of relying on the intrinsic features of the medium to expand communicative interaction, networks that are global in scope become publics only with the development and expansion of transnational civil society. The creation of such a civil society is a slow and difficult process that requires the highly reflexive forms of communication, boundary crossing and accountability typical of

developed public spheres. Thus, we can expect that under proper conditions and with the support of the proper institutions, existing vibrant global publics will expand as they become open to and connected with other public spheres. On the basis of their common knowledge of violations of publicity, their members will develop the capacities of public reason to cross and negotiate boundaries and differences between persons, groups and cultures.

In such boundary-crossing publics, the speed, scale and intensity of communicative interaction facilitated by the Internet provides that open social space that is a positive and enabling condition for democratic and perhaps even cosmopolitan deliberation. Contrary to misleading analogies to the national public sphere, such a development hardly demands that the public sphere be 'integrated with media systems of matching scale that occupy the same social space as that over which economic and political decision will have an impact' (Garnham, 1995: 265). But if the way to do this is through multiple communicative networks rather than the mass media, then the global public sphere should not be expected to mirror the cultural unity and spatial congruence of the national public sphere; as a public of publics, it permits a decentred public sphere with many different levels. This fact also distinguishes it from the idealizations of an implied universal audience typical of the print-mediated public sphere. Disaggregated networks must always be embedded in some other set of social institutions rather than in an assumed unified national public sphere. This suggests that they will be embedded in different, disaggregated political institutions, if they are to be the institutions that transform the deliberation of such public spheres in the communicative power of collective action. Once we examine the potential ways in which the Internet can expand the features of communicative interaction, the issue of whether or not the Internet can support public spheres changes in character. It depends not only on which institutions shape its framework but also on how participants contest and change these institutions and on how they interpret the Internet as a public space. It depends on the mediation of agency, not on technology.

The Internet as a network and as a space of publics

The main lesson that I wanted to draw at the end of the last section is that discussions of the democratic potential of the Internet cannot be satisfied with listing its positive or intrinsic features, as for example its speed, its scale, its 'anarchic' nature, its ability to facilitate resistance to centralized control as a network of networks, and so on. The same is true for its negative effects or consequences, such as its disaggregative character or its anonymity. Taken together, both these considerations tell against regarding the Internet as a variation of existing print and national public spheres. Rather, the space opened up by computer-mediated communication supports a new sort of 'distributive' rather than unified public sphere with new forms of interaction. By 'distributive,' I mean that computer mediation in the form of the Internet 'decentres' the public

sphere; it is a public of publics rather than a distinctively unified and encompassing public sphere in which all communicators participate. Rather than simply entering into an existing public sphere, the Internet becomes a public sphere only through agents who engage in reflexive and democratic activity. For the Internet to create a new form of publicity beyond the mere aggregate of all its users, it must first be constituted as a public sphere by those people whose interactions exhibit the features of dialogue and are concerned with its publicity. In order to support a public sphere and technologically mediate the appropriate norms, the network form must become a viable means for the expansion of the possibilities of dialogue and of the deliberative, second order features of communicative interaction. These features may not be the same as manifested in previous political public spheres, such as the bourgeois public sphere of private persons; what it must be is, at least, a space for publics but not itself a public sphere. It can, however, enable such a public of publics to emerge, given the emergence of democratic actors and the proper supporting transnational institutionalization.

If the Internet has no intrinsic features, it is because, like writing, it holds out many different possibilities in its transformation of the public sphere. Here it is useful to distinguish between hardware and software. As hardware, the World Wide Web is a network of networks with technical properties that enable the conveyance of information over great distances with near simultaneity. This hardware can be used for different purposes, as embodied in software that configures participants as 'users.' Indeed, as Lessing notes, 'an extraordinary amount of control can be built in the environment that people know in cyberspace,' perhaps even without their knowledge (Lessing, 1999: 217).[3] Such computer programmes depend on 'software' in a much broader sense: software includes not only the variety of programmes available but also the ways in which people improvise and collaborate to create new possibilities for interaction. Software in this sense includes both the modes of social organization mediated through the Net and the institutions in which the Net is embedded. For example, the indeterminacy of the addressees of an anonymous message can be settled by reconfiguring the Internet into an intranet, creating a private space that excludes others and defines the audience. This is indeed how most corporations use the Web today, creating inaccessible and commercial spaces within the networks, by the use of firewalls and other devices for commercial and monetary interactions among corporations and anonymous consumers. Such actions show the variety of ways in which power and control may be manifested in the Web. Certainly, the Web enables the power to be distributed in civil society but it also permits power to be manifested, less in the capacity to interfere with others than in the capacity to exclude them and alter the freedom and openness of its public space. This same power may alter other public spaces, as when the *New York Times* offers to deliver a 'personalized' paper that is not identical with the one that other citizens in the political public sphere are reading. In this way, the Internet can be controlled so that it may be used for the privatization of information as a commodity.

The fact of social power reveals the importance of institutions in preserving and maintaining public space, and the Internet is no exception. Saskia Sassen shows how the Internet has historically reflected the institutions in which it as been embedded and configured. Its 'anarchist' phase reflected the ways in which it was created in universities and for scientific purposes. While the Web still bears the marks of this phase as possibilities of distributed power, it is arguably entering a different phase, in which corporations increasingly privatize this common space as a kind of *terra nullia* for their specific purposes, such as financial transactions. 'We are at a particular historical moment in the history of electronic space when powerful corporate actors and high performance networks are strengthening the role of private electronic space and altering the structure of public electronic space' (Sassen, 1998: 194). At the same time, it is also clear that civil society groups, especially transnational groups, are using the web for their own political and public purposes, where freedom and interconnectivity are what is valued.

The broader point here is not merely to show the effects of privatization and the particular ideology of neoliberalism that supports it, but to show how the Internet develops in interaction with the larger social structures, 'offline' problems and conflicts that it internalizes and refracts. This particular conjuncture of forces opens the potential not only for conflicting interpretations of cyberspace but also for newly reflexive activity of civil society actors over the public character of the Internet, much as the eighteenth-century public sphere struggled with the state over censorship of the print medium that created a public concerned with its own publicity. Those concerned with the publicity, freedom and openness of the Internet as a public space may see those of its features that extend dialogical interaction threatened by its annexation by large scale economic enterprises. Such a concern requires that civil society actors not only contest the alterations of public space but, also, that these actors place themselves between the corporations, software makers, access providers and other powerful institutions that often enjoy an immediate and highly asymmetrical relation to individuals as 'users' who enter into public spaces as they configure them in the literal and institutional software they create for those who enter their private cyberspaces. We are now in a period of the development of the software and hardware of the Internet in which the nature of the Web is at issue, with similar processes of political decentralization and social contestation that characterize the problems, struggles and contradictions found in many areas of social life. The process of development here is hardly unprecedented or *sui generis*.

This suggests a particular analysis of threats to public space. It is now commonplace to say that the Internet rids communication of intermediaries, of those various professional communicators whose mass-mediated communication is the focus of much of public debate and discussion and political information. Dewey lauded such a division of labour to the extent to which it can improve deliberation, not merely in creating a common public sphere but also in 'the subtle, delicate, vivid and responsive art of communication.' This task is,

at least in part, best fulfilled by professional communicators who disseminate the best available information and technologies to large audiences of citizens. Even with this dependence on such art and techniques of communication, the public need not simply be the object of techniques of persuasion. Rather than a 'mass' of cultural dopes, mediated communication makes a 'rational public' possible, in the sense that 'the public as a whole can generally form policy preferences that reflect the best available information' (Page, 1995). If we focus upon the totality of political information available and a surprising tendency for the public to correct media biases and distortions, as stories and opinions develop and change over time, it is possible to see how mediated communication can enhance the communication presupposed in public deliberation. In a complex, large-scale and pluralistic society, mediated communication is unavoidable if there are to be channels of communication broad enough to address the highly heterogeneous audience of all of its members and to treat issues that vary with regard to the epistemic demands on speakers in diverse locales who can discuss them intelligently.

For all of these reasons, proponents of deliberation often claim there is a net normative loss in the shift to networked communication, further amplified by 'the control revolution' in which various corporations and providers give individuals the capacity to control who addresses them and whom they may respond to (Shapiro, 1999: 23).[4] Or, to put this criticism in the terms that I have been using here, the mass public sphere is not replaced by any public sphere at all; rather, communicative mediation is replaced by forms of control that make dialogue and the expansion of the deliberative features of communication impossible. In the terms of economic theory, agents whose purpose it is to facilitate individual control over the communicative environment replace intermediaries. Such a relation though inevitably leads to 'the reversal of agency,' where the direction of control shifts from principals to the agents they delegate. It is false to say that individuals possess immediate control; they have control only through assenting to an asymmetrical relationship to various agents who structure the choices in the communicative environment of cyberspace.

There is more than a grain of truth in this pessimistic diagnosis of the control revolution. But this leaves out part of the story concerning how the public exercises some control over intermediaries, at least those concerned with publicity. As with the relation of agent and principal, the problem here is to develop democratic modes of interaction between expert communicators and their audience in the public sphere. Citizens must now resist the 'mediaization of politics' on a par with its technization by experts. The challenge is twofold. First of all, the public must challenge the credibility of expert communicators, especially in their capacities to set agendas and frames for discussing issues. And, second, as in the case of cooperating with experts the public must challenge the reception of their own public communication by the media themselves, especially insofar as they must also report, represent and even define the 'public opinion' of citizens who are strangers to each other. This self-referential aspect of public communication can only be fulfilled by interactions between the media and the public, who

challenge both the ways in which the public is addressed and its opinion is represented.

Mass-mediated communication inhibits deliberation in cases when experts, especially in the tight communicative circle of the media and officials, define both the nature of the public and its opinions. In the American context, it is 'when officials of both parties and the mainstream media take a position similar to each other and opposed to the public' (Page, 1995: 119). This tight linkage is not merely a contingent affair. It is part of the interaction between media, government and audience that is typical of mediated political communication. Media outlets are dependent on government agencies for much of their information; and officials and candidates must use the media as their main channel for communication to the widest possible audience. Such problems are exacerbated as the mediated interaction becomes predominant in modern political and public spheres, creating new forms of social interaction and political relationships that reorder in space and time and become structured in ways less and less like mutually responsive dialogue (Thompson, 1995). The same is true for computer mediation, which always includes the constructive mediation of institutions as software that shape and maintain the space for interaction and may set up this interaction asymmetrically.

Analogous considerations of agency and asymmetries of access to the norms that shape communicative interaction are relevant to the Internet. It is clear t hat corporations could function as the main institutional actors in developing electronic space and exert an influence that would restrict communication in ways even more impervious to corporate media and political parties. Just as all public spheres have technological mediation of features of communicative interaction, all public spheres require counter-intermediaries and counter-public spaces of some kind or another to maintain their publicness; that is, their sustainability over time depends precisely upon those members of the public concerned with the public sphere and public opinion and, thus, concerned to have a say in the construction of the public space in whatever technical means of communication is available. The Internet and its governance now lacks the means to institutionalize the public sphere, especially since there are no functional equivalents to the roles played by journalists, judges and other intermediaries who regulated and protected the publicity of political communication in the mass media.

Who are their replacements once the technology of mediation changes? The Internet has not yet achieved a settled form in which intermediaries have been established and professionalized. As in the emerging public spheres of early modernity, the potential intermediary roles must emerge from those who organize themselves in cyberspace as a public sphere. This role falls to those organizations in civil society that have become concerned with the publicity of electronic space and seek to create, institutionalize, expand and protect it. Such organizations can achieve their goals only if they act self-referentially and insist that they may exercise communicative power over the shape and appropriation of electronic public space. Thus, contrary to Shapiro and Sunstein, it is not that

the Internet gets rid of intermediaries as such; rather it operates in a public space in which the particular *democratic* intermediaries have lost their influence. This is not a necessary structural consequence of its form of communication.

With the development of the Internet as a public sphere, we may expect its 'reintermediarization,' that is, the emergence of new intermediaries who counter its privatization and individualization, brought about by access and content providers for commercial purposes, and who construct the user as a private person. Actors can play the role of 'counterintermediaries' when they attempt to bypass these narrow social roles on the Internet; more specifically, the role of a 'user' in relation to a 'provider' who sets the terms of how the Internet may be employed. The first area in which this has already occurred is in Internet self-governance organizations and their interest in countering trends to annexation and privatization. Here institutions such as ICANN have attempted to institute public deliberation on the legal and technological standards that govern the Internet (Froomkin, 2003). The other is more issue-specific, as when the Internet is used deliberatively to contest the lack of information or public debate on important issues, such as the recent successful attempt to create opposition to the 'multilateral agreement on investment' in the absence of any significant print media discussion. Such actors are concerned with the public sphere itself and use the Internet as the social space in which to construct counterpublics and new forms of access to deliberation and decision making. Here it is civil society that provides counterintermediaries, that is, they transform passive 'users' in a social space, into democratic agents who are concerned with the quality of the Internet as a public sphere. This and other examples of a deliberative process through multiple intermediaries bears further examination.

Given that what is needed are alternatives to the current set of intermediaries rather than the absence of them, civil society organizations have distinct advantages in taking on such a responsibility for publicity in cyberspace. They have organizational identities they are not anonymous; they also take over the responsibility for responsiveness that remains indeterminate in many-to-many communication. Most of all, they employ the Internet, but not as Users; they create their own spaces, promote interactions, conduct deliberation, make available information, and so on. For example, a variety of organization created a forum for the debate on the Agreement on Investment, an issue that hardly registered in the national press. Not only did they make the Agreement widely available, they held detailed on-line discussions of the merits of its various provisions (Smith and Smythe, 2001: 183). As a tool for various forms of activism, the Internet promotes a vibrant civil society; it extends the public sphere of civil society but does not necessarily transform it. Even in this regard, the point is not simply to create a web site or to convey information at low cost. It becomes something more when sites interact as a public space in which free, open and responsive dialogical interaction takes place. This sort of project is not uncommon and includes experiments among neighbourhood groups, non-governmental organizations, and others. Hence, the organization acts as an intermediary in a different way: not as an expert communicator but, rather, as

the creator and facilitator of institutional 'software' that socializes the commons and makes it a public space.

This role for civil society organizations, in periods in which public spaces are contested, is not unprecedented. Nor does it require purity from economic motives or the disinterestedness of the press journalist; it was, after all, the various trade associations that sought to establish free and open public spheres in which information about distant locales could be available, through newsletters to all, with the emergence of global trade in England. This new sort of public role, however, does change how many NGOs and civil society organizations understand themselves; they would have to understand themselves as responsible for transnational structures of communication and not simply for the particular issue at hand. They can only achieve their goals if democracy is extended in the appropriate ways, and it can be extended only if electronic space becomes a public sphere, a place in which publics of various sorts can emerge and communicate with other publics.

So long as there are cosmopolitan actors who will create and maintain such transnational communication, this sort of serial and distributed public sphere is potentially global in scope. Its unity is to be found in the general conditions for the formation of publics themselves, and in the actions of those who see themselves as constituting a public against this background. Membership in these shifting publics is to be found in civil society, in formal and informal organizations that emerge to discuss and deliberate on the issues of the day. But while the creation of publics is a matter of the agency of citizens, the sustaining of general conditions that make such a process possible is a matter for formal institutionalization, just as sustaining the conditions for the national public sphere was a central concern of the democratic nation state. In the case of such shifting and potentially transnational publics, the institutions that sustain publicity and become the focus of the self-referential activity of civil society must also be innovative, if they are to have their communicative basis in dispersed and decentred forms of publicity. At the same time, these institutions must be deliberative and democratic. Because they become the location for second order reflexive political deliberation and activity, these institutions are part of the public sphere, as its higher order and self-governing form of publicity that transforms the Internet from a commons to an institutionally organized and embedded democratic space.

From publics to public sphere: the institutional form of transnational democracy

In the last section, I argued that reflexive agency of actors within cyberspace was required, to create the 'software' that could transform networks into publics making use of the distributive processes of communication in order to overcome the limitations of space and time presupposed in the national public spheres and state forms. While such publics establish positive and enabling conditions for

democratic deliberation, they are not themselves democratic (even if they are transnational and cosmopolitan rather than national). Transnational civil society is a further enabling condition for the transformation of networks into publics, to the extent that it is from this sphere that we can expect to find agents who will act self-referentially so as to address, create and sustain publics; but not all such actors will have explicitly democratic goals, just as in the national public sphere a vibrant civil society need not contain only democratically oriented actors as a condition of the possibility of democratic deliberation. The public must itself be embedded in an institutional context, not only if it is to secure the conditions of publicity but also in order to promote the interaction among publics that is required for deliberative democracy. Thus, both network forms of communication and the publics formed in them must be embedded in a larger institutional and political context, if they are to be transformed into public spheres in which citizens can make claims and expect a response.

There are several reasons to think that current democratic institutions are insufficient for this task. States have promoted the privatization of various media spaces for communication, including not only the Internet but also broadcast frequencies. Even if the Internet is not intrinsically anarchistic and even if states were willing to do more in the way of protecting the public character of cyberspace, it remains an open question whether this form of communication escapes the way in which state sovereignty organizes space and time, including public space and the temporality of deliberation.[5] It is precisely its potentially aterritorial character that makes it difficult to square with centralized forms of authority over a delimited territory. This sort of process, however, does not require convergence, especially since Internet use may reflect inequalities in the access to rule-making institutions as well as other older patterns of subordination at the international level. It is also true that people do not as yet identify with each other on cosmopolitan terms. Nonetheless, new possibilities that the Internet affords for deliberation and access to influence in its distributive and network forms do not require such strong preconditions to have opened up new forms of democratization.

This is only one feature of the state's constraints on the organization of space, which also includes various cultural and linguistic limitations of the unified public sphere that is formed around and is supported by the democratic state. It is not the case that states are now entirely ineffective, nor is it true that national public spheres are so culturally limited that they serve no democratic purpose. Rather, what is at stake is not so much the continued existence or specificity of either democracy or the public sphere but, rather, that the Internet escapes the particular connections and feedback relations between the national public sphere and the democratic state. Whatever institutions could promote and protect such a dispersed and disaggregated public sphere will represent a novel political possibility that does not 'merely replicate on a larger scale the typical modern political form' (Ruggie, 1996: 195). Indeed, it must be a political form for which such a dispersed public sphere does not produce negative consequences for the capacity to transform political communication into effective

political influence and authorization but, rather, develops a form of democratically organized decision-making, in which such dispersal has the positive effect of creating wider opportunities for political participation. In the absence of such a public sphere, other, often private, sources of power intervene, with or without political delegation. In this case, forms of contestation concerning economic issues may emerge in transnational social movements that do not simply appeal to states and their current unwillingness to constrain market forces.

The difficulties that the globalization of political space poses for territorial sovereignty are widely discussed, particularly with regard to the effectiveness of state regulation of the economy. Because the political institutions of democracy must be congruent with the available forms of publicity, the difficulties posed by the disunity of a global public sphere cut much deeper for the idea of deliberative democracy. As Will Kymlicka has pointed out, territoriality continues to survive by other means, particularly since 'language is increasingly important in defining the boundaries of political communities and the identities of the actors' (Kymlicka, 1999: 120). For this reason, Kymlicka argues, national communities 'remain the primary forum for democratic participatory democratic debates.' Whereas international forums are dominated by élites, the national public sphere is more likely to be a space for egalitarian, mass participation in the vernacular language and is thus the only forum that guarantees 'genuine' democratic participation and influence. Moreover, since deliberation depends on common cultural assumptions, such as shared newspapers and political parties, the scope of a deliberative community must be limited to those who share a political culture. This argument is particularly challenging to the view defended here, since it employs the same idea of a dialogical public sphere within a democracy oriented to deliberation in order to reach the opposite conclusion. Can the argument about mediated communication and the extension of dialogue go beyond a territorial, self-governing linguistic community?

As Kymlicka thinks of the public sphere, print and mass media extend properties of linguistic interaction, insofar as a national politics facilitates mass egalitarian participation around a unified set of themes and concerns. If this is the requirement for democracy, then we face a dilemma of scale. The larger the linguistic community, the more likely it will be that citizens will not have access to influence or be able to participate in an egalitarian form of decision-making in a unified public sphere. Transnational democracy will not be participatory and deliberative, perhaps not even 'genuinely' democratic at all (Dahl, 1999: 19). But here the question is simply begged in favor of pessimism: the question is not whether transnational institutions are more or less democratic by the standards of a monolinguistic national community but, rather, whether they are adequately democratic under the circumstances. The criticism holds only if democratic agents in the transnational public sphere seek to approximate the assumptions of the national variant. To look only at the constraints of size in relation to a particular form of political community begs the question of whether or not there are alternative linkages between democracy and the public sphere that are not simply scaled up. Such linkages might be more decentralized

and polycentric than the national community requires. The issue here is the standard of evaluation, not whether some other public sphere or form of community 'is totally or completely democratic, but whether it is adequately democratic given the kind of entity we take it to be' (MacCormick, 1997: 345). For a nation state to be democratic, it requires a certain sort of public sphere sufficient to create a strong public via its connections to parliamentary debate. A transnational and thus polycentric and pluralist community, such as the European Union, requires a different sort of public sphere in order to promote sufficient democratic deliberation. Once a transnational and post-territorial polity rejects the assumption that it must be what Rawls calls 'a single cooperative scheme in perpetuity', a more fluid and negotiable order might emerge, with plural authority structures along a number of different dimensions rather than a single location for public authority and power. In this case, linguistic differences do not loom as large an impediment to egalitarian interactions as Kymlicka thinks.

Without a single location of public power, a unified public sphere becomes an impediment to democracy rather than an enabling condition for mass participation in decisions at a single location of authority. The minimal criteria of adequacy would be that, even with the diffusion of authority, participants in the public sphere would have to be sufficiently empowered to create opportunities and access to influence over transnational decision-making. This access will not be attained once and for all, as in the unified public sphere of nation sates in which citizens gain influence through the complex of parliamentary or representative institutions. These distributive publics have to gain access to influence over the deliberation of governmental and non-governmental actors. Currently they are 'weak' publics, who exert such influence through public opinion generally. But they may become 'strong publics' when they are able to exercise influence through institutionalized decision procedures with regularized opportunities for *ex ante* input.[6] Thus, transnational institutions are adequately democratic if they permit such access to influence distributively, across various domains and levels, rather than merely aggregatively in the summative public sphere of citizens as a whole. But because there is no single institution to which strong publics are connected, the contrast between weak and strong publics is much more fluid than the current usage presupposes. That is because strong publics are assumed to be connected to a particular sort of legislatively empowered collective will. In the transnational case, strong publics may be required to seek more direct forms of deliberative influence given the dispersal of authority and the variety of its institutional locations.

Rather than look for a single axis on which to judge the democratic deficit of transnational and international and transnational institutions, it will be more useful to consider a variety of possible forms, given various ways in which publicity might be institutionalized. While the full range of such cases cannot be considered fully here, the European Union provides an interesting case study for a transnational polity, precisely because it obviously lacks the unitary and linguistic features of previous public spheres. I will consider only one aspect of the debate here: proposals that are suggestive of how a polycentric form of

publicity would permit a more rather than a less directly deliberative form of governance, once we abandon the assumption that there is a unified public sphere connected to a single set of state-like authority structures that seem to impose uniform policies over its entire territory. As Charles Sabel has argued, a 'directly deliberative' design in many ways incorporates epistemic innovations and increased capabilities of economic organizations, in the same way as the new regulatory institutions of the New Deal followed the innovations of industrial organization, in the centralized mass production they attempted to administer and regulate (Dorf and Sabel, 1996: 292). Roughly, such a form of organization uses nested and collaborative forms of decision-making based on highly collaborative processes of jointly defining problems and setting goals already typical in many large firms with dispersed sites of production.

Such a process requires a design that promotes a great deal of interaction within the organization and across sites and locations. Within the normative framework established by initial goals and benchmarks, the process of their application requires deliberation at various levels of scale. At all levels, citizens can introduce factors based on local knowledge and problems, even as they are informed by the diverse solutions and outcomes of other planning and design bodies. Local solutions can also be corrected, as these solutions can be tested by the problem-solving of other groups. Thus, while highly dispersed and distributed, various levels of deliberation permit testing and correction, even if they do not hierarchically override decisions at lower levels.

Such a collaborative process of setting goals and defining problems produces a shared body of knowledge and common goals, even if the solutions need not be uniform across or within various organizations and locations. Sabel calls this 'learning by monitoring' and proposes ways in which administrative agencies could employ such distributive processes even while evaluating performance at lower levels by systematic comparisons across sites. Innovations are not handed down from the top, since its learning does not assume that the higher levels are epistemically superior. It cannot do so, if it is to be a non-hierarchical alternative to agent/principal relationships that emerge across levels of governance and lead to the common problem of the reversal of agency. Besides problems of scale, democracy on the model of a national community writ large leads to a proliferation of such forms of agency in dealing with external problems as issues of 'foreign policy,' typically the most undemocratic component of national governance.

The European Union implements such a decentralized process of regulation in its 'Open Method of Coordination.' Such deliberative processes provide a space for on-going reflection on agendas and problems, as well as an interest in inclusiveness and diversity of perspectives. These enabling conditions for democracy can take advantage of the intensified interaction across borders that are byproducts of processes of the thickening of the communicative infrastructure across state borders. Regulatory, but still decentralized, federalism provides for modes of accountability in this process itself, even while allowing for local variations that go beyond the assumption of the uniformity of policy over a single

bounded territory typical of nation state regulation. Sabel and Cohen argue that the European Union already has features of a directly deliberative polyarchy in the implementation of the OMC in its economic, industrial and educational standards (Sabel and Cohen, 1998).[7] The advantage of such deliberative methods is that the interaction at different levels of decision making promotes robust accountability; accountability operates upwards and downwards and, in this way, cuts across the typical distinction of vertical and horizontal accountability (O'Donnell, 1994: 61). Thus, directly deliberative polyarchy describes a method of decision-making in institutions across various levels and with plural authority structures.

Unlike attempts to exert public influence upon hierarchical representative institutions, this sort of institutionalized method is directly rather than indirectly deliberative. Indirectly deliberative institutions hold out the promise of democratic legitimacy to the extent that their formal institutions are connected to the various public spheres in which all citizens participate (although not necessarily all in the same ones). Directly deliberative institutions might, at the level of fixing general goals and standards that guide such a process, require a similar sort of connection to the European public sphere at large, which in turn may be mediated through a more effective European parliament. Given various linguistic and mass media limitations, this public sphere would not be a unified one, but a public of publics in which various linguistic public spheres debate common issues and, through intermediaries, translate across linguistic and cultural boundaries the results of deliberative processes in other publics.

But what is the public at large at the level of implementation and democratic experimentation in directly deliberative processes? Sabel provides no answer to this question, asserting only that the process must be open to the public (Sabel and Cohen, 1998: 29).[8] Without a clear account of the interaction between publics and the various levels of the institutional decision-making process, it is hard to see why the process does not simply reduce to a more open form of commitology, of expert deliberation at various levels governed by various interests which attempt to influence their decisions. In this case, such deliberation may have a certain epistemic quality but its sole claim to be democratic is that committees are internally pluralistic, across national identity, and are governed by some conception of the common European good. But committees are then hardly directly deliberative, except in the sense that there is vigorous interaction among various indirectly deliberative, loosely representative bodies with different tasks and goals. Direct deliberation must be kept institutionally distinct from commitology, precisely with respect to its particular disaggregated form of publicity. What is needed here, to go beyond commitology, is not a new method but rather a Europe that is a public of publics.

The problem for institutional design of directly deliberative democracy is to create precisely the appropriate feedback relation between disaggregated publics and such a polycentric decision-making process. As my discussion of the Internet shows, there is a technology through which this form of publicity is produced and which expands and maintains the deliberative potential of dialogue.

Thus, the European Union, at least in some of its decision-making processes, could then seek the marriage of directly deliberative decision making and computer assisted, mediated and distributive forms of publicity. When compared to the nation state democracies that are members of the EU, such a proposal is based on two different forms of disaggregation: the disaggregation of both representative democracy and the national public sphere in order to promote a more deliberative form of transnationalism. At the European level, this would require an innovative form of a symmetrical federalism that would go beyond the hierarchy of territorial federalism along the model of the United States. Most of all, it would require experimentation in reconciling the dispersed form of many-to-many communication with the demands of the forum. Rather than merely seek to determine an institutional formula such direct and vigorous interaction among dispersed publics at various levels of decision making, it is more fruitful to say that in each case, such democratization requires the existence of a vibrant, transnational civil society in which organizations and groups create publics around which various sort of decisions are debated and discussed, similar to the sort of Internet counter-public sphere that emerged around the Agreement on Investment. Appropriately designed decision-making processes and the existence of a suitable form of publicity, to enable access to influence, speak at least in favour of the feasibility of such a proposal. This sort of procedure also suggests that familiar problem of scale that plague public deliberation when it does not consider alternative ways in which the dialogical features of the public sphere may be technologically and institutionally extended and democratically secured.

Conclusion

My argument here has been two sided. On the one hand, I have developed the innovative potential of electronic public space for democracy, especially when applied to a deliberative transnationalism. This potential transformation of democratic institutions shows the fruitfulness of thinking about cyberspace in political terms that are related to the sort of publicity that it generates. On the other hand, such a potential public sphere can be secured only through innovative institutions. In each case, new circumstances suggest rethinking both democracy and the public sphere outside the limits of its previous historical forms. Tied up with the nation state and its political culture, this framework misrepresents the potentials of new forms of mediated communication for democracy and public deliberation. Rethinking publicity allows us see that some critical diagnosis of the problems of electronic democracy are short-circuited by a failure to think beyond what is politically familiar, as when it is argued that communication over the Internet leads to a general phenomena of 'disintermediation,' when what it actually leads to new intermediaries (Shapiro, 1999: 55). The same is true of diagnoses that see the Internet as inherently democratic and dialogical. Critical analyses of the potential of the Internet and the

globalization of communication are better served neither by pessimism nor by optimism, but by examing potential transformations of our understanding of both democracy and the public sphere. If my argument is correct, that the Internet preserves and extends the dialogical character of the public sphere in a potentially cosmopolitan form, then a deliberative transnational democracy can be considered a 'realistic utopia' in Rawls' sense; it extends the range of political possibilities for deliberative democracy. Even as such communication does indeed threaten some of the best realizations of political ideals of democracy that have been achieved so far in the modern era, contrary to critics such as Kymlicka, it also opens up new possibilities that are recognizably democratic and directly deliberative. Deliberative publics can be strong publics distributively, capable of exerting political influence in real decision-making processes under certain institutional conditions.

While I have rejected Kymlicka's criticism of transnational democracy as lacking an egalitarian public sphere for mass participation, he is correct to press a further point that proponents of global or cosmopolitan democracy have not taken seriously: the problem that the lack of a shared identity poses for cosmopolitan political form. In a similar vein, Habermas has also argued that solidarity at this level cannot simply be based on a shared moral conceptions of human rights but only on a shared political culture; otherwise Europe may not become a public of publics in the full democratic sense (Habermas, 2001: 126). In conclusion, I would like to suggest the ways in which these innovative forms of publicity may, when institutionally secured, themselves provide a solution to the problem of cosmopolitan identity and solidarity. It does so in light of the specific qualities of the interaction that occurs in an extended but mediated dialogical public sphere.

I have argued that the Internet and other contemporary public spaces permit a form of publicity that results in a public of publics rather than a unified public sphere based in a common culture or identity. In order for it to be an adequate extension of the dialogical public sphere for democratic purposes, a public of publics must still enable communication with an indefinite (although not unitary) audience. It cannot simply remain a fragmented series of publics but must become what I have called a serial public that is potentially connected in the proper institutional context to other publics. If this is the case, participants in the political public sphere of such publics relate to reach other in a particular way that preserves perhaps the most essential feature of dialogue for democratic citizenship, in which each is equally entitled to participate in defining the nature and course of such interaction: all participants may mutually make claims upon each other, in that they address and are addressed by each other in terms of claims that every speaker puts forth as something that others ought to accept. Thus, speakers and their audience stand in the essential normative relation of dialogical interaction: they address each other in the normative attitude in which all may propose and incur mutual obligations.

This relation of mutual obligation is the core of the political relationship of citizenship: persons become citizens when they participate in an institu-

tionalized public sphere backed by institutions that make it possible for them to make claims upon each other only if they stand as equals to those who may make the same claims upon them. To have the standing to make claims and incur obligations within an institutional framework is to have a political identity. To participate in a cosmopolitan public sphere is precisely to be open to the claims of any participant in any public, to be the addressee of claims that are made to the human community as such. Similarly, it may open up a particular community and its public sphere to the claims made by other communities in their public sphere, whether that is a claim to justice made on behalf of those who have suffered past wrongs or by those who suffer real harms in the present. Once such claims are taken up and responded to in the present or in our community, we see ourselves as standing toward others whose standing is our concern and for whom we act to constitute a larger public sphere in taking up their claims upon us.

If this obligation-constituting element of dialogue is preserved and extended and finds a new form of a deliberative public sphere, then a further essential democratic element is also possible: that the public sphere is a source of social criticism, of those whose critical claims open up the public sphere and expose its limitations. Either in adopting the role of the critic or in taking up such criticism in the public sphere, speakers adopt the standpoint of the 'generalized other,' the relevant critical perspective that opens up a future standpoint of the whole community. Democratic self-government clearly entails that it is, in some relevant sense, the whole community that is self-governing. This is usually taken to suggest that self-government entails that the various members of the self-governing 'body-politic' must adopt a common or shared perspective, if not in deliberation itself then at least in the outcome of deliberation. Certainly, Mead saw the issue of the scope of the political community as one of being responsive to others and adopting their perspectives. As he put it: 'The question whether we belong to a larger community is answered in terms of whether our own actions calls out a response in this wider community, and whether its response is reflected back into our own conduct' (Mead, 1934: 271). This sort of mutual responsiveness and interdependence is the basis for a potential democratic community, and this in turn depends on the capacity to make and respond to claims available to social actors even in cases of conflict. To the question of the applicability of such norms and institutions internationally, Mead is optimistic: 'Could a conversation be conducted internationally? The question is a question of social organization.'(ibid.) Given the clearly pluralist basis of international society, we might expect the institutional forms of a multiperspectival polity to unlink democratic authority from the exclusive and territorial form of democratic citizenship and authority tied to the nation states, as it begins to reflect the enriched possibilities of politically relevant perspectives. The value of such deliberation is that it permits precisely the sort of reflection necessary for the transformation of democracy within states into multiperspectival polities that incorporate a cosmopolitan public sphere into their political life. If the distributively strong public sphere that the Internet enables contributes to making

dialogue with others who serve the role of the generalized other possible, then it may also enable the mediation of dialogue across borders and publics. But it does so only if there are agents who make it so and transnational institutions whose ideals seek to realize a transnational public sphere as the basis for a realistic utopia of citizenship in a complexly interconnected world.

Notes

1 The term 'public culture' usually denotes those aspects of cultural identity and symbols that become the subject matter for public debate and opinion; the public sphere denotes a social space that emerges out of civil society and is outside of state control. On these debates and an analysis of sports as part of public culture in China, see Brownell (1994, ch. 3). Brownell shows the odd locations for publicity even in 'state saturated societies,' such as in criticisms of the Party in Chinese sports journalism. Public culture can develop autonomously from the larger culture in which it is embedded.
2 Such mutual responsiveness or answerability to others is crucial to the justificatory force of public agreements. For an elaboration of this form of justification in relation to making one's actions 'answerable' to others, see Freeman (1991), p. 281–303.
3 The issue here is that private sources of power have the same effects as public power manifested in state censorship.
4 Shapiro ignores the way in which the process of deliberation is never under the control of anyone.
5 See, for example, Joel Trachtman, 'Cyberspace, Sovereignty, Jurisdiction, and Modernism, in *Global Legal Studies* (1998), especially on the problems of jurisdiction and territoriality. On why the term 'aterritorial' is superior to 'post-territorial' in discussing electronic space; see p. 570ff. A further advantage of the term is that it does not elide the ways in which Internet usage could reflect structural inequalities in the world economy.
6 On the distinction between strong and weak publics, see Fraser (1989), 109–142. Habermas appropriates this distinction in his 'two track model of democracy in *Between Facts and Norms* (Habermas, 1998) chapter 7. The requirements of a strong pubic sphere for both are closely tied to access to influence over national legislation, in which the collective will is transformed into the coercive power of law.
7 Charles Sabel and Joshua Cohen, 'Directly-Deliberative Polyarchy,' in *Private Governance, Democratic Constitutionalism and Supranationalism* (Florence: European Commission, 1998), 3–30. For a more direct application to the EU, see Joshua Cohen and Charles Sabel, 'Sovereignty and Solidarity: EU and US', in *Governing Work and Welfare in a New Economy: European and American Experiments*, eds J. Zeitlin and D. Trubek (Oxford: Oxford University Press, forthcoming).
8 Sabel and Cohen, p. 29.

Bibliography

Brownell, S. (1994) *Training the Body for China*. Chicago: University of Chicago Press.
Cohen, J. and Sabel, C. (2003) 'Sovereignty and Solidarity: EU and US', in J. Zeitlin and D. Trubek (2003) *Governing Work and Welfare in a New Economy: European and American Experiments*. Oxford: Oxford University Press.
Dahl, R. (1999) 'Can International Organizations Be Democratic? A Skeptic's View,' in J. Shapiro and C. Hacker-Cardan (1999) *Democracy's Edges*. Cambridge: Cambridge University Press.
Dorf, M. and Sabel, C. (1996) 'The Constitution of Democratic Experimentalism,' *Columbia Law Review* 98(2), 267–473.

Fraser, N. (1989) 'Rethinking the Public Sphere,' In *Habermas and the Public Sphere*, ed. C. Calhoun. Cambridge: MIT Press, 109–142.
Freeman, S. (1991) 'Contractualism, Moral Motivation, and Practical Reason,' *Journal of Philosophy* 88, p. 281–303.
Froomkin, M. (2003) 'Habermas@discourse.net: Towards a Critical Theory of Cyberspace,' *Harvard Law Review* 16, 751–873.
Garnham, S. (1995) 'The Mass Media, Cultural Identity, and the Public Sphere in the Modern World,' *Public Culture* 5.
Habermas, J. (1996) *Between Facts and Norms.* Cambridge: MIT Press.
Habermas, J. (2001) *The Postnational Constellation*. Cambridge: MIT Press.
Held, D. (1995) *Democracy and Global Order*. Stanford: Stanford University Press.
Kymlicka, W. (1999) 'Citizenship in an Era of Globalization,' in J. Shapiro and C. Hacker-Cardan (1999) *Democracy's Edges*. Cambridge: Cambridge University Press.
Lessing, L. (1999) *Code*. New York: Basic Books.
MacCormick, N. (1997) 'Democracy, Subsidiarity and Citizenship,' *Law and Philosophy* 16(4), 331–54.
Mead, G. H. (1934) *Mind, Self and Society*. Chicago: University of Chicago Press.
O'Donnell, G. (1994) 'Delegative Democracy,' *Journal of Democracy* 5.
Page, B. (1995) *Who Deliberates?* Chicago: University of Chicago Press.
Poster, M. (2001) *What's the Matter With the Internet*? Minneapolis: University of Minnesota Press.
Ruggie, G. (1996) *Constructing the World Polity*. London: Routledge.
Sabel, C. and Cohen, J. (1998) 'Directly-Deliberative Polyarchy,' in *Private Governance, Democratic Constitutionalism and Supranationalism.* Proceedings of the COST A 7 Seminar, Florence, 22 to 24 May 19997, Luxembourg 1998: Office for Official Publications of the European Communities.
Sassen, S. (1998) *Globalization and Its Discontents.* New York: The New Press.
Shapiro, A. (1999) *The Control Revolution*. New York: Century Foundation.
Smith, P. and Symthe, E. (2001) 'Globalization, Citizenship and Technology: the Multilateral Agreement on Investment (MAI) Meets the Internet,' in F. Webster (2001) *Culture and Politics in the Information Age.* London: Routledge.
Sunstein, C. (2001) *Republic.com*. Princeton: Princeton University Press.
Thompson, J. (1995) *Media and Modernity.* Stanford: Stanford University Press.
Trachtman, J. (1998) 'Cyberspace, Sovereignty, Jurisdiction, and Modernism, in *Indiana Journal of Global Legal Studies* 5(2), 561–81.

