The Public Sphere in the Context of Media Freedom and Regulation

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Abstract: The aim of this paper is to briefly present and critically discuss the well-established notion of the 'public sphere', particularly in reference to the work Jurgen Habermas, carefully exploring its various historical, social and communicative dimensions. It will also seek to comprehensively contextualise the meanings and theoretical implications of this highly contentious notion within the contemporary debate on 'media freedom and regulation', with a critical reflexive analysis of a number of relevant complex sociological, political, ideological and moral questions and dilemmas.

Key words: Public sphere % jurgen habermas % mass media % democracy % citizenship

INTRODUCTION

The conception of the public sphere is most commonly employed to signify the open realm of rational public discourse and debate, a realm which is conceptually linked with the very democratic process and in which individuals can freely discuss everyday issues of common concern. In general, the public sphere is theorised in contrast to privatised modes of economic activity and the private domains of personal and family relations. It is generally accepted that one of the most significant accounts of the nature, character and implications of the public sphere was provided by the German social theorist Jurgen Habermas (born 1927) in his classic text The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society, appeared in English in 1989.

In this innovative work, Habermas intriguingly traces the historical development of the public sphere from the Ancient Greece to the present. He argues that, in seventeenth-and eighteenth-century Europe (and, especially, in Great Britain), the gradual spread of capitalism allowed the emergence of a distinctive type of public sphere: the 'bourgeois public sphere'. The bourgeois public sphere, increasingly, became a significant part of the social life that consisted of private individuals who gathered together in public places (such as the seventeenth-century coffee-houses in London, the eighteenth-century salons in France and the `table societies' in Germany) in order to elaborate on the key issues of the day (mainly of political concern) and exchange views and opinions on matters of importance to the common good.

This exchange of views and factual information was substantially stimulated by the historical rise of the periodical press, which successfully flourished in England and other parts of Europe (in the late seventeenth and eighteenth centuries) and involved an *in-going process of discussion*, in the form of open-ended, uninterrupted, unconstrained, undistorted and totally freed from any sort of domination 'rational-critical' debate; a debate which was not hierarchically manipulated, disguised, prejudicial or interested.

CRITICAL IDEA (L) S

Such a debate contained a particular set of rules, normative patterns, conventions and regularities, which mainly excluded any usage of emotion or emotive language and had as its central focus the very rationality of the content itself.

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Besides, the so-called 'critical potential' of the everyday unmediated conversations was maintained through three basic processes: [1]

C   The social intercourse, which eventually shifted from literary to political critique, opened up a crucial social space where the authority of the "better argument" could be asserted status against the established order (*status quo*). The proposals and thoughts which came to the fore could be mutually tested (and rationally validated or falsified) and therefore a common meaning could be collaboratively discovered (by the participants together) as a result of the process itself. This was a reality that implicitly signified the spread of the Enlightenment ideal.

C   Areas of social debate, hermetically sealed off under feudalism, lost the negative 'aura' which had been provided by the church and the court and became increasingly problematised through conversation that disregarded (or bracketed off) the status of the participants-so that all participants spoke as if they where equals (*inter pares*).

C   While the "public" remained small, the principle of *universality* was beginning to be accepted: those who met the "qualification criterion" of being "rational propertied individuals" (Locke) could avail themselves, through active participation, in the public sphere. The collective pursuit of truth through an intersubjective dimension, which reflected upon both civil society and the state, held out distinct possibilities for the profound reformation of asymmetrical relations of force. Thus, the dominant male capitalist class maintained its hegemonic position through practices of exclusion, while, simultaneously, providing the cultural grounds for critique.

The performance of the 'rational-critical' debate was essentially an act (or an active process) of 'public-opinion formation', which undoubtedly possessed a strong 'educational capacity' for the wider populace. Habermas emphasises that a person's individual opinion, when solicited (as in public opinion poll for example), is not constitutive for the public sphere, because it does not enclose a process of opinion formation.

According to Habermas, the expression 'public opinion' refers to the crucial ethical "tasks of criticism and control which a public body of citizens informally-and, in periodic elections, formally as well-practices vis-à-vis the ruling structure organised in the form of a state". He also defines the normative notion of the public sphere by articulating it with his perception about public opinion. The public sphere is thus a "realm of our social life in which something approaching public opinion can be formed. A portion of the public sphere comes into being in every conversation in which private individuals assemble to form a public body" [2].

In a rather schematic way, Habermas carefully considers the "bourgeois public sphere" as functionally localised in the context *between* "civil society" (as a realm of the private individual) and the "public authority" (of feudal social ties embodied in the state and the court)-a localisation process that initially took place through the emergence of an "autonomous household moral economy" and the world of "letters" (*Republique des Lettres*).

On the one hand, "public authority", in the narrow sense, came to increasingly refer to *state-related activity*, that is, to the activities of a state system which had legally defined spheres of jurisdiction and which had a monopoly on the legitimate use of violence (a fact that has been originally conceptualised by the famous Weberian social-theoretical tradition).

On the other hand, "civil society" historically emerged as a domain of privatised economic relations (that is, a distinct domain of commodity production and exchange) which were in principle established under the aegis of public authority. Both civil society and the "intimate sphere" of personal relations, which increasingly became disengaged from economic activity and anchored in the institution of the "conjugal family", initially constituted the so-called "private realm" [3].

Moreover, the historical development of the bourgeois public sphere potentially had a profound impact on the general institutional architecture of modern (Western European) states. By being called before the "forum of the public", Parliament (with its complex bureaucratic proceedings) was increasingly forced to become more transparent and open to scrutiny, more accountable to the critical and educated citizenry. For this positive metamorphosis of the Parliamentary functioning, Frank Webster maintains that "revealingly, the press of the eighteenth and nineteenth centuries … was noticeably committed to

very full coverage of Parliamentary matters, a sharp indication of the confluence of press and Parliamentary reform campaigns. Central to this mix of forces, of course, was the maturation of political opposition, something which … gelled with the pressure towards developing what Habermas terms rational-acceptable policies" [4].

In this new sociopolitical-institutional setting, the political role of *freedom of speech*, especially manifested in the protracted struggle to establish newspapers independent of the state, was formally recognised in the constitutional arrangements of many modern industrial states. In fact, freedom of speech was certainly axial to those who wished for radical reform and stressed engagingly that political life should be regularly subject to greater public inspection.

According to the British political theorist John Keane, the crucial historical question about the origins of the modern ideas of freedom from state censorship (that means, of "liberty of the press") can be possibly answered by at least four different (often overlapping) species of argument: [5].

The theological approach criticised state censorship in the name of the God-given faculty of reason enjoyed by all individuals.

The idea that the conduct of the press should be guided by the rights of the individual.

The theory of utilitarianism viewed state censorship of public opinion as a vehicle for despotism and as seriously opposing to the principle of maximising the happiness of the governed.

A fourth defence of liberty of the press is guided by the key idea of attaining Truth through unrestricted public discussion among knowledgeable citizens.

Quintessentially, the latter argument, which explicitly *interrelates* the democratic notion of "liberty of the press" with the well-respected Habermasian ideal of the unrestrictedness of "rational-critical" public discussion can be fruitfully theorised as projected in the public functioning of the broadcasting service.

For Habermas, the existence of a (distinct) "public sphere" mainly rests upon access (to full information) being guaranteed to *all* citizens; and, indeed, the broadcasting service (in principle) rests precisely upon a "right of access" (asserted by the broadcasters on behalf their audiences) to a wide range of political, religious, social, cultural, sporting events and to a wide variety of entertainments that were previously only available to small, self-selecting and more or less privileged particular publics.

This fact actually concerns the creation of a sort of *"broadcasting public forum"* with a real capacity to exercise substantial "political control" on behalf of viewers and listeners; and the appropriate association between the "right of access" and the fundamental capacity for "political control" is what ultimately constitutes the essential base of the "critical" or "emancipatory" potential of the public sphere. Only when political control is effectively subordinated to the democratic demand that information be accessible to the wider public, does the political Public Sphere truly win an institutionalised influence over the government through the instrument of law making bodies.

In addition, while public service broadcasting (just like the public sphere) must be seen as reflexively separate from the State, in its very essence it is also *highly political*. In fact, it is one of the most significant grounds of true democratic politics. Thus, the remit of public service broadcasting, the provision, for instance, of national news coverage and participation at major national events, is intimately related to this political notion.

MEDIA REGULATION AND ITS DISCONTENTS

In critically examining the fundamental relationship between the debates of the "public sphere" and "media freedom and regulation", it is rather expedient to carefully elaborate on one of the most comprehensive definitions of public service broadcasting, which was produced by the Broadcasting Research Unit in its evidence to the Peacock Committee on the financing of the BBC.

According to the Research Unit, public service broadcasting contains at least eight basic principles: [6]

C Geographic universality: This principle refers to the striving by broadcasters to make their programmes and services, as far as it is technically possible, available to the whole population (that is, to everyone with a receiving apparatus

anywhere in the United Kingdom)-no matter how remote various groups of citizens may be from the main centres of population. The issue here involves the distinctive mark of public service broadcasting's disregard of strictly commercial considerations in relation to its audience. Under public service principles, no one is really disenfranchised by distance (and this fact clearly signifies the crucial argument of *social equality*).

C   Universality of appeal: Public service broadcasting as offered by ITV and BBC aims to provide programmes of wide range and diversity (news, current affairs, topical magazine programmes, chat shows, game shows and quizzes, drama from soap opera and sit-com to plays, documentaries on a wide range of topics covering social issues to wildlife, children's programmes, a wide range of sporting and cultural events and music of all kinds), over a reasonable span of time for practically all kinds of taste and all interests, for large groupings and small. In doing so, it recognises that we are all at different times parts of the majority and minority groupings and belong to overlapping constituencies of tastes and interests. This recognition substantially signifies a remarkable maximisation of opportunities and hence the true meaning of the conception of *choice*.

C   Minorities, especially disadvantaged minorities, should receive particular provision: Public service should address the particular needs of people who belong to minorities not only of taste but also of nature such as poor or diseased or under-represented groups, such as women or ethnic minorities (and socially differentiated, vulnerable and excluded groups).

C   Broadcasters should recognise their special relationship to the sense of national identity and community: The democratic thrust of public service broadcasting (at first through radio and later through television) placed religious, political, cultural events and entertainments in a common domain, creating a new national calendar of public events.

C   Broadcasting should be distanced from all vested interests and in particular from those of the government of the day: And this is a sort of methodology aimed to provide accountability (for the politicians who are constitutionally responsible for the conduct of the national affairs) and allow for the practice of independent (and reasoned) judgment-making on the performance of the powers that be, a rational critique of the existing institutions (that is, the Habermasian quintessence of "communicative action").

C   Universality of payment: Broadcasting should be directly funded by the corpus of users. A "universality of payment" is appropriate both practically and symbolically as a *commitment* from the citizen to a free broadcasting service; free from direct governmental or direct commercial intervention.

C   Broadcasting should be structured so as to encourage competition in good programming rather than competition for numbers. Given that the two traditional British broadcasting networks do not compete for the same source of revenue, they can turn their attention towards winning repute by the range and quality of their programmes rather than towards presenting the largest possible blocks of viewers and listeners to their financiers; but they do compete for audiences.

C   The public guidelines for broadcasting should be designed to *liberate* rather than restrict the programme makers; if no regulations exist, then the more restrictive regulators with absolutist commercial or political imperatives will take control.

This whole system of codes and principles is primarily driven from the aspiration to potentially create a wide ranging high-quality broadcasting service. In theory, programmes are required to be 'independent', that is, completely free from external influence-by both government and advertisers-in the same sense that the public sphere (as Habermas described it in a sort of 'idealised' theoretical manner) was freed from both the 'public authority' (state-related activity) and the 'civil society' (of privatised 'profit-motivated' or 'self-interested' commercial options).

However, the public service broadcasting-and the 'media' in general-seem to experience the same 'effects' that the public sphere experienced (signifying its historical decline and inevitable fall or 'structural transformation'), as the other institutions created by capitalism assumed greater dominance and led to the re-penetration (or 'colonisation') of the state into society. The increasingly 'interventionist State', which gradually took on the traditional responsibilities of civil society (welfare, education), as well as the increasing power of the market and of monopoly capitalism, squeezed the public sphere into

insignificance [7]. The political Public Sphere of the social welfare state (in contemporary 'mass democracy'), as Habermas puts it, is sequentially characterised by a "peculiar weakening of its critical functions. At one time the process of making proceedings public was intended to subject persons or affairs to public reason … but often enough today the process of making public simply serves the arcane policies of special interests; in the form of 'publicity' it wins public prestige for people or affairs, thus making them worthy of acclamation in a climate of nonpublic opinion" [8].

So, Habermas lays the blame primarily at the feet of publicists. During the twentieth century, what the rapid spread of *public relations* actually does, in pervasively entering the public realm, is to intriguingly distort, divert or disguise societal interests (covering them with mystifying "emotive" appeals) and thus rendering contemporary democratic debates as a "fake version" of a genuine public sphere. And for the criteria of rationality, which previously governed "rational-critical" debate, are now completely lacking in a consensus created (or "constructed") by sophisticated *"opinion-molding services"* (let alone the ubiquity of spin doctors, image-makers and lobbyists) under the aegis of a sham public interest [9].

For Habermas, opinion management and public opinion research do not offer any potential for democracy, because they simply do not provide the real opportunity for discursive will formation. Communication means not just finding out what individuals have previously "decided" or "learned"; it is a *contested process* in which opinion is constantly created by the act of debate itself. For Habermas, "opinion management with its 'promotion' and 'exploitation' goes beyond advertising; it invades the process of 'public opinion' by systematically creating 'news events' or exploiting events that attract attention" [10].

It is in this sense that Habermas employs the very concept of "refeudalisation", aiming to comprehensively demonstrate the overwhelming interweaving of the public and the private realm, as well as the complex way in which public affairs have been sequentially and structurally transformed into occasions for "displays" of the powers that be, rather than into real sites of productive and useful contestation between opposing arguments, policies and viewpoints. Whereas once "publicity" amounted to the exposure of domination through the use of right reason, as N. Stevenson maintains, the public sphere is now dangerously subsumed into a "stage managed political theatre. Contemporary media cultures are characterised by the progressive privatisation (or even 'atomisation') of the citizenry and the trivialization and glamorisation of questions of public concern and interest. The hijacking of communicative questions by monopolistic concerns seemingly converts citizens into consumers (of information and images) and politicians into media stars protected from rational questioning" [11].

For critical scholars, in general, such tendencies ultimately depict a very acute danger, if they actually imply that political principles and values are merely sacrificed to meaningless image-building, personality-mongering and personal charisma and the political enterprise as a whole is increasingly dictated by mediatised pseudo-events and camera-ready trivial conflicts between "political celebrities" [12].

In particular, the dramatic conceptual shift from active "citizens" to "consumers" is for Habermas a forceful agent of *mass passification*, the relentless pursuit of sensationalism and immediate gratification of personal desires (to use M. Horkheimer's terms), the celebration of ephemeral lifestyles and identities, the massification of material cultural products, the commodification of knowledge (or information) and the personalisation of public affairs. Thus, Habermas insists that "for to the extent that private people withdrew from their socially controlled roles as property owners into purely 'personal' ones of their noncommittal use of leisure time, they came directly under the influence of semipublic authorities, without the protection of an institutionally protected domestic domain. Leisure behaviour supplies the key to the 'floodlit privacy' of the new sphere" [13].

No doubt, these indisputable changes can be regarded as the inevitable upshot of the on-going impetus for "deregulating" television (particularly manifested during the two last decades), in terms of broadcasting regulations, technology, organizational structure and commercialisation, which on the surface seems to be capable to offer increased choice and "independence" (that is, freedom from external constraints and impositions), but, in fact, results in the total loss of critical or analytical broadcasting in favour of profit and (economic and political) self-interest.

In consequence, groups of citizens who are culturally differentiated and socially vulnerable or isolated are substantially disempowered, misinterpreted, or ignored. On the contrary, the views of people with various forms of power are almost always (over-)represented and given more credence than those like trades unionists, whose views are easily characterised as "wrong" or "extreme" (or simply not "newsworthy").

CONCLUSIONS

Increasingly, television ecology has become largely fragmented and ratings-driven and commercial considerations have overwhelmingly dominated the broadcasting system as a whole, whilst rigid and overcautious bureaucratic managements (and authority structures) seem to carefully and systematically reproduce the large-scale and constantly expanding (self-) interests of *media conglomerates*. Thus, broadcasters tend to deliver a service only to the most profitable markets which lie in densely populated, urban areas that can deliver large audiences without difficulties and entirely ignore poorer, remoter and more sparsely populated regions.

Clearly, the public service broadcasting as a performative embodiment of the Habermasian public sphere comes into direct conflict with any market-based system of broadcasting (which in an important extent erodes the main principles of the so-called "public service idea" in British Broadcasting). These two opposing systems are obviously (and fundamentally) differentiated in their basic preconceptions about their audience and the structure of social conditions and relations that bind them to their audiences.

Public service broadcasting has the inherent moral obligation and mission to reflexively address its audience as potentially "capable", "mature", "rational" and "knowledgeable" citizens, providing them with full and uncensored information upon which "post-conventional" discursive will formation can creatively take place. In a digital era of emerging (electronically based) "virtual communities" and increasingly "converging technologies", the mass media, as a major site of *ideological struggle* (Antonio Gramsci, Stuart Hall) and a contested terrain of incorporation and resistance (where hegemony is to be won or lost), can and should be qualified to actually turn themselves (in a self-conscious and self-critical way) into a useful democratic instrument for societal betterment and the revision, revival and technological sensitisation of the Public Sphere, as optimistically defined by Habermas. But this kind of *mediapolitik* would be possible *only* through a radical intervention into the very essence of education *and* their contemporary public functioning.

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