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JÜRGEN HABERMAS
The New Digital Public Sphere

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Abstract

Jürgen Habermas. The new digital public sphere

The digital public sphere creates a shortcut in the normative tension between what is and what ought to be. The digital public sphere fills the cognitive gap created by the democratic self-legislation founded on the distinction between private interest and public good. Due to the enduring absence of political regulation an increasing minority of users recluse themselves among social media supporters that amplify the voice of those who dogmatically think alike.

Keywords

Habermas; public sphere; digital age; democracy

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1. DEMOCRACY AND CAPITALISM

In In Habermas's theory of democracy, the concept of "public sphere", beyond simple demoscopy, unites civil society with the political system. On a functional level, the public sphere indicates the integration of citizenship, on a political level it indicates the autonomy of self-legislation. As always in Habermas, dialectical mediation passes through extremes [*durch die Extreme hindurch*]: autonomy is based on the system; the system is functional to autonomy. Thus, Habermas becomes invincible: to the normativism of Rawls he opposes the system of Marx and Luhmann, to the functionalism of the latter he opposes the idealism of Kant and Rawls.

Democracy is the spiritual soul of modernity; modernity is the inevitable outcome of a process. Here the ingenious term, given to us by Habermas at the beginning of this essay, is *normatives Gefälle*: normative gap, functional gradient, gap that in one sense is slope and need, and in the other overcoming and transcendence. The whole discussion starts from this idea. A metaphor drawn from chemistry, the *unsaturated* character of rights, explains the Kantian secret of having to be: irrepressible voice of private conscience and, at the same time, historical reality characterizing every social phenomenon as regulative: from the expectations of behavior to the universalistic morals of axial age up to the Enlightenment claim of equal respect and equal treatment.

On the idealistic side, Habermas underlines the unheard-of radicalism of a morality-of-reason that ends up "inspiring" – with its individualistic universalism – the constitutional revolutions of the Eighteenth century. On the one hand, the "normative gap" signals the height-of-fall [*Fallhöhe*] of this ought-to-be. In the other sense, it signals the dizzying cognitive potential of a positive law sanctioned by the State. But the secret of this miracle is immediately traced back by Habermas to the transformation of consciousness brought about by the capitalist dynamic, a series of revolutionary movements which insistently ask for the inclusion of the oppressed classes. Even today these "social movements" shake [*aufrütteln*] cultures, races, sexual identities, nations and continents, reminding us of the difference in level that separates the positivity of the existent from the deficient, unsatisfied contents of "unsaturated" rights.

Modern democracy remains tied hand and foot to its capitalist basis. To be credible, institutions must on the one hand satisfy the moral idealism of the constitution (its normative excess), and on the

other hand respond to the functional realism of the economic system. The institutions therefore have the task of *mediating* the "overriding" idea of the constitution to the intrinsic contradictory nature of capitalist valorisation. And this mediation, in the eyes of Habermas, can only pass through extremes: the more disintegrated society is, the more binding must be the normative "background consensus" that guides the formation of opinion and the will of citizens.

In modernity, this consensus no longer rests on the metaphysical ideas of God, Country and Family, but on a procedural legality that "authorizes itself" to govern societies of individualistic pluralism. The legal procedure must be able to "push" the inclusion of all interested parties through the deliberative and discursive filter of argumentation. Democracy is inclusive and discursive. It moves from the cacophony of idiosyncratic public opinion clashing in society. Democracy turns into discursive deliberation, which obeys the force of the best argument, as soon as it reaches the upper level of the representative bodies (parliament and courts of justice, etc.). Here binding decisions taken by the "majorities", subjected to the tyranny of time and to the discipline of procedures, must be oriented towards the truth by passing through the quality of the argumentative debate. In fact, the ambition of Habermasian political theory is the claim to be able to measure the quality of democratic deliberation.

Political communication in the public sphere initially has a value that is as circumscribed and provisional as it is necessary and unavoidable. The first step goes from the anarchic pluralism of public opinion to the solitary decision of the citizen in the silence of the voting booth. The second step goes from the sounding board of the public sphere to the decision-making procedures of governmental bodies. Habermas focuses precisely on the *ramifications* of communication flows, which, beyond electoral decisions, give legitimacy to government decisions. The latter must obey, at the same time, functional needs, social interests and electoral results. In other words, these decisions represent the political outcome of *compromises* that owe their legitimacy (and quality) to the fact that they have overcome the sluices, bulkheads, filters that structure the public sphere. Here Habermas' normativism surpasses itself in offering, with a virtuous somersault, a cybernetic definition of the public sphere. The *deliberative quality* of competing opinions in fact depends on the *functional requirements* of their genesis: a process «that connects the *input* side to the *output* side passing through the *throughput* mechanisms» (2021/2022: 38-39).

2. DEMOCRACY AND POPULISM

Those who understand the Habermasian discourse in terms of a peaceful seminar discussion are wrong. In fact, the public sphere opens up a plurality of seemingly irreconcilable and combative opinions. However, the goal of politics is not to produce the empirical *consensus* of the "*modus vivendi*", but to establish, each time, the *legitimacy* of the majority decision. The discourse always starts from protest, from dissent, from saying no. Here Habermas does not hesitate to agree with the Machiavellian realists who glorify the conflict. His dialectic, as we have said, passes *through the reciprocal mediation of the extremes*: the legal pacifism of Habermas on the one hand regulates conflict; on the other hand, it presupposes it. Again the usual somersault: «Only through law, indeed through mutual encouragement to say-no, does discourse develop the cognitive potential inherent in language. The discourse is based on the self-correction of the participants, who can only *learn* from each other by passing through mutual criticism» (ivi: 25).

Thus, the *agonal* character of politics presupposes two contrary things in discourse, two extremes that "mediate" one through the other: an inextinguishable dissent and a prejudicial consensus. Institutionalizing the anarchist force of *saying no* – in the struggle of parties, in parliamentary negotiations, in government and court debates – means, on the part of the participants, making explicit the consensus (preliminary and binding) due to the constitutional pact. In the new preface to the *Theory of Communicative Action* (2022: 33), Habermas once again reiterates the intention of his philosophical project: «Human life on this earth depends on the fact that, through the exchange of reasons, are the themselves interested in deciding what is true or false, reasonable or unreasonable for them». A "fidelity to the earth" that rediscovers, turning them upside down, all the claims of truth of metaphysics.

The democratic form of modern law is based on the dialectic mediation of two antagonistic roles: private citizen and public citizen. The former is a selfish member of the market society, the latter a participant in legislative sovereignty. The functional presuppositions of the state-society separation derive from the progressive autonomization of the *bourgeois* political sphere with respect to the religious one and that of princely representation. However, it is precisely these functional assumptions – the clear separation of society from the state, of private profit from the common good – that the digitized social networks of recent decades have brought into

crisis. In fact, the digitized public sphere distorts, confuses and privatizes the *perception* of that functional separateness of public and private which was at the basis of the classical public sphere.

The latter presupposed an *active citizenship* based: a) on the culture of a liberal political tradition, b) on the relative patrimonial equality of private individuals and c) on the precarious counter-thrust of the compensations of the welfare State to the centrifugal disintegration of capitalism. Today, only the failure of these functional presuppositions explains the phenomena of civic resignation (electoral abstention), of anti-political populism, of the protest of those who feel "out of the game". The citizen then perceives inequality as an insurmountable destiny, as the definitive "being overwhelmed" by a modernization as accelerated, as it is politically uncontrollable.

What enters into crisis in contemporary populism is precisely that "regulatory gap" that linked the idealism of democratic deliberation to the disappointing realism of social factuality. But Habermas is not Adorno, and he does not indulge in the historicist pessimism of decadence. In the long footnote 17 on page 34 we see him attempting a *triple somersault* to escape the positivism of despair. Let's try to follow him in this instructive swing. First pessimistic thesis: the formation of opinion and will cannot escape the realistic picture of the factual situation. Second optimistic thesis: however, neither the facts nor their sociological awareness can destroy, in the active and passive electorate, the prejudicial presumption that the representative bodies, in respecting the will of the electorate, follow a policy of emancipation. Third thesis: a pessimism that wants to be immediately refuted: «However, as demonstrated by those who argue a priori against the party-system, even the most long-suffering and patient citizens can overturn their normative convictions in desperation, if they are subjected to a continuous and general defeatism. So *Wir sind das Volk*, we are the *only* honest people who know what is true and what is false, while no longer any bridge of argument connects us to other corrupt citizens» (2021/2022: 34). Here the Italian populism of those who wanted to open up the corrupt system of parties "like a tin of sardines" also finds an explanation".

3. THE PARTY CRISIS

Habermas' analysis is as pregnant in its details as it is indeterminate in its results. He analyzes the public sphere of digital platforms, which undermine democracy in *input* (confusion of private and public) and in *troughput* (anti-institutional populism). However, he is careful not

to slide (as Marx and Adorno do) into a philosophy of history that defines *output* in positive or negative terms. In fact, politics – if we leave aside for an instant the current rumble of the cannons – can both produce a deliberative qualification of democracy and the blinding of cataphract and idiosyncratic bubbles. In the millennial history of the species, observes Habermas, after the invention of printing it took centuries before all citizens learned to read. Thus – *einstweilen*: for the moment – we cannot yet know, according to Habermas, whether digitization in the future will continue to follow the disastrous *run to the bottom* of self-blinding or will help web users to become more *responsible* for what they, as authors, they just learned how to "post" on their platforms. In the latter case, democracy – by making its media infrastructure more autonomous – would transmit to the representative and legislative bodies (which are responsible for making decisions) a more adequate and functional basis of information and suggestions.

In the meantime, in the formation of citizens' opinion and will, Habermas believes that the sphere of action of traditional parties, based on the *face-to-face* presence of their members (marches, rallies, local clubs, up to elected representatives in parliament) takes a *back seat*. This is due to the public communication of a media system (expanded and fragmented) in which background noise condenses into relevant and effective opinions. The struggle of the parties, as a collective of natural persons who discuss the territory after reading the newspapers, leaves more and more space for the clash of idiosyncratic opinions in the anonymous and semi-public space of social networks.

The technical organization of this media system presupposes ranks of *professional personnel*, who organize and prepare the opinions subsequently launched on the platforms. But right here we see how the reflective reading of the newspapers gradually gives way to those who, after listening to the radio and television, put themselves at the keyboard to reaffirm their prejudice or, as *influencers*, to narcissistically enhance their individuality. Journalists no longer draft texts offered for meditation by a select public of readers, but become the technical organizers of propaganda. To the false privacy of users, Habermas adds the false advertising of political leaders, who do not hesitate to express their opinion every day on the digital platform of *twitter*, therefore outside the representative offices.

In the clash of digitized public opinions, the range of action and the deliberative quality of the media are on the one hand subjected to the economic power of the owners of the platforms, on the other hand to the scarce reserves of attention, culture and leisure time of the us-

ers. The digitization of the new public sphere depends on the one hand on the ranks of specialized professionals who organize the direction of a stage transformed into a square, on the other hand on the reserves of attention of private citizens, finally authorized to shout *with the voice of authors* from a stalls and a rostrum without rules.
The transmissions of the classical public sphere, in the separation of private and public, linked the transmitter and the receiver in *two separate roles*: identifiable authors and editors on the one hand, anonymous public of readers, listeners and spectators on the other. On the other hand, the *new* audiovisual platforms, which are gradually replacing newspapers, produce a spontaneous exchange of contents by an infinite number of users. The new digital public sphere is dilated and pulverized. While the old relationship of transmitter and receiver was *asymmetrical* – author on one side, receiver on the other – the new links of the network are decentralized, confused, semi-public and anarchic. They pay for their *reciprocity* with the price of a confused vagueness between public and private, cognitive potential and exhibitionistic narcissism, a reasonable proposal and unregulated intimacy.

But what changes, all in all, for the fate of freedom? Habermas' analysis is on the one hand very detailed, on the other hand indeterminate in its results. «The question remains open whether this transformation also concerns the *deliberative quality* of public debate [...] However, the symptoms of a political regression have become completely evident» (ivi: 40-41). The egalitarian nature of this universal authorization to communicate was initially presented as a promise of democracy. Today we see, according to Habermas, the "ugly turn" that this pulverized expansion of the public sphere has ended up taking. It seems to produce nothing but chaotic *background noises*, which go around in circles in booming and uncoordinated resonance boxes (*Echoräume*). «The lava of this anti-authoritarian potential presented itself, to the Californian spirit of the founders, as substantially egalitarian. Today this lava has cooled into the anarchic grimace of the digital monopolies that govern the world» (ivi: 46).

The new communication networks, endlessly developing in a centrifugal way, *are dogmatically sealed* against each other. The old democratic public spheres were linguistically unified and limited to the territorial level of nation states. In today's post-national constellation, the overcoming of linguistic boundaries – for example in *tic toc* or *Instagram* – does not produce any globalization of information in the democratic sense. In this 2021 essay, Habermas' analysis certainly could not take note of the abyss of international regression that opened

up in the center of Europe on February 24, 2022. Western public spheres have since been ferociously attacked by the totalitarianism of the new empires geopolitical. Digitization is today overwhelmed by the sound of cannon fire. But for Habermas, the *post-truth-democracy* of the Trump era and the storming of the Capitol on January 6 had already provided clear examples of the populist regression and corruption of the public sphere in the most powerful democratic nation in the West.

The media infrastructure of the new public sphere has to deal on the one hand with the distorted perception of users produced by the economic conditions of the large network platforms, on the other hand with the growing skepticism of users towards democracy, i.e. in towards the credibility of institutions, the impartiality of science, the reliability of information. This means that the digitized public sphere *short-circuits* the normative tension between being and ought to be. It eliminates that cognitive gap on which democratic self-legislation was based – in the distinction between private interest and public good. On the supply side, the pluralism of opinions, arguments and lifestyles would not, in theory, prevent us from responding to the need for truth and impartiality advanced on the demand side. However, the growing confusion and contradiction of the voices, their idiosyncratic and anarchic character, the persistent absence of any political regulation, mean that a growing minority of users prefer to withdraw into the "sounding boxes" of the supporters of those who think dogmatically in the same way.

Thus, to the growing mass of those who abstain from voting, adds to the propaganda character of factional minorities who believe themselves to be victims of planetary conspiracies. These include bubbles of *disrupted public spheres*, which see the origin of all evils in the West, in vaccines the infusion satanic of poisons, in aid to Ukraine the effects of American warmongering and the cause of uncontrollable inflation. In the opposite direction, attempts to legally regulate the anarchy of the network have gained strength, both by making the owners of the platforms pay taxes and by regulating the hate speech of the users.

However, Habermas warns against misunderstanding the normative nature of this public control of the network: it is not just a matter of regulating the market for sensitive information and data. According to Habermas, the European Commission responsible for monitoring competition and monopolies would be wrong to simply applying the private law of the mercantile company. In the democratic public

sphere, it is a question of regulating not the qualitative standards of goods but the cognitive standards of information. Just as the press, radio and television are already obliged today to correct the falsehoods they have spread, so too the contents of the platforms cannot escape the obligation of caution and the duty of care [*Sorgfaltsplicht*] which oversees the regulatory discrepancy of democracy.

CONCLUSIONS

Here we see the enormous ambition of Habermas's theory of democracy: to control and measure the autonomy of the *two publics* on which it is based. Society and the State are combined with each other passing through the extremes (the regulatory gap from which we started). The same mass media structure that regulates the anarchic pluralism of *society*, transforming it into the sounding board of the problems that it is up to the State to solve, also regulates the binding decisions of the *representative bodies*, which are responsible for realizing the self-legislation of sovereign citizenship. The state administration derives its legitimacy only from the people: therefore, the state cannot regulate and program itself with a technocratic, economic, neoliberal logic.

Naturally, according to Habermas, man can also decide to *turn off* the creaturely reflection of his freedom. Then the zeroing of the regulatory gap will manifest itself both in the ungovernability of the propaganda cacophony and in the totalitarianism of the state. Hence the difficulties, which Habermas forces on the reader of this essay: an analysis with no indication of an outlet. On the one hand, it echoes the memory of the "brain in the tub", of which Hilary Putnam spoke, on the other the normative idealism of Rawls' *Theory of Justice*.

Here then are the words with which Habermas concludes his essay: «In an unimaginable world of *Fake news* – which, as such, could not even identify itself, distinguishing itself from true information – no child could grow up without developing clinical symptoms. So we don't need a political directive, but a constitutional imperative: that of maintaining a media structure that makes possible the inclusive nature of the public sphere and the deliberative nature of the public formation of opinion and will» (ivi: 67).

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