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PUBLIC OPINION AND THE PUBLIC SPHERE

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I

A common understanding of the very broad sweep of European political history goes something like this.

In the ancient world, and in many other places until recently, political societies could be divided into two classes – the rulers and the ruled. Of course, for a society of any complexity there was also a ‘middle’ class of administrators, tax collectors and bureaucrats of one kind or another. But the members of this middle class nonetheless fell on the side of ‘the ruled’ and though the division between ruler and ruled might be porous enough to allow the occasional move from one side to the other, this was always a matter of military success or historical chance. Such occasional shifts in power did not alter the underlying political structure in which whatever rights and entitlements the ruled might from time to time enjoy were bestowed by the authority of the ruler, while the ruler’s own entitlements to wealth and power derived from conquest, lineage or divine appointment.

A number of widely different influences and historical events changed this, among them the spread of Christianity into Northern Europe, the invention of printing, the Reformation, the emergence of industrial production. The change that eventually came about in the relationship of ruler to ruled was the complete reversal that Locke articulates in his *Second Treatise of Civil Government* (the *First Treatise* having sought to demolish Filmer’s defense of the divine right of kings). Rulers were now understood as owing their authority to the ruled. The legitimate use of coercion derived from a ‘social contract’ by which ‘the people’ transferred to ‘the magistrate’ their natural rights to self defense and retributive punishment so that by means of a single, central authority they could more effectively protect their other natural rights to life, liberty and property. In Hobbes and Locke ‘the contract’ is a one off event in the distant past. For Locke, but not for Hobbes, a magistrate could forfeit political authority as a result of abuse or corruption, since citizens were ultimately sovereign and could nullify the contract.

Serious critical difficulties soon surfaced for this historical conception -- When was the contract made? How can past agreements bind the present? The consequence was that the historical conception came to be replaced by a rather different 'idealized' contract continuously renewed by a recurring democratic mandate, expressed in regular general elections. By means of these 'the people' have the opportunity to reject governments of which they disapprove and so their failure to do so can be taken to constitute a renewal of a quasi-contractual relation in which the ruler is authorized by the ruled.

It is with this reversal of authority, and especially its democratic dimension (the story continues), that there emerged a different 'middle class'. The members of this new class did not simply interpret and enforce the decisions of rulers, but were increasingly instrumental in both forming and transmitting the 'public opinion' that rulers had to take account of if they were not to lose their mandate at the next election. This new 'intelligentsia' was distinct from the 'ruling class' because its members did not occupy offices in government or its associated bureaucracy. At the same time they were not merely the 'recipients' of laws enacted and political decisions taken; they had a role in determining what these were. Typically, it came to include campaigners, researchers, journalists, writers, broadcasters and so on, in short everyone outside the class of legislators, governors and bureaucrats whose thoughts and activities were also focused on political affairs.

Something like this is the historical backdrop against which Habermas advances his conception of the public sphere -- "a domain of our social life in which such a thing as public opinion can be formed" (Habermas 1997: 105). The public sphere is where we find the journalists and activists just referred to, but it is not the exclusive preserve of such people. Any and every citizen can occupy it, including citizens who hold political office, so long as they are dealing "with matters of general interest without being subject to coercion" (ibid.). The crucial difference then is not membership but purpose. Government officials are subject to coercion in the opinions they may and may not express; private individuals are concerned with personal decisions, not matters of general interest. It is the public sphere that bridges the two, thus giving rise to a three level social or political structure.

In the first modern constitutions the sections listing basic rights provide an image of the liberal model of the public sphere: they guarantee society as a

sphere of private autonomy; opposite stands a public power limited to a few functions; between the two spheres, as it were, stands the domain of private persons who have come together to form a public and who, as citizens of the state, mediate the state with the needs of bourgeois society, in order, as the idea goes, to thus convert political authority to “rational” authority in the medium of the public sphere” (Habermas 1997: 107).

In this essay I am not concerned with the general accuracy or inaccuracy of this very broad historical sketch. My interest lies in the way the three level conception of social and political life resulting from this narrative – political power and private life mediated by the public sphere -- has structured a hugely influential component in contemporary political philosophy. More generally it has shaped the understanding of rational justification in politics. The exercise of political power is justified when it is deployed in accordance with a political consensus forged within the public sphere. Such a conception is crucial to what we might call “political philosophy of the recommending sort” (a phrase of Ted Honderich’s (Honderich 1970)), of which John Rawls’s *A Theory of Justice* is unquestionably the most influential modern example. Its publication was widely heralded as the revival of political philosophy proper, which Rawls was thought to have rescued from the graveyard of logical positivism and linguistic analysis where only such works as Weldon’s *Vocabulary of Politics* were allowed. There followed an explosion of philosophical reflection in a similar vein, including a great deal that subsequently fell within the broader classification of ‘applied philosophy’ of ‘philosophy and public affairs’.

As is well known, Rawls’s *Theory of Justice* imagines an original position in which deliberating parties determine, behind a veil of ignorance and under conditions of uncertainty, what sort of society they would agree to live in. The resulting two principles, relating respectively to restrictions on individual liberty and the division of resources, provide the fundamental structure of any society that can properly be regarded as just. Of course, Rawls’s readers are not themselves behind a veil of ignorance. Neither are they forming a society. The point of the exercise, rather, is an engagement in practical reason that should enable them to arrive at a rationally grounded view of what justice requires and does not require in their own political context. This is how it has been widely understood. Many philosophers have questioned the foundations of Rawls’s reasoning, while others have sought to trace

the implications of his principles for the political questions of the day, but both groups share the assumption that the adequacy or inadequacy of his theory is an important matter for political and not just philosophical debate. It is on this assumption that the appealing idea of the political philosopher as a public intellectual relies. Political philosophy of the recommending sort requires a public sphere within which to make its recommendations. Without such a sphere, the relation between political theory and political practice becomes seriously problematic, and a question arises over what the significance of political philosophy might be and whether it has any significance at all.

II

In his essay entitled 'The Public Sphere' Habermas expresses doubts about whether such a thing can survive in mass welfare state democracies.

The political public sphere in the welfare state is characterized by a singular weakening of its critical functions. Whereas at one time publicness was intended to subject persons or things to the public use of reason and to make political decisions susceptible to revision before the tribunal of public opinion, today it has often enough already been enlisted in the aid of the secret policies of interest groups; in the form of "publicity" it now acquires public prestige for persons or things and renders them capable of acclamation in a climate of nonpublic opinion. The term "public relations" itself indicates how a public sphere that formerly emerged from the structure of society must now be produced circumstantially on a case-by-case basis. The central relationship of the public, political parties and parliament is also affected by this change. (Habermas 1997: 108)

This passage appears to record a sociological change characteristic of recent times. Contemporary society can only have witnessed such a change, though, if the concepts employed to describe it are coherent, and there is good reason to think that they are not. The difficulty is this. The concepts of public opinion and the public sphere are related in such a way that increased emphasis on the first implies a diminished role for the second (in at least one of its aspects). In other words the

triumph of public opinion by the extension of political influence to all social groups and economic classes regardless of their level of education and social status implies the *demise* of the public sphere in its role as the place where a political consensus on the questions of the day is forged. Once we have grasped this conflict between public opinion and the public sphere, the need to re-think the role of political philosophy and the concept of the public intellectual becomes evident – and pressing.

To understand the full import of this conceptual tension, it is useful to begin by noting that the public sphere has two functions. The first is its role in mediating between rulers and ruled. It does this by providing a ‘tribunal’ of public opinion at which those who exercise political power are held accountable. Its second function is to be the forum in which public opinion is formed. It serves this function by providing a sphere for the free exchange of information and ideas, and by the promotion and protection of the social institutions that make this possible – the media, the universities, political parties, think tanks, and so on. Taken together, these institutions provide not simply for the expression of political opinion, but for its critical scrutiny.

The public sphere can only perform the first of these functions – holding governments properly accountable -- if public opinion is the sort of thing that actually *bestows* justification on political decisions and policies (or denies it to them). There appear to be two ways in which this could work. One possibility is that any political action conforming with or adequately reflecting public opinion is *automatically* justified. This makes the basis of political warrant *consensus*. An alternative possibility is that public opinion is the *rational* standard by which political actions are best judged. This makes the basis of political warrant *reason*. The implications of these two possibilities are importantly different.

Consider the first. If simple conformity with public opinion is sufficient to justify political action, it cannot matter how public opinion is formed, or whether it is ‘formed’ in any meaningful sense at all. Political justification is assured so long as rulers act in accordance with the general opinion of the ruled. If this is the case, however, the second of the functions identified above -- the critical, or rational screening of political opinion -- becomes otiose. The institutions of the public sphere can be replaced (or more accurately displaced) by opinion polling. If what matters is that rulers truly have the support of the ruled in their use of the coercive power of the state, then *why* they have that support is not of any special relevance.

This displacement of the public sphere in modern mass democracies is different to the one Habermas describes in the essay from which I have been quoting. In that essay his anxiety is about politicians acting in accordance with the private lobbying of special interest groups -- big business, wealthy individuals, powerful professional associations and the like. Such groups and individuals are often able to manipulate appearances by means of PR – the apparatus of advertising campaigns, press offices, publicity stunts and such like. The very concept of ‘public relations’ is one that Habermas looks on with suspicion, and he points to the formal institution of basic rights as one possible way of guarding against the danger this kind of manipulation poses. The fact is, however, that populist politicians who use opinion polls or focus groups to discover what ‘the people’ want so that they can secure re-election, are as much reaching over the heads of special interest groups as they are reaching over the world of journalists, researchers and public intellectuals. If what matters to political justification is the consensus of the governed such a strategy is entirely legitimate,. Furthermore, if public opinion is all that matters, irrespective of the way in which it is formed, the fact that it has been powerfully influenced by the public relations activities of individuals or corporations is irrelevant to its justifying function. The point is exactly parallel to a similar one that might be made about elections under universal suffrage. It is quite widely accepted that advertising campaigns of wealthy candidates composed largely of sound bites and electioneering slogans may well influence the outcome of an election far more than serious investigative journalism or policy reviews, but from the point of view of political legitimacy, all that matters is that the successful candidate commands the majority of votes. This is the ultimate test, regardless of why voters voted as they did.

Increasingly this is how democracy appears to be conceived in many modern societies to the point where the amount of money a candidate or party can raise for such purposes is almost taken in itself as an indication of the likelihood of electoral success. But, though there is a common tendency to deplore this condition as a debasement of democracy, it is in fact one realization of the 19th century slogan ‘*vox populi, vox Dei*’. Whereas at one time people looked to God as the fount of justice and right, or to a political class something along the lines of Plato’s philosopher-kings, in a modern liberal democratic society, there can be no higher authority than the voice of the people. The outcome is a political ideal that inevitably lends ultimate authority to public opinion however it is formed.

This important change in political culture from the world of the 18th century, is not a result of the *destruction* of the public sphere, but its *transformation*, brought about by the elevation of one of its features, namely public opinion as the proper court of appeal in politics. The alternative is to emphasize the role of the public sphere in *forming* public opinion. With this alternative, though, a different difficulty arises. Among self-appointed public intellectuals there is always a risk of mistaking the opinions of ‘the chattering classes’ for the opinion of the public as a whole. This is not the central problem here, however. Once our attention turns from merely recording public opinion in the way that opinion polls (and elections) do, to its formation, a question arises as to how we should conceptualize the process of formation. By what mark or standard is public opinion said to be properly ‘formed’? One possible criterion is purely procedural, the sort of process to which Habermas seems to allude -- a fairly widely held consensus on “matters of general interest” emerging from a context that has permitted the exchange of information and ideas “without being subject to coercion”. Such a criterion, however, is entirely consistent with the content of that opinion being contrary to truth and rationality. In short, a political policy, or government, that is in accord with the opinions of citizens may yet be contrary to the best interests of citizens. Falsehoods can be widely believed, and convergent prejudices can hold sway with large numbers of people.

This is true not only of circumstances in which racist and other kinds of sectarian prejudices are widespread. It can hold of well intentioned subscription to abstract political ideas. The political history of the 20th century suggests that a plausible example is the once widely held belief that social justice necessarily implies state ownership of the means of production, a belief that resulted in long years of economic stagnation and political repression. It can also hold for strictly empirical beliefs and hypotheses that take on symbolic meaning. It is false but commonly held that that the re-cycling of glass and metal effectively combats global warming. In reality, the complexity of the causal connections between climate change and the use of raw materials is such that very few people, if any, have an adequate understanding of it. But recycling and more generally ‘green’ policies and parties, are sustained by what they symbolize, not by the empirical verification of the collective actions they recommend.

When the free exchange of information and ideas without political or other forms of coercion results in public support for parties and policies detrimental to the

interests of citizens, we are presented with a dilemma. Public opinion tells us to pursue a policy that rationality tells us not to. Whichever horn of the dilemma we choose, its existence is sufficient to show that the formation of public opinion in the public sphere is not the same as its formation by rational inquiry. The implication is evident; there is no ground for accepting Habermas's claim that "the idea of the public sphere itself" signifies "a rationalization of authority in the medium of public discussions among private persons" (Habermas 1997: 108).

The conclusion seems inescapable. Either being in accord with public opinion legitimizes political action regardless of how that opinion has been formed, or only opinion formed within the public sphere legitimates the exercise of political authority. Since there is a tendency to identify the public sphere with 'public reason', this suggests that the second has a rational authority that the first does not. But on reflection this turns out not to be the case. Whether we call extensive exchange of information and free discussion of ideas 'public reason' or not, the fact remains that though *consensus* may be better than mere *congruence* for certain purposes, it can just as readily conflict with reason in the normal sense. That is to say, it may rest upon false beliefs or be manifestly imprudent. It may also, we might add, be directly contrary to the rights of a minority of citizens, possibly a large minority.

The conclusion must be that whether we simply sound out public opinion or seek to form it we cannot escape this further implication. Political philosophy of the recommending sort (like the investigations of scientists and economists) can at best be one voice in a conversation. The fact that it is (let us agree) the voice of reason does not give it any special authority in that conversation or any greater influence on the outcome over less reflective voices. If this is the case, why would we continue to pursue its conclusions? If its recommendations must take their chance in the political maelstrom of the media, pressure groups and popular prejudices, why would anyone engage in political philosophy of the recommending sort?

III

One objection to this analysis of the public sphere is that the argument on which it rests operates with a dichotomy between reason and public discourse that Habermas himself has thrown into doubt. In other words, it ignores the possibility that 'conversation' in the public sphere has (or can be given) a distinctive structure that

lends it rational authority. This is of course the key notion behind Habermas's concept of 'discourse ethics' – an exchange that sets its sights on the “transcendental-pragmatic justification” of norms in response to skeptical doubts about the possibility of any absolute, objective justification. Habermas lays out a fourfold “programmatic justification of discourse ethics” (Habermas 1990: 96-7) that includes “an explicit statement of normative content (e.g. in the form of discourse rules)”, thereby making the structure of the discourse more than merely procedural. If the public sphere were to have a similar structure, and if Habermas's account of discourse ethics is cogent, then we could say that the public sphere *is* a sphere of public reason, and that the consensus that emerges from it *does* bring with it rational authority.

There are however two difficulties facing this move. First, in order for such a structure to hold, citizens could only be admitted to the conversation if they are able and prepared to converse in accordance with the rules of discourse. More precisely, the views expressed by some citizens could legitimately be discounted and disregarded because of failure to accord with these rules. The relevant rule as Habermas (following Alexy) formulates it is “Every subject with the competence to speak and act is allowed to take part in a discourse” (Habermas 1990: 89), but the other side of this rule is that *only* subjects with the competence to speak and act are allowed to take part in a discourse. Depending upon what the standard of competence is taken to be, this could mean that substantial sections of society are excluded from participation in the public sphere. This is an implication that sets the conception at odds with the expectations of contemporary democratic societies in which exclusion is minimal and confined largely to the mentally incompetent and convicted criminals. If, for instance, a basic knowledge of constitutional structures and current events were required (as it often is for naturalization) empirical research has consistently shown that large numbers of voters would count as incompetent. In short, a public sphere modeled on discourse ethics appears to favor a kind of 18th century republicanism that expressly rejected democracy as we now understand it.

Second, rational discourse in the public sphere is perpetually at risk of being sidelined in the actual course of political and social life, as Habermas expressly acknowledges.

Like all argumentation, practical discourses resemble islands threatened with inundation in a sea of practice where the pattern of consensual conflict

resolution is by no means the dominant one. The means of reaching agreement are repeatedly thrust aside by the instruments of force. Hence, action that is oriented toward ethical principles has to accommodate itself to imperatives that flow not from principles but from strategic necessities. (Habermas 1990: 106)

He describes one interpretation of this problem as ‘trivial’ and appears to think that the only substantial issue is how material conditions are to be put in place that will protect practical discourse from such inundation. But this ignores a more important conflict. Talk of force thrusting aside the means of reaching agreement begs the question, since the use of force can itself be such a means. The issue then is why someone should *prefer* discourse to force, if the aim in view is securing agreement and force is much more likely than discourse to secure agreement.

This second point has even stronger application if the discourse in view involves philosophy, because philosophy is notorious for generating *disagreement*. In other disciplines such as history, physics or the biological sciences, convergence on truth secures consensus, and hypotheses that were once viable cease to be so, and recede into the history of the subject. Philosophy knows no such convergence. There are no philosophical doctrines that cannot come round again. This is why of all the rational discourses one might choose in order to arrive at an agreed political consensus, philosophy appears the least well suited. Consequently, if the need for agreement is paramount, and if the use of force will secure this while engagement in philosophy will not, there is every reason to prefer force. This (or something very close to it) is the line of argument in Hobbes’s *Leviathan*.

In summary, the model of discourse ethics as the structure of the public sphere that will convert it from a sphere of unstructured conversational exchange to a sphere of public reason makes that sphere both anti-democratic and ineffectual. The former flaw we could live with, but the latter we could not. In order to see this, it is worth remembering that the primary role of the concept of discourse ethics is in morality, not politics. Its purpose is to show how, in the absence of demonstrable universal norms, morality need not fall prey to either skepticism or cultural relativism. In the context of moral theory, it is the *possibility* not the *fact* of agreement that is crucial. But the role it must have in the public sphere is quite different. The legitimation of political action through consensus can only be accomplished by *actual* agreement.

Hypothetical consent is not enough. We are free to declare that those who will not abide by the rules of discourse ethics -- racists, for instance -- have renounced their entitlement to be considered serious contributors to moral debate. It is quite a different matter to declare that they have no claim to citizenship.

I have here been considering Habermas's concept of 'discourse ethics' as a kind of public reason. The 'idea of public reason' explicitly invoked under that name is more commonly identified with John Rawls who devotes a substantial chapter to the subject in *Political Liberalism*, the major sequel to *A Theory of Justice*. Rawls's conception of public reason is closely connected with the liberal quest for political legitimacy. Its purpose is to lay down conditions for participation in public discussion that will make the outcome of such discussion capable of justifying political coercion, and this purpose is unmistakably consonant with the idea of a public sphere.

Our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational. (Rawls 1993: 217)

This assertion is importantly from a very similar one – namely the view that the exercise of political power is proper and hence justifiable when it is in accordance with a constitution the essentials of which are reasonable and rational. Between constitutional provisions and what is reasonable and rational, Rawls places endorsement on the part of citizens. This is why some conception of *public* reason is required, and with it some concept of the public sphere. Because, it is only with the existence of these that there is any basis for the element doing all the justificatory work that 'all citizens may reasonably be expected to endorse' those provisions. The picture is in sharp contrast to, for instance, a straightforward appeal to natural law or human rights as tests for the validity of constitutional provisions. Rawls, of course, rules out any appeal of this kind to a 'comprehensive' moral doctrine, which is why he requires the middle step of hypothetical endorsement arrived at through the medium of public reason. Habermas's frame work of thought (as I understand it) allows such moral doctrines to act as the ultimate tests of political authority, but only insofar as they are the outcome of discourse ethics in the public sphere. In the end

though, both contentions amount to pretty much the same, and are thus both subject to the objections I have raised.

IV

The position we have reached is this. A widely held conception thinks of the political structure of modern societies as having three levels (or perhaps comprising three interlocking circles). One level is made up of the ruling class that governs and another of private individuals subject to that government. In between is a mediating public sphere, open to all citizens and constituted by an uncoerced exchange of information and ideas. It is in this public sphere that government is subjected to the tribunal of public opinion. Political actions must pass this test if they are to be exercises in rational authority rather than arbitrarily imposed dictates. The picture is a plausible and influential one, but closer examination reveals that the crucial connection with rationality is impossible to sustain. Either the test is public opinion, in which case it is of no consequence how it is arrived at, or the test is rational scrutiny, in which case the mere opinions of citizens as revealed opinion polls and the like should be ignored. The additional elements in both Habermas and Rawls that might be called upon to address this difficulty – discourse ethics and public reason – which at first sight offer the possibility of construing the public sphere as itself a sphere of reason, founder on essentially the same dichotomy; either political consensus is what we ought to have in view, in which case coercion might be far more effective at securing it, or it is rational justification, in which case what citizens actually agree about is irrelevant.

If all this is correct, a question arises for ‘political philosophy of the recommending sort’. Its role, and significance, depends upon some such concept as the public sphere. If the public sphere is fundamentally unstable – threatened by popular democracy on the one side and the authority of reason on the other – there can be no role for political philosophy of the recommending sort, whose ambition precisely is to be a rationally authoritative contributor to debates in that sphere. The most it can be is one more voice in the political cacophony of voices. And given its distinctive character as a mode of thought that typically raises critical questions rather than producing definitive answers in which intellectual opinion converges, it is more likely to intensify the cacophony than generate rational harmony.

What then, is political philosophy to do? The answer is to content itself with the Hegelian dictum that the owl of Minerva takes its flight at dusk. Philosophical reflection applied to politics is no different to philosophical reflection applied to anything else. It offers a distinctive understanding of the sphere in view – humanity as *zoon politikon* – but it is no more capable directing that sphere, or making recommendations within it, than metaphysics is capable of constituting matter or recommending materials. Philosophy, Peter Winch once remarked, can no more tell us what to attach importance to than geometry can tell us where to stand. It would be odd for geometers to have ambitions contrary to this perception, in the way that moral and political philosophers have done. But if they did, it would be equally odd for them to wonder whether there was anything for them to do once they had been persuaded to abandon the positions.

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