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Transnationalizing the Public Sphere

Critique and Critical Possibilities

Kate Nash

CLOSELY LINKED to the strategies of social movements and sensitive to the political questions they raise, what Nancy Fraser's 'critical-theoretical' approach does most creatively is to show the relevance of empirical studies of social and political structures, media and culture to the development of normative categories of political theory and vice versa. In her article, Fraser considers how important it is not to sacrifice the normative for the real, which is what she sees happening in current uses of 'public sphere' in media studies. In response, I want to briefly consider the *other direction* of Fraser's analysis, to open up questions concerning real developments in media which don't meet the normative criteria she analyses as essential to the concept 'public sphere', but which may nevertheless be important to emancipatory possibilities today.

First, it is necessary to be clear about just *how* demanding Fraser's terms are for existing media if they are to contribute to what Fraser calls post-Westphalian public spheres. The difficulty – which Fraser certainly doesn't underestimate – is that both in transnational formal institutions and in transnational media, political efficacy and normative legitimacy have to be established *together* in and through public spheres beyond the national state. As Fraser points out, by comparison, at least according to Habermas's classic work *The Structural Transformation of the Public Sphere* (1989), the national public sphere developed in a setting in which relative state control over the capitalist economy came *before* democratization in forms of class-compromise. Fraser argues that, although there are the beginnings of transnational political institutions, they are weak, and legitimate public spheres, which would enable the participation in principle of 'all affected' by a

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particular issue, must therefore establish both the capacity of effective institutions *and* at the same time translate public opinion into law and administration, to bring effective pressure to bear on those institutions. In other words, in contrast to the national public sphere, post-Westphalian public spheres must both enable the conditions for open participation in wide-ranging public debate and, at the same time, create effective, but porous and responsive transnational institutions.

Fraser's point concerning current organizational forms of media is well made: it is impossible to find any that come close to meeting her exacting criteria for post-Westphalian public spheres, despite media scholars' frequent use of the term 'public sphere' prefixed by 'transnational' or 'global'.[1] However, there is another way to make use of Fraser's analysis, which is to ask: what are the implications of *actually existing* organizational forms of the media and media representations for emancipatory possibilities of cosmopolitan democracy? There is obviously not room here to go into this complex question in any depth. By way of illustrating the importance of the question to political theorists, however, I want to introduce the work of Luc Boltanski (1999) on media representations of 'distant suffering' (not a new phenomenon, he insists, but facilitated to some extent by the use of new media technologies) and its consequences for political action.

In *Distant Suffering* (1999), Boltanski's use of 'public sphere' (without spatial designation and therefore 'national') is closer to Fraser's 'strong' critical theory model than to the 'weaker' use she identifies with media theory. Boltanski takes the view that reflexive modern subjects are both immediately morally obliged and emotionally bound to act to relieve suffering that we witness. However, how we feel and, more importantly, what we do, is organized by discursive apparatuses that enable us to deal in different ways with those feelings and obligations. Hence, action is only rarely altruistic. A critical example for Boltanski's discussion is the work of Bernard Kouchner, the founder of Medecins sans Frontières and a minister in successive socialist governments, who introduced two innovations into the French public sphere:

> The first was to make the greatest possible use of the media to show the suffering of populations in distress and to lift the veil of indifference which covered them. The second was to bring humanitarian action and politics together; to join private initiatives with State interventions or interventions by international organisations, with, in particular, a number of attempts to get the United Nations to recognise a 'right to humanitarian intervention' which would legalise a limit to national sovereignty and, when a population is threatened by its own government, legitimise intervention on the territory where it takes place. (Boltanski, 1999: 178)

From the point of view of the classic notion of the (national) public sphere these are indeed innovations. As Fraser so clearly shows, the classic concept of the public sphere assumed an isomorphism between the *participants* in that sphere and the *subjects* of state policy produced as a direct result of the

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translation of public debate into law and administration. Both participants and subjects were considered to be members of a bounded political community of citizens. In 'Kouchner's innovations', especially the second, which breaks with the principle that charitable work is politically neutral, we see – potentially – the formation of public opinion in a national public sphere to influence the state on behalf of people who are not members of the national political community. If established, this would be a new type of public sphere, in which public opinion formed within a state would concern global politics *beyond national interests*.

Taking up Fraser's useful distinction between political efficacy and normative legitimacy, what do such innovations mean for the possibilities of post-Westphalian public spheres? Leaving the particularly vexed issue of 'humanitarian intervention' to one side (with all the difficulties it raises concerning sovereignty and imperialism), it clearly makes sense for any reformist political strategy to target the powerful, wealthy states of the North from inside as well as at the international level. As Fraser notes, states are increasingly networked into international institutions. But in many ways such networks actually *enhance* the capacities of strong states at the expense of weaker ones – in setting the conditions of world trade to favour wealthier countries, for example. Restructuring the global economy along more egalitarian lines would require that powerful states change their international policies, no longer acting automatically in the 'national interest'. The formation of public opinion within national public spheres is clearly necessary to enable such a change in policy. Even if there are problems of what Fraser calls 'translation' such that a 'proto-cosmopolitan public sphere' does not effectively influence an internationalizing state in creating any particular international agreement or global policy, it is still important to create a shift in overall emphasis, to create the conditions in which, as David Held (2003) puts it, states must stop treating international governmental organizations as outposts of national politics, to begin to see them as making public policy for the world.

In terms of normative legitimacy, however, the strategy of building public opinion within states to influence global policy-making is highly problematic. According to Boltanski, the modern subject who witnesses (mediated) suffering is reflexive and therefore both capable of, and required to, justify their understanding of what they have seen, how they feel about it and how they intend to respond to it. (At the same time, as a structural condition of their participation in the public sphere, they are free *not* to respond to suffering.) Boltanski's understanding of the possibilities of entering into social dialogue is very similar to Habermas's in this respect. Modern subjects attribute reflexivity to each other, so creating a communicative space for potential partners in dialogue who are able to justify their beliefs, values and actions to each other, and to reach consensus on how to proceed. There is some difficulty, however, in Habermas's thinking on what, precisely, normative legitimacy of consensus in the public sphere requires, and this is replicated in Fraser's analysis of 'participative parity'. Fraser

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argues that public opinion is legitimate if 'all affected' have roughly equal chances to participate in the formation of public opinion, if not directly (impossible in a complex public sphere dominated by professional media) then through the intervention of the counter-publics of successful social movements. But how is it possible to *know* whether the perspectives of 'some affected' have been completely left out of public debate – whether as a contingent fact or by structural exclusions that are hidden by the taken-for-granted limits of the debate itself? This question is obscured, as Fraser argues, when it is assumed that 'all affected' is the same as 'the citizens of a bounded territorial state'. It becomes crucial, however, once the inadequacies of the Westphalian frame are recognized.

The requirement of normative legitimacy is vital to the critical force of the concept of 'public sphere'. Although we do not, and could never, have comprehensive knowledge of which perspectives have been left out of public debate, we do know – as a result of reports compiled by NGOs and investigative journalists, and because of the use of transnational media by marginalized groups – of many perspectives that are *not* included in debates over particular issues. The criteria of normative legitimacy can be used in this way to critically assess 'proto-cosmopolitan public spheres'. In order to come close to enabling participatory parity, in however rough and ready a fashion, 'proto-cosmopolitan public spheres' would have to be completely transformed. To give just some examples: there would have to be a change of media agenda, from a focus on events that happen to wealthy and powerful figures and nations to detailed explorations of the interdependencies of people's lives in the global North and South; there would need to be representation from the perspectives of those most disadvantaged by the global political economy, and translation across languages and cultures of the concerns of all those involved; if grassroots perspectives are to be heard and taken seriously, greater openness to debate in repressive states would be necessary; and also a far greater willingness on the part of viewers and readers in the North to allow ourselves to be affected by distant suffering and to take action to relieve it.

In her important article, Nancy Fraser has elaborated the tools for critical reflection on 'actually existing' public spheres, resisting the 'weakening' of the concept to encompass social realities that are far from meeting the original normative criteria of the concept. What I have tried to draw out from her argument is a different emphasis, on the importance of studying changes in mediated communication that do not yet come close to those ideals but that may nevertheless be important for the development of democratic potential today. What if Boltanski's analysis of the possibilities and the difficulties of making a commitment towards alleviating distant suffering are actually identifying some of the elements of a 'proto-cosmopolitan public sphere' – much as the cultural construction of individual subjectivity in the bourgeois domestic sphere preceded the national public sphere according to Habermas? As well as normative critique, it is also important to understand emergent possibilities that may provide strategic

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opportunities for progressive political actors. Critical possibilities are as important as critique to the making of a more just and democratic world.

Notes

Thanks to Nick Couldry for helpful comments on this response.

1. Although some media studies scholars do use 'public sphere' simply to map existing information flows, others use the concept more rigorously. Daniel Dayan's definition is very thorough: a public involves relative sociability and stability over time, commitment to internal debate, self-presentation in relation to other publics, a shared world-view, the possibility of translating desires and tastes into demands, and a reflexive awareness of the criteria establishing who belongs (Dayan, 2001; see also Livingstone, 2005). The most significant difference between this definition and that of critical theorists is that media studies has focused on how people use the media rather than on how the media affect state action. This may be a self-imposed limitation of the discipline, but methodologically it is also very hard to see how the latter could be studied and assessed.

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