Public Sphere and Deliberative Democracy in Jürgen Habermas: Theorethical Model and Critical Discourses

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Abstract   The aim of this paper is to present the theoretical model and the major critical discourses about the category of the public sphere, and its centrality in the formulation of deliberative democracy, both from the new settings and transformations of the conception of politics in Habermas' writings, as well as from the debate on deliberative democracy unleashed in confrontation and beyond to the political traditions of liberalism and republicanism. In the early '90s, Habermas introduces important changes in the investigations on the public sphere and democracy, reshaping the relationship between system and lifeworld in an offensive emphasis on systemic dimension translated into terms of deliberative procedural politics or deliberative democracy. However, despite the different ways of understanding the power circulation among civil society, public sphere and political and administrative system, many theorists have questioned the basic assumptions of the Habermasian deliberative public sphere and democracy. For our purposes, we are going to clarify the most important critical discourses about the controversies involving the deliberative public sphere and democracy and the critical issues that have become not just problematic for literature but that could also be better investigated.

Keywords   Jürgen Habermas, Public Sphere, Deliberative Democracy, Critical Comments

1. Introduction

This paper discusses the Habermas' conceptions of public sphere and deliberative democracy from two different but complementary perspectives. From the internal perspective, a new way to think the relationship between system and lifeworld, a new circulation model of political power which has the deliberative public sphere as the key normative concept. This concept is central to understand the new conception of politics formulated by Habermas in Faktizität und Geltung[1]: the normative expectations of deliberative democracy are grounded on the concept of deliberative public sphere. From the external perspective, the debate with the liberal and republican political traditions. The Habermasian conception of deliberative democracy represents a turn in the contemporary debates about politics beyond liberalism and republicanism.

However, the arguments about the concepts of deliberative public sphere and democracy have been largely criticized; critical studies have questioned the central arguments of deliberative public sphere and democracy and its practical difficulties.

2. Objectives

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The analysis and discussions of this paper have the following objectives:

- To present the conception of deliberative democracy, by the new model of power circulation between system and lifeworld, and by the debates about politics beyond liberalism and republicanism;

- To clarify the conception of deliberative public sphere as the key-concept of Habermas' deliberative democracy; and, finally,

- To list the most important critical discourses about the deliberative public sphere and democracy, especially the controversial questions about the articulation between weak and strong public sphere, the formality of deliberative proceduralism, the weakness of practical implications, the opportunities of effectiveness, the inability to provide substantive principles of justice, the institutional difficulties in the national and international arenas of politics.

Despite approaches of public sphere and deliberative democracy - either defensive or critical -, they do not approach it from the perspective of Habermasian deliberative public sphere, or they do it in a secondary way.

3. Methods

For elucidating the proposed objectives, the methodology used was the theoretical approach through the reading of Habermas' original texts about public sphere and deliberative democracy, and the opposition at the theoretical level of the main critical discourses from the most relevant

commentators of the contemporary debate about deliberative democracy and its difficulties and possibilities. In this sense, this paper is a systematic analysis of the appropriate theoretical framework involving the public sphere and deliberative democracy, able to help elucidating the following questions: what is the new understanding of the deliberative public sphere and politics? Is the deliberation emphasis based on the normative and consensual elements of deliberative model or is it based on a realistic emphasis on interests and conflict potential? Do deliberative procedural mechanisms contrive to protect opinion and will political formation from influences? Does deliberative model contrive to neutralize and suspend economic, social, cultural, cognitive disparities, and promote a satisfactory result of equality and justice? Does its cognitive aspect really introduce a gradual abolition of these inequality and disparities, promote equality and produce fair political results? Is it about ideal deliberation processes or effective deliberation? Finally, which questions have become problematic for the critical literature and could be better investigated?

4. Discussion

4.1. The Conception of Deliberative Democracy

In Habermas' work Faktizität und Geltung[2], the unfolding regarding conception of democracy are more detailed by the paper of public sphere and its more effective penetration over the politics, translated in an emphasis in institutionalization. The exam of institutional processes is also a most systematic investigation about the political potential of the speech, and another attempt, more realistic, of answering the question about reciprocal action between social integrative solidarity of lifeworld with the procedures on political and administrative level. This most systematic investigation is also a habermasian strategy of responding to the criticisms and showing that the Theorie des kommunikativen Handelns[3] is not blind to the institutions reality[4]. The reformulation of the relation between system and lifeworld prepares the way to a new circulation model of political power, which has as central the deliberative procedural conception of democracy.

4.1.1. Lifeworld and System: New Model of Power Circulation

The criticisms to imprecision of institutional implications of habermasian conception of public sphere in Theorie des kommunikativen Handelns[5]... make Habermas point out a reformulation of system-lifeworld system, with the necessity of "double flux", able to invigorate the institutions. The idea of "besiegement" makes fragile the political conception that results from theoretical frame of the work of communicative action. The conception of politics that results from the work about communicative action did not allow internal auto democratization of the system. So, the key question here for Habermas is: who invigorates the institutions?. Conceptual

framework which obligates Habermas to rethink the articulation between social spontaneity and functional complexity, the nexus between communicative power created communicatively and administrative power formally organized on political system.

From second half of decade of 80, Habermas introduces significant changes during his investigations about public sphere when he comes back to put emphasis in the institutionalization question[6]. In this way, he reformulates the system-lifeworld relation and alters the characteristics of public sphere; dimension it again inside of a "sluice" system. In Theorie des kommunikativen Handelns[7], Habermas defines public sphere as constituted of lifeworld, responsible for guaranteeing its autonomy and protecting it from administrated system. A sphere of "defensive" character that, at most, could "besiege" the system, but with no great pretensions of conquest. Then in Faktizität und Geltung, Habermas confers to public sphere a more "offensive" character, he abandons the metaphor of "besiegement" and replaces it adopting the "sluice" model[8]. When he reformulates the relation between system and lifeworld, he also ends modifying, not so much the position, but the offensive character of public sphere. In such case, where does modified public sphere get situated and what role does it play in this new way to see the reciprocal action between system and lifeworld?

In the offensive counterpart of the new circulation model of politics model, the category of public sphere is dimensioned again inside of this new model of sluices and it assumes a more wide and active role along with formal processes mediated institutionally. With the new connecting model, communication and decision processes of political system are structured through a sluices system, in which communication and decision processes are already anchored in the lifeworld by a "structural opening", allowed by a sensitive public sphere, permeable, able to introduce on political system conflicts existents in periphery. Now, political system is not thought auto poetically anymore, but it is constituted as a poliarchic center. Here, Habermas recognizes that the fortress image besieged democratically which applied to the State in the 80's in Theorie..., can induce to the error, because it does not allow an internal auto democratization of the system[9]. The following passage gets clear the abandon of the disconnecting thesis between system and lifeworld and the formulation of a different conception of power and political system in Faktizität und Geltung:

The nucleus of the political system consists of the following institutional complexes, already known: the administration (including government), the judiciary and the democratic formation of opinion and will (including parliamentary corporations, political elections, competition between parties, etc). Therefore, this center, which is outlined against a periphery ramified, through formal decision-making powers and real prerogatives, is formed in "poliarchy" manner. Within the nucleus the "capacity of action" varies depending of the "density" of the organizing

complexity. The parliamentary complex is more open to the perception and thematization of social problems[…] In the margins of administration it is formed a kind of inner periphery, which covers various institutions, equipped with different types of rights of self-government or delegated state functions, of control or sovereignty (universities, insurance systems, representation of corporations, chambers, charities, foundations, etc). Taken as a whole, the nucleus has an external periphery which bifurcates, roughly, in buyers and suppliers.[10]

The offensive counterpart of public sphere about the politics seats on the emphasis on institutionalization processes. For Habermas, this development is tight to a normative process, which it is initiated by opinion and will formation on informal public spheres, and it culminates, by procedural way, on deliberation and decision formal instances. This process of "opening" to an institutionalization is anchored in a wide concept of procedural and deliberative democracy.

4.1.2. Deliberative Democracy

Perhaps Habermas has not been the first to write about "deliberation"[11], but he is the most prominent defender of deliberative theory of democracy[12]. In decade of 80, Habermas emphasizes the "institutionalization" question. In Faktizität und Geltung[13], he formulates an institutionalization project which is oriented by procedural paradigm of democracy. Therewith, he wants to solve the problem of how discursive formation of opinion and will can be institutionalized, reciprocal action between informal spheres of lifeworld with formal spheres of processes of institutionalized decision-making, how to change communicative power in administrative power. The habermasian political thought is directed to a democracy theory, now thought in institutional terms. Hence, there is attention with presuppositions, institutional arrangements and mechanisms of political control. Therefore, Habermas elaborates a theory of procedural and deliberative democracy, from "sluices" model.

The conception of deliberative political is an attempt to formulate a democracy theory from two theoretical-political traditions: the conception of public autonomy of republican political theory (general will, popular sovereignty), with the conception of private autonomy of liberal political theory (privates interests, individual freedoms). It can be conceived, simultaneously, as a middle-term and an alternative to liberal and republican models[14]. However, although the general theme is the same, there are different visions of deliberative democracy, which confer different levels of democratic processes and different ways to understand the frontiers between private autonomy and public autonomy. Although there is no possibility of rendering account of detailed internal differentiations of these different comprehensions, there is, otherwise, authors who try to reformulate internally elements of liberal model of democracy, and on the other side, there are those who refute the liberal paradigm showing new alternatives[15]. But, differently from who really rejects

liberal tradition, Habermas still try to conciliate liberal and republican traditions. Nevertheless, if the deliberative theory is an alternative in the presence of liberal and republican models, what is the news? Can deliberative model "make the difference"?[16]

"Deliberation" is a normative category which underlines a procedural conception of democratic legitimacy, according to Habermas. This normative conception creates a different conceptual matrix to define the nature of democratic process[17], under regulative aspects (or normative exigencies) of publicity, rationality and equality[18]. Even though there is also an empirical-explicative character, the emphasis of habermasian concept of procedural democracy is based on critical-normative character. The procedural conception of democracy is a formal conception and is based on normative exigencies of enlargement of individual participation on deliberation and decision processes and on development of a democratic political culture. Thus, this conception is centered on formal procedures which indicate "who" participates and "how" to do it (or who is legitimated to participate or doing it), but it does not say anything about "what" must be decided. In other words, democratic process rules (regular elections, majority principle, universal suffrage, power alternation) do not give any orientation neither can guarantee the deliberation and decision "content".

For Habermas, two normative models of democracy have dominated the debate so far: the liberal and the republican. Therewith, he proposes an alternative model: the procedural[19]. The comparative political dimension discussed by the author is the democratic formation of opinion and will[20]. Moreover, the distinct understanding of democratic process also involves distinct normative comprehensions of state, society, legitimacy and popular sovereign.

On liberal model, the democratic process has as objective intermediating the society (a structured system according to market laws, private interests) and the State (as an instrument of public administration). Therein, the politics has the function of aggregating social interests and imposing them to state system; it is essentially a fight for positions which allow disposing of administrative power, an authorization for power positions being occupied. The formation process of political will and opinion is determined by concurrence among collective agents acting strategically to keep or conquer power positions. Thus, this political comprehension acts as a society concept centered on State (as the core of political power). As it is not possible eliminating the separation between State and society, it aims to overcome only by democratic process. However, the normative connotation of power and interests balance is fragile and needs to be complemented in a state and juridical way. But it gets oriented by output side of evaluation of state activity results. The exit on this process is measured by citizen concordance in relation to people and programs, quantified in votes[21].

On republican model, democratic process goes beyond

this mediator function. It shows the necessity of opinion, will and social solidarity formation which results from reflection and awareness of free and equal social actors. Therein, the politics does not obey market procedures, but the structures of public communication oriented by mutual understanding, configured at a public space. This exercise of society auto-organization by citizens by collective via would be able to lend legitimated strength to public process. Through political auto-organization of society, this comprehension of republican politics acts as a concept of society orientated against State (society is the core of politics). It gets oriented by input of a political will formation[22].

The deliberative model, in its turn, receives elements from both sides and it integrates them in a new and distinct manner in a concept of ideal procedure for deliberations and decision-makings. This comprehension of democratic process has stronger normative connotations than liberal model, but less normative than republican model. As the republicanism, the discursive democratic theory reserves a central position to political process of opinion and will formation, however without understanding the state-juridical constitution as something secondary[23]. Like the liberal model, on discursive democratic theory the limits between State and society are also respected. Notwithstanding, here, the civil society, as social base of autonomous public opinions, gets distinguished from economic action systems as much as from public administration. This comprehension of democratic procedure results normatively in exigency of weights dislocating which gets applied to each one of the elements in the relation of the three resources – money, administrative power and solidarity, from which modern societies fulfill their necessity of integration and regulation. The normative implications are evident: the social-integrative strength of solidarity, which cannot be obtained anymore, but it can only be extracted from communicative action sources, needs to be developed at diverse autonomous public spaces and the procedures of democratic formation of opinion and political will need to be institutionalized in juridical and state manner; and also needs to be able to affirmed against the two other powers: money and administrative power[24].

The procedural principle of democracy aims to tight a normative procedure (which means: a process of institutionalization of rational formation of opinion and will), through procedural character that guarantees formally equal participation on processes of discursive formation of opinion and will and it establishes with that a legitimate procedure of normative process. In this pathway, via procedure and deliberation, which constitutes the core of democratic process, communicative presuppositions of opinion and will formation work as the most important "sluice" for discursive rationalization of decisions on institutional ambit. Democratic procedures offer rational results as institutionalized formation of opinion and will is sensitive to the results of its informal formation of opinion which results from autonomous public spheres and gets formed about them. The public communications, which come from peripheral nets, are captured and filtered by associations, parties and communications, and canalized to institutional forums of resolution and decision-making:

The key of procedural conception of democracy consists in the fact that democratic process institutionalizes discourses and negotiations with the assistance of communications forms which should justify the assumption of rationality for all the obtained results according to the process.[25]

How it is seen on this passage, from normative point of view, what lends legitimate strength to "procedure" is fairly the path or the argumentative ground of discursive foundation which is developed on public sphere. This path aims to guarantee the equal use of communicative freedoms, also conferring by this way legitimate strength to normative process. In other words, procedural comprehension of democracy tried to show that communicative presuppositions and process conditions of opinion formation are the only source of legitimation; that democratic opinion and will formation takes its legitimate strength from communicative presuppositions and democratic procedures. Procedures which fundament a measure for influence legitimacy exerted by public opinions about formal sphere of political system. To be legitimate, decisions have to be regulated by communicative fluxes which come from periphery and cross procedure sluices of democracy. The very sphere public pressure gets to force the questions elaboration and, therewith, it gets to actualize sensibilities in relation to political responsibilities[26].

In the democratic theory perspective, the public sphere has to increase the pressure exerted by the problems, in other words, it can not be limited to see and identify them, it should also thematize, problematize and dramatize them convincingly and effectively, until they are undertaken and prepared by parliamentary complex.[27]

4.2. The Conception of Deliberative Public Sphere

There are no doubts normative conception of "deliberative" public sphere formulated in Faktizität und Geltung[28] means a reorientation of theoretical focus in relation to anterior formulations, especially in Strukturwandel der Öffentlichkeit[29], Theorie des Kommunikativen Handelns[30], and in "preface" to new edition of Strukturwandel der Öffentlichkeit[31], published in 1990. The new role of public sphere inside of a democracy deliberative theory emphasizes even more the enlargement of public sphere category, already sketched in "preface" of 1990, but now with a more effective influence on formal and institutionalized contexts of deliberation and political decision[32]. What it is interesting to clear here is: what is the specificity of public sphere category in Faktizität und Geltung[33]?

In habermasian language, deliberative democracy procedure constitutes the heart of democratic process[34]. The public sphere, in its turn, is the key normative category of habermasian deliberative political process. The public sphere is an "intermediate structure" which makes the

mediation among State, political system and private sectors of lifeworld[35]. A "communicative structure", a potential center of public communication, which reveals a ratiocination of public nature, of political opinion and will formation, fixed in lifeworld through civil society. The public sphere has to do with "social space" from where a discursive formation of political opinion and will can emerge[36]. On its core, the conflicts collide around communicative fluxes control which goes through the threshold among lifeworld, civil society and political and administrative system. The public sphere constitutes a "resonance box"[37], with a sensitive sensors system to the ambit of all society[38], and has as function filtering and synthesizing themes, arguments and contributions, and transporting them to institutionalized processes level of resolution and decision, introducing on political system the existed conflicts on civil society, with the purpose of exerting influence and directing regulation and power circulation processes of political system[39], through an structural, sensitive and porous opening, anchored on lifeworld[40]. In Habermas' words:

Sphere or public space is a social elementary phenomenon as well as the action, the actor, group or community, but it is not enrolled among the traditional concepts developed to describe the social order. The public sphere can not be understood as an institution nor as an organization, because it constitutes a normative framework capable of differentiating among competencies and roles, or regulating the way of belonging to an organization, etc. Neither it constitutes a system, because even it is possible to delineate their internal boundaries, externally it is characterized by open, permeable and moveable horizons. The public sphere can be described as an appropriate network for the communication of content, positions and opinions, in which communicative fluxes are filtered and synthesized until they get condensed in public opinions bundled in specific themes. Just as the lifeworld taken as a whole, the public sphere is reproduced through communicative action, implying only the domain of natural language; it is in harmony with general understanding of quotidian communicative practice. We found out that the lifeworld is a reservoir for simple intentions; and the specialized systems of action and knowledge which are formed in the interior of lifeworld, remain bound to it. They get bind to the general functions of reproduction of the lifeworld (such as religion, school and family), or to different aspects of communicated knowledge validity through the common language (such as science, morality and art). However, the public sphere does not specialize in any of these directions; therefore, when it covers political relevant questions it leaves to the political system the specialized development. The public sphere consists primarily of a communicative structure of the act oriented by understanding, which has to do with social space generated in communicative action, and not with the functions or with the contents of everyday communication.[41]

However, in spite of this more general definition, how is possible determining which specificity is, fixing the extension or internal and external limits, and establishing what is inside and what is outside? Let's see this other passage:

It (the public sphere) represents a complex network that ramifies in a countless international, national, regional, communal and subculture arenas, which overlap each other; this network is objectively articulated according to functional point of views, circle themes, etc., taking the form of public spheres more or less specialized, but still accessible to a lay public (for example, literary, ecclesiastical, artistic, feministic public spheres, or even "alternative" public spheres of health policy, science and others); furthermore, it differs by levels, according to the density of communication, organizational complexity and scope, forming three types of public sphere: the episodic public sphere (bars, cafes, street encounters), the public sphere of organized presence (parents meetings, the public that frequents the theater, rock concerts, parties meetings or churches conferences), and the abstract public sphere produced by the media (readers, listeners and singular viewers and spread globally). Despite these differences, the partial public spheres constituted by ordinary common language, are porous, allowing the connection with them. Internal social limits decomposes the "text" of public sphere, which dramatically extends in all directions[...] Inside the general public sphere, defined by its relation with political system, the boundaries are not rigid in principle.[42]

These two passages above are elucidative here and synthetize the normative statute of deliberative public sphere category, formulated on work about right and democracy. The public sphere has as elemental characteristic being an unrestricted space of public communication and deliberation, which cannot be anteriorly established, limited or restricted; the constitutive elements cannot be anticipated. On principle, it is opened for all social ambits. There are no themes or contributions a priori included or excluded. Public sphere is always undetermined as for contents of political agenda, individuals and groups which can figurate on it. It is because of this Habermas does not want (neither can) describe, precisely, what the internal and external lines are, what the public sphere frontiers are, although he needs, on the other side, certain auto-limitation, for not being at the mercy of all and any kind of public manifestation (as strategic communication forms). This is the constitutive double character of public sphere, by which it ends oscillating among the exigency of free participation, themes and contributions circulation and certain auto-limitation[43]. Therefore, Habermas proposes adopting procedural idea of public deliberation, by which the "contours" of public sphere get forged during identification processes, filtering and interpretation around themes and contributions that emerge from autonomous public sphere and are conducted by formal and institutionalized forums of political and administrative system[44]. It is on this procedural character of legitimacy justification where public sphere normativity is realized[45]. It is from inter-relation between informal public spheres and formal public sphere – whatever is, from communicative fluxes and public influences which emerge from informal

public sphere and autonomous, and are changed in communicative power and transported to formal sphere – which derives the expectative normative of public sphere. In Habermas' words:

The normative expectation[...] is based on the game established between political formation of will, institutionally constituted, and the spontaneous communicative flows of a non organized and non programmed to make decisions public sphere, which are not absorbed by the power. In this context, the public sphere works as a normative category.[46]

But how does this junction of informal public sphere and formal public sphere work? According to Habermas, through different levels of public sphere, as informal formation of opinion on informal public sphere, in associations, inside parties, participation in general elections, parliamentary corporations and government[47]. Therefore, there is a necessity of complementing opinion and will parliamentary and parties' formation. But, in spite of having this formal aspect, of conducting it to institutionalization via parties, elections and other forums, public sphere is not institutionalized, neither is systemic: "Public sphere cannot be understood as an institution[...]. Neither it constitutes a system, because even it is possible to delineate its internal limits, exteriorly it is characterized through opened, permeable and dislocated horizons"[48].

However, if political public sphere is the central category of habermasian comprehension of deliberative political procedure, it is not on its whole. The normative content of public sphere is not restrained to institutional arrangements; it depends also on informal public sphere. And here, it can be seen clearly the role of integrant informal forums of public sphere which were already present in Theorie des kommunikativen Handelns[49]. Although the decision-making and the reasons filtering via parliamentary formal procedure still stay as formal public sphere tasks, the informal spheres are the ones which have the responsibility of identifying and interpreting social problems. It is seen certain "hierarchization" which follows two ways of will and opinion formation: the informal and the institutionalized. The procedural way of institutionalization of practice of civil society auto-determination follows from horizontal socialization to vertical forms of relevant themes filtering and organization[50].

So far we have seen that the conception of deliberative politics is mainly broached under legitimacy aspect[51]. We have also seen that the "procedure" notion of deliberative politics is the core of habermasian democratic process. When it is forged on public sphere, the procedure (and what comes from it) gives elemental base of measure of legitimacy, and, therein, the normative fundament or justification too. The normative sense of public sphere is conferring legitimate strength to deliberative politics of procedure; the normative sense is on legitimate strength of discussion and deliberation process which develops in its interior. The democratic process of deliberation carries a legitimacy load[52]. And from here "communicative power" grows. Communicative

power is the "power" that results from deliberative procedure of discussion and deliberation, which takes shape on public sphere and generally is opposed to political-administrative power sphere[53]. However, in Faktizität und Geltung[54] public sphere does not exert power, but influence. This is the difference in relation to the idea of "besiegement" of Theorie des kommunikativen Handelns[55]. The figuration on public sphere does not intend the besiegement (nor the conflict goes around of it), but the different kinds of influence. That is the influence which needs to be mediated. Therefore, the principle of popular sovereign is fundamental as procedure[56].

Deliberative politics obtains its legitimate strength from discursive structure of a public process of political opinion and will formation, which fulfills its integrated social function thanks to the expectative of rational quality of its results. Therefore, the discursive level of observed political communications can be taken as a measure to evaluate the efficacy of procedural reason[57]. Hence, the discursive level of public debate constitutes the most important variable[58]. But, how does it measure the quality and the discursive level of public communication forms? For the author, the "influence of majority" gives an alternative here and it constitutes an empirical greatness[59].

4.3. Critical Discourses

To explain the conception of deliberative procedural democracy, Habermas makes use of a normative conception of rational speech. However, this conception is not understood as a philosophical idea; it has a reconstructive character: of a reconstructive procedural sociology, aiming at elucidating on political practices incorporated elements, even distorted, of existent reason[60].

With this democracy deliberative propose, we see a Habermas' explicit option: the deliberative procedure description serves as back-cloth to the circulation propose and communicative power implantation, anchored on a sluices system. Communicative fluxes can migrate as much from the center to periphery as from periphery to center, depending on who determines or controls the orientation of communication fluxes. But in spite of these two ways to elaborate themes, questions and problems, Habermas is interested on the way which culminates in formal treatment of new and politically relevant themes which emerge from lifeworld and public sphere of civil society, and that migrate from periphery to center: "The idea of democracy rests, without further appeal, on the fact that political processes of will formation, which on the scheme delineated here has a peripheral or intermediated status, must be decisive to political development"[61].

However, the arguments in behalf of deliberative conception of public sphere and politics have been target of many criticisms. Many theoretic which get occupied with democratic theories have questioned the basic assumptions of deliberative political theory which results from the work about right and democracy, indicating many fragile points: its tireless proceduralism; the idealist character; the fact that

the propose of institutions democratic reform would not be that radical; the inability of giving substantive principles of social justice; the fact that, in spite of practical intentionality, Habermas does not make explicit any particular addressee (whom he addresses himself to?); the fact that deliberative characteristics or presuppositions get only manifested in specific and restrict forms; among other things[62].

We are not going to follow here the critical bibliography about public sphere and deliberative democracy in its amplitude and, therefore, we are not going to reproduce in details the discussions and controversies about the theme. Habermas' debate with philosophic- normative approaches, among liberals, communitarians and proceduralists remains incomplete[63]. For our proposes, we are going to restrict ourselves to some comments about deliberation, especially those involving deliberative public sphere.

The introduction of the principle of deliberative legitimacy on democratic process means recognizing, by the actors, that the introduced reasons on discussion and deliberation procedure and the reached result happened under normative spotlights. However, the doubts which appear are: are deliberative procedures only rational argumentation procedures or they also refer to substantive rational considerations? Is the deliberation emphasis upon the normative and consensual elements of deliberative model or it is a realistic emphasis on interests and conflict potential on them? Do deliberative procedural mechanisms contrive to protect opinion and will political formation from influences? Does deliberative model contrive to neutralize and suspend economic, social, cultural, cognitive disparities, among other things, and promote a satisfactory result of equality and justice? Does its cognitive aspect really introduce a gradual abolition of these inequality and disparities, promote equality and produce fair political results? Finally, is it about ideal deliberation processes or effective deliberation?

The political expectative of a normative public sphere are deposited on critical strength of public communication and power circulation deliberative model. But, though this kind of public communication carries strong normative expectative of understanding and consensus, limitations for realization of such communication conditions are well known. There are examples, observed in bibliography, of internal and external limited presuppositions. No consents, non-discursive forms of public communication, inequalities, asymmetries, social stratification, power structures, symbolic universe fragmentation, cultural life types diversity, world vision pluralism, religious convictions, controversy themes, the effects of some kind of strategic communication, or specific interests related to classes, groups, ethnical communities, religious communities, or sub-cultures with specific and alternative orientations.

For authors as John Dryzek, James Bohman e Mark Warren, the deliberative democracy model which is based on procedural principle of popular sovereign is too concentrated or too much directed to institutional architectonic. In counterpart, such authors have in common the attempt of developing democracy models which deal with a post-habermasian concept of popular sovereign. A democracy concept that, although is articulated with civil society and public sphere, however, it is also wider and more decentered from institutional bonds[64].

For Simone Chambers, although Habermas is a radical procedural democrat, however, he is not a radical social democrat, and, therefore, he is unable to give substantive principles of social justice[65]. For Kenneth Baynes, deliberative model cannot completely ignore substantive principles of justice[66]. For William Scheuerman, Habermas would have failed in not facing in sufficient way the radical potential of deliberative democracy (radical democracy). For example, social inequalities would be barriers so that political community members would be able to participate on power legitimacy generation. The material conditions of globalized societies, with their complex dynamics, their internal conditions (power, consumerism, and media, for example) end by depriving the authentic democratic participation. According to the author, interactions demand a certain level, it has to happen under certain conditions, with no external coercions (economic or of power, for example). Therefore, mechanisms able to avoid the influences from unequal social-economic conditions become necessary, for example certain levels of equality and respect among participants of public communication. For the author, deliberative model cannot give structural conditions of public communications free of certain types of influence which depreciate or affect the quality and result of deliberative process. Deliberative model cannot accomplish all normative exigencies of publicity, rationality and equality on most different levels and arenas of public sphere[67]. It seems it is in this way which more incisive objections emerge in relation to deliberative conception of public sphere and habermasian politics.

5. Conclusions

In contrast to critical discourses, the conception of deliberative democracy considers citizens' participation on deliberations and decision-making the central element of democratic process comprehension. Therein, it focuses formal and normative elements, as the exigency of the citizens' participation raise on deliberation and decision processes and the fomentation of a democratic political culture. Deliberation procedure is not only a discussion stage which antecedes the decision-making. More than this, it has the aim of justifying decisions from reasons that everybody could accept. This is the deliberative procedure of public reason: it provides a spectrum of reasons that could be accepted by all possible targeted, even though not all share with the theme or subject in question, or with the same life philosophy. According to Marcos Nobre:

The procedure, for Habermas, is "formal", but not in opposition to certain contents, that it would be the abstraction, or for which it would be "empty", but the process that will permit the emergence of as many voices as possible, of alternatives for action and ways of life, ensuring

its right of expression and participation. It is also formal about the fact the process of political deliberation can not be guided by any determined way of life, by any concrete model of what should be society or citizens who live in a Democratic State of Right.[68]

How we can see, deliberation is a procedure which indicates who must participate and how, but it has nothing to say about normative contents fulfilling. Thus, formal principle of democratic deliberation cannot be confounded or reduced to other goods, also value, as "social justice", "State of right", "social rights" and "cultural rights", nearer of democracy explicative theories, funded on individual interests and preferences (substantive preferences and interests: or social, or material, or cultural, or even others). Deliberative procedures scape from restrictions of an only practical reason dimension, which can be moral, ethical or pragmatic[69]. Therein, fundamental aspects of public use of reason, trusting more on deliberative procedure of opinion and will formation, can leave open questions.

Procedural conception of democracy carries on its core a "tension" between facticity and validity. This relation between both constitutes a constant tension found on contra factual pragmatic presupposes which, even full of idealizer presupposes, have to be admitted factually by all participants when these wish participating of a discursive argumentation in order to justify or deny validity pretensions. The "idealizer presupposes" – of inclusion, universal access, equal communicative rights, participation under rights equality, chances equality for all contributions, coercions absence – have only the character of formally guaranteeing a phatic presupposition to enjoy equal chances[70]. For Habermas, this tension is not considered by normative theories (which run the risk of losing contact with social reality) and objectivist theories (which run the risk of being unable to focus norms)[71].

The tension, the conflict, the political dispute which gets developed on public spheres are inherent to the procedure itself, a "game" in which we are always involved as participants when we intend to discuss, justify or deny validity pretensions. This conflict gets nourished of a game that involves a public sphere anchored on civil society and an institutionalized formation on parliamentary complex, a game which involves the formation of formal and institutionalized will and opinion informal formation[72]. The tension moves around communicative fluxes, or better, of whom determines communication fluxes direction and elaborates normative pretensions on society and political system. A tension between communicative power created on lifeworld social base and administrative power created on political system.

The public sphere itself is understood, by characteristic, as an unrestricted space of public communication. Nothing can be previously established or restrained. Any subject or problematized question can publically get themed, in which public sphere contours are being forged on choice, circulation and themes propose processes, and normative contents are being fulfilled depending on who controls and orientates communication fluxes which figure on public sphere[73]. Deliberation quality which gets configured on public sphere depends on a procedure in which the citizens dispute contributions interpretations for so long until each one is convinced that the best arguments were used. This process is guaranteed by procedural character of deliberation. However, the process result remains "provisory". This means: in case better arguments are found, the public critique procedure can be open again. This is the reflexive (and critical) character of deliberative public sphere. According to Marcos Nobre:

If deliberation and participation must find their place in Democratic State of Right, it will be necessary to accept the game between, on the one hand, the autonomous public spaces and the new institutional forms that they project, and, on the other hand, macrostructures which defines a democratic regime, which will be increasingly tested in their limits and present configurations. However[Nobre accentuates], it is not about a "free game" between the two extremes, but a political dispute that will only show emancipator advances if it can repel, each time, in each concrete conflict, the decisive yoke of money and administrative power.[74]

This fallible comprehension of procedural paradigm has implications about justice comprehension and equality sense. First of all, a public sphere, or in an extensive way, a rationalized life world, demands a material and symbolic social base by means of overcoming barriers created by social stratification and by systematic exploitation. And here it seems clear that the emphasis of habermasian democratic theory does not only moves around political democracy (formal presupposes, as citizenship rights, participation and others), but also claims social democracy[75].

Secondly, Habermas' intention is not furnishing a "substantive" principle of justice, as we have seen. On the contrary, the efforts employed in Faktizität und Geltung[76] aim exactly to abolish substantive principles, in behalf of "deliberative procedures", and show the balanced correlation between public autonomy comprehension and private autonomy. For Habermas, "this internal concatenation (and reciprocal) between private and public autonomy, when we understand it correctly, it constitutes the normative core of procedural paradigm"[77].

Thirdly, this habermasian critique aims to explain the normative debilities of liberal and republican models that, for example, fix previously the choice about juridical equality sense; or fix previously which subjects are private and which subjects are public. With the procedural paradigm, equality sense determination is thrown on political field of public communication. The juridical equality content must be considered object of a political dispute. A conflict in which equality sense is decided on a public communication process, driven by participants themselves and the possible affected ones through public exercise of opinion and will democratic formation. Deliberative model considers the concerned ones themselves as responsible by definition of equality criterions to be applied to rights system.

Therewith, the foundation of material equalities is incorporated on democratic theory as a political theory about what needs to be recognized. A fight by juridical recognition of necessities and peculiar normative exigencies in relation to all juridical community, in which interested groups try to present to the others particular experiences of social exclusion, discrimination and lacks for convincing about the necessity of a different formal juridical treatment. According to the wide principle of equality of right content, what is equal under relevant aspects must be treated in the same way, and what is different must be treated in a different way[78].

This procedural perspective opens the possibility of evaluation motivated by suffered experience itself with no execution of rights, of existent alternatives in relation to permanence on social paradigm or a return to liberal paradigm. Thus, Habermas finds the emergency of procedural paradigm already established in some contemporary juridical practices, which is confined between the criticism to social model and rejection of return to liberal model[79]. However, it is in certain developments of feminist movements of North-American leftists which Habermas finds the best expression of normative exigencies, of necessity of a procedural orientation of contemporary juridical practice: the feminist movement, when it experimented specific limitations of both anterior paradigms, it would be now in conditions to deny the blindness in relation to factual inequalities of social paternalist model. In this case, different interpretations about sexes identity and its mutual relations have to be submitted to constant public discussions, in which the concerned ones themselves can reformulate the theme or the subject in question to be recognized, and they themselves can decide which necessities need to be corrected by medium of right[80].

The habermasian reformulations about public sphere and democracy of the decade of 90 taken as starting-point and as conducting wire of habermasian investigation are an important step on re-adaptation of public sphere category to the new questions and problems which get incorporated on discussion about public sphere theme, its characteristics, its functions, its porters, its articulations with other spheres and mediator instances. The category reformulation of public sphere on "preface" of Strukturwandel der Öffentlichkeit [81] and on Faktizität und Geltung[82] (with a major emphasis over the institutional, and the reformulation of political system notion, opener and more porous), is an attempt of contextualizing and comprehend better the new mediator articulations which emerged among life world and civil society spheres, and institutional spheres of political and administrative system. It is about reevaluating democratic participation mechanisms, argumentative elements and the importance they have on opinion and will formation processes and new institutional arrangements. Thus, Habermas could not have made explicit any addressee in particular, but the reformulations on public sphere of decade of 90 rescue the importance and the role of civil society, conferring it the right to participation and

argumentation, to the increasing impact of reflexivity and to formal democracy. However, it is from this theoretical scenario of new comprehension of circulation of political power, of deliberative conception of public and political sphere, that the most incisive critical objections emerge over practical implications, effectiveness possibilities and influence on institutionalization of claims which emerge from the most diverse organizations of civil society and that are able to promote changes on political system. Look at the controversies about the possibilities of post national public sphere.

On "Preliminary Studies and Complements" and on "Postface" to fourth edition of Faktizität und Geltung[83], on the interview "Faktizität und Geltung. Ein Gespräch über Fragen der politischen Theorie"[84], and on "'Addendum' to Faktizität und Geltung'"[85], Habermas retakes and tries to elucidate the controversies about public sphere and deliberative politics, the relation among life world informal spheres and formal spheres of institutionalized political system, and the way this mediation gets articulated on its core. However, it seems this attempt of better clarifying the articulation between normative auto-comprehension of state of right and the facticity of political processes already moves under a modified theoretical back-cloth of public sphere. After the work Faktizität und Geltung[86], habermasian discussions about practical possibilities of deliberative model of public sphere were being applied little by little to the post-national political field. Especially from Die Einbeziehung des Anderen[87], new questions and problems involving public sphere are themed, but they are already thought and employed on a wider context and linked to themes as multiculturalism, tolerance, recognizing, redistribution, fundamentalism, secularization, and so forth[88]. But, how can we understand this dislocation? Would it be a new reformulation? Would it be transference? Or would it be another application field? Or how can we understand it? It seems public sphere category and questions as relation between public and private autonomy, between popular sovereign and human rights, between democracy and State of right, are thought on a modified applicative context, the international ambit (of a post-national public sphere and of a universalist political theory). But this needs to be better investigated.

The recent transformations on social, political, economic, cultural and religious panoramas reflect a new dynamics involving national states which get together in regional and supranational communities, of pluralist societies in which multicultural intolerance grows, and in which citizens are being pushed and involuntarily incorporated on a world society, and also classified in center and periphery. The expansion of debate about public sphere for a global ambit (*Weltöffentlichkeit*) means the specific theoretical context which has been used until now as base for possibilities discussion and description of a public sphere (common political culture constructed on national territorial ambit, State-nation or state authority as public political address, popular sovereign, democratic state of right, constitution,

right) would not be enough anymore to understand the new dynamics produced by globalization process of the capital and politics in international terms, or repercussions in world scale as state socialism fall in European eastern countries which produced new democratization experiences, the growing feminist movement in world terms, the movements of China[89] and Africa[90] democratization. The habermasian reorientation for a post-national thematic ambit aims to discuss possibilities and forms of a constitutional project of a democratic state and of a deliberative democracy which involve public sphere in a global level. For Habermas all national states cannot handle problems of political legitimation (or collateral effects of other action spheres, as economy) caused by transnational movement, and which end by affecting, somehow or other, the institutionalized mechanisms of legitimation on national states. In this perspective, the base theoretical structure of public sphere formulated in Faktizität und Geltung would already need another reformulation: it would need to be comprehended and applied on European and global contexts. A post-national deliberative public sphere, of wide dimensions, would be a more appropriate arena to theme common relevant problems, and to furnish a better solution to present problems of legitimation faced by institutionalized, international, legal and normative instances. Habermas' general thesis is the comprehension of a global public sphere as being an extension of characteristics of a national political culture, however, only applied to European and world levels, respectively.

Since half of 90's, Habermas and deliberation theorists have been occupied with possibilities and difficulties of deliberative problems on international arena of public sphere and politics. On the one hand studies indicate that deliberative public sphere category provides an appropriate analytical perspective to analyze deliberative procedures in little groups; that participation and deliberation matters work better in local interactions, conferring more effective ways of democratic participation[91]. On the other hand, studies indicate there are evidences that deliberative public sphere conception provides an appropriate analytical perspective to analyze also deliberative procedures on national and international spheres. Although on this level there are also evident failings on deliberative procedures of a political public sphere dominated by a public communication mediated by mass communication fluxes and structures of power, for mass communication dynamics are driven by media selective power and by strategic use of social and political power to influence triage and the establishment of the agenda of public matters[92].

Thus, how do theorists handle deliberative procedures which go beyond simple interactions and get configured on a context of wider, more complex and more pluralist context? How does it conciliate necessity of participation and deliberative procedures in contexts of social interaction which show an impressive increment on volume of political communication and need to deal with so wide dimensions? How are participation and democratic deliberation thought on global level? How is the interconnection among world life spheres situated locally with public communication on global level thought? How could this connection be possible? When Habermas themes *Weltöffentlichkeit*, does he still move on theoretical key of society dual theory as system and lifeworld? Although Habermas affirms that deliberation on public sphere, as a mechanism of problems solution and conflicts resolution, is still weakly institutionalized on this level, this is another question which remains open in here and it needs to be better investigated.[93]

ACKNOWLEDGMENTS

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[4] Habermas, Faktizität und Geltung. Suhrkamp. Page 11. 1992. "Institutional skepticism that would be overcome in Faktizität und Geltung", cf. Kantner & Tietz, "Dialektik, Dialog und Institutionskritik", in Lennart Laberentz, Schöne neue Öffentlichkeit. Beiträge zu Jürgen Habermas 'Strukturwandel der Öffentlichkeit'. VSA-Verlag. Page 127. 2003

[5] Habermas, Theorie des kommunikativen Handelns. Suhrkamp. 1981

[6] Cf. Preface to 3ª edition of Theorie des kommunikativen Handelns. 1985

[7] Habermas, Theorie des kommunikativen Handelns. Suhrkamp. 1981

[8] Here, Habermas choose to reproduce the nucleus of the decision-making model of Bernard Peters, instead of the Fraser's model of a radical democratic socialism (William Scheuerman, "Between radicalism and resignation: democratic theory in Habermas's 'Between Facts and Norms'", in Peter Dews, Habermas: a Critical Reader. Blackwell, Page 163. 1999). For Habermas, the concept of "sluices" provides more democratization than the concept of "besiege" (Habermas, Die Normalität einer Berliner Republik. Suhrkamp. Pages 139-40; 152-3. 1995). Although still remain in Peters a "representative" model, with the difference to give more quality to decision-making process (Bernard Peters, "Deliberative Öffentlichkeit", in Wingert & Günther, Die Öffentlichkeit der Vernunft und die Vernunft der Öffentlichkeit. Suhrkamp. Page 674, footnote 20. 2001).

[9] Habermas, Faktizität und Geltung. Suhrkamp. Page 531. 1992

[10] Habermas, Faktizität und Geltung. Suhrkamp. Page 430. 1992

(Our translation)

[11] According to Marcos Nobre, in Marcos Nobre & Vera Coelho, Participação e deliberação: teoria democrática e experiências institucionais no Brasil contemporâneo. Editora 34. Page 34. 2004

[12] The Habermasian investigations about deliberative politics influenced many discussions of democratic theory and extend to a wide field of discussions. In this sense, observe that most of the literature about deliberative democracy is dated subsequently to Faktizität und Geltung. Suhrkamp. 1992

[13] Habermas, Faktizität und Geltung. Suhrkamp. 1992

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[16] On the difference of the procedural model from other models, see: Habermas, Faktizität und Geltung. Pages 363ss. 1992; Habermas, "Drei normative Modelle der Demokratie", in Die Einbeziehung des Anderen. Pages 277-292. 1996; Habermas, "Three models of democracy", in Constellations n.1. Pages 1-10. 1994. Moreover, see: David Held, Models of democracy. Stanford University Press. 1987; Gutmann & Thompson, "Why deliberative democracy is different?", in Social Philosophy & Policy n.17. Pages 161-180. 2000; Seyla Benhabib, "Deliberative rationality and models of democratic legitimacy", in Constellations n.1. Pages 26-52. 1994; Maeve Cooke, "Five arguments for deliberative democracy", in Political Studies n.48. Pages 947-969. 2000; Marcos Nobre & Vera Coelho, Participação e deliberação. Pages 31-37. 2004; Denilson Werle & Rúrion Melo, Democracia deliberativa. Editora Singular. 2007.

[17] Habermas, "Drei normative Modelle der Demokratie", in Die Einbeziehung des Anderen. Suhrkamp. Page 277. 1996

[18] Habermas, "Political communication in media society", in Communication Theory, vol. 16/4. Page 414. 2006

[19] Habermas, "Drei normative Modelle der Demokratie", in Die Einbeziehung des Anderen. Suhrkamp. Page 277. 1996

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[36] Habermas, Faktizität und Geltung. Suhrkamp. Page 436. 1992

[37] Habermas, Faktizität und Geltung. Suhrkamp. Pages 400; 417. 1992

[38] Habermas, Faktizität und Geltung. Suhrkamp. Page 364. 1992

[39] Habermas, Faktizität und Geltung. Suhrkamp. Pages 364; 398; 435; 532-33. 1992

[40] Habermas, Faktizität und Geltung. Suhrkamp. Pages 429-30. 1992

[41] Habermas, Faktizität und Geltung. Suhrkamp. Pages 435-36. 1992 (Our translation)

[42] Habermas, Faktizität und Geltung. Suhrkamp. Page 452. 1992 (Our translation)

[43] About this dual politics, see: J. Cohen & A. Arato, Civil society and political theory. Page 460. 1992; Demirovic, "Hegemonie und Öffentlichkeit", in Das Argument 4/5. Page 689. 1994

[44] Thus, Habermas wants to resolve also a problem that has appeared on the seminal work about the public sphere in 1962. The civil society power can not be associated with the idea of the specific people that has in the State its institutional embodiment (the institutional counterpart of civil society) – a direct influence on institutional design that characterizes the republican concept of popular sovereign (as was the case in the work of 1962). This influence must be mediated, occur by the "means", need to be "procedural". About this, see: Leonardo Avritzer, "Além da dicotomia estado/Mercado: Habermas, Cohen e Arato", in Novos Estudos CEBRAP n.36. Pages 213-222. 1993

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[50] Habermas, Faktizität und Geltung. 4ª ed. Suhrkamp. "Nachwort", Page 679. 1994. In this aspect, Rainer Schmalz-Bruns ("Zivile Gesellschaft und Reflexive Demokratie", in Forschungsjournal Neue Soziale Bewegungen n.1. Pages 18-34.1994) alert for the need to expand the institutional mechanisms for the political formation of Will. According to this author, it is necessary to connect the discussion processes with the public deliberation, horizontalizing the decision-making process, to ensure deliberative forums, and empower them effectively, not only for discussion but also deliberation. See also: Schmalz-Bruns, Reflexive Demokratie. Nomos Verlag. 1995

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[53] About the democratic political culture as a elementary basis of deliberative democracy, see: Guido Palazzo, Die Mitte der Demokratie. Über die Theorie deliberativer Demokratie von Jürgen Habermas. Nomos Verlag. 2000

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[56] "Popular sovereignty" is the key-idea to understand the concept of deliberative public sphere by Habermas. The normative conception of public sphere is based on the procedural idea of popular sovereignty. For Habermas, the deliberative procedure is based on the principle of popular sovereignty able to provide the substrate for measuring legitimacy. However, to prevent the circumstances of an extension of formal opportunities that could emerge from special interests or specific groups, disturbing or controlling the communication flows, Habermas suggests that popular sovereignty is "procedural". The "popular sovereignty" is dissolved in procedures capable to guarantee the conditions that enable public communication process take the form of discourse and be conducted to the deliberation and decision forums formally established. In this sense, popular sovereignty can not only remain at the level of informal public discourses. To generate political power their influence must also include the deliberations of the democratic institutions of opinion and will formation. In this sense, although it sets the result of a discursive will formation only on an interim basis, the "majority rule" is, for Habermas, a good example for an important aspect of juridical regulation of deliberation processes. All members must be able to participate in the processes of deliberation and decision, albeit in different ways; but, because of technical reasons, deliberative procedures must be conducted representatively. Conducted in this way, deliberative procedures must be porous and sensitive to stimuli, themes and contributions, information and arguments provided by a pluralistic public sphere, near the base. (Habermas, Faktizität und Geltung. Suhrkamp. Pages 210-225. 1992. Our translation). About the reconstruction of the concept of "popular sovereignty" and the change of understanding of a representative public sphere (in Strukturwandel...) to deliberative public sphere (in Faktizität...), see: Habermas, "Volkssouveränität als Verfahren: Ein Normativer Begriff der Öffentlichkeit", in Die Moderne – ein unvollendetes Projekt. Suhrkamp. Pages 180-212. 1988; Habermas, Faktizität und Geltung. 4ª ed. Suhrkamp. Pages 600-631. 1994; Habermas, Die Einbeziehung des Anderen. Suhrkamp. Pages 277-292. 1996; Hauke Brunkhorst, "The public sphere and the contradictions of the current epoch: from representation to deliberation", in Bohman, And Justice for All. Maastricht. Pages 58-71. 1994

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[58] Habermas, Faktizität und Geltung. Suhrkamp. Page 369. 1992

[59] Habermas, Faktizität und Geltung. Suhrkamp. Pages 437-8. 1992. The question "influence of majority" would also be retaken in another passage (Habermas, Die Einbeziehung des Anderen. Suhrkamp. Addendum to 'Faktizität und Geltung', Page 327. 1996). However, here the author alerts to a lackness, the recognition of a weakness in their interpretation of the neutrality of the democratic procedure: the fact he had not investigated in full details the trends that today make the democratic process an instrument of domination of majorities that excludes strong minorities (a "majority tyranny"); a cultural hegemony of a way of life that ends up affirming about minorities (Page 379). But, this question here remains open and needs to be better examined.

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