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**New Perspectives
on the Public-Private Divide**

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Invasions of Publicity: Digital Networks and the Privatization of the Public Sphere

Darin Barney

The widespread deployment of digital information and communication networks has renewed popular concern and scholarly reflection on the relationship between the private and public spheres of human existence. The digitization of increasing volumes and varieties of social and personal information, escalating mediation of human activity by vulnerable public and proprietary network technologies, and the development and use of highly sophisticated data management and surveillance techniques by state and commercial actors have all contributed to an urgent sense that privacy is under considerable threat in postindustrial liberal democracies. Accordingly, a great deal of attention has been devoted recently to describing the nature of the digital threat to privacy as well as to considering how legal and regulatory regimes might be configured to secure individuals against its advance. This attention has taken many forms, including scholarly and trade books,¹ popular (and often alarmist) treatment in the periodical press and mass media,² privacy policy-making and legislation,³ the growth of privacy organizations, and even the emergence of a nascent privacy “industry.”⁴

This article is intended to sketch some theoretical avenues towards consideration of the other side of this dynamic: the impact of digital technologies on the character of publicity, or the public sphere of democratic citizenship. I will draw upon two accounts of the public sphere and its fate under modern conditions – Hannah Arendt’s theorization of the ancient Greek *polis*⁵ and Jürgen Habermas’s account of the bourgeois public sphere⁶ – in order to isolate some critical questions that we might fruitfully bring to bear in considering the status of the democratic public sphere under the regime of digital technology. These include questions regarding the relationship between economics and politics, the material basis of a viable public sphere, the democratic role of media technologies, and the character and practice of citizenship.

Contrary to popular imaginings about its inherently democratic character, and despite both considerable technical potential as an instrument of demo-

cratic participation and exciting – but still exceptional – cases of counter-hegemonic applications, I will argue that as currently deployed in the context of liberal capitalism, digital technology forms part of a general condition in which politics has been eclipsed by economic activity in markets, rational-critical debate has been supplanted by consumer choice, and the public sphere, understood as a site of citizenship, remains conspicuous by its relative absence. In sum, the argument is that rather than mediating a rejuvenation of the public sphere, digital technology is part of the trajectory of mass, technological modernity in which the political character of the public sphere has largely decomposed.

Rise and Fall of the Ancient Public Sphere

The notion of a public sphere as distinct from the private is an ancient one, rooted in the practices of Athenian democracy and expressed in the political philosophy developed in response to these practices. We receive what is arguably the clearest theorization of the contours of this distinction in Hannah Arendt’s *The Human Condition*, wherein Arendt attempts to specify the status of the public realm in terms of the *vita activa*, or “the basic conditions under which life on earth has been given to man.”⁷ These basic conditions are divisible into three fundamental activities – labour, work, and action – which together comprise the totality of a human life.

By labour, Arendt means the activity that attends to the vital necessities of individual and species survival. Among these necessities we might list nourishment, rest, shelter, and procreation. By work, she means activities that prosecute useful arts, practices that fabricate the artificial world of objects and things in the midst of which human beings live, the crafting of natural materials into durable, useful forms that are not provided in or by nature itself. Finally, by action, Arendt refers to the exercise of a human being’s political capacities in common with a plurality of others, the collective pursuit of public justice through reasoned speech (*logos*) and practical deeds (*praxis*). Action, in this sense, includes (but is not exhausted by) political discussion, judgment, and citizenship. Together, labour, work, and action manifest the conditions of human existence, although their character, relationship, and relative status may vary geographically or historically.

Within the categories of the *vita activa*, it is in exercising the political capacity of action that humans express and realize their essential and distinctive nature as political beings – beings singularly capable of reasoned speech about common justice and practical action toward achieving that end. As Aristotle taught and Arendt affirms, human beings are certainly social, but this sociability, this mere *living together*, does not distinguish them from other creatures in the way that their capacity for expressly political action does (as we will see later in this essay, Arendt identifies the collapse of politics into the category of society as marking the degeneration

of the modern public sphere). No other creature besides the human combines *logos* (reasoned speech) and *praxis* (practical action) in a single practice whose end is justice amongst fellows. In their capacity for political action, human beings excel beyond other beings, thus politics is a particularly human excellence, and a life without it is other than adequately human. It is in this sense that Aristotle stipulated that a person who does not partake in politics "is either a poor sort of being, or a being higher than man" and, in a slightly different formulation, Arendt writes that "action alone is the exclusive prerogative of man; neither a beast nor a god is capable of it."⁸ Furthermore, within the *vita activa*, it is in political action alone that a human being achieves freedom, conceived in Aristotelian terms as a life freely chosen, a life emancipated from the demands of necessity and utility (that is, from labour and work). As Arendt writes, "neither labor nor work was considered to possess sufficient dignity to constitute a *bios* at all, an autonomous and authentically human way of life; since they served and produced what was necessary and useful, they could not be free, independent of human needs and wants."⁹ As Arendt points out, the political life of action "escaped this verdict" precisely because its substance, in attending exclusively to justice, was indifferent to the needful and the useful, and therefore free.¹⁰ Thus, the three elements of the *vita activa* exist in a hierarchy, with action at the crown, labour at the base, and work mediating between the two.

The base of labour and the crown of action correspond roughly to the distinction between the private and public spheres, which, not incidentally, also entails a distinction between economics and politics. As Arendt puts it: "the distinction between a private and public sphere of life corresponds to the household and political realms, which have existed as distinct, separate entities at least since the rise of the ancient city-state."¹¹ The domestic household (*oikia*) comprises the private realm and is the site of laborious attention to the biological necessities of survival and reproduction. Economics – which combines *oikia* with *nomos* for "law" to yield the "law of the household" – is the servile, apolitical art of managing necessity. As Arendt writes, "according to ancient thought on these matters, the very term 'political economy' would have been a contradiction in terms: whatever was 'economic' related to the life of the individual and the survival of the species, was a non-political, household affair by definition."¹² The private realm, as a realm wholly defined by its status as a site for the economic management of necessity, is necessarily incapable of yielding human freedom. This incapacity is manifested in the rule of masters over women and slaves in the household, which is violent, despotic, and apolitical. Even in exercising this despotism, "men of the house" themselves express an attention to necessity that eliminates their own freedom in that realm.¹³ Bereft of freedom, the private sphere of the household could not contain distinctly

human excellence, nor could economics express it (indeed, in this view, economics expresses precisely an absence of human excellence).

The human capacity for action, understood specifically as reasoned speech and practical deeds pursuant to justice, requires for its exercise a sphere that is not corrupted by base necessity or the imperatives of utility; a common realm that is not exhausted by consumption or by markets for the exchange of material goods; a site of genuine citizenship. The public sphere is that formation in which the particularly human excellence of political action is freely undertaken. In the ancient Greek context, this public sphere was institutionalized as the *polis*, the space where base, despotic, beastly masters of households (that is, economists) assumed the crown of their essential humanity and acted as public-spirited citizens. In contrast to the violence of the private sphere, and the money of the markets, the currency of the *polis* was persuasive speech. "To be political," Arendt explains, "to live in a *polis*, meant that everything was decided through words and persuasion, and not through force and violence," and the political life was "a way of life in which speech and only speech made sense and where the central concern of all citizens was to talk with each other."¹⁴ Politics, in this understanding, is reasoned speech about justice by equal citizens, combined with practical attempts to achieve this end. It is a form of activity that simply demands a public sphere of freedom for its exercise: "Action needs for its full appearance the shining brightness we once called glory, and which is possible only in the public realm."¹⁵ Human excellence, as it is manifest in political action, is possible only in the public realm, and its role as the site of political activity distinguishes the public from the private sphere.

It should be noted that the public realm in which humans act as political beings is not at all abstract. It is, instead, the sphere in which human beings are related concretely in a "common world of things."¹⁶ Politics is intersubjective because it is activity comprised of speaking and acting with others. It is to this point that Arendt refers when she writes: "The *polis*, properly speaking, is not the city-state in its physical location; it is the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be ... action and speech create a space between the participants which can find its proper location almost anytime and anywhere."¹⁷ Nevertheless, she also emphasizes that the public sphere in which this political activity takes place is constructed and objective, or it is not at all. For Arendt, "the term 'public' signifies the world itself in so far as it is common to all of us" – the world that "relates and separates men at the same time." Arendt is careful to point out that this "world" that is the public sphere is not equivalent to mere nature: "It is related rather, to the human artifact, the fabrication of human hands, as well as to affairs which go on

among those who inhabit the man-made world together. To live together in the world means essentially that a world of things is between those who have it in common."¹⁸ These "things" that comprise the public sphere or world of politics are the product of human work, and it is in this sense that work occupies a middle ground between the private sphere of labour and the public, political sphere.

Corresponding to Arendt's estimation of the public sphere as the site of human fulfilment is an estimation of the private sphere and its concerns as a site of fundamental deprivation. Within the *vita activa*, the private management of necessity is the requisite material foundation for a public life of politics, but confinement, or excessive attention, to the private sphere and its needs yields a life that is less than completely human: "In ancient feeling the privative trait of privacy, indicated in the word itself, was all-important; it meant literally a state of being deprived of something, and even of the highest and most human of man's capacities. A man who lived only a private life ... was not fully human."¹⁹ In this view, the life of complete privacy was, by definition, the life of an idiot (from *idios*, for "one's own" – an *idiotēs* was a private person). Arendt's forceful articulation of the substance of this idiocy merits extended quotation:

To live an entirely private life means above all to be deprived of things essential to a truly human life: to be deprived of the reality that comes from being seen and heard by others, to be deprived of an "objective" relationship with them that comes from being related to and separated from them through the intermediary of a common world of things, to be deprived of the possibility of achieving something more permanent than life itself. The privation of privacy lies in the absence of others; as far as they are concerned, private man does not appear, and therefore it is as though he did not exist. Whatever he does remains without significance and consequence to others, and what matters to him is without interest to other people.²⁰

Later she writes that "a life without speech and action ... is literally dead to the world; it has ceased to be a human life because it is no longer lived among men."²¹

There is much to consider in this account of the ancient separation and relative valuation of the public and private spheres. In the first place, it suggests that those who are confined, by inclination or by force, to the private, domestic sphere of labour and necessity are somehow inhuman. In the Athenian context, women and slaves were denied the privilege of citizenship and so were arbitrarily confined to the private sphere. This fact – coupled with Aristotle's insupportable claim that women and slaves, comprehensively lacking the natural capacity for reasoned speech, were fitted by their very nature for summary relegation to the private sphere in roles that excluded

citizenship (slaves for life as living instruments of production; women for a life of home economics) – has led to persuasive criticisms of the ancient construction of the public-private divide as irretrievably gendered and discriminatory, the beginning of a trajectory of social relations in which women and "others" have been consistently and systematically denied political rights of access to the public sphere as equals. In this view, Athens is the fountain of a discourse in which "public" means male, private means "female," and in which the private sphere, where countless women in Western history have been forced to live their lives, is a realm without politics (that is, without the practice that would qualify women as fully human), despite the obvious operation of power there.²² These criticisms effectively eliminate Athens as an adequate model for a just society. They do not, however, eliminate the need to consider the possibility that a public, political life is essential to human fulfilment in a way that an exclusively economic life is not. Indeed, it could be argued that it is precisely this conviction that has motivated centuries of opposition to the injustices engendered by Athens: western women and "others" have sought to overcome the arbitrary socioeconomic conventions of Athens and its progeny precisely because they understand that access to the public sphere of citizenship is as necessary to their completion as it is to that of any male.

Beneath the irrational and arbitrary gendering of the ancient divide between public and private is perhaps a more enduring truth: namely, that a public sphere of political action freed from laborious attention to necessity requires as its material foundation a private sphere of economics capable of producing the leisure required for citizenship. The fact that the arrangements struck by Athens (and by too many subsequent political communities) to accomplish this fundamental requirement of political life were unjust does not negate or eliminate it. Slaves and servile women may not be the answer, but the question remains, and it is a question not just about productivity in the private sphere but also about the place of economics in public life. In the Athenian understanding outlined by Arendt, it is clear that economics was meant to serve politics in the sense of making it possible by freeing citizens from necessity and labour. Thus, "household life exists for the sake of the 'good life' in the *polis*."²³ However, it is also the case that this conception entailed a definite exclusion of basic economic activities from the public sphere of citizenship: "No activity that served only the purpose of making a living, of sustaining only the life process, was permitted to enter the political realm."²⁴ Matters of necessity were by definition a private concern, unfit for the attention of a free citizen seeking completion, as well as distinction from lesser beings, in the *polis*. The public sphere was reserved for politics – an activity that, unlike labour, was particular to humans. And it was not only the economic activity of labouring for necessity that was to be excluded from public life, but also those activities concerned with private

property and the accumulation of surplus. Labour and property found their purpose in being used to release citizens from necessity. Any expenditure of labour or accumulation of property beyond this represented an abstention from the higher activities of the *vita activa* – a choice for economics over politics, a diminution rather than a fulfilment of one's humanity. As Arendt recounts: "To be prosperous had no reality in the Greek *polis* ... If the property owner chose to enlarge his property instead of using it up in leading a political life, it was as though he willingly sacrificed his freedom and became voluntarily what the slave was against his own will, a servant of necessity."²⁵ Thus, neither the economics of labour/necessity nor the economics of property/prosperity were fit to occupy the public sphere. This is not to say that matters of common economic concern (that is, distribution, planning, conservation, and so on) were not fit subjects for political deliberation amongst free and equal citizens. It is rather to say that the public sphere simply was not an arena for the pursuit of private economic interests. To the extent that the pursuit of such interests manages to invade the public sphere, the latter is drained of the political character that defines it as being distinct from the private sphere, effectively resulting in the disappearance of that space in which the higher elements of the *vita activa* can be realized.

In Arendt's estimation, this colonization of the public, political sphere by private interest is one aspect of the degeneration of the public sphere under the auspices of liberal, capitalist, and social-welfare democracy. In general, this degeneration is captured by a collapse of the distinction between the private/economic and the public /political spheres into a single, essentially apolitical, category of "society." As characterized by Arendt, "society is the form in which the fact of mutual dependence for the sake of life and nothing else assumes public significance and where the activities connected with sheer survival are permitted to appear in public."²⁶ This modern "social realm" is, according to Arendt, "neither private nor public" – not private because it is unconcealed and not public because it is devoid of politics. Instead, in modern society (which corresponds, not incidentally, to an escalation in the scale of organization from city-state to nation-state), we witness the rise of "a gigantic, nation-wide administration of housekeeping,"²⁷ wherein the economic concerns and practices of the household are extended into what was previously the public realm. Politics is replaced by the collective management of individual necessity, and the economic logic of the household – idiocy, force, despotism, and violence – overwhelms the persuasive, reasoned speech and practical action that characterized the public sphere, which was once free of economics.

The collapse of the ancient public-private distinction into the modern category of "society" and the corresponding eclipse of politics by economic activity are not without consequences for the *vita activa*. In the first place, the public sphere – "the only place where men could show who they really

and inexchangeably were"²⁸ – disappears, and with it goes the possibility of expressing meaningful individuality and distinction via political activity. To the extent that is possible in the modern context, distinction is reduced to the esteem gathered in exchanging products and accumulating material wealth. Accordingly, the public place (*agora*) shifts emphasis from constituting a meeting place for citizens to providing a marketplace for producers and consumers.²⁹ Similarly, fabrication or work no longer fulfils the primary task of building a common, enduring world of objects that provides a stable dwelling place for mortal beings, and, instead, it is directed towards the more efficient production of items of exchange. As a consequence, the common world of things, which formed the architecture of the public sphere and which related and separated men concretely, dissolves into the ephemerality and alienation of commercial trade in private interests. Human beings, thrown from their common world, sink into themselves.³⁰ What remains of politics – once the crown of the *vita activa* in which the uniquely human capacities for reasoned speech and practical action combined to pursue justice – is a phantom contained within the "modern concept of government, where the only thing people have in common is their private interests," and government is "appointed to shield the private owners from each other in the competitive struggle for more wealth."³¹ The ancient relationship, whereby economics served political citizenship by releasing it from necessity, is thus precisely reversed. At this point, Arendt writes, "both the public and the private spheres of life are gone, the public because it has become a function of the private and the private because it has become the only common concern left."³²

Rise and Fall of the Bourgeois Public Sphere

Arendt's concern is to specify how particular constructions of the public sphere either succeed or fail to establish the conditions for human fulfilment. Jürgen Habermas's more modest aim is to trace the contours of the modern public sphere as it has evolved and to hold it against liberal democracy's own criteria of legitimacy.³³ Habermas's concern is with the rise and fall of the public sphere that emerged in conjunction with European bourgeois capitalism and parliamentary democracy from the late seventeenth to the early nineteenth century. As Habermas describes it, this was a "public of private people engaged in rational-critical debate,"³⁴ and it is most clearly defined in contrast to its immediate historical predecessor – the "representative publicness" of medieval absolutism – which Habermas insists did not constitute a public "realm" or "sphere" distinct from the private. Instead, in this context, "public" speaks to a status attribute that denotes elevation relative to the commonness of "private" persons. To the extent that something public did exist in feudal societies, it was embodied in those persons – monarchs, members of court, nobility – who, by their very person, represented

absolute authority before the common, private persons over whom it was exercised. Thus, according to Habermas, "representation pretended to make something invisible visible through the public presence of the person of the lord."³⁵ Publicity, in this sense, was staged and represented before private people – it did not emerge from or between them.

Representative publicness corresponded to a feudal economy in which private material interest was forcibly minimized or, at the very least, assimilated into that of the feudal estate. The emergence of early bourgeois capitalism – expanded rights to accumulate private property; finance and trade; free markets for the exchange of commodities – established the conditions under which the modern public sphere emerged. In this period, the material basis of individual autonomy shifts from managing need in closed households to exchanging property (including labour) in open markets: "Modern economics was no longer oriented to the *oikos*; the market had replaced the household, and it became 'commercial economics.'"³⁶ This economic shift entailed a corresponding shift in the meaning of "private" and "public," with private referring to individual or corporate interests derived from "free power of control over property"³⁷ in a capitalist economy and public referring to the space in which those interests are articulated, appear, and compete for security. Markets are shared by their participants, and they require the coercive authority of states for the enforcement of contracts. Thus, the economics of private interest and exchange, released from the household, become a political matter, and the exercise of public authority in regard to these practices becomes a subject of consideration and vigilance by those private persons (property holders without formal public title) whose interests are at stake. The public sphere reconstitutes as the realm in which this vigilance and consideration is exercised. As Habermas explains, "the bourgeois public sphere may be conceived above all as the sphere of private people come together as a public; they soon claimed the public sphere regulated from above against the public authorities themselves, to engage them in debate over the general rules governing relations in the basically privatized but publicly relevant sphere of commodity exchange and social labor."³⁸ Under the medieval regime of representative publicness, it was enough for the state to represent itself before obedient subjects. However, under the modern regime of the bourgeois liberalism, state authority is compelled to legitimate itself before the private citizens who authorize it. Habermas describes the bourgeois public sphere as "a forum in which the private people, come together to form a public ... to compel public authority to legitimate itself before public opinion."³⁹

The bourgeois public sphere evolved as a key element in the assumption of sovereign political control in Europe by private, popular forces and the movement to eliminate arbitrary domination from political and economic

life. Other elements in this dynamic included the strengthening of parliaments and the entrenchment of constitutional guarantees of the political rights of citizens. According to Habermas, the definitive quality of the bourgeois public sphere was its democratic "publicity," a complex distinction entailing three crucial characteristics: the public use of critical reason; debate; and accessibility. The sovereignty of public reason de-personalized authority and undermined arbitrary domination. Debate – "the public competition of private arguments [pursuant to] consensus about what was practically necessary in the interest of all"⁴⁰ – replaced compliance with consent. Universal access qualified the public sphere as genuinely public. "The public sphere," according to Habermas, "stood or fell with the principle of universal access. A public sphere from which specific groups would be *eo ipso* excluded was less than merely incomplete; it was not a public sphere at all. Accordingly, the public ... viewed its sphere as a public one in this strict sense; in its deliberations it anticipated in principle that all human beings belonged to it."⁴¹ This is not to say that citizenship and its benefits were truly generalized (as is well known). Rather, admission to the bourgeois public sphere in the nascent European liberal democracies of the eighteenth and nineteenth centuries was typically contingent on education and property ownership – qualifications that effectively excluded the labouring classes and women from citizenship (a sociological fact shared by the ancient and the bourgeois public spheres). Clearly, it was not universal access in this sense that lent publicity to the bourgeois public sphere. Instead, in this context, universal access meant that no individual or group within the class of citizens could be arbitrarily excluded and that the class of citizens identified itself with universal humanity as such.⁴²

The bourgeois public sphere, in its ideal, was therefore that space wherein private citizens could engage in the process of rational-critical debate that generates public opinion – the "critical reflections of a public competent to form its own judgments"⁴³ – which, in turn, constitutes the ruling principle of liberal democratic political authority. On these terms, a "public of private people engaged in rational-critical debate" is a core requirement of modern democracy: "Publicity was, according to its very idea, a principle of democracy not just because anyone could in principle announce, with equal opportunity, his personal inclinations, wishes, and convictions – opinions; it could only be realized in the measure that these personal opinions could evolve through the rational-critical debate of a public into public opinion."⁴⁴ Invoking M. Guizot's classic formulation, Habermas thus identifies in publicity that spirit whereby citizens "seek after truth and ... tell it to power."⁴⁵

The bourgeois public sphere emerged in polities whose scale had long since exceeded the immediacy of the *agora* of city-states. Hence, communication mediated by technology played a crucial role in their establishment and

maintenance. Late-seventeenth- and early-eighteenth-century "technologies" through which publicity was mediated included British coffee-houses, French *salons*, and German table societies, in which "critical debate ignited by works of literature and art was soon extended to include economic and political disputes."⁴⁶ However, more than any other medium, it was the press that "turned society into a public affair" in a sense that was specifically political.⁴⁷ In Habermas's estimation, the political press was "the public sphere's preeminent institution," in so far as it mediated on a large scale the qualities of publicity that gave the public sphere its substance: universally accessible, rational-critical debate aimed at generating public opinion.⁴⁸ Independent journalism, a daily press, publication of the debates of representative assemblies and of state budgets, the *Encyclopedia* in France, reading societies in Germany – each affirmed the central role of print communication in the infrastructure of a rationally debating critical public of private persons. As Habermas points out, the indispensability of print communication to the bourgeois public sphere was codified in the French constitution of 1791, which explicitly guaranteed the right of citizens to "speak, write and print freely" and again in the constitution of 1793, which entrenched "the right to communicate one's ideas and opinions, whether through the press or in any other manner."⁴⁹ That being said, the widespread availability of printed communication – a "free press" – did not solely establish the public sphere as public: "The formation of a public opinion in the strict sense is not effectively secured by the mere fact that anyone can freely utter his opinion and put out a newspaper."⁵⁰ Under certain conditions, a medium such as the press can be as privatizing, manipulative, and de-politicizing as it is publicizing. Habermas's point is that under the conditions of early bourgeois capitalism and the historical challenge to absolutism that existed in Europe at the time, print media mediated the key ingredients of publicity.

The capitalist mode of production, having in its infancy supplied the material motivation for the development of the bourgeois public sphere, matured into a form that led to the decomposition of that sphere and its publicity. The classical era of competitive capitalism, which formed the material basis of the bourgeois public sphere, was, as Habermas characterizes it, "a mere episode."⁵¹ The transformation during the late nineteenth and twentieth centuries to oligopolistic, industrial capitalism, which concentrated capital and power in ever-fewer hands and which required increasing levels of state intervention (in forms ranging from protectionist trade policies to social welfare programs) for its maintenance – the constellation that is often described as "Fordism" – dramatically transformed the liberal democratic public sphere. As Habermas writes, "for about a century the social foundations of this sphere have been caught up in a process of decomposition. Tendencies pointing to the collapse of the public sphere are

unmistakable, for while its scope is expanding impressively, its function has become progressively insignificant."⁵² This curious dialectic of simultaneously expanding reach and contracting substance is the particular mark of the breakdown of the public sphere under the regime of industrial capitalism. Describing this transformed public sphere, Habermas writes: "While it penetrated more *spheres* of society, it simultaneously lost its political *function*, namely: that of subjecting the affairs that it had made public to the control of a critical public."⁵³ The decomposition of the political function of the public sphere corresponds to what Habermas would later describe as the "colonization of the lifeworld" by the non-communicative rationality of economic and administrative systems.⁵⁴ In their ideal configuration, private and public orders of the lifeworld are structured by discursive communication that is aimed at common understanding and normative consensus on the basis of shared rationality. Under the conditions of an expanding but concentrating capitalist economy and a bureaucratized state, the lifeworld is overrun by the formal logic of market and administrative systems that replace rational conversation with mediation by money and power to secure performance/obedience in place of agreement.⁵⁵

Having lost its political function as a sphere for rational-critical debate, the public sphere takes on new roles in modern society. Among these roles is that of providing a field for socializing private persons into their systemic roles as employees and consumers.⁵⁶ In the process, rational-critical debate by private persons who have come together as a public is usurped by the employment and consumption activity of individuals artificially generated as a mass, which is itself ultimately constituted as a commodity whose attention as an audience is bought and sold by economic and political interests. As Habermas writes: "The public sphere assumes advertising functions. The more it can be deployed as a vehicle for political and economic propaganda, the more it becomes unpolitical as a whole and pseudo-privatized."⁵⁷ Just as print media played a central role in the elaboration of the bourgeois public sphere, so too have mass electronic media played a decisive role in its transformation – in a society that "invites its public to an exchange of opinion about articles of consumption and subjects it to the soft compulsion of constant consumption training."⁵⁸ Even the press – which has turned from "a journalism of conviction to one of commerce,"⁵⁹ as it takes the form of a highly concentrated and centralized capitalist industry funded by advertising – ceases to play its traditional role in mediating rational-critical debate and becomes yet another "gate through which privileged private interests invade the public sphere."⁶⁰

What remains of political publicity in the modern public sphere assumes forms that are highly technical, manipulative, and privatized. Bureaucratic formalization "disempower[s] and dessicate[s] spontaneous processes of opinion- and will-formation," and so the public sphere is reduced to an

arena for the "engineering of mass loyalty."⁶¹ Individuals, exhausted by their duties as employees and consumers in the private realm, defer their role as critically debating public citizens to an inter-organizational network of corporations, political parties, interest groups, and trade unions, which between them manage the execution of sovereign authority. Publicity takes on a new aspect in this constellation: it ceases to be something before which power presents itself to seek legitimacy, but rather becomes something that powerful interests seek to manipulate.⁶² Publicity no longer entails "the exposure of political domination before the public use of reason,"⁶³ and, instead, it is replaced by public relations geared to "engineering legitimation."⁶⁴ Even the public opinion that is generated around the clash of corporate interests is managed and mobilized "for the purposes of supporting or securing compromises negotiated nonpublicly."⁶⁵ Thus, the modern sphere of public relations evinces a dual "uncoupling": political decision making is uncoupled from the "concrete, identity forming contexts of [individual] life"; and symbolic exchange between representative elites is "largely uncoupled from real decision-making processes within the political system."⁶⁶ The modern public sphere, so constructed, is therefore deeply de-politicizing. Left with no space in which to exercise their rational-critical capacities, citizens recede into the only function for which their truncated public life provides – that of client. As Habermas explains: "Citizens entitled to services relate to the state not primarily through political participation but by adopting a general attitude of demand – expecting to be provided for without actually wanting to fight for the necessary decisions. Their contact with the state occurs essentially in the rooms and anterooms of bureaucracies; it is unpolitical and indifferent, yet demanding."⁶⁷

For better or for worse, the scale of contemporary societies seems to necessitate that whatever public sphere exists be mediated by technologies of mass communication. As Habermas observes, "in a large public body [democratic] communication requires specific means for transmitting information and influencing those who receive it. Today, newspapers and magazines, radio and television are the media of the public sphere."⁶⁸ To this list, we might now fairly add the Internet. Decades of critical theory and communication studies have argued quite persuasively that the primary function of mass media in advanced capitalist societies is hegemonic, anti-democratic, and corrosive of the public sphere.⁶⁹ It should be noted that Habermas himself is not entirely convinced by this interpretation. In his view, mass communication technologies have an "ambivalent potential": they can act as "steering media," which "take the place of those communication structures that had once made possible public discussion and self-understanding by citizens," or they can constitute "generalized forms of communication, which do not replace reaching agreement in language but merely condense it, and thus remain tied to lifeworld contexts."⁷⁰ According to Habermas, "the mass

media belong to these generalized forms of communication."⁷¹ It is here that he locates the potential for a recovery of the principle of the public sphere – the exposure of political power before universally accessible, rational-critical debate amongst a public of private persons – under modern conditions.

Digital Public Sphere

The purpose of reviewing the categories set out by Arendt and Habermas is not to suggest that their work captures the dynamics of the modern public sphere comprehensively, nor is it to promote either of their respective accounts of the ancient and bourgeois public spheres as an adequate, comprehensive ideal toward which we might strive in the contemporary context. As feminist scholars have pointed out, appeals to Athens risk valorizing the public sphere predicated on the subjugation of women and slaves, just as Habermas's account can encourage idealizing a bourgeois public sphere to which only a male, property-holding minority had access. Postmodern theorists point out that such conceptions of the public sphere are compromised by an overt "logocentrism": insofar as they privilege rational speech (*logos*) as the definitive content of politics (such accounts exclude from the "political" and the "public" a variety of practices and sites of power contestation that ought to be so considered).⁷² Finally, it can be argued that Arendt and Habermas contribute (wittingly or not) to a tradition that conceives of public and private as an abstract binary, describing clearly demarcated, self-contained spheres characterized respectively by state/compulsory and market/voluntary relations. In fact, the distinction between public and private in contemporary liberal capitalist democracies is not nearly so clear or objective. Instead, in this context, the public-private distinction takes on a primarily normative character – as a discursive device that supports exemption of select activities from the attention of sovereign public authority. A many of the studies in this volume show, these designations consistently correspond to prevailing configurations of socioeconomic power. Thus unpaid domestic caregiving and environmental standards are deemed private, voluntary matters, which are not properly subject to public authority while the market transactions of panhandlers are somehow construed as public acts meriting strict regulation by the state.⁷³

For reasons both theoretical and practical, neither Arendt nor Habermas provide us with the final, definitive word on the public sphere. However, what they do provide is a minimalist starting point from which we can begin thinking about the possibilities of a public sphere mediated by digital technology. For both Arendt and Habermas, the public sphere is, at a minimum, a place for active engagement in politics. In Arendt's terms, this entails the clash in speech and action of reasoned accounts of the demands of justice – unconstrained and uncorrupted by material necessity – between equals related in a concrete world of common things. In Habermas's terms,

political public sphere is one in which private individuals engage in rational-critical debate over the general interest, in the process yielding a public opinion in relation to which the legitimacy of power is established or denied. To meet the conditions of publicity, these media must resist devolution into a means for managing commercial consumption, social diversion, and superficial consent. The question is whether digital media succeed in these terms.

American cultural critic Neil Postman has written that "a wise man must begin his critique of technology by acknowledging its successes."⁷⁴ Digital communications media are still in their infancy as technologies, but even preliminary considerations of their impact must begin by recognizing their obvious potential to facilitate dialogue between citizens, and, in so doing, their contribution to the construction of a democratic public sphere. Indeed, interpersonal communication mediated by networks seems to meet readily some of the conditions laid out by Arendt and Habermas as basic to the constitution of a public sphere. When Arendt describes the *polis* as being not a physical location but rather a *space* that exists between people living together for the purpose of speaking and acting, she could be talking about the Internet. Similarly, Habermas describes the democratic potential of mass media in general terms that now seem particularly evocative of the digital mediascape: "They free communication processes from the provinciality of spatio-temporally restricted contexts and permit public spheres to emerge, through establishing the abstract simultaneity of a virtually present network of communication contents far removed in space and time and through keeping messages available for manifold contexts."⁷⁵ Were this statement not written in 1981, one might think Habermas was referring specifically to digitally mediated virtual communities.

There is certainly reason to be hopeful that the digital sphere is, or will be, a highly public and democratic one. A portion of this hope resides in the technical configuration of the medium itself, especially its dialogic applications: its interactive capacities mean that every passive receiver is at least potentially an active conversant; its decentralized architecture undermines the capacity of centralized interests to control outright communication between private persons; and its reach enables communication, and the circulation of information, between large numbers of people who would otherwise be isolated from one another. Still greater hope is derived from the explicitly political and democratic activities that either take place in the digital space or use digital technologies. These activities include communication between constituents and representatives, mediating direct engagement in civic decision-making, on-line political discussion groups, and the use of digital media by politicized individuals, interest groups, and parties for the purposes of information gathering, deliberation, publication, organization, and mobilization.⁷⁶ There is little doubt that digital technology

has the capacity to mediate significant public activity and that there presently exist substantial examples of cases and movements in which this capacity is being exploited. The question, in terms of a preliminary diagnosis of the fate of the public sphere under the auspices of digital technology, is whether these capacities are likely to be generalized under the broad conditions of this technology's development and whether we have reason to believe that publicist applications of this technology do, or are likely to, represent the norm in terms of its deployment and use.

We might start by asking whether the digital sphere we inhabit is oriented primarily toward economics or politics. Is it occupied by labour bound to necessity or by the liberated action of individuals exercising their capacity for reasoned speech and practical action in pursuit of justice? There are certainly some, perhaps even many, people who inhabit part of the digital sphere as free citizens engaged in political dialogue and action. It should be kept in mind, however, that these citizens represent just a portion of the users of a portion of the digital sphere. As will be detailed later in this essay, recent evidence in the North American context does not support the proposition that "political engagement" is the best way to describe what most people are doing most of the time they are connected to the Internet and the World Wide Web. In any case, these dialogic and interpersonal communication applications do not nearly exhaust the manner in which digital technologies mediate life activity in postindustrial societies. The digital sphere is comprised of more than websites and mailing lists – it consists of the broad range of life practices, mediated by devices such as digital and cellular telephones, voice-mail, portable and wireless computing machines, digitized transactional registers at retail checkouts (which mediate the labour of both the shopping consumer and the wage-earning employee), automated teller machines, call centres, proliferating databanks and proprietary networks, electronic public service kiosks, digitized entertainments, and computers on the desks, laps, and dashboards of work sites across occupational and industrial categories. These are all elements of what I have described elsewhere as the "standing-reserve of bits,"⁷⁷ which forms the core of the digital sphere. It is in this broader mediation of human activity – broader than just the personal and mass communications enabled by the Internet and the World Wide Web – that the digital sphere is constructed, and it is via these activities that we most deeply inhabit that sphere.

For the most part, this broader digital sphere is not populated by citizens: the digital sphere is a sphere of labour and necessity for most people, not one of political action. We inhabit the digital sphere primarily in the course of attending to necessity by making a living, either as jobholders or when doing the unpaid "shadow work" of consumption.⁷⁸ The public sphere collapses into the private via these technologies not primarily because increasing numbers of people have computers in their homes that are connected

to the Internet, but more because our collective encounter with these technologies is overwhelmingly characterized by its economic nature. In terms of the activities that characterize it, the digital sphere is more *oikia* than *polis*. And far from yielding increased leisure, which is a basic condition of citizenship, these technologies, in their ubiquity and proliferating connectivity, yoke people to the private sphere of labour almost incessantly. Under the ancient distinctions articulated by Arendt, this means that the digital sphere is not a public sphere at all, but rather a deeply private, and, therefore, also a privative, realm – a realm for collective housekeeping, which includes socializing and recreation but leaves little room for the virtues of a political life.

It is also a realm in which the modern tendency to dissolve the “common world of things,” which both unites and separates people, is accelerated. Arendt’s description of this aspect of the modern condition resonates quite deeply with the digital present:

What makes mass society so difficult to bear is not the number of people involved, or at least not primarily, but the fact that the world between them has lost its power to gather them together, to relate and to separate them. The weirdness of this situation resembles a spiritualistic séance where a number of people gathered around a table might suddenly, through some magic trick, see the table vanish from their midst, so that two persons sitting opposite each other were no longer separated but also would be entirely unrelated to each other by anything tangible.⁷⁹

In Arendt’s account, the proper role of work is to fabricate a common world of enduring objects – a permanent and stable dwelling place that both gathers people to, and sets them apart from, their fellows. It is in this sense that work and its products mediate between the public and private realm. Arendt sees the modern condition as having replaced work oriented toward crafting useful, enduring objects of dwelling with the production of valuable commodities for exchange between privately interested individuals, in the process reducing the public sphere to a market. While adequate models of advertising and transaction remain to be established, it seems safe to say even at this point that perhaps the greatest promise of digital technology lies in its capacity to mediate commercial activity of various kinds. The Internet is not responsible for the conversion of public space into commercial space, but – despite the hostility to commerce that is expressed by the medium’s pioneers and the reluctance of consumers to trust it – neither is it likely to reverse this dynamic. People certainly work with and via this medium, but the work they do is characteristically oriented toward exchange relations rather than toward the fabrication of a common, enduring world.

There are other ways in which this technology contributes to the evaporation of the common world of concrete things. Much has been made of the potential for digital networks to support “virtual” environments that are indifferent to the physical demand of spatial proximity that sometimes prevents people from communicating. The progressive potential of so-called “virtual communities” has been the subject of considerable hope and debate.⁸⁰ It is too early to say with finality what sort of communities these digitally mediated formations might actually constitute, but one issue they raise is the fate of the non-digital sphere when communal relationships cohere around shared appetites, experience, identity, ideals, and ideology rather than a shared world of objects and a shared place of dwelling. Phrased differently, we might wonder about what will become of the concrete world, in which our bodies are unavoidably grounded, as it becomes progressively disconnected from social relationships that are increasingly abstract and technologically distanced from a common world of things.⁸¹

One consequence of the “vanishing table,” identified by Arendt – the loss of a common world that unites and separates us – is the tendency for individuals thrown from the common world of things to sink into themselves and turn from matters of general interest and the politics of the public sphere to the aesthetics of personal identity. The spirit of personalization and “customization” runs deep in the culture of digital communications. As Nicholas Negroponte has enthused, the Internet makes possible the reduction of the information environment – both what one consciously contributes to it and what one draws from it – to “the daily Me.”⁸² The consequences of such personalization for the possibility of a viable public sphere are potentially profound, as it reduces the likelihood of people encountering, and adapting to, the concrete plurality of the world in which they live – a dynamic that Robert Putnam has labelled “cyberbalkanization.”⁸³ In a related vein, Michele Willson has raised the possibility that what are often presented as technologies of community may actually operate more as “technologies of individuation,” isolated and detached insofar as they promote individual aesthetic choice-making over concrete grounding in a shared world of things. Capturing the essence of virtual association, Willson writes:

The emphasis is on fluidity and choice of associations in a social space. Interaction is abstracted from more concrete and embodied particularities and takes place within an environment shaped by the actors themselves. A “loosening” of connections may appear liberating ... liberatory and postmodern claims about virtual communities are precisely based on the promotion of an anonymity which enables flexible, multiple and anonymous identity construction, and the alteration of spatial and time experiences ... I would suggest that the dissolution or fragmentation of the subject

and the instantaneous, transient nature of all communication disconnect or abstract the individual from physical action and a sense of social or personal responsibility to others ... While virtual communities may be interactive, they do not require either physical commitment or moral, political or social extension beyond the network.⁸⁴

David Holmes characterizes the present situation similarly when he describes on-line associations as "community through personalization and simulation" and suggests that this serves as an apt metaphor for a contemporary condition "in which it becomes difficult, if not meaningless, to map our place, or social location in the world."⁸⁵ Under these conditions, digital technology, "offers us the option of experiencing space in perhaps the most social way we can, which is paradoxically a retreat to individuality."⁸⁶ Rather than constituting a public place where individuals can "show who they really and inexchangeably [are],"⁸⁷ the possibility looms that the digital sphere will simply provide individuals with yet another place to hide while still enjoying social contact. Though certainly not thinking specifically of virtual community, Arendt has already observed in 1958 that "for a society of laborers, the world of machines has become a substitute for the real world, even though this pseudo world cannot fulfil the most important task of the human artifice, which is to offer mortals a dwelling place more permanent and more stable than themselves."⁸⁸

There is a deep resonance between this personalization of social space and the spirit of exchange relationships in markets. We might recall that for Arendt, the colonization of the *vita activa* by market relations marked the absence of a public sphere in which political activity might be undertaken by free citizens. Todd Gitlin has described the digitally mediated customization of sociability and identity as part of a more general transformation of the public sphere into "public sphericules," which, while ripe for organization as "targeted markets and consumption subcultures," do not necessarily fulfil the democratic functions of a public sphere.⁸⁹ As Gitlin writes, "the diffusion of interactive technology surely enriches the possibilities for a plurality of publics – for the development of distinct groups organized around affinity or interest. What is not clear is that the proliferation and lubrication of publics contributes to the creation a public – an active democratic encounter of citizens who reach across their social and ideological differences to establish a common agenda of concern and to debate rival approaches."⁹⁰ Digital media increase the ease with which individuals can partake in disaggregated, personalized, virtual *publics* and, in so doing, simultaneously undermine the possibility of an integrated public sphere. It is in this sense that Gitlin describes digital media as technologies of "secession, exclusion, and segmentation"⁹¹ – dynamics that are not typically identified with a robust, democratic public sphere.

Nevertheless, as Willson points out in the passage reproduced earlier in this essay, those who see digital technologies as forming the infrastructure for a distinctly postmodern and highly democratic public sphere often seize on its capacity to mediate alternative practices of identity negotiation. Mark Poster, for example, argues that digital media de-stabilize identity by enabling its free construction, re-construction, combination, and multiplication in the very act of communicating, and so the Internet constitutes a public sphere characterized by the "diminution of prevailing hierarchies of race, class, and especially gender."⁹² In Poster's analysis, modern theories of the public sphere, such as Habermas's, are ill-suited to understanding the digital sphere because they are predicated on assumptions about coherent rational subjects engaging in transparent critical discourse that have been thoroughly undermined by this technology. Drawing on accounts of identity play in computer mediated multi-user domains (MUDs), Poster describes the postmodern digital sphere as a place "not of the presence of validity claims or the actuality of critical reason, but of the inscription of new assemblages of self-constitution."⁹³ In this sphere, says Poster, MUDs and other digitally mediated environments "serve the function of a Habermasian public sphere without intentionally being one."⁹⁴

This claim raises the question of the digital sphere's standing in relation to the categories set out by Habermas. Postmodernists such as Poster are keen to point out that politics comes in forms other than rational dialogue and that the Internet has vast potential as a medium for alternative subjectivities and identities that are political by virtue of their very expression. Thus, insofar as MUDs and Internet chat rooms "function as places of difference from and resistance to modern society,"⁹⁵ they implicitly constitute public spheres in which domination is exposed and critiqued. Even if this is conceded, it is not clear that such alternative practices make the Internet – let alone the broader scope of digital mediation – a public sphere of Habermasian proportions. To be sure, Habermas himself thought that mass media could serve this purpose, provided they act to condense rather than to replace or manipulate discursively generated political consensus. There is no reason to dismiss, out of hand, the potential of digital media to accomplish this end – but the technology's success in this regard will be established on the basis of the activity that it mediates for the great majority of those who encounter and use it, rather than by virtue of what it enables for a marginal, self-consciously "alternative" few. The pertinent question is not what the Internet is on its margins but, rather, what digital technology is, and what it does, for the mainstream of "public" life under the socio-economic constitutions of advanced liberal capitalism.

Setting aside for a moment the fact that the Internet and the World Wide Web far from exhaust our encounter with these technologies, if we are to find even signs of a rejuvenated public sphere of significant proportions, it

is likely that it would be in the use patterns of these particular applications. Recent evidence from the 2000 General Social Survey by Statistics Canada proves useful in this regard.⁹⁶ In the year 2000, roughly 53 percent of Canadians reported having access to and using the Internet. The group with the highest representation of users was aged fifteen to nineteen, with percentages declining regularly for every five-year increment in age bracket. Rates of Internet use correlate strongly to the level of education, income, gender, language, urban location, and region. In terms of use, 84 percent reported using the Internet for electronic mail to friends, family, or work associates – that is, for social and economic, but not necessarily political, purposes. Seventy-five percent of users reported using the Internet to search for information on goods and services. Of this group, the highest three categories of information sought were arts, entertainment, and sports (56 percent), travel (45 percent), and business (34 percent) – roughly 22 percent reported searching for local or community information. Fifty-five percent of all users reported using the medium to access news; 41 percent sought information on government programs or services; 34 percent played games; 30 percent used chat services; 23 percent did their banking online; and 16 percent subscribed to newsgroups or listservs. Recent data from the United States more or less replicate these use patterns. The dominant categories were: e-mail (82 percent); hobbies (57 percent); news (56 percent); entertainment (54 percent); shopping (52 percent); travel (46 percent); and gaming (33 percent).⁹⁷ Another US study conducted in 1998 showed that only 4 percent of Internet users reported having engaged in political discussions on-line.⁹⁸

There is little in these numbers to indicate a widespread re-ignition of the public sphere. The dialogic applications of this technology remain far from being universally accessible, and even among those who do have access to it, using the Internet for rational-critical political discourse or speaking the truth to power is not high on the list for the majority of everyday people. Confirming Habermas's observation that the posture of contemporary citizenship is primarily one of demand rather than of participation, it is typical that even those users who do engage the state via this medium do so primarily as clients (that is, as recipients of information and services) rather than as deliberative critics – a tendency that is encouraged by the presentation of "e-government" as digitally mediated service delivery.⁹⁹ This is not to say that no one uses the Internet as a medium for participatory, engaged citizenship activity: many do, but they are a small minority, and they tend to be the same people and groups who were politically active before the arrival of the Internet. As Pippa Norris has shown, rather than drawing more and new people into the politicized public sphere, digital media have simply provided a new and very useful tool for that minority which is already politicized to speak to itself, reinforcing the existing patterns of political engagement rather than mobilizing new forces.¹⁰⁰ Despite

the massive quantities of politically relevant information made available in the digital sphere, even those individuals who are so inclined gravitate toward established commercial sources whose incentives lie somewhere other than in the concerted subjection of political authority to rational criticism and civic debate. As Norris concludes, even among the conventionally politicized users of the medium "the Web seems to have been used more often as a means to access traditional news rather than as a radical new source of unmediated information and communication."¹⁰¹

On the other hand, agents of the culture of consumption, entertainment, and diversion, which Habermas identifies as corrosive of the political public sphere, summarily dominate the proliferation of this medium. The supposed explosion of information availability and communication capacity proclaimed in the rhetoric of the "information society" has amounted, in fact, to an incredible concentration of ownership of digital content and carriage infrastructure – a dynamic of "convergence" that has been encouraged by the policy and regulatory regimes of North American governments.¹⁰² As a result, virtually the same conglomerated capitalist enterprises that traditionally have dominated the mass media environment have rapidly colonized the digital frontier as well, which suggests that this medium may have a significant role to play as yet another "gate through which privileged private interests invade the public sphere," as Habermas characterizes the commercialized press.¹⁰³ Exploring this possibility in detail, Dwayne Winseck writes: "After spending several hundreds of billions of dollars to acquire content and networks, it was inevitable that multimedia goliaths would design mediaspaces that do more to defend their investments than to promote open and transparent communication systems."¹⁰⁴

Under the auspices of an increasingly de-regulated market, dominated by large, vertically and horizontally integrated firms that exercise control across the fields of technology, carriage, and content, the prevailing dynamic of the digital sphere is best described as one of expanding reach and diminishing diversity/publicity. These actors employ a range of techniques that combine to compromise the publicity of the digital sphere, including network design and architecture that privileges certain types and sources of content over others; control over access and acceptable use; and sophisticated surveillance regimes. As Winseck observes, "in essence, gatekeeping functions have been hardwired into network architectures as part of the communications industries' strategy to cultivate and control markets ... These companies now have the unprecedented ability to regulate the Internet, endowed as they are with the technical capabilities and incentive to stifle threats to their own services."¹⁰⁵

Under current conditions, it would seem that digital technologies resemble "steering media" for the manufacture and management of compliance more than they do a public sphere of genuine democratic discourse in which

the legitimacy of power can be routinely tested. Indeed, the peculiar characteristics of digital media present unique and unprecedented opportunities for those who seek to manage and manipulate public opinion and behaviour instead of yielding to it. Popular discourse surrounding the digital democracy question tends to emphasize the information distribution capacity of digital media. It may be the case that the particular utility of these technologies lies in their capacity to gather and process massive quantities of detailed, complex behavioural and attitudinal information about individuals and groups. As scholars of privacy and surveillance have documented, this gathering occurs on an incessant and automated basis in a networked society, wherein an increasing array of everyday practices and transactions are mediated digitally.¹⁰⁶ The opportunities that this treasure trove of data presents to marketers are considerable, whether they are commercial operatives seeking to habituate consumers and engender brand loyalty, enterprise managers crafting self-disciplined employees in digitized workplaces, or political organizations customizing campaigns and managing voters.¹⁰⁷ In this instance, the public sphere is transformed from a site for rational-critical debate into a vast, self-generating data mine, and its distinctly political function recedes into increasingly sophisticated techniques of systems control.

Conclusion

The formidable utility of digital technologies fuels hope that they will mediate a rejuvenated public sphere in which citizenship, and rational-critical communication free of domination, can flourish. However, the socio-economic conditions in which these technologies are situated, and under whose imperatives they are developing, suggest another outcome: a continuation of the trajectory of modern liberal capitalism in which the public sphere experienced by most people, most of the time, is neutered of political substance and short on meaningful citizenship opportunities. The prevailing spirit of the digital sphere is expressed well in this media critic's wry observation following the merger of media giants Time-Warner and America Online: "America Online has 27 million subscribers ... They spend an incredible 84 percent of their Internet time on AOL alone, which provides a regulated leisure and shopping environment dominated by in-house brands – from Time magazine to Madonna's latest album."¹⁰⁸ The question is whether the digital sphere is one that links individuals concretely and primarily as political beings engaged in the practice of citizenship. For a number of reasons – because our inhabitation of the digital sphere is largely economic; because the digital sphere tends to dissolve the concrete world of things, which relates citizens in common concern; because its predominant uses are not characterized by political deliberation; and because it mediates

a colonization of the public sphere by powerful private interests whose priorities and practices undermine, rather than complement, democracy – the answer to this question is no.

Where then, if not in digital technology *per se*, might we properly locate a reasonable hope for democratic public life? In the first place, we might catch sight of it in the remarkable resilience of the *principle* of the public sphere, despite its material decomposition as a historical form. The principle of the public sphere – the exposure of political power before universally accessible, rational-critical debate amongst a public of private persons – remains indispensable to liberal and/or social democracy. As Habermas observes, "publicity continues to be an organizational principle of our political order. It is apparently more and other than a mere scrap of liberal ideology that a social democracy could discard without harm."¹⁰⁹ Charters of political rights and democratic freedoms, social welfare policies aimed enfranchising marginalized constituencies, the periodic staging of elections, the unflagging regularity of news programming and journalism, the televising of parliamentary proceedings, talk radio – all testify to the endurance of the *idea* of the public sphere in the democratic imagination. So too do the efforts of those who, in giving themselves over to the excellence of citizenship, insist on using whatever means are available to them to seek this principle's realization in fact, including those who use digital technologies, subversively, to engage in democratic citizenship. It is in the tenacity of their convictions, rather than the novelty of their instruments, that our hope for the public sphere ultimately ought to reside.

Notes

- 1 David Lyon, *Surveillance Society: Monitoring Everyday Life* (Buckingham, UK: Open University, 2001); Simson Garfinkel and Deborah Russell, *Database Nation: The Death of Privacy in the Twenty-First Century* (New York: O'Reilly and Associates, 2001); Jeffrey Rosen, *The Unwanted Gaze: The Destruction of Privacy in America* (New York: Random House, 2000); Reg Whitaker, *The End of Privacy: How Total Surveillance Is Becoming a Reality* (New York: New Press, 2000); and Colin Bennett and Rebecca Grant, eds., *Visions of Privacy: Policy Choices for the Digital Age* (Toronto: University of Toronto Press, 1998).
- 2 See recent issues of *Maclean's* (19 February 2001); *Atlantic Monthly* (March 2001); *Utne Reader* (March-April 2000); and *Harper's* (January 2000).
- 3 In the Canadian context, see the *Personal Information and Electronic Documents Act*, R.S.C. 2000 (2d Sess.).
- 4 See Toby Lester, "The Reinvention of Privacy," *Atlantic Monthly* (March 2001) 27-39.
- 5 Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958).
- 6 Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, translated by Thomas Burger (Cambridge, MA: MIT Press, 1991).
- 7 Arendt, *supra* note 5 at 7.
- 8 Aristotle, *Politics*, edited and translated by Ernest Barker (New York: Oxford University Press, 1962) at 5; Arendt, *supra* note 5 at 22-23.
- 9 Arendt, *supra* note 5 at 13.
- 10 *Ibid.*
- 11 *Ibid.* at 28.

- 12 *Ibid.* at 29.
- 13 As Arendt points out, in the Athenian context, to be free "meant neither to rule nor to be ruled" (*ibid.* at 32).
- 14 *Ibid.* at 26-27.
- 15 *Ibid.* at 180.
- 16 *Ibid.* at 58.
- 17 *Ibid.* at 198.
- 18 *Ibid.* at 52.
- 19 *Ibid.* at 38.
- 20 *Ibid.* at 58.
- 21 *Ibid.* at 176.
- 22 See Carole Pateman, "Feminist Critiques of the Public Private Dichotomy," in S.I. Benn and G.F. Gaus, eds., *Public and Private in Social Life* (New York: St. Martin's Press, 1983) 281-303; and Susan Moller Okin, *Women in Western Political Thought* (Princeton: Princeton University Press, 1978).
- 23 Arendt, *supra* note 5 at 37.
- 24 *Ibid.*
- 25 *Ibid.* at 59; 65.
- 26 *Ibid.* at 46.
- 27 *Ibid.* at 28.
- 28 *Ibid.* at 41.
- 29 *Ibid.* at 159-62.
- 30 Arendt notes modern philosophy's "exclusive concern with the self, as distinguished from the soul or person or man in general" as being symptomatic of this attribute of modern society (*ibid.* at 254).
- 31 *Ibid.* at 69. This modern concept of government receives its paradigmatic expression in Locke's admonition that "the great and chief end, therefore, of men's uniting into commonwealths and putting themselves under government, is the preservation of their property." John Locke, *Second Treatise of Government* (Indianapolis: Hackett, 1980) at 66.
- 32 *Ibid.* at 69.
- 33 Habermas, *Structural Transformation of the Public Sphere*, *supra* note 6.
- 34 *Ibid.* at 117.
- 35 *Ibid.* at 7.
- 36 *Ibid.* at 20. Recall that for Arendt, it is precisely at this point – when private economic interests escape the household and appear in public – that the public sphere loses its distinction, and the *polis* degenerates into a marketplace.
- 37 Habermas, *Structural Transformation of the Public Sphere*, *supra* note 6 at 74.
- 38 *Ibid.* at 27.
- 39 *Ibid.* at 25.
- 40 *Ibid.* at 83.
- 41 *Ibid.* at 85.
- 42 It is here that Habermas himself points out the ideological character of the bourgeois public: "The dissolution of feudal relations of domination in the medium of the public engaged in rational-critical debate did not amount to the purported dissolution of political domination in general but only to its perpetuation in different guise. The bourgeois constitutional state, along with the public sphere as the central principle of its organization, was mere ideology." His concern, however, is less with this particular contradiction than with "what the idea of the bourgeois public sphere promised" (*ibid.* at 125).
- 43 *Ibid.* at 90.
- 44 *Ibid.* at 219.
- 45 M. Guizot, quoted in Habermas, *ibid.* at 101.
- 46 *Ibid.* at 33.
- 47 *Ibid.* at 24.
- 48 *Ibid.* at 181.
- 49 *Ibid.* at 70-71.
- 50 *Ibid.* at 227.

- 51 *Ibid.* at 144.
- 52 *Ibid.* at 4.
- 53 *Ibid.* at 140.
- 54 Jürgen Habermas, *Theory of Communicative Action, Vol. 2: Lifeworld and System: A Critique of Functionalist Reason*, translated by T. McCarthy (Boston: Beacon Press, 1987) at 396.
- 55 *Ibid.* at chs. 6 and 8.
- 56 *Ibid.* at 319.
- 57 Habermas, *Structural Transformation of the Public Sphere*, *supra* note 6 at 175.
- 58 *Ibid.* at 192.
- 59 *Ibid.* at 105.
- 60 *Ibid.* at 185.
- 61 Habermas, *Theory of Communicative Action*, *supra* note 54 at 325.
- 62 Habermas, *Structural Transformation of the Public Sphere*, *supra* note 6 at 178.
- 63 *Ibid.* at 195.
- 64 Habermas, *Theory of Communicative Action*, *supra* note 54 at 346.
- 65 Habermas, *Structural Transformation of the Public Sphere*, *supra* note 6 at 288, note 49.
- 66 Habermas, *Theory of Communicative Action*, *supra* note 54 at 325 and 346.
- 67 Habermas, *Structural Transformation of the Public Sphere*, *supra* note 6 at 211.
- 68 Jürgen Habermas, "The Public Sphere: An Encyclopedia Article," in M.G. Durham and D.M. Kellner, eds., *Media and Cultural Studies* (Oxford: Blackwell, 2001) at 102.
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- 70 Habermas, *Theory of Communicative Action*, *supra* note 54 at 389-90.
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- 73 On these matters, see three excellent contributions to this volume: Lisa Philipps, "There's Only One Worker: Toward the Legal Integration of Paid Employment and Unpaid Care-giving"; Damian Collins and Nichoïas Blomley, "Private Needs and Public Space: Politics, Poverty, and Anti-Panhandling By-Laws in Canadian Cities"; Stepan Wood, "Green Revolution or Greenwash? Voluntary Environmental Standards, Public Law, and Private Authority in Canada."
- 74 Neil Postman, *Technopoly: The Surrender of Culture to Technology* (New York: Vintage, 1992) at 7.
- 75 Habermas, *Theory of Communicative Action*, *supra* note 54 at 390.
- 76 For accounts of a number of these practices, see Barry Hague and Brian Loader, eds., *Digital Democracy: Discourse and Decision-making in the Information Age* (London: Routledge, 1999) and Kevin Hill and John Hughes, *Cyberpolitics: Citizen Activism in the Age of the Internet* (London: Rowman and Littlefield, 1998).
- 77 Darin Barney, *Prometheus Wired: The Hope for Democracy in the Age of Network Technology* (Vancouver: UBC Press, 2000).
- 78 On consumption as shadow work, and its relationship to digital technology, see Heather Menzies, "Telework, Shadow Work: The Privatization of Work in the New Digital Economy" (1997) 53 *Studies in Political Economy* 103-23.
- 79 Arendt, *supra* note 5 at 52-53.
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- 81 On this issue, see Stephen Doheny-Farina, *The Wired Neighbourhood* (New Haven, CT: Yale University Press, 1996).
- 82 Nicholas Negroponte, *Being Digital* (New York: Knopf, 1995) at 153.
- 83 Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2000) at 177-79. For more on this theme, see Cass Sunstein, *Republic.com* (Princeton: Princeton University Press, 2001).
- 84 Michele Willson, "Community in the Abstract: A Political and Ethical Dilemma?" in David Bell and Barbara Kennedy, eds., *The Cybercultures Reader* (London: Routledge, 2000), 649-50.
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- 86 *Ibid.* at 39.
- 87 Arendt, *supra* note 5 at 41.
- 88 Arendt, *supra* note 5 at 152.
- 89 Todd Gitlin, "Public Sphere or Public Sphericules?" in Tamar Liebes and James Curran, eds., *Media, Ritual and Identity* (London: Routledge, 1998), 172.
- 90 *Ibid.* at 173.
- 91 *Ibid.* at 173.
- 92 Mark Poster, "Cyberdemocracy: Internet and the Public Sphere," in David Porter, ed., *Internet Culture* (New York: Routledge, 1997), 213.
- 93 *Ibid.* at 213. For a thorough account of these activities in this environment, see Sherry Turkle, *Life on the Screen: Identity in the Age of the Internet* (New York: Simon and Schuster, 1995).
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- 96 Heather Dryburgh, "Changing Our Ways: Why and How Canadians Use the Internet" (Ottawa: Statistics Canada, March 2001), catalogue no. 56F0006X1E. (Note: all the following data are taken from this source unless otherwise noted.)
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- 99 For this emphasis on service delivery, see the "Government On-Line" section of Industry Canada's, *Connecting Canadians* website at <http://connect.gc.ca/> (accessed 1 December 2002).
- 100 Norris, *supra* note 98 at 88.
- 101 *Ibid.* at 89.
- 102 On this dynamic in Canada, see Dwayne Winseck, "Lost in Cyberspace: Convergence, Consolidation and Power in the Canadian Mediascape," paper presented at the Canadian Communication Association Annual Conference, Quebec City, 2001, and Donald Gutstein, *E.com: How the Internet Undermines Democracy* (Toronto: Stoddart, 1999). In the US context, see Dan Schiller, *Digital Capitalism: Networking the Global Market System* (Cambridge, MA: MIT Press, 1999) and Robert McChesney, *Rich Media, Poor Democracy: Communication Politics in Dubious Times* (Urbana, IL: University of Illinois Press, 1999), ch. 3.
- 103 Habermas, *Structural Transformation of the Public Sphere*, *supra* note 6 at 185.
- 104 Winseck, *supra* note 102 at 15.
- 105 *Ibid.* at 12.
- 106 See the literature listed in *supra* note 1, especially Lyon, *Surveillance Society*.
- 107 On the use of digital technologies in managing commercial consumption, see Schiller, *supra* note 102 at ch. 3; Barney, *supra* note 77 at 163-87; 225-31; Whitaker, *supra* note 1 at ch. 6. On the use of digital technologies in political marketing, see R. Kenneth Carty, William Cross, and Lisa Young, *Rebuilding Canadian Party Politics* (Vancouver: UBC Press, 2000) at 200-10.

- 108 Norman Solomon, "Simulating Democracy Can Be a Virtual Breeze," *Media Beat, Fairness and Accuracy in Reporting* website (24 May 2001), <www.fair.org/media-beat> (1 June 2001). Strictly speaking, the word "leisure" in this sentence ought to be replaced with "recreation."
- 109 Habermas, *Structural Transformation of the Public Sphere*, *supra* note 6 at 4.

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5 Green Revolution or Greenwash? Voluntary Environmental Standards, Public Law, and Private Authority in Canada

Stepan Wood

This essay examines the transformation of the public-private divide in Canadian law and politics in the context of a little-known set of voluntary initiatives for corporate "greening," which are known as environmental management system (EMS) standards. These standards are developed and applied in the relative obscurity of corporate offices, management consulting firms, and standardization bodies (national and international organizations that write technical standards). They have received little attention from academics and almost none from the popular news media and non-governmental organizations (NGOs). The standardization bodies that develop them have gone almost entirely unnoticed in the recent wave of controversy and popular protest over globalization and free trade that has swept the major intergovernmental trade and financial institutions. Nonetheless, voluntary EMS initiatives have significant and largely unexplored implications for environmental quality, public health, and the definition of "public" and "private" in Canadian law and politics.

Environmental Management Systems

An EMS is a system of management policies, procedures, structures, and practices that enables an organization to anticipate, identify, and manage the environmental impacts of its activities. The major elements of an EMS include: a written environmental *policy* setting out the organization's environmental vision and basic commitments; a *planning* process to evaluate the organization's environmental impacts, identify the applicable legal requirements, and set environmental objectives and targets; *implementation* of the EMS through roles, responsibilities, resources, training, communication, and operational controls; the *checking* of the organization's performance through regular monitoring, measurement, and audits along with *corrective action* to remedy any problems; and a regular *management review* to ensure the continuing suitability and effectiveness of the EMS. This ongoing cycle of planning, implementation, checking, corrective

